

**APPLICATION AS NOTIFIED**

**LZM Limited  
(RM210407)**

**Submissions Close  
22 July 2021**





# APPLICATION FOR RESOURCE CONSENT VISITOR ACCOMMODATION



Under Section 88 of the Resource Management Act 1991 (Form 9)

PLEASE COMPLETE ALL MANDATORY FIELDS\* OF THIS FORM.

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application may not be accepted for processing.



## APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

\*Applicant's Full Name / Company / Trust:  
(Name Decision is to be issued in)

All trustee names (if applicable):

Contact Name if Company or Trust:

\*Postal Address:

\*Post code:

\*Contact details supplied must be for the applicant and not for the agent acting on their behalf and must include a valid postal address

\*Email Address:

\*Phone Numbers: Day

Mobile:

The Applicant is:

☐

Owner

☐

Prospective Purchaser (of the site to which the application relates)

☐

Occupier

☐

Lessee

Other - Please Specify



Our preferred methods of corresponding with you are by **email** and **phone**.  
The **decision** will be sent to the Correspondence Details by **email** unless requested otherwise.



## CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect please fill in your details in this section.

\*Name & Company:

\*Phone Numbers: Day

Mobile:

\*Email Address:

\*Postal Address:

\*Postcode:



## INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf.  
For more information regarding payment please refer to the Fees Information section of this form.

Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant:

☐

Agent:

☐

Other, please specify:

Email:

☐

Post:

☐

\*Attention:

\*Postal Address:

Please provide an email AND full postal address.

\*Post code:

\*Email:





## OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name:

Owner Address:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



## DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires payment of development contributions, any related correspondence and invoices will be sent via email. Invoices will be addressed to the person responsible for paying development contributions (e.g owner, business owner, leaseholder...) but can be sent to another party paying on their behalf. For more information please see appendix 3 at the end of this form.

Please select a preference for who should receive any invoices.

Details are the same as above

☐

Applicant:

☐

Landowner:

☐

Other, please specify:

\*Attention:

\*Email:

[Click here for further information and our estimate request form](#)



## DETAILS OF SITE // Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

Address / Location to which this application relates:

Legal Description: Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)

District Plan Zone(s):



## SITE VISIT REQUIREMENTS // Should a Council officer need to undertake a site visit please answer the questions below

Is there a gate or security system restricting access by council?

YES ☐ NO ☐

Is there a dog on the property?

YES ☐ NO ☐

Are there any other hazards or entry restrictions that council staff need to be aware of?

YES ☐ NO ☐

If 'yes' please provide information below





## PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☐

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



## DESCRIPTION OF THE PROPOSAL // Include a brief description of the event

(Note: specify the type of visitor accommodation being applied for e.g. hotel / motel / backpackers / within an existing residential unit etc.)

Land use consent is sought to establish a Visitor Accommodation activity

at

(location)

for up to

nights per calander year, and up to

guests.

Any additional comments:



## APPLICATION NOTIFICATION

Are you requesting public notification for the application?

☐

Yes

☐

No

Please note there is an additional fee payable for notification. Please refer to Fees schedule



## OTHER CONSENTS

■ Any National Environmental Standards

☐

Yes

☐

N/A

Are any additional consent(s) required that have been applied for separately?

■ Otago Regional Council

Consents required from the Regional Council (note if have/have not been applied for):

☐

Yes

☐

N/A



## PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.





## INFORMATION REQUIRED TO BE SUBMITTED //

To be accepted for processing, your application to establish a Visitor Accommodation activity should include the following:

- ☐ Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants  
(Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).
- ☐ A plan or map showing the locality of the site
- ☐ A site plan at a convenient scale to show the building in relation to property boundaries, outdoor living area(s), car parking
- ☐ Floor plan for each level (including the location of fire alarms and any wood burners)
- ☐ Elevations or photos of existing buildings
- ☐ Landscape plan (if required e.g. for mitigation purposes or the relevant Zone rules require it)
- ☐ Written approval of every person who may be adversely affected by the granting of consent (s95E).
- ☐ Proposal details about the activity and operations including how the property will be used/managed and the type of guest accommodation (see [Appendix 2](#) which details the type of information needed with your application)
- ☐ An Assessment of Effects (AEE).  
An AEE is a written document outlining how the potential effects of the proposed Visitor Accommodation Activity have been considered and addressed. Outline all details about the potential and actual effects from the activity and operations (as described in your proposal details) on any person and the wider environment, and how these effects will be managed.



We prefer to receive applications **electronically** – please see [Appendix 3 – Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



## FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable **prior to issuing of the decision**. Payment is due on the 20th of the month or **prior to the issue date – whichever is earlier**.

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

**LIABILITY FOR PAYMENT** – Please note that by signing and lodging this application form you are acknowledging that the Applicant is responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by QLDC related to the enforcement of any debt.

**MONITORING FEES** – Please also note that if this application is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991.

**DEVELOPMENT CONTRIBUTIONS** – Your development, if granted, may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.





## PAYMENT // An initial fee is payable upon lodging this application.

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, **please call 03 441 0499** and ask to speak to our duty planner.

Please ensure to **reference any banking payments correctly**. Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

**Please reference your payments as follows:**

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g **RMJONES**

Applications already submitted: Please use the **RM#** reference that has been assigned to your application, this will have been emailed to yourself or your agent.

**Please note processing will not begin until payment is received (or identified if incorrectly referenced).**

I confirm payment by:

☐

Bank transfer to account **02 0948 0002000 000** (If paying from overseas swiftcode is – BKNZNZ22)

Use the **reference RM** and the first 5 letters of applicant name (e.g RMJONES)- if paying prior to submitting application

Use the **RM# reference** provided by Planning Support (e.g RM170123) - if paying after submitting application

☐

Cheque payable to Queenstown Lakes District Council attached

☐

Manual Payment at reception (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

\*Reference

\*Amount Paid

(For required initial fees refer to website for Resource Consent Charges or speak to the Duty Planner by phoning 03 441 0499)

\*Date of Payment

## APPLICATION & DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.

☐

If lodging this application as **the Applicant:**

I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

OR:

☐

If lodging this application as **agent of the Applicant:**

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

☐

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

PLEASE TICK

Signed (by or as authorised agent of the Applicant) \*\*

Full name of person lodging this form

Firm/Company

Dated

\*\*If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.



Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;

Information provided within the Form above

- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

- (3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
  - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
  - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));



## ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
  - (b) an assessment of the actual or potential effect on the environment of the activity;
  - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
  - (d) if the activity includes the discharge of any contaminant, a description of—
    - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
    - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
  - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
  - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
  - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
  - (a) oblige the applicant to consult any person; or
  - (b) create any ground for expecting that the applicant will consult any person.

## CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
  - (b) any physical effect on the locality, including any landscape and visual effects;
  - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
  - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
  - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
  - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.



### The Proposal Details and Assessment of Effects should cover the following details:

- The maximum number of nights per calendar year sought that visitors may stay;  
Notes: (1) Consents for up to 180 days - rates increase will be between 25-50% plus a development contribution and a possible change in use Building Consent; (2) Consents allowing visitors for 365 days - rates increase will be between 50% to 80% plus a development contribution and a possible change in use Building Consent.
- The maximum number of guests per site / room;
- Type of Visitor Accommodation activity and how the property will be let (e.g. hotel, within existing residential unit and let to only one (1) group of people at a time);
- Details of who will manage the property (e.g. owner / agent) and how. This should include details about who neighbours are to contact in case of complaints and how this information will be distributed (particularly in residential areas)
- House rules / management plan for the activity (see the example Visitor Accommodation Management Plan – link below)
- How rubbish collection from the site will be managed
- How outdoor areas will be managed, particularly in the evening
- If there is a wood burner on site, under which Building Consent it was legally established if existing
- The access arrangements and available car parking onsite, and how this will be managed including; the number of onsite carparks for guest/employee use, and any available coach access (if required by the District Plan). Note this may require a Traffic Assessment from a suitably qualified expert depending on the scale of the activity proposed.
- When the visitor accommodation activity shall commence (e.g. once consent is granted, already operating, or a specified date). This information is needed to determine when your development contribution is payable, and for rates.
- The Gross Floor Area for the Visitor Accommodation unit (Meaning the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings) - required for the assessment of the Development Contribution.

### Useful Guidance Documents to read and reference when considering the use of your property for fee paying guests:

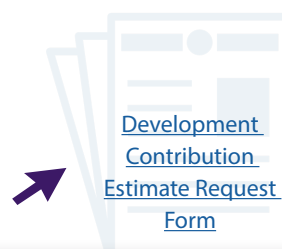
- *"Visitor Accommodation; High & Low Density Residential" (this will help to guide your assessment of effects particularly in any Residential zone or site*
- *"A General Guide to Using Your Residential Property for Paying Visitors and Guests in the Queenstown Lakes District, June 2017"*
- *"Example Visitor Accommodation Management Plan, June 2017"*

### Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
  - Water supply
  - Wastewater supply
  - Stormwater supply
  - Reserves, Reserve Improvements and Community Facilities
  - Transportation (also known as Roading)

[Click here for more information on development contributions and their charges](#)

OR Submit an Estimate request





While it is not essential that your documents are named the following or that those listed are essential, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

Application Form 9

Assessment of Environmental Effects (AEE)

Computer Register (CFR)

Covenants & Consent Notice

Affected Party Approval/s

Landscape Report

Engineering Report

Geotechnical Report

Traffic Report

Urban Design Report



**ATTACHMENT [A]**

**Assessment of Effects on the Environment**

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***LZW Ltd – Lot 12 DP 490069***

***Potters Hill Drive***

Visitor Accommodation



**May 2021**

**Prepared by: Nick Geddes**





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  - (b) *Privacy*
  - (c) *Traffic / Access*
  - (d) *Residential Character*
  - (e) *Residential Cohesion*
  - (f) *Cumulative Effects*

### 3.0 DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT

### 4.0 OPERATIVE DISTRICT PLAN: ASSESSMENT CRITERIA

### 5.0 REGIONAL POLICY STATEMENTS

### 6.0 RESOURCE MANAGEMENT ACT 1991: PART 2

## ATTACHMENTS

[B].....	Certificate of Title
[C].....	Site Location Plan
[D1].....	Historical Decisions on the subject site and adjoining properties
[D2].....	Historical Decisions within the surrounding area
[D3] .....	QAC Appeal ENV-2018_CHC-093
[D3] .....	NZ Transport Agency research report 453 – November 2011
[D3] .....	SOE QLDC Economic Expert Phillip Osborne – September 2016
[D3] .....	QLDC vs Hawthorn Estate Ltd [2006] NZRMA 424
[D3] .....	Discussion Paper, Plan Change 23, Hill Young Cooper Ltd, 28 <sup>th</sup> April 2008
[E1].....	RM200694 Approved Floor Plans & Elevations
[F1].....	Volunteered Conditions
[F2].....	Visitor Accommodation Management Plans
[G1] .....	Objectives & Policies Assessment – District Wide
[G2] .....	Objectives & Policies Assessment – Low Density Residential
[G3] .....	Objectives & Policies Assessment – Transport
[H].....	Regional Policy Statements



## 1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

### 1.1 Site & Background

The subject site is located on the northern side of Frankton Road (State Highway 6A), between Queenstown and Frankton. A location plan is contained in Attachment [C] to this application.

The site is legally described as Lot 12 DP 490069, being 1017m<sup>2</sup> in area and contained within computer freehold register identifier 706715. A recent search of computer freehold register is contained within Attachment [B].



Figure 1: QLDC GIS

The topography of the subject site rises up abruptly from Roche Lane while the northern portion of the site remains relatively level with the cul-de-sac turning head of Potters Hill Road. The site has been subject to subdivision works as part of RM050520 and is currently retained in pasture grass.

The site affords access from a right-of-way (Roche Lane) which extends along the southern boundary and Potters Hill Drive. Potters Hill Drive has been constructed in accordance with the original subdivision consent RM050520.01. This Road shares a formed intersection with Frankton Road.

Topographically, the surrounding area is “steep”. Sufficiently so, that this topography has directed design of the RM050520 cadastral arrangement to enable Potters Hill Drive to traverse the RM050520 parent title twice to achieve requisite gradients and has been cut into the hillside leaving large cut slopes above the road and steep batter slopes below. This results in an interface between residential allotments and the road which is “disconnected” as the location of any residential units are vertically displaced from Potters Hill Road.



The topography of Potters Hill has also directed the typology of residential living to be apartment style as limited (if any) traditional outdoor living areas can be provided and residences must rely on internal living spaces and decks to support the well being of occupants. This is evident from all existing residential units on Potters Hill being apartments and consented with shortfalls in outdoor living areas.

## 1.2 Planning History

<b>RM050520</b>	This consent created the original cadastral arrangement of 17 residential allotments, the construction of Potters Hill Road and its intersection with Frankton Road.
<b>RM160718</b> <b>RM170614</b> <b>RM180834</b>	These consents enabled the development known as The Tiers. It contains thirteen residential units all apartment style living with limited traditional private open space due to the topography as well as the creation of Woods Lane as a public road.
<b>RM180470</b> <b>RM180800</b> <b>RM180782</b> <b>RM181920</b> <b>RM181922</b> <b>RM191267</b>	These consents enabled all of the Units constructed under the consents listed above to be used for Visitor Accommodation 365 nights per year.
<b>RM180674</b>	These consents enabled the development known as The Woods. It contains ten residential units all apartment style living with limited traditional private open space due to the topography.
<b>RM190542</b>	This consent enabled Units 1 & 2 constructed under the consents listed above to be used for Visitor Accommodation 365 nights per year.
<b>RM190644</b>	This consent enabled development of Lot 14 DP 490069 to contain four residential units as apartment style living with limited traditional private open space due to the topography.
<b>RM191267</b>	This consent enabled Units 1-4 constructed under the consents listed above to be used for Visitor Accommodation 365 nights per year.
<b>RM200694</b>	This consent enables a four unit apartment style living development on the subject site with limited traditional private open space due to the topography.

**Table 1: Planning History for properties adjoining the subject site.**

A full copy of the decisions listed above are contained in Attachment [D1] to this application while the consent history of allotments and/or units within the surrounding area is contained in Attachment [D2].



### 1.3 Surrounding Area

Land to the north and east of the subject site contains The Tiers apartment complex and zoned lower density suburban residential. The consent history of this property is described in part 1.2 above.

Land to the north west of the subject site comprises of Lot 9 and 17 DP 490069. Lot 9 has consent to construct two residential units as set out in Attachment [D2] while at the time of lodging the current application, no resource consent applications for development on Lot 17 have been accepted by Council.

Land to the west of the subject site comprises of Lot 7 and 8 DP 490069. Lot 7 is consented to contain three residential units all with 180 days visitor accommodation as set out in Attachment [D2]. Lot 8 remains unoccupied and at the time of lodging the current application, no resource consent applications for development have been accepted by Council.

Land to the south east of the subject site and accessed by Roche Lane is described as Lot 14 DP 490069 and contains four residential units where the consent history of this property is described in Attachment [D2].

Land to the south of the subject site and accessed by Roche Lane is described as Lot 13 DP 490069. Lot 13 remains unoccupied and at the time of lodging the current application, no resource consent applications for development have been accepted by Council.

### 1.4 The Proposal

The current application seeks consent for short-term visitor accommodation for up to 365 nights per year within the four units identified on the plan contained in Attachment [E1]. The proposed occupancy is commensurate with the RM200694 enabled residential occupation of each unit:

- Units 1, 2 and 3 all contain five bedrooms. The current application seeks short-term visitor accommodation consent within these units for up to ten persons.
- Unit 4 contains four bedrooms. The current application seeks short-term visitor accommodation consent within these units for up to eight persons.

The current application does not include any physical works to the RM200694 approved buildings or the access arrangement to each subject residential unit.

Pedestrian access associated with each unit is depicted on the RM200694 approved plan set.

In terms of vehicle access and parking, the RM200694 approved buildings all provide the required number of parks where all parks meet the dimensional requirements set out in the District Plan for Class 2 users.



Suitable services have been considered and approved as part of RM200694. There is no need to alter any of these as a result of the visitor accommodation being sought by this application. The applicant anticipates that the Council will levy a development contribution as part of a separate process for the visitor accommodation activity to cater for the increase in demand on Council infrastructure.

#### 1.4.1 Volunteered Conditions

The proposal includes a number of volunteered conditions contained in Attachment [F1] while Visitor Accommodation Management Plans for each subject unit are contained in Attachments [F2]. The conditions include the following requirements and restrictions:

- *Undertaken in accordance with the approved Management Plan;*
- *Rented to no more than 1 group at any one time;*
- *The number of persons within Units 1, 2 & 3 is no more than ten and Unit 4 is no more than eight;*
- *The use of any of outdoor decks to the hours of 7am to 10pm;*
- *The erection of signage to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited;*
- *All vehicles associated with Visitor Accommodation shall be parked in the allocated parking spaces on site;*
- *No coaches are to service the authorised activity;*
- *All rubbish and recycling shall be disposed of appropriately;*
- *A review condition in accordance with Sections 128 and 129 of the Resource Management Act 1991.*

### **1.5 Statutory Provisions**

#### 1.5.1 Operative Queenstown Lakes District Plan

The application site is located within the Low Density Residential Zone of the Operative District Plan. The current application requires consent for the following reasons:

- A **Restricted Discretionary** activity resource consent pursuant to Rule 7.5.3.4 (i) for the proposed operation of Visitor Accommodation in the Low Density Residential zone for up to 365 nights within RM200694 approved Units 1 - 4. Council has restricted its discretion in respect to:
  - a. The location, external appearance and design of buildings;
  - b. The location, nature and scale of activities on site;
  - c. The location of parking and buses and access;
  - d. Noise, and
  - e. Hours of operation



- A **Restricted Discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.6.2(iii)(f) in regard to internal setbacks, which are required to be 4m. It is proposed to undertake visitor accommodation in two units with no setback from the adjacent units. Council's discretion is restricted to this matter.
- A **Restricted Discretionary** activity resource consent pursuant to Rule 7.5.6.2 (iii)(f) for the proposed operation of Visitor Accommodation in the Low Density Residential zone, where no part of any building which is to be used for Visitor Accommodation shall be permitted to be located within 4 meters of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.
- A **Restricted Discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.2 (iv) in relation to the sight distances required for Visitor Accommodation activities utilising vehicle crossings to Potters Hill Drive from Units 2 & 4. This is due to the proposed Units not obtaining a minimum sight distance of 80 metres for the operation of Visitor Accommodation.

#### 1.5.2 Proposed Queenstown Lakes District Plan

The application site is located within the Lower Density Suburban Residential Zone of the Proposed District Plan. The current application requires consent for the following reasons:

- A **Non-Complying** activity resource consent pursuant to Rule 7.5.18.1 for the proposed operation of Visitor Accommodation in the Lower Density Suburban Residential zone for up to 365 nights within RM200694 approved Units 1 – 4.
- A **Restricted Discretionary** activity pursuant to Rule 29.5.18 as the proposal breaches site standard 29.5.18 in relation to the sight distances required for Visitor Accommodation activities utilising vehicle crossings to Potters Hill Drive from Units 2 & 4. This is due to the proposed Units not obtaining a minimum sight distance of 80 metres for the operation of Visitor Accommodation.
- A **Restricted Discretionary** activity pursuant to standard 29.5.5 as the proposal breaches standard 29.5.5 (a) in regards to mobility parking spaces which are required for a Visitor Accommodation activity with 6 or more guests. All units contain in excess of six guests and do not provide a mobility parking space.

#### 1.5.3 District Plan(s) Weighting

*Strategic Directions - Chapters 3-6*



Strategic Chapters 3-6 remain subject to appeals, sufficiently so, that it is considered that Part 4 (District Wide) of the ODP is the dominant provision set for the assessment of the current application.

#### *Lower Density Suburban Residential – Chapter 7*

All references to visitor accommodation were removed from the Lower Density Suburban Chapter and Strategic Chapters of the Proposed District Plan (Stage 1) and have been heard as part of Stage 2 as a variation to Stage 1. Decisions on this variation were released 21<sup>st</sup> March 2019 and the appeal period is now closed.

An appeal has been lodged on Rule 7.5.18.1 by Airbnb Australia Pty Limited which seeks “*such further additional or alternative relief and consequential relief or ancillary changes that give effect to the concerns set out in this appeal.*”<sup>1</sup> Given the potential ambit of this appeal limited weight can be given the Proposed District Plan provisions as they apply to Visitor Accommodation and the ODP is the dominant provision set for the assessment of the current application.

#### *Chapter 29 – Transport*

Transport, Chapter 29 decisions version was released 21<sup>st</sup> March 2019 and the appeal period is now closed. There is no appeal that has specifically sought amendments or the removal of standard 29.5.18. However, there are a number of wide-ranging appeals which seek amendments to the Objectives and Policies of the Chapter. As such, there is doubt on whether the assessment framework for any application made under Rule 29.5.18 can be afforded full weighting and it is considered that the dominant provision set remains within Part 14 of the ODP.

With reference to standard 29.5.5. One appeal seeks amendments to the dimensions of parking required for consideration under standard 29.5.5. In addition, there are a number of wide-ranging appeals which seek amendments to the Objectives and Policies of the Chapter. There is no ODP counterpart to standard 29.5.5. Therefore, an assessment cannot be made under Part 14 of the ODP.

Given the above, the dominant provision set for the assessment of the current application is considered to be:

- a. Operative District Plan – Part 4;
- b. Operative District Plan – Part 7;
- c. Operative District Plan – Part 14;

#### 1.5.4 National Environmental Standards & Policy Statements

All applications for resource consent need to be determined if they apply under the ‘*National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health*’ (NES).

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<sup>1</sup>Paragraph 18, Notice of Appeal, Airbnb Australia Pty Limited, ENV-2019-CHC-061 – Attachment [D3].



Under these regulations, land is considered to be actually or potentially contaminated if an activity or industry on the Hazardous Activities or Industries List (HAIL) has been, or is more likely than not to have been, undertaken on that land. Therefore, the NES only applies to land that is potentially or actually affected by contaminants because of its historical and/or current use and the types of activities previously undertaken on the site.

The land use history is therefore the trigger for determining whether the land is considered by the NES. Subclauses (2) below prescribes the methods that the person may use for establishing whether or not a piece of land is as described in regulation 5(7).

*Part 6(2):*

*One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—*

*(a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or*

*(b) has available to it from the regional council.*

The NES was considered under RM200694<sup>2</sup> and it was found that the NES does not apply. In addition, the site has been zoned for residential purposes for many years and numerous residential dwellings have been established in this vicinity.

Overall, it is highly unlikely that there would be a risk to human health. The land for which resource consent is being sought is not considered as being HAIL land under sub-clause (7) section 5 of the NES. Accordingly, consent is not required.

#### 1.5.5 Computer Freehold Register

A number of instruments are registered on the title for the subject property:

**Land Covenant 10097957.3** requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must be authorized by Albatross QT Ltd and not deviated from without further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.

**Land Covenant 10449745.28**, requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must be authorized by Albatross QT Ltd and not deviated from without

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<sup>2</sup> A copy of the RM160718 Decision is contained in Attachment [D1] to this application.



further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.

**Consent Notice 10449745.29** relates to vehicle crossings, geotechnical constraints, payment of additional head works fees where applicable, water pressure and the responsibilities of a management company. This consent notice has been amended as set out in instrument **10497110.3** which removes conditions (7) and (8) in relation to water pressure and the responsibilities of a management company respectively.

**Land Covenant 11400022.1,**

**Land Covenant 11400022.2,**

Copies of the above are contained in Attachment [B] to this application.

## **2.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:**

### **2.1 Permitted Baseline**

Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. A number of activities are permitted on the site and therefore form part of the permitted baseline for the site.

Residential activity can include:

- The occupation and use of the subject units for rental on a long-term basis and the non-commercial use of holiday homes;
- The occupation and use of part of the subject units as registered homestay accommodation for up to 5 paying guests;
- Vehicle numbers associated with tenanted residential occupation in the subject units commensurate with the number of occupants i.e. five bedrooms containing a total of ten people may own ten cars;
- Traffic generation of suburban residential development at 8.2-10.9 vehicle movements per day<sup>3</sup>;
- Vehicle movements during all hours of the day required by tenants employment i.e. hospitality workers;

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<sup>3</sup> Table C1, NZ Transport Agency research report 453, "Trips & parking related to land use", November 2011– Attachment [D3].



- 25% of Queenstown's housing stock remaining unoccupied (holiday homes) or occupied infrequently for short durations only<sup>4</sup>.

## 2.2 Existing Environment

The 'Environment' is defined in section 2 of the RMA yet this definition has been modified by case law under section 104 to add to the concept of the receiving environment in consent applications by considering the environment not only as it exists at the time of considering an application, but also as it would exist in the future, taking into account permitted activities and any resource consents granted and likely to be implemented.<sup>5</sup>

The topographical environment has been discussed in part 1 of this application where the following points are considered to be relevant for the assessment set out in 2.4 – 2.9 below:

- Potters Hill Road cuts into the hillside leaving large cut slopes above the road and steep batter slopes below. This results in an interface between residential allotments and the road which is disconnected as the location of any residential units are significantly displaced from the road;
- The location of the Potters Hill Road coupled with the steep topography results in the subject sites appearing in isolation from those on the lower slopes;
- All existing residential units have been constructed as apartment style living, consents have approved shortfalls in private open space as the topography does not facilitate traditional private outdoor living spaces which the Low Density Zone anticipates.

A number of consents have been listed in part 1.2 *Planning History* of this application where the following are considered to be relevant for the assessment set out in 2.4 – 2.9 below:

- RM200694 which authorises the construction of the subject residential units, parking and access arrangements for each residential unit;
- Consents which authorise the use of residential units for 365 days per year Visitor Accommodation.

## 2.3 Any physical effect on the locality, including any landscape and visual effects

The subject site is not recognised as being in an area where the landscape is sensitive or vulnerable to degradation. The subject site is located in the lower density suburban residential zone which is capable of accommodating change.

The proposal seeks to provide for visitor accommodation within four consented residential units which have been identified on the plan contained in Attachment [E1]. The units, their design and subsequent bulk and scale effects, have been considered and approved by RM200694.

<sup>4</sup> Paragraph 3.4, SOE QLDC Economic Expert Phillip Osborne, 14<sup>th</sup> September 2016 – Attachment [D3].

<sup>5</sup> *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] NZRMA 424 (CA), at [57] & [84] – Attachment [D3].



The change in use from residential to visitor accommodation will not exacerbate any adverse visual effects over and above those effects considered and approved under the previous consents. Given there are no proposed changes to the external appearance of the units as part of this application, the proposed visitor accommodation will not alter the appearance, or bulk and scale of the development as viewed from the road, any adjoining site or further afield.

Given the above, any adverse physical effects including any landscape and visual effects associated with the proposal are considered to be nil to negligible.

2.4 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

*(a) Views / Outlook / Dominance / Sunlight / Daylight*

The bulk and location of the buildings which contain the subject residential units have been considered and approved by RM200694. This consent considered views, outlook, dominance and sunlight / daylight admission where it was determined that any adverse effects were acceptable. The proposal does not seek to change the bulk and location of the units as part of this application.

Without any change to the approved buildings, the current application is not considered to give rise to any adverse effects in terms of *Views / Outlook / Dominance / Sunlight / Daylight*.

*(b) Privacy*

The consent history discussed in part 1.2 confirms the intended residential typology of apartment style living with spatially limited private outdoor areas and reliance on satisfactory internal living areas to promote the wellbeing of residents is the predominant typology of residential living across the Potters Hill area. These outdoor areas are primarily modest decking spaces, and most appear at elevated positions to achieve wider views to the south and over Lake Wakatipu.

By virtue of the elevation and orientation of decking spaces associated with residential apartment style living across Potters Hill these spaces often inadvertently afford views across other apartments decking areas / private outdoor areas where there are few (if any) decking spaces enjoying a complete and unfettered level of privacy within these outdoor areas.

The consents discussed in part 1.2 have approved these decking spaces and any reduced level of privacy. Through residential occupation of the subject units there is unrestricted use of these decking spaces in terms of numbers of people occupying the decks and the hours of occupation which must be considered as the consented baseline (existing environment) as discussed in part 2.1 above.

The proposal includes a number of volunteered conditions which:

- a. Require a management plan for the use of each unit;
- b. Restrict the numbers of people which can occupy the units at any one time;



- c. Restrict the hours the decking spaces can be occupied;
- d. Require signage within each unit confirming (a) and (b) above.

Based upon the conditions listed above, the visitor accommodation use of these decking spaces is considered to be limited, monitorable and enforceable by comparison to their residential use. Subject to conditions, any adverse effects associated with the visitor accommodation use of the unit which is above or beyond any adverse effects associated with the residential use of the unit in this regard is considered to be de minimis.

*(c) Traffic / Access*

RM200694 confirms each subject unit affords two car parking spaces and the access arrangement to each unit is appropriate for residential use and a Class 2 user. Based upon the RM200694 approval, the low traffic volume associated with visitor accommodation and the dimensions which can be achieved in the proposed parking arrangement, the parking spaces provided are considered to be appropriate for the proposed visitor accommodation user(s).

Woods Lane intersects with Potters Hill Drive to the immediate north of the subject site. Prior to Woods Lane becoming a public road<sup>6</sup> it was a private right-of-way arrangement. The engineering assessments for visitor accommodation consents using this right-of-way considered the shortfall in sight line distances from the Woods Lane onto Potters Hill Drive and concluded that this shortfall would not result in adverse traffic outcomes, as traffic volumes and speeds will be very low at this location<sup>7</sup>.

The turning head of Potters Hill Drive remains a low-speed environment and the volume of traffic accessing Woods Lane remains "low". Therefore, it is considered that any adverse effects in terms of the proposed access and sightlines achieved are considered to be de minimis. Importantly, the proposal is not considered to compromise the safety of any road user.

In terms of traffic generation, the environment anticipates traffic generation from suburban residential development at 8.2-10.9 vehicle movements per day<sup>8</sup> and this constitutes the permitted baseline. Therefore, any consideration of adverse effects from the proposal must acknowledge this baseline. Table C1, NZ Transport Agency research report 453, "Trips & parking related to land use", November 2011 confirms the traffic generation associated with visitor accommodation is 3.0 – 6.4 vehicle movements per day. As such, traffic generation associated with the proposal is below the level anticipated in the existing environment.

In addition, it is not considered to be fanciful for the number of vehicles associated with any rental arrangement in a residential unit to be commensurate with the number of occupants i.e., five

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<sup>6</sup> RM180834 – Attachment [D1].

<sup>7</sup> QLDC Engineering Assessments for RM180470 & RM180800.

<sup>8</sup> Table C1, NZ Transport Agency research report 453, "Trips & parking related to land use", November 2011– Attachment [D3].



bedrooms containing a total of ten people may own ten cars. The visitor accommodation use of the same unit is extremely unlikely to result in each visitor using individual vehicles.

It is acknowledged that the proposed visitor accommodation activities may result in vehicles travelling to and from the subject units at late or early hours of the day. However, it is not considered to be fanciful for vehicles associated with any rental arrangement in a residential unit to occur during all hours of the day as required by the tenants employment such as hospitality workers. As such, the timing of traffic movement associated with visitor accommodation is considered to be comparative with any residential use of the same unit.

The proposed visitor accommodation activities are to be managed professionally which is likely to result in professional cleaning and maintenance of the property. This increases the proposed vehicle movements. However, based upon NZ Transport Agency research, the traffic generation associated with visitor accommodation is 4.5 - 5.2 vehicle movements per day less than suburban residential. Therefore, should both cleaning and maintenance occur on the same day as guests depart, the additional traffic movement this generates is still likely to be similar if not the same as residential occupation of the same property.

It is accepted that the nature of visitor accommodation vehicle movement frequenting visitor accommodation units will be different to residential occupation through added frequency of vehicles associated with cleaning and property maintenance. Especially, when these vehicles are loading or unloading adjoining the subject units. However, the different nature of these vehicle movements is not considered to result in any notable adverse effects.

The different nature of visitor accommodation vehicle movement as it travels the length of Potters Hill is considered to be indistinguishable between visitor accommodation and residential vehicles when viewed from public places or residential properties.

Overall, subject to conditions, in terms of traffic and access, any adverse effects associated with the visitor accommodation use of the unit(s) which is above or beyond any adverse effects associated with the residential use of the unit is considered to be de minimis.

#### *(d) Residential Character*

The apartment style of residential living across Potters Hill has been discussed in detail. The topography of the site and surrounding area has been discussed in part 1.1 and reinforced in part 2.2 above. Overall, it is considered that the residential character within the area located on the upper slopes of Potters Hill and around the turning head of Potters Hill Drive is somewhat unique by comparison to a traditional lower density suburban residential setting.

The physical residential character which has been authorised by consents and is anticipated to continue across the steeply sloping site(s) and surrounding area is a series of residential block like developments which are benched into the hillside. The blocks are almost always disconnected from



each other as the requirement to provide level and safe building platforms and vehicle access, displaces each residential block.

Due to these displacements, it is difficult to collectively appreciate or ascertain a consistent residential character within the built form of Potters Hill unless it is viewed from Peninsula Road where it must be viewed in the context of the entire residential area on the south side of Queenstown Hill.

Given the type of residential character which has formed and is likely to continue coupled with the somewhat unique physical isolation of the area, any adverse effects from the proposal upon the established residential character in the area are considered to be de minimis.

*(e) Residential Cohesion*

A discussion paper on *residential coherence* was prepared by Hill Young Cooper Ltd as part of Plan Change 23 which was used as supporting documentation to QLDC reporting on the District Plan Review. A definition of residential coherence is provided<sup>9</sup> in this paper where residential coherence was considered to be made up of three elements: *Stability, Character and Identify*.

The physical dimensions of stability strongly relate to people knowing who lives next door, and who do not experience a constant flow of strangers.<sup>10</sup> In defining the elements and factors which influence residential coherence it is apparent that residential cohesion is a human attribute and factors are described at times as a “sense”. This sense is considered to be neighbourly relation shared by directly adjoining or neighbours in close proximity and entirely dependent on an individual’s sense and desire for cohesion.

Properties within the upper slopes of Potters Hill and around the turning head of Potters Hill Drive are described in part 1.3 where those which are occupied by residential units are considered to be displaced from each other and not suitably aligned to promote the traditional sense of sharing a boundary fence between individual private outdoor living areas. Part 1.3 also confirms those properties which remain unoccupied.

Displacement, lack of traditional ground level private outdoor living areas and unoccupied land holdings in the existing environment is considered to be somewhat problematic in identifying the level of residential cohesion which may or may not exist currently or in the future. Certainly, for these reasons, it is considered that there is unlikely to be a strong level of existing residential cohesion.

In the absence of adjoining neighbours, a wider sense of residential coherence can be derived from a common identity which is shared between those in the wider neighbourhood. This can be

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<sup>9</sup> Paragraph 6, Page 2 – Plan Change 23 – Visitor Accommodation and Residential Amenity in the High-Density Residential Zone – Discussion Paper on Residential Coherence, Hill Young Cooper Ltd, 28<sup>th</sup> April 2008 – Attachment [D3].

<sup>10</sup> Paragraph 3, Page 3 – Plan Change 23 – Visitor Accommodation and Residential Amenity in the High-Density Residential Zone – Discussion Paper on Residential Coherence, Hill Young Cooper Ltd, 28<sup>th</sup> April 2008 – Attachment [D3].



established through common amenities (pools, gyms and open spaces)<sup>11</sup>, views and/or access. While properties on Potters Hill share the same view and access in places, this would not suggest residents of the Greenstone Apartments share a strong level of residential cohesion with those who live at the top of Potters Hill within the subject units.

Based upon the existing residential cohesion within the existing environment at the top of Potters Hill Drive, any adverse effects associated with any further loss of residential cohesion in a neighbourly sense is considered to be less than minor and at a community level de minimis.

*(f) Cumulative Effects*

The immediate neighbourhood surrounding the subject sites contains a number of existing visitor accommodation activities as set out in approved consents in part 1.2. The adverse effects associated with the proposal have been discussed in parts 2.4 and 2.5 above. Given the extent of existing visitor accommodation activities and potential effects associated with the proposal, the consideration of any effects which may cumulatively result in adverse effects which are unacceptable is limited.

Part 2.4 above concludes any adverse physical effects including any *Landscape and Visual effects* associated with the proposal are considered to be nil to negligible. These physical effects are limited as the proposal pertains to a change in activity without any alterations to the physical environment. Therefore, it is considered that any cumulative effects in this regard would be nil to negligible.

Part 2.5 (a) above considers adverse effects in terms of *Views / Outlook / Dominance / Sunlight / Daylight*. Again, these physical effects are limited as the proposal pertains to a change in activity without any alterations to the physical environment. Therefore, it is considered that there are no cumulative effects in this regard.

Part 2.5 (b) above considers adverse effects in terms of *Privacy* and concludes any adverse effects in this regard are de minimis. Cumulatively, the requirements of the volunteered conditions coupled with the permitted baseline of residential occupation is considered to ensure this effect would remain de minimis.

Part 2.5 (c) above considers adverse effects in terms of *Traffic / Access* where based upon established transport studies<sup>12</sup> the level of *traffic generation* associated with the proposal is commensurate with residential occupation and less than or equal to the permitted baseline. Therefore, there is no effect beyond the permitted baseline to collectively consider. The *nature* of the traffic movement cannot be viewed cumulatively. Therefore, there is no effect to collectively consider in this regard.

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<sup>11</sup> Paragraph 5, Page 5 – Plan Change 23 – Visitor Accommodation and Residential Amenity in the High-Density Residential Zone – Discussion Paper on Residential Coherence, Hill Young Cooper Ltd, 28<sup>th</sup> April 2008 – Attachment [D3].

<sup>12</sup> NZ Transport Agency research report 453, “Trips & parking related to land use”, November 2011– Attachment [D3].



Part 2.5 (d) above considers the established pattern of *Residential Character* where any adverse effects from the proposal upon the established residential character in the area are considered to be de minimis based upon the sites topographical characteristics and the limited amount of proposed physical alterations to the existing environment. Therefore, it is considered any adverse effects cumulatively, will be de minimis.

Part 2.5 (e) above considers adverse effects upon existing residential cohesion where it is considered there is unlikely be a strong level of residential cohesion in the existing environment and cohesion is entirely dependent on an individual's sense and desire for cohesion. As such, it is extremely difficult to collectively appreciate each individuals sense and desire for cohesion. However, based upon the existing level of residential cohesion coupled with any perceived loss associated the proposal, any adverse effects cumulatively, will be less than minor.

Residential amenity is considered to be derived from a combination of the matters discussed above; *Landscape and Visual effects, Views, Outlook, Dominance, Sunlight, Daylight, Privacy, Traffic, Access, Residential Character and Residential Cohesion*. Overall, any adverse effects from the proposal upon the residential amenity is considered to be less than minor.

2.6 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity

The site has already been modified from its natural state due to the earthworks undertaken in accordance with RM050520 and RM200694, therefore if any habitats were to be disturbed it would have already occurred.

2.7 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:

The subject site is not recognised as a site containing any significant aesthetic, recreational, scientific, historical, spiritual or cultural values.

2.8 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants.

2.9 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Consent RM200694 approved all necessary physical works to the subject site in order to construct the four residential units subject to the current application. RM200694 considered natural hazards and subject to conditions, was approved.



The proposal does not include any physical works and does not include the use of hazardous substances or hazardous installations. As such, the current application is not considered to exacerbate any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

**2.10 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Please see section 2.7 above.

**2.11 If the activity includes the discharge of any contaminant, a description of...**

Please refer to section 2.6 above.

**2.12 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Actual and potential adverse effects of the proposal have been considered in Part 2. A number of mitigation measures are volunteered as conditions of consent and contained in Attachment [F1/F2].

**2.13 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

For the reasons set out in part 2.1- 2.9, no persons are considered affected by the activity.

**2.14 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

It is not expected that any monitoring will be required as part of this application.

**2.15 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

There are no known customary rights that the site is subject to therefore this is not applicable to this application.



### 3.0 DISTRICT PLAN - OBJECTIVES & POLICIES

Based upon the weighting exercise contained in part 1.4.3, the dominant provision set for the assessment of the current application is considered to be:

- a. Operative District Plan – Part 4;
- b. Operative District Plan – Part 7;
- c. Operative District Plan – Part 14.

#### 3.1 Operative District Plan: District Wide – Part 4

Each relevant objective and policy from the District Wide chapter has been listed and assessed in Attachment [G1]. Due to the nature and scale of the proposal and location of the subject site within the Lower Density Suburban Residential Zone a majority of the objectives and policies of the District Wide chapter are not relevant.

The proposal is considered to be consistent with relevant provisions as:

- The site does not contain any significant indigenous ecosystems, plants, animals or extensive areas of natural character;
- The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air;
- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.

#### 3.2 Operative District Plan: Low Density Residential – Part 7

Each relevant objective and policy from the Low Density Residential Zone has been listed and assessed in Attachment [G2]. A number of provisions are not considered to be relevant for the reasons listed while the proposal is considered to be consistent with those provisions which are relevant for the following reasons:

- The proposal enables new visitor accommodation in the District;
- The proposal promotes compact visitor accommodation development;
- As discussed in part 2.4, the proposal enables new visitor accommodation in an area where landscape amenity values will not be compromised;
- As discussed in parts 1.1 and 2.5, the subject units are situated where they are somewhat isolated from any surrounding residential neighbourhoods that have established while the proposal does not frustrate the future residential occupation of any surrounding site.
- Part 2.5 (e) of this application document considers *Residential Cohesion* and based upon the sites topographical characteristics coupled with the design and location of buildings any adverse effects in this regard are considered to be less than minor.
- Part 2.5 (e) of this application document considers *Community Cohesion* and based upon the sites topographical characteristics and location within the wider community, any adverse effects in this regard are considered to be acceptable.



- The proposal makes efficient use of the housing resource as well as contributing to the range of accommodation options that is available to visitors which will have economic benefits for owners and to a lesser degree the wider community.
- Residential amenity has been considered in part 2.5 of this application document and is considered to be derived from a combination of the matters; *Landscape and Visual effects, Views, Outlook, Dominance, Sunlight, Daylight, Privacy, Traffic, Access, Residential Character and Residential Cohesion*. Any adverse effects from the proposal upon the residential amenity is considered to be less than minor.

### **3.3 Proposed District Plan: Lower Density Suburban Residential – Chapter 7**

Notwithstanding the weighting exercise set out in part 1.5.3, each relevant objective and policy from the Lower Density Suburban Residential Zone has been listed and assessed in Attachment [G4] for completeness. A number of provisions are not considered to be relevant for the reasons listed while the proposal is considered to be consistent with those provisions which are relevant for the following reasons set out under each provision.

### **3.4 Operative District Plan: Transport – Part 14**

Each relevant objective and policy from the Transport part of the Operative District Plan has been listed and assessed in Attachment [G3]. A majority of the provisions are not considered to be relevant for the reasons listed while the proposal is considered to be consistent with those provisions which are relevant for the reasons listed in part 2.5 (c) above.

## **4.0 DISTRICT PLAN – ASSESSMENT CRITERIA**

### **4.1 Operative District Plan – Low Density Residential - Visitor Accommodation - 7.7.2 (vii)**

- (a) *Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and*
- (i) *The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods.*

The large cut slopes above Potters Hill Road and steep batter slopes below characterise the street in a somewhat unique way by disconnecting the interface between residential units and the road. The resulting streetscape is not one typically associated with a traditional suburban development pattern where front yards, footpaths and roadside reserves providing a corridor where public and private realms are strongly connected. The visual amenity value of Potters Hill Road is strongly associated with the dramatic views to the south. The proposal does not compromise any of these views and is considered to be compatible in this respect.



The neighbouring properties have been described in part 1.1 and 1.3, while adverse effects on the character and amenity values of these properties have been considered in parts 2.5 (a), (b), (d), (e) and (f). For the reasons set out in part 2.5, the proposal is not considered to result in any compatibility issues which would compromise amenity values within the surrounding environment.

Views have been discussed in part 2.5 (a) where the proposal is not considered to result in any adverse effects due to the consented baseline and the proposal is without any alteration to this baseline.

The intensity of the proposed visitor accommodation use of the subject units is considered to be individually commensurate to that of residential occupation. Part 2.5 above covers a range of attributes within considerations of intensity where any adverse effects are acceptable and any cumulative effects in this regard are considered to be less than minor.

Based upon the above, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (a) (i) above.

*(ii) The nature of the development in the context of the permitted future uses on nearby sites.*

The neighbouring properties have been described in part 1.1 and 1.3 where a number of properties are not occupied by an residential development. As such, any future residential development on these properties must be undertaken in the knowledge of the existing environment and the proposed visitor accommodation activities.

Notwithstanding the above, Part 2.5 (d) of the application documentation contemplates the residential context. Due to the existing topography, access requirements and expectation for residential properties to afford view shafts to the south, the proposal is not considered to result in any adverse effects which will compromise permitted residential uses on nearby sites in the future.

Based upon the above, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (a) (ii) above.

*(iii) Loss of privacy.*

Part 2.5 (b) of the application documentation considers adverse effects in terms of *Privacy* and concludes any adverse effects in this regard are de minimis and acceptable. Based upon the reasons set out in Part 2.5 (b), the proposal is considered to satisfy assessment matter 7.7.2 (vii) (a) (iii) above.



(iv) *The proximity of outdoor facilities to residential neighbours.*

As discussed in parts 1 and 2 of this application document, the subject sites and those in the surrounding area do not afford private outdoor living areas anticipated in a traditional suburban sense. The proposal does not include any outdoor facilities above or beyond those provided for residential occupation of the subject units. In particular, part 2.5 (b) confirms any adverse effects from the use of existing decking spaces upon the level of privacy enjoyed in the surrounding area will be de minimis.

Based upon the above, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (a) (iv) above.

(v) *Hours of operation.*

The proposed visitor accommodation units are to be administered by a professional manager and check in and out is completed via internet applications without the physical requirement for staff to be on site when guests arrive and/or depart. Based upon the assessment undertaken in part 2.5 (c) in relation to the nature and frequency of traffic movement any adverse effects in this regard are considered to be acceptable. In addition, the proposal offers a number of conditions which are discussed throughout Part 2.

Based upon the above, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (a) (v) above.

(vi) *The ability to landscape/plant to mitigate visual effects.*

(vii) *Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.*

Part 2.4 above considers any adverse physical effects including any *Landscape and Visual effects* associated with the proposal and concludes these are nil to negligible while Part 2.5 (a) considers adverse effects in terms of *Views / Outlook / Dominance / Sunlight / Daylight* and concludes any adverse effects above or beyond that of the existing environment are minimal. Based upon these assessments, any adverse visual effects from the proposal are acceptable.

Based upon the above, the proposal is considered to satisfy assessment matters 7.7.2 (vii) (a) (vi) & 7.7.2 (vii) (a) (vii) above.



(b) *Any adverse effects in terms of:*

(i) *The adequacy and location of car parking for the site.*

The parking numbers required by the proposed visitor accommodation activities are commensurate to the residential occupation of each unit. Based upon the nature of the approved consents compared with that of the current application, any adverse effects in terms of parking numbers, dimensions, access and sightlines are considered to be de minimis. Importantly, the proposal is not considered to compromise the safety of any road user. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (i) above.

(ii) *Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.*

The proposed level and nature of traffic movements associated with the proposal has been discussed in part 2.5 (c) and based upon this assessment, the proposal is not considered to be incompatible with the traffic levels anticipated in a low-density residential environment. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (ii) above.

(iii) *Loss of privacy.*

Part 2.5 (b) above considers adverse effects in terms of *Privacy* and concludes any adverse effects in this regard are de minimis. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (iii) above.

(iv) *Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.*

Potters Hill Road is classified as a Local Road. The proposed traffic movements associated with the proposal has been discussed in part 2.5 (c) and based upon this assessment, the proposal is not considered to result in congestion or a reduction in traffic safety above or beyond that which could arise with residential occupation of the subject units. Therefore, the proposal does not result in level of traffic or a loss of traffic safety which is inconsistent with the classification of Potters Hill Road. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (iv) above.



- (v) *Pedestrian safety in the vicinity of the activity.*

Any adverse effects in terms of parking numbers, dimensions, access and sightlines have been considered in Part 2.5 (c) and the proposal is not considered to compromise the safety of any road user. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (v) above.

- (vi) *Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*

Part 2.5 (f) considers cumulative adverse effects in terms of *Traffic / Access* where adverse effects in this regard are considered to be less than minor and only apparent to those whom have signed affected party approvals to the proposal. Again, the proposal is not considered to result in traffic generation above or beyond that which could arise with residential occupation of the subject units. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (vi) above.

- (vii) *Provision for coaches to be parked off-site.*

The proposed visitor accommodation units are to be occupied on an individual basis to separate groups of guests and not occupied by one group. The proposal volunteers a condition precluding the use of coaches to service the property. As such, assessment matter 7.7.2 (vii) (b) (vii) is not a relevant consideration for the proposal.

- (viii) *The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.*

The proposed traffic movements associated with the proposal has been discussed in part 2.5 (c) and based upon this assessment, the proposal is not considered to result in any adverse effects above or beyond that which could arise with residential occupation of the subject units. As such, the proposal is considered to satisfy assessment matter 7.7.2 (vii) (b) (viii) above.

- (c) *Mitigation of noise emissions beyond the property boundary considering:*

- (i) *The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.*



- (ii) *Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.*

Noise emission associated with the proposed visitor accommodation activities which is above or beyond the residential occupation of the subject units is isolated to the use of the existing decking spaces which has been discussed in terms of *Privacy* in Part 2.5 (b). Based upon the requirements of the volunteered conditions coupled with the permitted baseline of residential occupation is considered to ensure this effect would remain de minimis.

Given the volunteered conditions coupled with the permitted baseline of residential occupation, acoustic insulation and /or attenuation of noise emissions is not considered to be necessary.

Based upon the above, the proposal is considered to satisfy assessment matters 7.7.2 (vii) (c) (viii) above.

- (d) *The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with Regional Council requirements.*
- (e) *The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects.*

As discussed in Part 1.1, all of the subject units have been authorised by resource consent. As part of these consents the ability to provide potable and firefighting water supplies, sewage disposal, stormwater disposal and other waste disposal were confirmed. The proposal does not place any additional demand on these services. As such, the proposal is considered to satisfy assessment matters 7.7.2 (vii) (d) & (e) above.

#### 4.2 Operative District Plan – Low Density Residential - Setback from Internal Boundaries/Neighbours - 7.7.2 xviii (2)

- (a) *The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.*
- (b) *Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.*
- (c) *Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to and extent which is inconsistent with the suburban living environment.*
- (d) *Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.*
- (e) *The ability to provide adequate opportunities for landscaping around buildings.*



- (f) *Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.*
- (g) *Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.*
- (h) *Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community or private recreation facilities in terms of noise, glare or vibration which is inconsistent with the suburban living environment.*
- (i) *The ability to mitigate adverse effects of the proposal on adjoining sites.*
- (j) *Any adverse effects of the proximity or bulk of the building, in terms of the loss of the historic character of Arrowtown.*

Assessment matters (g), (h) and (j) are not considered relevant as the proposal does not seek consent to house animals, house scheduled community or private recreation facilities and the subject site is not located within Arrowtown.

The remainder of assessment matters have been addressed in Part 2.4 and 2.5. Based upon the assessment and conclusions contained in Parts 2.4 and 2.5, the proposal is considered to satisfy assessment matters 7.7.2 xviii (2) (a)-(f) and (i) above.

#### 4.3 Operative District Plan – Transport - Access – 14.3.2 (v)

- (a) *Whether adequate sightlines are available from alternative access points.*
- (b) *The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection or with lesser unobstructed site distances, than is permitted by the Plan.*
- (c) *The extent to which conflicts between vehicles could be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.*
- (d) *Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.*
- (e) *Whether the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.*
- (f) *Whether the geometry of the road could mitigate the adverse effects of the access.*
- (i) *Whether there is efficient public transport within the vicinity of the proposed activity.*
- (j) *The proximity of residential areas, visitor accommodation, commercial offices or other mixed use developments to the proposed activity, and the ability for people to walk to and from the site.*
- (k) *Where there is any consideration to any requirement for coach parking recognition be given to the availability of designated coach parking provided off site.*
- (l) *Where a reverse manoeuvre is undertaken from a rear site whether the effects are mitigated by the width of access and visibility at the road boundary.*



- (m) *The extent to which the limited width of an access is mitigated by sufficient on-site manoeuvring.*
- (n) *The likelihood of future development which could result in increased traffic generation.*
- (o) *The extent to which the reduced width of an access is mitigated by the provision of passing areas and/or turning heads.*
- (p) *The extent to which the proposed development:*
  - (i) *Is in accordance with an approved structure plan or overall development plan for the area,*
  - (ii) *Can prove that the site will contain fewer units, to be controlled by subdivision covenants, vesting of land as reserve, or other appropriate measures, and*
  - (iii) *Can prove that any adjoining land may be more reasonably and economically accessed by an alternative route or that the development of adjoining land is so unlikely as to make provision for future access unreasonable.*
- (q) *Whether the reduced access width avoids turns requiring such methods as mirrors or signalling devices, where the removal, vandalism or malfunctioning of such methods may lessen public safety and convenience.*
- (r) *Where the anticipated use of accessways is to a multi-unit residential or visitor accommodation development, where reduced access widths may be considered because the development includes ready access to parking and building entry points.*
- (s) *Whether there is the possibility of redesign of the development to avoid or mitigate reasons advanced for creation of narrower accessways than required, even though such redesign may result in fewer units.*
- (t) *The extent to which the reduced access widths form part of a structure plan development adopting the “new urbanism” design style, where it is appropriate to provide for lesser access widths in order to enhance urban amenity values.*

The assessment matters listed (a) to (f) above, have been addressed in Part 2.4 and 2.5. Based upon the assessment and conclusions contained in Parts 2.4 and 2.5, the proposal is considered to satisfy assessment matters 14.3.2 (iv) (a) – (f) above.

#### 4.4 Proposed District Plan – Transport – Mobility Parking – Rule 29.5.5

*Discretion is restricted to:*

- a. *The number, location, and design of mobility parking spaces, including the accessibility of the spaces to the building(s); and*
- b. *Effectiveness of the associated signage.*

RM200694 confirms each subject unit affords two car parking spaces per unit and the access arrangement to each unit is appropriate for residential use and a Class 2 user.



Traffic generation and parking rates<sup>13</sup> confirm the demand on parking with visitor accommodation could be almost half of the residential demand for parking. A volunteered condition<sup>14</sup> requires the rental of each unit to one group at one time. Therefore, there is a likelihood the parking demand from any one group that includes a person with limited mobility could be satisfied by parking one car in the garage.

The dimensional requirements for a mobility park cannot be achieved in the RM200694 approved arrangement for each unit. However, Units 1-3 provide two parking spaces within garages. Given the traffic generation associated with visitor accommodation is almost half of residential this may result in there being one park required which could occupy the garage designed for two cars and enable sufficient room for mobility access.

The applicant is amenable to any condition that requires the promotion or advertisement of the units to advise potential renters that the parking arrangement and each floor of the apartments is accessible only by internal staircases which may not suit all mobility users.

## **5.0 REGIONAL POLICY STATEMENTS**

The Regional Policy Statement for Otago became operative on 1 October 1998. Decisions on submissions on the Proposed Regional Policy Statement were issued on 1 October 2016; and the Partially Operative Regional Policy Statement for Otago became operative on 14 January 2019.

The relevant objectives and policies from the Operative Regional Policy Statement and from the Partially Operative Proposed Regional Policy Statement are contained in Attachment [H].

For the reasons which have been expressed within Parts 2, 3 and 4 of the current application document, it is concluded that the proposal will not be contrary to any relevant objectives and policies of the Operative Regional Policy Statement, the Proposed Regional Policy Statement or the Partially Operative Regional Policy Statement.

## **6.0 RESOURCE MANAGEMENT ACT 1991: PART 2**

The proposal aligns with the Low Density Residential Zone requirements for Visitor Accommodation. This development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy and mitigate adverse effects of activities on the environment. Overall, the proposal is in keeping with the purpose and principles of the RMA.

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<sup>13</sup> Table C1, NZ Transport Agency research report 453, "Trips & parking related to land use", November 2011– Attachment [D3].

<sup>14</sup> Condition 5 – Attachment [F1].



AEE prepared by Nick Geddes

14<sup>th</sup> May 2021

**Amended 25-05-21**







**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



*R. W. Muir*  
Registrar-General  
of Land

**Identifier** 706715  
**Land Registration District** Otago  
**Date Issued** 02 June 2016

**Prior References**

688943

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<b>Estate</b>	Fee Simple
<b>Area</b>	1017 square metres more or less
<b>Legal Description</b>	Lot 12 Deposited Plan 490069

**Registered Owners**

LZM Limited

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**Interests**

Appurtenant hereto is a right of way, right to convey water, electricity and telecommunications and rights to drain stormwater and sewage created by Easement Instrument 5558569.6 - 17.4.2003 at 9:00 am

The easements created by Easement Instrument 5558569.6 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights to drain sewage and water created by Easement Instrument 6829297.3 - 19.4.2006 at 9:00 am

The easements created by Easement Instrument 6829297.3 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a pedestrian right of way created by Easement Instrument 10097957.2 - 13.8.2015 at 5:56 pm

The easements created by Easement Instrument 10097957.2 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 10097957.3 - 13.8.2015 at 5:56 pm

Appurtenant hereto are rights to drain stormwater and sewage created by Easement Instrument 10154387.5 - 2.10.2015 at 3:30 pm

The easements created by Easement Instrument 10154387.5 are subject to Section 243(a) Resource Management Act 1991

Subject to a right of way and a right to convey water, electricity, telecommunications and computer media and a right to drain sewage and stormwater over part marked G on DP 490069 created by Easement Instrument 10449745.16 - 2.6.2016 at 1:40 pm

Appurtenant hereto is a right of way and a right to convey water, electricity, telecommunications and computer media and a right to drain sewage and stormwater created by Easement Instrument 10449745.16 - 2.6.2016 at 1:40 pm

The easements created by Easement Instrument 10449745.16 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey water over part marked G on DP 490069 in favour of Queenstown Lakes District Council created by Easement Instrument 10449745.22 - 2.6.2016 at 1:40 pm

The easements created by Easement Instrument 10449745.22 are subject to Section 243 (a) Resource



**Identifier****706715**

Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part marked G on DP 490069 in favour of Chorus New Zealand Limited created by Easement Instrument 10449745.23 - 2.6.2016 at 1:40 pm

The easements created by Easement Instrument 10449745.23 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part marked G on DP 490069 in favour of Aurora Energy Limited created by Easement Instrument 10449745.24 - 2.6.2016 at 1:40 pm

The easements created by Easement Instrument 10449745.24 are subject to Section 243 (a) Resource Management Act 1991

Subject to a gas easement (in gross) over part marked G on DP 490069 in favour of Rockgas Limited created by Easement Instrument 10449745.26 - 2.6.2016 at 1:40 pm

Land Covenant in Easement Instrument 10449745.28 - 2.6.2016 at 1:40 pm

10449745.29 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 2.6.2016 at 1:40 pm

10436055.1 Surrender of the easement created by Easement Instrument 10097957.2 as to Lot 100 DP 490067 - 13.7.2016 at 3:27 pm

Appurtenant hereto is a right of way (pedestrian) created by Easement Instrument 10436055.6 - 13.7.2016 at 3:27 pm

The easements created by Easement Instrument 10436055.6 are subject to Section 243 (a) Resource Management Act 1991

10497110.3 Variation of Consent Notice 10449745.29 pursuant to Section 221(5) Resource Management Act 1991 - 7.11.2016 at 3:10 pm

10858918.2 Mortgage to Westpac New Zealand Limited - 1.8.2017 at 12:36 pm

11400022.1 Revocation of Land Covenant created by Easement Instrument 10097957.3 as to Lot 200 DP 534798 - 21.4.2020 at 3:24 pm

11400022.2 Revocation of Land Covenant created by Easement Instrument 10449745.28 as to Lot 200 DP 534798 - 21.4.2020 at 3:24 pm





City and District: Olango	Lots 7-10, 12-17 & 200 Being a subdivision of Lot 1 DP 485139 with easements over Lot 1 DP 305273, Lot 100 DP 490067, Lot 2 DP 409336 & Lot 102 DP 411971	Surveyor: Roy William Buchanan Firm: Clark Fortune McDonald & Associate <b>Title Plan</b> <b>LT 490069</b> Approved on: 25/05/2016
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# View Instrument Details

**Instrument No.** 11400022.1  
**Status** Registered  
**Date & Time Lodged** 21 Apr 2020 15:24  
**Lodged By** Hyland, Amy Melissa  
**Instrument Type** Partial Revocation of Land Covenant under s116(1)(c) LTA 2017

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



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Affected Records of Title	Land District
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706704	Otago
706705	Otago
706706	Otago
706710	Otago
706711	Otago
706712	Otago
706715	Otago
706716	Otago
706717	Otago
706718	Otago
706720	Otago
738963	Otago
738964	Otago
738965	Otago
738966	Otago
738967	Otago
738968	Otago
738969	Otago
738970	Otago
741320	Otago
741321	Otago
789690	Otago
789691	Otago
789692	Otago
855645	Otago
855646	Otago
855647	Otago
855648	Otago
855649	Otago
855650	Otago

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<b>Affected Instrument</b>	Easement Instrument 10097957.3
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**Annexure Schedule** Contains 3 Pages.

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## Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒



I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

**Signature**

Signed by Amy Melissa Hyland as Covenantor Representative on 30/04/2020 09:43 AM

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**Covenantee Certifications**

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

**Signature**

Signed by Amy Melissa Hyland as Covenantee Representative on 30/04/2020 09:43 AM

**\*\*\* End of Report \*\*\***



## Covenant Instrument to revoke land covenant

(Section 116(1)(c) Land Transfer Act 2017)

**Covenantor** *Surname must be underlined.*

The Tiers Woods Limited (855649)

**Covenantee** *Surname must be underlined.*

The Tiers Woods Limited (855649)  
 Carol Sandra Corcoran, Kieran Michael Jamie Corcoran, Samuel Rohan Corcoran (706704)  
 Debby Marie Bell (706705)  
 Phillip Lawrence Harris (706706)  
 Continued in annexure schedule 2

### Revocation of covenant

**The Covenantee**, being the registered owner of the benefited land(s) set out in Schedule A, revokes to the **Covenantor** the covenant(s) set out in Schedule A, **and the Covenantor accepts the revocation** of those covenant(s).

### Schedule A

*Continue in additional Annexure Schedule, if required*

Purpose of covenant	Creating Instrument number	Burdened Land (Record of Title) <sup>1</sup>	Benefited Land (Record of Title) <sup>2</sup> or in gross
Land Covenant	10097957.3	Lot 200 DP 534798 (being part of Record of Title 855649)	Lot 5 DP 534798 (being part of Record of Title 855649)  Lot 1 DP 490067 (706704)  Lot 2 DP 490067 (706705)  Lot 3 DP 490067 (706706)  Lot 7 DP 490069 (706710)  Lot 8 DP 490069 (706711)  Lot 9 DP 490069 (706712)  Continued on next page

<sup>1</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.

<sup>2</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.



Purpose of covenant	Creating Instrument number	Burdened Land (Record of Title) <sup>3</sup>	Benefited Land (Record of Title) <sup>4</sup> or in gross
			Lot 12 DP 490069 (706715) Lot 13 DP 490069 (706716) Lot 14 DP 490069 (706717) Lot 15 DP 490069 (706718) Lot 17 DP 490069 (706720) Lot 4 DP 498650 (738963) Lot 5 DP 498650 (738964) Lot 6 DP 498650 (738965) Lot 7 DP 498650 (738966) Lot 8 DP 498650 (738967) Lot 9 DP 498650 (738968) Lot 10 DP 498650 (738969) Lot 11 DP 498650 (738970) Lot 12 DP 498650 (741320) Lot 13 DP 498650 (741321) Lot 14 DP 512588 (789690) Lot 15 DP 512588 (789691) Lot 16 DP 512588 (789692) Lot 1 DP 528817 (855645) Lot 2 DP 528817 (855646) Lot 3 DP 528817 (855647) Lot 4 DP 528817 (855648) Lot 100 DP 528817 (855650)

<sup>3</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.

<sup>4</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.



*Insert instrument type***Covenant Instrument to revoke land covenant**

Continue in additional Annexure Schedule, if required

**Continuation of Covenantee**

Love QT Holidays Limited (706710)  
 Julianna Alba Alexandra Franco and Sreeraj Balachandran (706711)  
 Quenton James Donald (706712)  
 LZM Limited (706715)  
 Hailing Wang (706716)  
 Alpha Commercial Limited (706717)  
 Hua Tang (706718)  
 Chandler Properties Limited (706720)  
 Jacqueline Anne Woodward and James Coubrough (738963)  
 Craig Brent Walker, Patricia Kaye Walker and Kevin Richard Walker (738964)  
 Alun William Rive and Philip Middleton Rive (738965)  
 Lynette Anne Law, Phillip Gordon Law and Rodney John Hartles (738966)  
 Kristen Ilse Oschmanns, Paul Benjamin Oschmanns (738967)  
 Anderson(Queenstown) Limited (738968)  
 Ian Stuart Petry (738969)  
 Stephen John Burns (738970)  
 Chandler Properties Limited (741320)  
 Angela Hanrahan and Martin Hanrahan (741321)  
 John Patrick Shannon (789690)  
 Yehao Wen (789691)  
 Alpha Commercial Limited (789692)  
 Xinxin Wu (855645)  
 Craig Alexander McGregor and Joanne Maria McGregor (855646)  
 Mohale Phillip Mongalo and Cindy Ooi (855647)  
 Yingfeng Ding (855648)  
 The Tiers Villas Limited (855650)

AH-421847-14-262-V1





# View Instrument Details

**Instrument No.** 10097957.3  
**Status** Registered  
**Date & Time Lodged** 13 Aug 2015 17:56  
**Lodged By** Hyland, Amy Melissa  
**Instrument Type** Easement Instrument

**Land Information**  
Toitu te  
whenua  
New Zealand



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## Affected Computer Registers    Land District

688942	Otago
688943	Otago

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**Annexure Schedule:** Contains 11 Pages.

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## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 6189842.3 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Amy Melissa Hyland as Grantor Representative on 10/08/2015 12:38 PM

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## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Amy Melissa Hyland as Grantee Representative on 10/08/2015 12:38 PM

\*\*\* End of Report \*\*\*



**Easement instrument to grant easement or *profit à prendre*, or create land covenant**  
(Sections 90A and 90F Land Transfer Act 1952)

**2009/6229EF  
APPROVED  
Registrar-General of Land**

**Grantor**

**ALBATROSS QT LIMITED**

**Grantee**

**ALBATROSS QT LIMITED**

**Grant of Easement or *Profit à prendre* or Creation of Covenant**

**The Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A***Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenant		688942 688943	688942 688943

AH-397989-1-63-V1



**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby ~~[varied] [negatived] [added to] or [substituted]~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule ]~~

**Covenant provisions**

*Delete phrases in [ ] and insert Memorandum number as require; continue in additional Annexure Schedule, if required*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule A ]~~



## ANNEXURE SCHEDULE

The Grantee for itself and its successors in title to the land hereby covenants with the Grantor for itself and its successors in title:

### 1 DEFINITIONS

In these Restrictive Covenants:

<b>Accessory Building</b>	includes any structure on the Lot normally constructed in conjunction with a residential unit and includes, but is not limited to, a garage, carport, garden shed, or dog kennel.
<b>Albatross</b>	variously means Albatross QT Limited, a company duly incorporated in New Zealand under company number 1528863, or any party nominated by Albatross QT Limited. For the purposes of any item in the covenants that requires the consent of Albatross, Alpha Properties NZ Limited, a company duly incorporated in New Zealand under company number 3443124, shall be deemed to be authorised to give such consent unless at any time Albatross gives written notice to the registered proprietors of all Lots that such consent has been revoked.
<b>Development</b>	means the development being carried out on Lot 2 DP 305273 in various stages and known as "The Tiers Subdivision".
<b>Dwelling</b>	means a building or group of buildings designed and occupied as a single private residential unit and includes normal accessory buildings as defined above.
<b>Lot</b>	means any lot within the Development (all references to Lot numbers being inclusive).
<b>Fence</b>	means any solid structure erected on or any hedge grown on any boundary of the Lot or within 2m of any such boundary with the intent of dividing or creating a barrier between the Lot and an adjoining Lot, Road or Reserve.
<b>Lodge any Submission</b>	includes personally or through any agent or servant directly or indirectly lodging or supporting in any way any objection or submission to a planning proposal and includes taking part in a planning hearing, appeal or reference arising in respect of a planning proposal whether as a party or otherwise.



**Planning Proposal**

includes any application for resource consent and/or plan change and/or a variation of any nature to the relevant Queenstown Lakes District Council Plan or Proposed District Plan.

**QLDC or Council**

Queenstown Lakes District Council.

**2 BUILDING**

- 2.1 Not to erect or permit to be erected or place or permit to be placed on the Lot any buildings other than a new (and not second hand) dwelling house or any ancillary building.
- 2.2 Not to commence or proceed with the building, erection, construction, external alteration of, addition to or exterior redecoration of any Dwelling on the Lot unless the colour scheme, building materials and plans (including the size of the proposed Dwelling) for such building, erection, construction, external alteration of, addition to or redecoration of the Dwelling have been approved by Albatross in writing. Pre-built, transportable or relocatable Dwellings or previously lived in Dwellings are not permitted on the Lot.
- 2.3 Albatross's approval will not be withheld if:
  - 2.3.1 The proposed dwelling:
    - 2.3.1.1 is reasonably sited;
    - 2.3.1.2 meets Albatross's design concepts as contained in these Covenants;
    - 2.3.1.3 complements adjoining properties; and
    - 2.3.1.4 does not detract from the normal standard of housing in the subdivision.
- 2.4 The Grantor shall not deviate from plans and specifications approved by Albatross without the prior written approval of Albatross.
- 2.5 Not to use in the building, erection, construction, external alteration, addition or external redecoration of any Dwelling, Accessory Building, or Fence on a Lot, any material or colour scheme whatsoever unless it has been approved by Albatross in writing and where applicable is deemed to be substantially similar to other Dwellings and Fences in the Development.
- 2.6 In approving the colour scheme and any cladding or exterior materials, Albatross will, among other criteria, adopt the following criteria:
  - 2.6.1 A minimum of 85% of the exterior cladding of the dwelling must consist of any of the following materials:



## (i) glazing;

(ii) Central Otago schist, stone, stone veneer, timber cladding – left to weather or finished in a cedar stain (blacks and brown colours matched to the Resene, Woodsman Stain chart shall be used;

ii) stucco or solid plaster finish to a maximum of 30%, the colour of which shall be muted earthen tones, reflecting the surrounding natural earthen landscape with such colours to be recessive with a reflectancy level no higher than RV% 30 (or below) . This will exclude the use of primary colours and will be in general shades of browns, greys and ochres (without the reds and yellows being dominant);

(iv) cedar or other approved timbers

(v) pre-primed fibre cement weatherboards having a maximum finished width not exceeding 180mm

(vi) straight stack masonry bond blocks up to 30%.

(vii) Linea Board or similar weather board cladding, the colour scheme of which shall be in the same range of colour to that as applied to a plaster finish;

(viii) Corrugated iron or black onduline (not red or green) provided that same shall not be applied to more than 20% of a dwelling or Accessory Building on the Lot.

2.6.2 Weatherboard detailing shall include, as the preferred design, traditional box and scribe treatments to corners and windows in conjunction with appropriate use of colour.

2.6.3 Any dwelling to be constructed shall have a floor area of not less than 130 metres squared.

2.7 Not to erect, construct or permit or suffer to be erected or constructed any new dwellinghouse, garage or carport or other structure which shall not exceed the height limits contained in the Operative District Plan of the relevant Territorial Authority or any site specific height restrictions.

2.8 Any metal roof cladding shall expressly not be corrugated iron and must have a pre-finished factory colour in shades of:

- Ironsand;
- Grey Friars;
- Lignite;
- Mid Bronze;
- Karaka;



- Charcoal Brown;
- Mediterranean Olive;
- Grey Flannel;
- Flint;
- Kauri.

2.9 Colours generally shall be in earthy tones. No primary or strident external colours shall be permitted.

2.10 All Accessory Buildings must be clad and coloured to match the Dwelling.

### 3 LANDSCAPING

3.1 Not to permit any tree or shrub growing at any time on the Lot to exceed 4.0 metres in height from the ground level at the base of the tree or shrub and shall in any event not contravene the provisions of the Operative District Plan of Council.

3.2 Depending on the outcome of consent applications made by Albatross to QLDC, the registered proprietors of the Lots may be required to own shares in and contribute towards the operational, maintenance, repair and replacement costs of the management of the joint water scheme, internal access roads and pedestrian right-of-way for the Lots. In such an instance the registered proprietors of the Lots shall contribute together with the other owners of the land serviced by the scheme to the cost of the management of the water supply, access roads and pedestrian right-of-way. The Tiers Management Limited ("Company") shall be formed to attend to the administration and maintenance of the scheme. All Lot owners shall be required to be a shareholder of the Company and obey its constitution (including the payment of contributions) while registered as a proprietor of the Lot.

### 4 FENCES

4.1 Not to erect, grow, construct or permit or suffer to be erected, constructed or grown on the Lot a hedge or fence whether a boundary fence or hedge or otherwise higher than 1.7m above ground level in relation to a hedge fence and 1.5m above ground level in relation to a fence constructed of solid material. All fences of solid material must however be sufficiently and consistently permeable/porous so as to avoid creating a solid "barrier" / "fortress" effect.

4.2 Not erect or construct any boundary or other fence on the Lot:



- 4.2.1 Incorporating shade-cloth, netting, iron or steel of any profile, fibrolite, corrugated iron, onduline, tray iron, brick, Oamaru stone, synthetic timber substitutes (other than Linea Board or similar), plastic coated wire fencing including electric fences, material with a reflectancy level above RV% 30 or timber unless such timber is allowed to age naturally or is stained (not painted) in the colour range of mid-dark grey, mid-dark brown, mid-dark murky earthen greens (not apple or bright greens) and including Resene, Woodsman Stain chart shades of:

- 4.2.1.1 Smokey Ash;
- 4.2.1.2 Iroko;
- 4.2.1.3 Ash Brown;
- 4.2.1.4 Nutmeg;
- 4.2.1.5 English Walnut;
- 4.2.1.6 Touch Wood;
- 4.2.1.7 Banjul;
- 4.2.1.8 Tree House.

Any such fences constructed of tanned timber which is not permitted to or not recognised as a colour naturally must be stained in the same range of colour to that as applied to a stained timber finish. Trellis-like natured fences must also be stained in the same range of colour to that as applied to a stained timber finish.

- 4.3 Not to call upon Albatross to pay for or contribute towards the expense of construction or maintenance of any Fence between any Lot including any other land adjoining the Lot and registered in the name of Albatross. This covenant shall not enure for the benefit of any subsequent purchaser or proprietor of such adjoining land.

## 5 COMPLETION OF WORKS

- 5.1 Prior to the commencement of any earthworks or construction on the property the Grantor shall form a driveway using granular metal and a street crossing to the standard as required by the Council.
- 5.2 The Grantor will not permit the Lot to be occupied or used as a residence unless the dwelling on the Lot has been substantially completed in accordance with this agreement and the dwelling meets the requirements of the Council.
- 5.3 The exterior of any dwelling shall be completed within twelve months of laying down the foundations.
- 5.4 Vehicle access to each dwelling shall be fully constructed in a permanent surface of concrete, concrete block or brick paving or tar-sealing and such surfacing will be carried out in a proper and tradesman-like manner within twelve months of laying down the foundations of the dwelling;



- 5.5 Any paths are to be completed in permanent materials and all unpaved areas are to be properly grassed and landscaped within twelve months of laying down the foundations of the dwelling.
- 5.6 Any clothesline and letterbox shall be constructed within that twelve months and such construction aesthetically sensitive in terms of design and location the clothesline not being sited in such a way as to be highly visible from the street.
- 5.7 The Grantor shall reinstate, replace or be responsible for all costs arising from damage to the landscape, roading, footpaths, curbs, concrete or other structures in Development arising from the Grantor's use of the Lot directly or indirectly through the Grantor's agents or invitees.
- 5.8 Once construction has been completed the Grantor shall not bring onto or allow to remain on the land any temporary dwelling, caravan, trade vehicle or other equipment and materials unless garaged or screened so as to preserve the amenities of the neighbourhood.
- 5.9 The Grantor will not permit or suffer any advertisement, sign or hoarding of a commercial nature to be erected on any part of the Lot without prior consent in writing from Albatross.
- 5.10 The Grantor undertakes that it will not, nor will it permit without Albatross's express written consent, the felling, removal or damage to any tree, shrub or plant growing within the Lot, and will take all reasonable steps to protect such trees, shrubs and plants. In this regard the Grantor also acknowledges the express conditions of Consent referred to in the Council's letter of Consent regarding the protected trees referred to therein. Notwithstanding the terms of this clause the parties acknowledge that there are currently no trees, shrubs or plants on the property and no trees, shrubs or plants will be planted or otherwise situated on the property unless previous approval by the Grantor is obtained.

## 6 GENERAL

- 6.1 The Grantor indemnifies the Grantee for any damage caused by the Grantor or the Grantor's building contractors, employees or invitees to any roads, access ways, drainage systems on any property of the Grantee during the course of construction of any dwelling and shall reinstate the damaged property to the satisfaction of the Grantee.
- 6.2 The Grantor shall ensure that as from the date of possession the Lot (including any public road frontage Lot vested in any local or other authority) is kept in a neat and tidy condition free of weeds, noxious plants and debris and is mowed regularly so that any lawn shall not exceed 300mm in height from ground level. If, while the Lot is unoccupied, the Grantor fails to do so Albatross shall have the right at any time and from time to time to arrange for the Lot to be cleared of weeds and noxious plants and debris and be mowed, in which event the Grantor shall pay the Albatross on demand the costs incurred by the Albatross together with interest calculated at the rate of 20% per annum on a daily basis on such costs from the date they arise.



- 6.3 The Grantor shall not keep on the Lot a dog which is a danger, nuisance or annoyance to any other person or to any users of a legal road, Council Reserve or right of way access area. For the purpose of this clause any dog which defecates on a roadway, Council Reserve, Right of Way or other Lot within the Development shall be deemed to cause a nuisance or annoyance to the users of the road, access way, reserve or other Lot unless the person responsible for that dog immediately removes the excreta.
- 6.4 The Registered Proprietor of Lot 2 shall only be entitled to further subdivide the land into a maximum of 15 residential Lots. The Registered Proprietor of Lot 1 shall only be entitled to further subdivided the land into a maximum of 47 residential Lots.
- 6.5 Not at any time Lodge any Submission against any Planning Proposal made by Albatross or by Alpha Properties Limited ("Alpha") or by any associated party of Albatross or Alpha, or any entity in which Albatross or Alpha has an interest where the intent of the Planning Proposal is to subdivide, develop or use:
- 6.5.1 Any other land of Albatross's or the land of any associated party of Albatross or any entity in which Albatross has an interest and being any other Lot in the Development; or
- 6.5.2 Any other land of Albatross's or the land of any associated party of Albatross or any entity in which Albatross has an interest now or in the future within 10km of any boundary of the Lot.
- 6.6 Not to use the Lot or any buildings on the Lot or permit or suffer the same to be used for any training or commercial purposes (other than as a small Bed & Breakfast, homestay or for a home office provided that such office shall be limited to one room in any Dwelling on the Lot).
- 6.7 Not to permit any intensive agricultural activities, including but not limited to pig farming or vineyards.
- 6.8 Not erect or allow to be erected any advertisement, sign or hoarding of a commercial nature, including any sign pertaining to the sale of the Lot either by way of a private sale or a sale by a real estate agent, on any part of the Lot PROVIDED THAT such condition shall not apply to Albatross whilst it remains the owner of any Lot and the advertisement, sign or hoarding relates to the marketing of the Development.
- 6.9 Not to allow any blinds, drapes or curtains to be hung, installed, renovated and/or replaced on the Lot unless at all times they have a backing in colour that is non-reflective and is either chocolate brown or black and that compliments the external wall of any Dwelling or Accessory Building on the Lot.



- 6.10 Not access the Lot, and will ensure their employees, agents, contractors and sub-contractors do not access the Lot, other than by way of the road or right of way frontage formed by the Grantor contiguous to the Lot over which the right of way the Registered Proprietor of the Lot has a legal right of way and will not drive, bring, store, place or leave vehicles, machinery, tools or building materials over or on any property adjoining the Lot or cause any damage to such adjoining land, road curbing, footpaths or berms or landscaped or planted areas or enhancements or architectural features and the Registered Proprietor will, without demand, immediately (time being of the essence), at the cost of the Registered Proprietor, repair and reinstate any such damage and if the Registered Proprietor fails to rectify such damage to the satisfaction of Albatross acting reasonably, then Albatross may carry out such rectification works at the cost of the Registered Proprietor. Any monies so expended by Albatross which are not paid by the Registered Proprietor to Albatross within 5 working days of written demand by Albatross to the Registered Proprietor, will incur interest at the rate of 20% per annum calculated on a daily basis until paid in full and will also trigger the provisions set out in clause 6.14 below.
- 6.11 To accept the decision of Albatross in any situation where Albatross's approval or consent is required and acknowledge that Albatross may grant or decline such approval or consent at the sole discretion of Albatross or may grant approval or consent on such terms and conditions as Albatross requires.
- 6.12 To acknowledge and agree that Albatross shall not be liable for any breaches of covenant herein contained in respect of any Lot after it has sold and transferred title to such Lot.
- 6.13 To acknowledge and agree to comply with all conditions of the consent granted by the local authority when approval was granted to the Development.
- 6.14 Not to allow or cause any breach or non-observance of any of the foregoing covenants. Where the registered proprietor of any Lot has breached the foregoing covenants, and that breach remains unremedied for 10 working days after written notice of that breach or non-observance is given to the Grantor by the Grantee or another Registered Proprietor that registered proprietor will, upon written demand being made by Albatross or any of the registered proprietors of the other Lots in the Development described as dominant tenements herein:
- (a) Pay to the person making such demand the sum of \$2,000.00 plus the sum of \$250.00 per day per day (as liquidated damages) for every day that such breach or non-observance continues after the date upon which written demand has been made; and
  - (b) Rectify any breach or non-observance of any of the foregoing covenants and/or remove or cause to be removed from the Lot any improvements on the Lot which have been erected or placed on the Lot in breach or non-observance of any of the foregoing covenants.



- 6.15 Albatross shall not be obliged to or required to enforce all or any of the covenants stipulations and restrictions contained in this agreement nor be liable to such Grantor or Registered Proprietor for any breach by any Registered Proprietor of a Lot comprised in the Development.
- 6.16 If any breach or non-observance continues for 20 working days after written notice of that breach or non-observance is given to the Grantor by the Grantee or other Registered Proprietor, the Grantee or other person may (together with its agents, employees and contractors) enter onto the Lot and arrange for rectification of the Grantor's default and all costs incurred by the Grantee or other person shall constitute a debt due.
- 6.17 The foregoing clause 6.14 is without prejudice to:
- (a) any other remedies available at law to Albatross and any other person having the benefit of this covenant; or
  - (b) to any other liability which the Registered Proprietor may have to Albatross or any person having the benefit of this covenant.
- 6.18 All consents or requirements of Albatross under the covenants contained in clause 35 herein shall be obtainable from the Albatross by application in writing PROVIDED THAT no such consents or requirements shall be required or imposed by Albatross after the 1<sup>st</sup> day of April 2030 or the date of winding up of Albatross, whichever date be the earlier, but may be enforced amongst the owners of each Lot inter se subject however to the power of the Court to modify or extinguish the same conveyed by Sections 316-318 of the Property Law Act 2007 AND IT IS EXPRESSLY AGREED that such consents and requirements are to be in addition to any such consents or requirements of the relevant Territorial Authority.

## 7 **ARBITRATION**

- 7.1 Any issue whatsoever, including any tortuous, equitable or statutory issues arising out of, connected with, touching on or related to these Restrictive Covenants and any issues relating to the existence, interpretation, application or validity of such covenants are hereby submitted to arbitration.
- 7.2 The number of arbitrators shall be one.
- 7.3 The Grantor and the Grantee will either agree upon the sole arbitrator or the arbitrator shall be appointed by the President at the time of the Southland Branch of the New Zealand Law Society on the application of either party.

## 8 **CONFLICT**

- 8.1 Where any covenant in this instrument conflicts with any consent notice registered on the title for the Lot, the consent notice shall prevail.





# View Instrument Details

**Instrument No.** 10449745.28  
**Status** Registered  
**Date & Time Lodged** 02 Jun 2016 13:40  
**Lodged By** Sherry, Mark Daniel  
**Instrument Type** Easement Instrument



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## Affected Computer Registers    Land District

706710	Otago
706711	Otago
706712	Otago
706713	Otago
706715	Otago
706716	Otago
706717	Otago
706718	Otago
706719	Otago
706720	Otago

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**Annexure Schedule:** Contains 10 Pages.

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## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 6189842.3 has consented to this transaction and I hold that consent ☒

I certify that the Encumbrancee under Encumbrance 10154387.2 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Amy Melissa Hyland as Grantor Representative on 22/04/2016 08:54 AM

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## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Amy Melissa Hyland as Grantee Representative on 22/04/2016 08:55 AM

\*\*\* End of Report \*\*\*



**Easement instrument to grant easement or *profit à prendre*, or create land covenant**  
(Sections 90A and 90F Land Transfer Act 1952)

**2009/6229EF**  
**APPROVED**  
**Registrar-General of Land**

**Grantor**

**ALBATROSS QT LIMITED**

**Grantee**

**ALBATROSS QT LIMITED**

**Grant of Easement or *Profit à prendre* or Creation of Covenant**

**The Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenant		706710 706711 706712 706713 706715 706716 706717 706718 706719 706720	706710 706711 706712 706713 706715 706716 706717 706718 706719 706720

AH-397989-4-245-V1



**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby ~~[varied] [negatived] [added to] or [substituted]~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule]~~

**Covenant provisions**

*Delete phrases in [ ] and insert Memorandum number as require; continue in additional Annexure Schedule, if required*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule A ]~~



**Form L****Annexure Schedule A**

Page      of      Pages

*Insert instrument type***Covenant***Continue in additional Annexure Schedule, if required*

The Grantor for itself and its successors in title hereby covenants and agrees with the Grantee and where relevant, the Developer and Alpha for itself and its successors in title in the manner set out below so that such covenants shall:

- (a) burden and run with each of the Servient Tenements described in Schedule A; and
- (b) operate for the benefit of and be appurtenant to each of the Dominant Tenements described in Schedule A.

**1. DEFINITIONS AND INTERPRETATION**

- 1.1 For the purposes of this instrument the following terms have the following meanings (unless the context requires otherwise):

<b>Accessory Building</b>	means any detached building or structure on a Lot the use of which is incidental to a Dwelling on that Lot and includes, but is not limited to, a sleep out, garage, carport, garden shed, dog kennel or other similar structure;
<b>Alpha</b>	means Alpha Properties (NZ) Limited;
<b>Associated Person</b>	means: <ul style="list-style-type: none"> <li>(a) in relation to the Developer, a person associated with the Developer or an entity in which the Developer has an interest now or in the future; and</li> <li>(b) in relation to Alpha, a person associated with Alpha or an entity in which Alpha has an interest now or in the future;</li> </ul>
<b>Completion Period</b>	means the period of 12 months following the date on which construction of a Dwelling is commenced;
<b>Council</b>	means the Queenstown Lakes District Council;
<b>Developer</b>	means Albatross QT Limited and includes any nominee of Albatross QT Limited;
<b>Development</b>	means the development being carried out by the Developer on Lot 1 DP 485139 in various stages and known as "The Tiers Subdivision";
<b>District Plan</b>	means the Council's Operative District Plan or the Council's Proposed District Plan;

AH-397989-4-245-V1



<b>Dwelling</b>	means: <ul style="list-style-type: none"> <li>(a) a building on a Lot which comprises a single residential unit as defined in the District Plan; or</li> <li>(b) a building on a Lot which comprises two or more residential units including Condominium, Comprehensive Residential or Urban Development as defined in the District Plan;</li> </ul> but excludes any pre-built buildings, transportable or relocatable buildings;
<b>Fence</b>	means any structure erected or hedge grown on or within two metres of any boundary of a Lot so as to divide or create a barrier or division between a Lot and an adjoining Lot, road or reserve;
<b>Lot</b>	means any lot in the Development;
<b>Planning Proposal</b>	means any application for a resource consent, plan change and/or a variation of any nature in relation to the District Plan or the Regional Plan;
<b>Regional Plan</b>	means the Otago Regional Council Regional Plan;
<b>Resource Consent</b>	means the resource consent for the Development issued on 20 May 2008 by Commissioners acting on behalf of the Council under reference number RM050520;
<b>Submission</b>	means any submission supporting, opposing or seeking conditions in respect of a Planning Proposal and includes taking part in a planning hearing, appeal or reference arising in respect of a Planning Proposal whether as a party or otherwise;
<b>Working Day</b>	means any day of the week other than Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, New Zealand Anniversary Day, Otago Anniversary Day and a day in the period commencing on 24 December in any year and ending on 5 January in the following year.

## 1.2 In this instrument:

- (a) an obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done;
- (b) clause and other headings are for ease of reference only and do not affect the interpretation of this instrument;
- (c) words importing the singular include the plural and vice versa; and
- (d) references to persons are deemed to include references to individuals, companies, partnerships, joint ventures, trusts, unincorporated organisations, governmental or other regulatory bodies or authorities and other entities, in each case whether or not having separate legal personality and whether incorporated or existing in New Zealand or elsewhere.



## 2. BUILDING DESIGN

- 2.1 The Grantor must not erect or place on the Lot any building other than a Dwelling or an Accessory Building.
- 2.2 The Grantor must not commence or proceed with the erection, construction, addition to, or exterior alteration or redecoration of any Dwelling or Accessory Building on the Lot unless the colour scheme, building materials, plans and specifications for such Dwelling or Accessory Building have been approved by the Developer in writing.
- 2.3 The Grantor must not deviate from the colour scheme, building materials, plans and specifications approved by the Developer without the prior written approval of the Developer.
- 2.4 The Developer may amongst other things require that a minimum of 85% of the exterior cladding of the Dwelling or Accessory Building must consist of any of the following materials:
- (a) glazing;
  - (b) Central Otago schist, stone, stone veneer, timber cladding – left to weather or finished in a cedar stain in which case blacks and brown colours matched to the Resene, Woodsman Stain chart shall be used;
  - (c) stucco or solid plaster finish to a maximum of 30%;
  - (d) cedar or other timbers approved by the Developer;
  - (e) pre-primed fibre cement weatherboards having a maximum finished width not exceeding 180mm;
  - (f) straight stack masonry bond blocks up to 30% of the total area of the exterior cladding;
  - (g) Linea Board or similar weather board cladding, the colour scheme of which shall be in the same range of colour to that as applied to a plaster finish;
  - (h) corrugated iron or black onduline (not red or green) provided that the same shall not be applied to more than 20% of the external cladding (excluding the roof) of a Dwelling or Accessory Building;
  - (i) weatherboard detailing shall include, as the preferred design, traditional box and scribe treatments to corners and windows in conjunction with appropriate use of colour.
- 2.5 The Grantor must not use corrugated iron as a roof cladding and only use metal roof cladding that is pre-finished with a factory colour in shades of:
- (a) Ironsand;
  - (b) Grey Friars;
  - (c) Lignite;
  - (d) Mid Bronze;
  - (e) Karaka;
  - (f) Charcoal Brown;

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- (g) Mediterranean Olive;
- (h) Grey Flannel;
- (i) Flint;
- (j) Kauri; or
- (k) Ebony.

2.6 The exterior colours of Dwellings and Accessory Buildings shall be muted earthen tones that reflect the surrounding natural earthen landscape with such colours to be recessive with a reflectancy level no higher than RV% 30 (or below). The use of primary colours is prohibited and in general colours must be shades of browns, greys and ochres (without the reds and yellows being dominant). All Accessory Buildings must be clad and coloured to match the Dwelling to which they are an accessory.

### **3 LANDSCAPING**

3.1 The Grantor must not permit any tree or shrub growing at any time on the Lot to:

- (a) exceed 4.0 metres in height from the ground level at the base of the tree or shrub; or
- (b) contravene any provisions of the District Plan.

### **4 FENCES**

4.1 The Grantor must not erect, construct or grow on the Lot any Fence that is higher than:

- (a) 1.7 metres above ground level if it is constructed using non solid materials or is a hedge; or
- (b) 1.5 metres above ground level if constructed of solid materials.

All Fences constructed of solid materials must however be sufficiently and consistently permeable/porous so as to avoid creating a solid "barrier" or "fortress" effect.

4.2 The Grantor must not erect or construct any Fence that incorporates shade-cloth, netting, iron or steel of any profile, fibrolite, corrugated iron, onduline, tray iron, brick, Oamaru stone, synthetic timber substitutes (other than Linea Board or similar), plastic coated wire fencing (including electric fences), material with a reflectancy level above RV% 30 or timber unless such timber is allowed to age naturally or is stained (not painted) in the colour range of mid-dark grey, mid-dark brown, mid-dark murky earthen greens (not apple or bright greens) and including Resene Woodsman Stain chart shades of:

- (a) Smokey Ash;
- (b) Iroko;
- (c) Ash Brown;
- (d) Nutmeg;
- (e) English Walnut;
- (f) Touch Wood;
- (g) Banjul; or

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(h) Tree House.

- 4.3 The Grantor must not call upon the Developer to pay for or contribute towards the expense of construction or maintenance of any Fence between any Lot or any other land adjoining the Lot and owned by the Developer. This covenant shall not enure for the benefit of any subsequent purchaser or proprietor of such adjoining Lot or other land.

## **5 BUILDING CONSTRUCTION**

- 5.1 The Grantor shall prior to the commencement of any earthworks or other construction on the Lot form a construction driveway using granular metal and a street crossing to the standard required by the Council. Following completion of construction the Grantor shall construct a vehicle access to the Dwelling with a permanent surface of concrete, concrete blocks or brick paving or tar-sealing in a proper and tradesman-like manner within the Completion Period.
- 5.2 The Grantor will not permit the Lot to be occupied or used as a residence unless the Dwelling on the Lot has been substantially completed and a code compliance certificate has been issued by the Council.
- 5.3 The Grantor shall complete construction and finishing of the exterior of any Dwelling within the Completion Period.
- 5.4 The Grantor shall complete any paths on the Lot using permanent materials and properly grass or landscape all unpaved areas.
- 5.5 The Grantor shall erect a clothesline and letterbox within the Completion Period in an aesthetically sensitive manner and so that the clothesline shall not be highly visible from the road.
- 5.6 The Grantor shall reinstate, replace or repair any landscaping, roading, footpaths, curbs, concrete or other structures in the Development that are damaged by the Grantor or anyone for whom the Grantor is responsible including the Grantor's contractors and workmen.
- 5.7 For the avoidance of doubt, where matters must be completed within the Completion Period, this obligation shall not apply to Lot 10 DP 490069 or any lot subdivided from it, as this lot shall be deemed to be a future stage of the development.

## **6 OCCUPATION AND USE**

- 6.1 When construction has been completed the Grantor shall not bring, keep or store on the Lot any temporary building, caravan, trade vehicle or other equipment or materials unless garaged or screened so as to preserve the amenity of the neighbourhood.
- 6.2 The Grantor will not without the Developer's prior written consent fell, remove or damage any tree, shrub or plant growing on the Lot and will take all reasonable steps to protect such trees, shrubs and plants from damage or injury.
- 6.3 The Grantor acknowledges the express conditions of the Resource Consent regarding protected trees. Notwithstanding the terms of this clause the parties acknowledge that there are currently no trees, shrubs or plants on the property and the Grantor must not plant or place any trees, shrubs or plants on any part of the Lot without the prior written consent of the Developer.
- 6.4 The Grantor shall ensure that the Lot (including any adjacent berm vested in the Council) is kept in a neat and tidy condition free of weeds, noxious plants and debris and is mowed regularly so that any lawn shall not exceed 300mm in height from ground level.
- 6.5 The Grantor must not keep a dog or other animal on the Lot which is a danger, nuisance or annoyance to any other person or to any users of any road, reserve, access way or right of way. For the purpose of this clause any dog or animal which defecates on a road, reserve, access way,

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right of way or other Lot shall be deemed to be causing a nuisance or annoyance to the users of the road, reserve access way or other Lot unless the person responsible for the dog or animal immediately removes the excreta.

- 6.6 The Grantor must only use the Lot for private residential purposes and must not use the Lot for any commercial, trade, agricultural, horticultural or viticultural purpose except that the Grantor may operate a small Bed and Breakfast or use a single room in the Dwelling as a home office.
- 6.7 The Grantor must not erect or display any advertisement, sign or hoarding of a commercial nature, including any sign relating to the sale of the Lot either by way of a private sale or a sale by a real estate agent, on any part of the Lot without the prior written consent of the Developer provided that this covenant shall not apply to the erection or display of any advertisement, sign or hoarding by the Developer whilst it remains the owner of any Lot and the advertisement, sign or hoarding relates to the marketing of part of the Development.
- 6.8 The Grantor must not install or hang any blinds, drapes or curtains in any Dwelling or Accessory Building that have a backing in a colour that is non-reflective and is either chocolate brown or black. Any blinds, drapes or curtains that are installed or hung must compliment the external wall of the Dwelling or Accessory Building in which they are installed or hung.
- 6.9 The Grantor and the Grantor's employees, agents, contractors and sub-contractors must not access the Lot, other than by way of the road or right of way frontage formed by the Grantee contiguous to the Lot over which the Grantor has a legal right of access.
- 6.10 The Grantor and the Grantor's employees, agents, contractors and sub-contractors must not drive, bring, store, place or leave vehicles, machinery, tools or building materials over or on any property adjoining the Lot, or cause any damage to such adjoining land including road curbing, footpaths, berms, landscaped or planted areas, enhancements or architectural features. The Grantor will, on demand immediately (time being of the essence) at the cost of the Grantor repair and reinstate any such damage. If the Grantor fails to rectify such damage to the reasonable satisfaction of the Developer then the Developer may carry out such rectification works at the cost of the Grantor. Any money expended by the Developer which is not paid by the Grantor to the Developer within five Working Days of written demand by the Developer to the Grantor will incur interest at the rate of 20% per annum calculated on a daily basis until paid in full.
- 6.11 The Grantor acknowledges and agrees that the Developer shall not be liable for any breaches of covenant contained in this instrument in respect of any Lot after it has sold and transferred title to such Lot.
- 6.12 The Grantor must comply with all the conditions of the Resource Consent.

## **7 FURTHER SUBDIVISION**

- 7.1 For the avoidance of doubt, where any Lot is further subdivided, these covenants shall apply to each resulting Lot.

## **8 INDEMNITY**

- 8.1 The Grantor indemnifies the Grantee and the Developer from and against any damage, loss, cost or expense caused by the Grantor or the Grantor's building contractors, employees or invitees to any roads, access ways, drainage systems or other facilities or infrastructure on any property of the Grantee or the Developer during the course of construction of any Dwelling or Accessory Building and shall promptly repair and reinstate any damaged property to the satisfaction of the Grantee or the Developer (as the case may be).



## 9 DEFAULT AND REMEDIES

- 9.1 If the Grantor breaches any of the covenants in this instrument and that breach remains unremedied for 20 Working Days after written notice of the breach or non-observance has been given to the Grantor by the Grantee, the Developer or another registered proprietor the Grantor will, upon written demand being made by the Grantee, the Developer or any of the registered proprietors of the other Lots:
- (a) pay to the person making the demand the sum of \$2,000.00 plus the sum of \$250.00 per day (as liquidated damages) for every day that the breach or non-observance continues after the date upon which written demand has been made; and
  - (b) rectify the breach or non-observance including (if relevant) by removing any improvements from the Lot which have been erected or placed on the Lot in breach or non-observance of any of the covenants in this instrument.
- 9.2 The Developer shall not be required to enforce all or any of the covenants in this instrument nor be liable to the Grantor or any registered proprietor of any Lot for any breach of covenant by any other registered proprietor of a Lot.
- 9.3 Clauses 9.1 and 9.2 are without prejudice to any other:
- (a) remedies available at law to the Developer and any other person having the benefit of the covenants in this instrument; or
  - (b) liability which the Grantor may have to the Developer or any person having the benefit of the covenants in this instrument.

## 10 APPROVALS AND CONSENTS

- 10.1 The Grantor acknowledges and agrees that where the Developer's approval or consent is required under this instrument the Developer may grant or decline that approval or consent at its sole discretion or may grant approval or consent on such terms and conditions as the Developer requires at its discretion however any such approval or consent shall not be unreasonably or arbitrarily withheld.
- 10.2 All consents or requirements of the Developer under the covenants contained in this instrument shall be obtained from the Developer by application in writing provided that no such consents or requirements shall be required from the Developer after 1 April 2030.

## 11 PLANNING PROPOSALS

- 11.1 The Grantor shall not any time (whether personally or by or through any employee, agent or other person and whether directly or indirectly) lodge or make any Submission in relation to any Planning Proposal by the Developer (or any of its Associated Persons) or by Alpha (or any of its Associated Persons) to subdivide, develop or use:
- (a) any Lot owned by Developer (or any of its Associated Persons) or by Alpha (or any of its Associated Persons); or
  - (b) any other land owned by the Developer (or any of its Associated Persons) or by Alpha (or any of its Associated Persons) within 1km of any boundary of the Development;
- for any commercial, residential or other activity and shall be deemed to have given consent to any such Planning Proposal for the purposes of the Resource Management Act 1991 and where called upon shall sign any necessary documents agreeing to the Planning Proposal.



## **12 ARBITRATION**

- 12.1 Any dispute or difference whatsoever arising out of, connected with, touching on or related to this instrument including any dispute or difference relating to the existence, interpretation, application or validity of this instrument are hereby submitted to arbitration.
- 12.2 The arbitration shall be conducted in accordance with the Arbitration Act 1996. The first and second schedules to the Arbitration Act shall apply subject to clause 12.3.
- 12.3 Any arbitration shall be by one arbitrator to be agreed upon by the parties to the dispute or difference, or failing agreement within 20 Working Days, by an arbitrator nominated by the President of the Arbitrators' and Mediators' Institute of New Zealand at the request of any party to the dispute or difference. The arbitration shall be held in Queenstown, New Zealand unless otherwise agreed by the parties.

## **13 CONFLICT**

- 13.1 Where any covenant in this instrument conflicts with the conditions of any consent notice registered on the title to the Lot, the conditions of the consent notice shall prevail.





# View Instrument Details

Instrument No.	10449745.29
Status	Registered
Date & Time Lodged	02 Jun 2016 13:40
Lodged By	Sherry, Mark Daniel
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



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Affected Computer Registers	Land District
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706710	Otago
706711	Otago
706712	Otago
706713	Otago
706715	Otago
706716	Otago
706717	Otago
706718	Otago
706719	Otago
706720	Otago

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**Annexure Schedule:** Contains 3 Pages.

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## Signature

Signed by Amy Melissa Hyland as Territorial Authority Representative on 13/05/2016 04:53 PM

\*\*\* End of Report \*\*\*



IN THE MATTER of Section 221  
of the Resource Management Act  
1991

AND

IN THE MATTER of an  
application for Subdivision  
Consent by Albatross QT Limited

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**CONSENT NOTICE**

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TO: The District Land Registrar  
Otago Land Registration District

**BACKGROUND**

- A. Albatross QT Limited has applied to the Queenstown Lakes District Council (**Council**) pursuant to provisions of the Resource Management Act 1991 for its consent to subdivide land currently comprised and described in Computer Freehold Register 688943 ("**the land**").
- B. Council has granted RM050520, which was subsequently varied by RM130069, RM050520.01, RM150928 and RM160038 ("**Resource Consent**"), to the proposed subdivision subject to certain conditions which are required to be complied with on a continuing basis by the owner of the land from time to time being those conditions specified in the Operative Part of this Consent Notice.
- C. RM050520 provides for the subdivision in three stages.
- D. This consent notice relates to Stages 2 and 3 and affects Lots 7- 10 & 12 -17 DP 490069.

QLDC01168 4890144.2 AH-397989-4-265-V1



**OPERATIVE PART:**

1. No building shall be constructed within areas PA, CA, CB & CC DP 490069 without a comprehensive geotechnical report being prepared by a suitably qualified geotechnical engineer. Subsurface investigations will be required and the report must confirm suitability of the site for the proposed build. No building consent will be issued for any proposed building within areas PA, CA, CB & CC without the Council's approval of the geotechnical report. Council may require that this report is peer reviewed.
  
2. At the time a dwelling is erected on Lots 7 - 10 & 12 - 17 the owner for the time being of the Lot shall construct a vehicle crossing that complies with relevant Council standards applicable at that time.
  
3. The owners of Lots 7, 9, 10, 13, 14, 15 16, & 17 are advised that these lots may contain significant geotechnical constraints and that further development of these lots is subject to building setbacks and/or lot-specific geotechnical requirements outlined in the Geosolve Ltd Schedule 2A *"Statement of professional opinion as to suitability of land for building construction"*. Refer to the Geosolve Ltd *"Geotechnical Completion Report, Lots 2, 7-17 & 200 being a subdivision of Lot 2 DP 305274, Frankton Road Queenstown"* (Geosolve Ref 140412, dated April 2016), for full details of geotechnical constraints and lot-specific geotechnical requirements for future development.  
  
***Refer to Councils files RM050520 for the Geosolve Ltd Schedule 2A certificate and report in regard to the geotech constraints.***
  
4. Prior to any construction work (other than work associated with geotechnical investigation) on Lots 7, 9, 10, 13, 14, 15 16, & 17, the owner shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works required to address geotechnical constraints outlined in the Geosolve Ltd Geotechnical Completion Report (Geosolve Ref 140412, dated April 2016) and the owner shall be required to implement all such measures prior to occupation of any building.
  
5. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lots 10 or 17 that falls within Areas PB, PC, PD & L DP 490069 (refer Zone D on Tonkin & Taylor report,

QLD001168 4890144.2 AH-397989-4-265-V1



"Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

6. In the event of future subdivision of any of the lots or in the event that more than one residential unit is built on each lot, the owner for the time being shall pay the Council the required additional headworks fees of any additional residential units on the property greater than one.
7. At such a time where a high level reticulated water pressure zone is provided by the Council that can serve the subdivision, the private water storage scheme shall be decommissioned and all lots shall connect to the high pressure reticulation.
8. All the owners of Lots 7 – 10 & 12 -17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link marked B on DP 485139, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. Council is not responsible for any part of the water infrastructure or roading to any lot within any stage of this subdivision. This condition shall not include the internal access road if the internal access road is vested in Council. For the avoidance of doubt, the internal access road is the area shown marked as "Road to dedicate in the Queenstown Lakes District Council" on the Clark Fortune McDonald & Associates plan dated 15 January, 2014, titled "Potters Hill subdivision – Access Road Overall Plan View" (Drawing no. E\_001).

Dated this 13<sup>th</sup> day of MAY 2016

**SIGNED** for and on behalf of  
**QUEENSTOWN LAKES DISTRICT**  
**COUNCIL** under Delegated Authority  
 by its Manager, Planning Practice  
 Blair Jeffrey Devlin







# View Instrument Details

**Instrument No.** 11400022.2  
**Status** Registered  
**Date & Time Lodged** 21 Apr 2020 15:24  
**Lodged By** Hyland, Amy Melissa  
**Instrument Type** Partial Revocation of Land Covenant under s116(1)(c) LTA 2017

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



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## Affected Records of Title Land District

855649	Otago
706710	Otago
706711	Otago
706712	Otago
706715	Otago
706716	Otago
706717	Otago
706718	Otago
706720	Otago
789690	Otago
789691	Otago
789692	Otago
855645	Otago
855646	Otago
855647	Otago
855648	Otago
855650	Otago

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**Affected Instrument** Easement Instrument 10449745.28

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**Annexure Schedule** Contains 3 Pages.

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## Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

### Signature

Signed by Amy Melissa Hyland as Covenantor Representative on 30/04/2020 09:43 AM

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## Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒



I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period



**Signature**

Signed by Amy Melissa Hyland as Covenantee Representative on 30/04/2020 09:43 AM

**\*\*\* End of Report \*\*\***



## Covenant Instrument to revoke land covenant

(Section 116(1)(c) Land Transfer Act 2017)

**Covenantor** *Surname must be underlined.*

The Tiers Woods Limited (855649)

**Covenantee** *Surname must be underlined.*

The Tiers Woods Limited (855649)  
 Love QT Holidays Limited (706710)  
 Julianna Alba Alexandra Franco and Sreeraj Balachandran (706711)  
 Quenton James Donald (706712)  
 Continued in annexure schedule 2

### Revocation of covenant

**The Covenantee**, being the registered owner of the benefited land(s) set out in Schedule A, revokes to the **Covenantor** the covenant(s) set out in Schedule A, **and the Covenantor accepts the revocation** of those covenant(s).

### Schedule A

*Continue in additional Annexure Schedule, if required*

Purpose of covenant	Creating Instrument number	Burdened Land (Record of Title) <sup>1</sup>	Benefited Land (Record of Title) <sup>2</sup> or in gross
Land Covenant	10449745.28	Lot 200 DP 534798 (being part of Record of Title 855649)	Lot 5 DP 534798 (being part of Record of Title 855649)  Lot 7 DP 490069 (706710)  Lot 8 DP 490069 (706711)  Lot 9 DP 490069 (706712)  Lot 12 DP 490069 (706715)  Lot 13 DP 490069 (706716)  Lot 14 DP 490069 (706717)  Lot 15 DP 490069 (706718)  Continued on next page

<sup>1</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.

<sup>2</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.



Purpose of covenant	Creating Instrument number	Burdened Land (Record of Title) <sup>3</sup>	Benefited Land (Record of Title) <sup>4</sup> or in gross
			Lot 17 DP 490069 (706720) Lot 14 DP 512588 (789690) Lot 15 DP 512588 (789691) Lot 16 DP 512588 (789692) Lot 1 DP 528817 (855645) Lot 2 DP 528817 (855646) Lot 3 DP 528817 (855647) Lot 4 DP 528817 (855648) Lot 100 DP 528817 (855650)

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<sup>3</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.

<sup>4</sup> If only part of the covenant is to be revoked, include the full legal description which defines that part.



*Insert instrument type***Covenant Instrument to revoke land covenant**

Continue in additional Annexure Schedule, if required

**Continuation of Covenantee**

LZM Limited (706715)  
Hailing Wang (706716)  
Alpha Commercial Limited (706717)  
Hua Tang (706718)  
Chandler Properties Limited (706720)  
John Patrick Shannon (789690)  
Yehao Wen (789691)  
Alpha Commercial Limited (789692)  
Xinxin Wu (855645)  
Craig Alexander McGregor and Joanne Maria McGregor (855646)  
Mohale Phillip Mongalo and Cindy Ooi (855647)  
Yingfeng Ding (855648)  
The Tiers Villas Limited (855650)





# View Instrument Details

**Instrument No.** 10497110.3  
**Status** Registered  
**Date & Time Lodged** 07 Nov 2016 15:10  
**Lodged By** Hyland, Amy Melissa  
**Instrument Type** Variation of Consent Notice Condition under s221(5) Resource Management Act 1991

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



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Affected Computer Registers	Land District
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706710	Otago
706711	Otago
706712	Otago
706713	Otago
706715	Otago
706716	Otago
706717	Otago
706718	Otago
706719	Otago
706720	Otago

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<b>Affected Instrument</b>	Consent Notice under s221(4)(a) Resource Management Act 1991 10449745.29
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**Annexure Schedule:** Contains 2 Pages.

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## Signature

Signed by Amy Melissa Hyland as Territorial Authority Representative on 14/09/2016 10:26 AM

\*\*\* End of Report \*\*\*



**IN THE MATTER** of Resource  
Consent RM160479 Queenstown  
Lakes District Council

AND

**IN THE MATTER** of an  
application to Vary Consent Notice  
10449745.29

**VARIATION TO CONSENT NOTICE**

**BACKGROUND**

- A.** **ALBATROSS QT LIMITED** has applied to the Queenstown Lakes District Council pursuant to the provisions of the Resource Management Act 1991 for its consent to vary Consent Notice 10449745.29 registered against the land described as Lots 7-10 and 12-17 DP 490069 and comprised in Computer Freehold Registers 706710, 706711, 706712, 706713, 706715, 706716, 706717, 706718, 706719, 706720 ("the Land").
- B.** Council has granted consent to the proposed variation pursuant to Section 221(3) of the Resource Management Act subject to certain conditions which are required to be complied with on a continuing basis by the registered proprietors and their successors in Title of the Land or part(s) thereof being those conditions specified in the Operative Part hereof.

AH-397989-14-8-V1



**OPERATIVE PART**

The following conditions pertaining to this Consent Notice are to be registered against the Land, the legal descriptions and Certificates of Title of which are set out below:

Lot 7 DP 490069 comprised in CT 706710  
 Lot 8 DP 490069 comprised in CT 706711  
 Lot 9 DP 490069 comprised in CT 706712  
 Lot 10 DP 490069 comprised in CT 706713  
 Lot 12 DP 490069 comprised in CT 706715  
 Lot 13 DP 490069 comprised in CT 706716  
 Lot 14 DP 490069 comprised in CT 706717  
 Lot 15 DP 490069 comprised in CT 706718  
 Lot 16 DP 490069 comprised in CT 706719  
 Lot 17 DP 490069 comprised in CT 706720

**CONDITIONS:**

1. Conditions (7) and (8) of Consent Notice 10449745.29 as registered on the Computer Freehold Registers noted in the Operative Part above are cancelled.
2. All other conditions as contained in Consent Notice 10449745.29 shall continue to apply.

**DATED** this 5<sup>th</sup> day of September 2016.

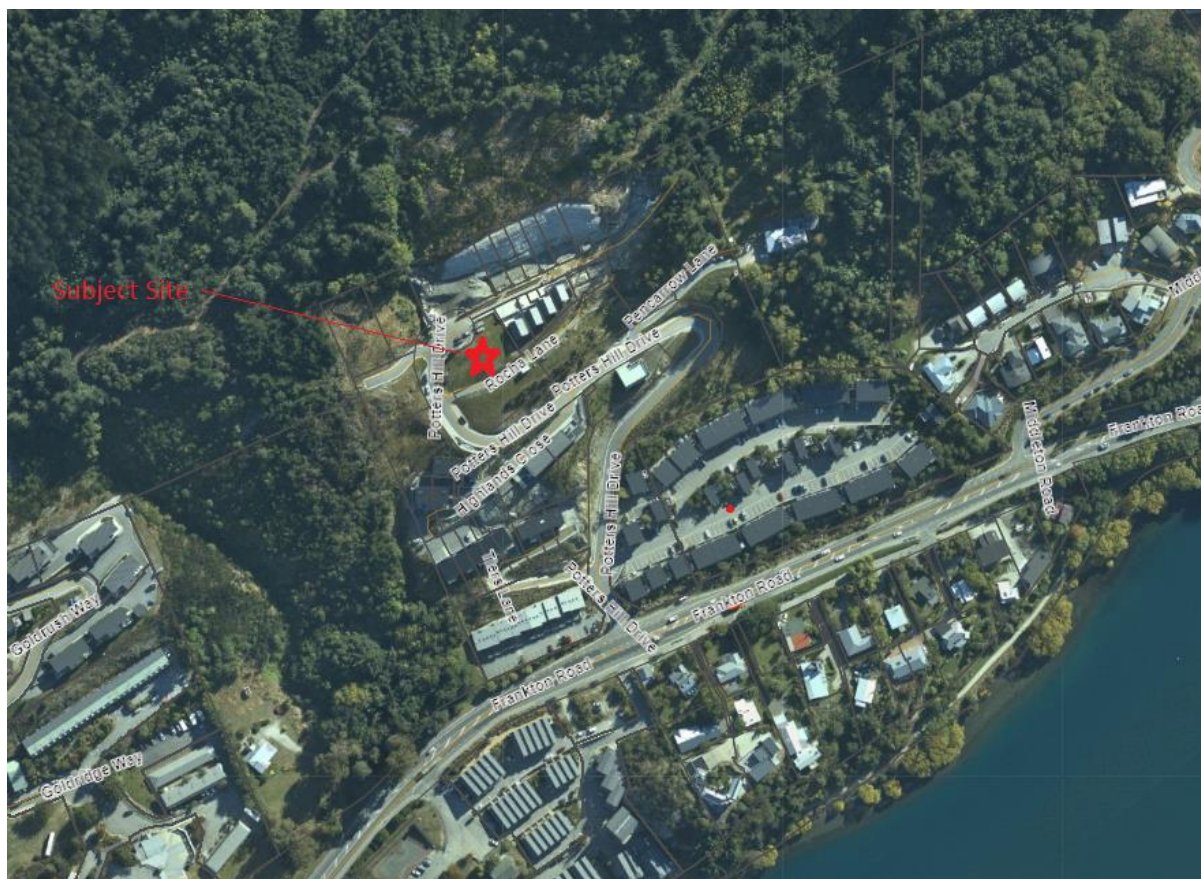
**SIGNED** for and on behalf of  
**QUEENSTOWN LAKES DISTRICT**  
**COUNCIL** under delegated authority  
 by its Manager, Planning Practice

  
 Blair Jeffrey Devlin



## Attachment C

## Location Plan







**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Alpha Properties NZ Ltd
<b>RM reference:</b>	RM170614
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to add two residential units and a residential flat to this existing comprehensive residential development and subdivision; AND</p> <p>Application under Section 127 of the RMA to vary Condition 1 of consent RM160181 to provide for additional earthworks and to vary Conditions 6a, 6b, 6g (landuse) and Conditions 1, 4, 7a, 7b and 7g (subdivision) of RM160718 to include the two additional units in the previous development and subdivision plans.</p>
<b>Location:</b>	Lot 10 Deposited Plan 490069, Potters Hill Drive, Queenstown
<b>Legal Description:</b>	Lot 10 Deposited Plan 490069, held in Computer Freehold Register 706713
<b>Zoning:</b>	Low Density Residential
<b>Activity Status:</b>	<b>Non complying</b>
<b>Date:</b>	<b>15 November 2017</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Alana Standish, Senior Planner, on 15 November 2017 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met.



3. Pursuant to Section 104 of the RMA, consent is **GRANTED** to change Condition 1 of consent RM160181 to provide for additional earthworks and Conditions 6a, 6b, 6g (landuse) and Conditions 1, 4, 7a, 7b and 7g (subdivision) of RM160718 to update the previously development and subdivision plans for the development adding an additional two residential units subject to the change of conditions outlined in **Section 7.5** of this decision. The consent only applies if the conditions outlined are met.
4. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Alana Standish, Senior Planner, as delegate for the Council.



## 1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to add an additional two residential units and subdivision to the existing comprehensive residential development on this site on Potters Hill Road leading to a total of 14 residential units.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section 1.0 of the report entitled '*Alpha Properties Ltd: Comprehensive Development, Vehicle Crossing, Subdivision*', prepared by Nick Geddes of Clark Fortune McDonald and Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 4).

Additionally the subdivision plan approved under RM170614 is to be amended to include the two additional lots resulting in a change to Condition 1 of Decision B (subdivision).

Since the application was lodged:

- a residential flat has been added to the rear of the proposed Unit 5. The flat will be to the rear of the proposed garage where there was previously a void. There will be no change to the upper levels of that unit. Three car parks are provided adjacent to Unit 5, one of which can be utilised by the flat.
- the northern units have been moved to the north by 1m. This was due to the underlying material discovered during the earthworks. There are no resultant rule infringements nor are the scale of infringements increased.

The application site and surrounds are shown in Figure 1 below.



Figure 1: Application site



## 2. ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 22.3.3.i – volume of earthworks where the proposed volume of 14,786m<sup>3</sup> exceeds the 300m<sup>3</sup> maximum. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity resource consent pursuant to Rule 22.3.3.ii – height of cut where the proposed cut will measure 12.8m in height thereby infringing the 2.4m maximum. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity resource consent pursuant to Rule 22.3.3.ii – height of fill where the proposed fill will measure 2.3m in height thereby infringing the 2.0m maximum. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 7.5.3.4.v for a comprehensive residential development.
- A **discretionary** activity resource consent pursuant to Rule 14.2.2.3 (ii) for a breach of the Site Standard 14.2.4.2 (i) Length of vehicle crossings. Whereby the maximum crossing length shall be 6m per residential allotment. A 19.5m wide vehicle crossing is measured along the boundary of the subject site. Upon completion of the subdivision the vehicle crossing for Lot 12 measures 7m and Lot 11 measures 7.5m.
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4 for any subdivision which does not comply with the Zone Standard 15.2.6.3 whereby no lots shall have a net area less than the minimum specified for each zone. For the Low Density Residential zone that is 600m<sup>2</sup> as not all lots comply with that size.

### 2.2 RESOURCE MANAGEMENT ACT 1991

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Condition 1 of RM160181, Landuse Conditions 6a, 6b, 6g and Subdivision Conditions 4, 7a, 7b and 7g of RM160718, as outlined above, in order to provide for two additional residential units and update the associated subdivision plans.

Overall, the application is considered to be a **non-complying** activity.

### 2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

## 3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).



A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

#### 4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

##### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *Trade competition and the effects of trade competition (s95D(d)).*
- C: *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
New Zealand Transport Agency	State Highway 6a (Frankton Road) limited access route
Albatross QT Ltd	Lot 10 DP 490069 (subject site)

##### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case a building that complies with all site and zone standards including car parking, and outdoor living space, a complying residential flat, and density not infringing one residential unit per 450m<sup>2</sup>, are permitted activities in this zone.

##### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account Sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Sections 7, 14 and 22 of the District Plan and have been taken into considered in the assessment below.

The Assessment of Effects provided at Section 2.0 and 5.0 of the applicant's AEE, is considered accurate with additional assessment undertaken below.

##### People and Built Form:

<b>Adverse Effects to consider</b>	<b>Effects on the Environment</b>
Character / Views and Outlook / Streetscape / Amenity / Dominance and Scale	<p>The proposal represents the construction of two additional residential units on the site as well as associated earthworks, parking and manoeuvring.</p> <p>These additional units will be located to the east of the existing units and will extend toward the east boundary of the site.</p> <p>They will be visible from the surrounding area, particularly the land to the south looking up from Frankton Road and the roads between it and the site, where not obscured by dwellings on sites between.</p> <p>The residential units will be constructed in the same style and colouring as the remainder of the existing units on the site. The units will have a similar appearance to other similar residential developments along this side of Frankton Road.</p>



	<p>The earthworks will comprise additional cut into the slope to create the footprint for the residential units and also for their car parking and manoeuvring. Given the sloping nature of the site they are essential and following the completion of the development they will be to the rear (north) of the units and will not be visible from off site.</p> <p>For these reasons it is considered any of these adverse effects will be less than minor.</p>
On-site amenity	<p>The additional residential units will have a similar floor plan, outdoor living areas, parking and manoeuvring as the other units within the development. Furthermore, the addition of these two units will not compromise the on-site amenity of any of the other approved units on the site.</p> <p>For these reasons it is considered any adverse effects for on-site amenity will be less than minor.</p>
Density	<p>The site, measuring 9886m<sup>2</sup> in area meets the site size for a comprehensive residential development on the site. These two residential units were not included in the initial application as there was uncertainty regarding the underlying ground conditions.</p> <p>This development represents a practical use of this sloping site. Were the two residential units to not be erected then that part of the site would remain vegetated and unusable for the remainder of the development.</p> <p>Given the terrain of the site it is an expensive one to develop. However, the works and infrastructure that are required for the existing consented development can be used for the additional two units. This represents a practical and efficient solution and provides increased density on a site that is large enough to absorb it.</p> <p>For these reasons it is considered that any adverse density effects will be less than minor.</p>
Cumulative	<p>This is a large site and meets the threshold for a comprehensive residential development. The two proposed units would have been part of the initial development but were not included due to uncertainty regarding the underlying ground conditions. The site is large enough to accommodate the additional units with any adverse effects being less than minor. This proposal represents an efficient use of this land resource where the supporting infrastructure will be largely in place from the already consented residential development.</p> <p>This is considered a unique circumstance and for the aforementioned reasons it is considered the potential for a cumulative effect that is less than minor.</p>

#### Traffic and Parking:

Adverse Effects to consider	Effects on the Environment
Parking, Access and Vehicle movement	<p>The application has been assessed by Council's Consultant Resource Management Engineer, Tim Dennis and he noted the following:</p> <ul style="list-style-type: none"> <li>the additional 2 units both have garages and complying car park spaces as does the flat in Unit 5.</li> <li>there will be sufficient manoeuvring space to enable vehicles to avoid a reversing manoeuvre onto Potters Hill Drive.</li> <li>the existing approved crossing is adequate to cater to the additional two units.</li> <li>the NZTA approval for the intersection is still met by this proposal and upgrading is not presently required under the NZTA approval.</li> </ul> <p>The assessment and recommendations of Mr Dennis are adopted and it is considered any adverse parking, access and vehicle movement effect will be less than minor.</p>



**Earthworks and Natural Hazards:**

Adverse Effects to consider	Effects on the Environment
Earthworks	<p>With regard the proposed earthworks, the application has been assessed by Mr Dennis, and he noted the following:</p> <ul style="list-style-type: none"> <li>• none of the proposed cuts or fills breaches the height in relation to boundary ratio.</li> <li>• instability is unlikely to result from the earthworks provided they are completed as detailed in the Geotechnical report. The existing conditions of consent adequately cover the proposed additional earthworks and remain relevant to the proposal.</li> </ul> <p>The comments and recommendations of Mr Dennis are adopted and for the aforementioned reasons it is considered any adverse effect from the earthworks will be less than minor.</p>
Natural Hazards	<p>With regard stability and natural hazards, Mr Dennis has assessed the application and noted the following:</p> <ul style="list-style-type: none"> <li>• the proposed buildings are unlikely to be at risk of liquefaction in a seismic event and that standard foundations as required under NZS 3604:2011 for timber framed buildings are sufficient.</li> <li>• the foundation requirements for the buildings will be addressed under the related building consent and no conditions are necessary.</li> </ul> <p>The comments and recommendations of Mr Dennis are adopted and for the aforementioned reasons it is considered any adverse effect from the stability of the site will be less than minor.</p>

**Infrastructure:**

Adverse Effects to consider	Effects on the Environment
Services	<p>With regard the provision of services on the site, the application has been assessed by Mr Dennis.</p> <p>Mr Dennis considered that the existing water, effluent disposal, stormwater, power and telecom services are sufficient for the site and that there is no need to alter the existing conditions for RM160718 in that regard.</p> <p>The comments and recommendations of Mr Dennis are adopted and for the aforementioned reasons it is considered any adverse effect from service provision will be less than minor.</p>

**4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is unlikely to have adverse effects on the environment that are more than minor.

**5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

**5.1 PERMITTED BASELINE (s95E(2)(a))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within Section 4.2 above.



## 5.2 ASSESSMENT: EFFECTS ON PERSONS

Taking into account Sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Figure 2 shows the subject site and the properties adjacent to the north, west and south.



Figure 2: Adjacent properties

<b>Lot 2 DP 409336 (to the north of the site)</b>	
<b>Adverse Effects:</b>	<b>Effects on Persons</b>
Traffic Generation	This site is currently vacant and were it to be developed in the future there would be no access point near the subject site. Any adverse traffic generation effect will be less than minor.
Dominance / Privacy / Shading / Amenity / Density / Views and Outlook	When viewed from this site there would be no change to the development on the subject site. This site is elevated well above the level of the subject site and the development is occurring to the south of a large cut and will not be visible from this property.  For the aforementioned reasons adverse dominance, privacy, shading, amenity, density, view and outlook effects will be less than minor.
<b>678 Frankton Road (to the east of the site)</b>	
<b>Adverse Effects:</b>	<b>Effects on Persons</b>
Traffic Generation	This site is accessed off Pencarrow Lane well to the south of the access to the subject site. While there will be two additional residential units on the site the separation distance will mean any adverse traffic generation effect will be less than minor.
Dominance / Privacy / Shading / Amenity / Density / Views and Outlook	The proposed residential units will be located closer to this boundary. However, there is extensive screening between the two sites on the 3590m <sup>2</sup> vacant balance lot (Lot 100 from Subdivision RM160718) between the proposed development and this adjacent site.



	The proposed additional units will not be visible from this site and any adverse dominance, privacy, shading, amenity, density, view and outlook effects will be less than minor.
<b>Lot 15 DP 490069 (to the south of the site)</b>	
<b>Adverse Effects:</b>	<b>Effects on Persons</b>
Traffic Generation	This site is currently vacant and future access would be to Pencarrow Lane well to the south of the access to the subject site. While there will be two additional residential units on the site the separation distance will mean any adverse traffic generation effect will be less than minor.
Dominance / Privacy / Shading / Amenity / Density / Views and Outlook	This site is currently vacant. It is located adjacent to the subject site but will be separated from the proposed additional units by the vacant, 3590m <sup>2</sup> balance Lot 100 on that site.  For the aforementioned reasons adverse dominance, privacy, shading, amenity, density, view and outlook effects will be less than minor.

### 5.3 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

## 6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in Sections 4.4 and 5.3 the application is to be processed on a non-notified basis.

## 7.0 S104 ASSESSMENT

### 7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in Section 4 of this report. Conditions of consent can be imposed under s108 and s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

### 7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The relevant objectives and policies are contained within Sections 7 (Low Density Residential), 14 (Transport), 15 (Subdivision) and 22 (Earthworks) of the Operative District Plan and Chapter 7 (Low Density Residential) of the Proposed District Plan. These have been discussed in Section 3 of the submitted AEE. The assessment and conclusions of the AEE are accepted and it is considered the proposal is consistent with the relevant objectives and policies of both the Operative and Proposed District Plans.

### 7.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application, based on the volunteered covenant, can pass through the second gateway test given that the proposal is not considered to contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

### 7.4 PART 2 OF THE RMA

In this case the relevant District Plan provisions are valid, have complete coverage and are certain. Therefore, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates the proposed activity accords with Part 2 of the Act.



## 7.5 DECISION 1: LAND USE CONSENT AND SUBDIVISION CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Sections 108 and 220 of the RMA.

## 7.6 DECISION 2: VARIATIONS PURSUANT TO SECTION 127 OF THE RMA

1) Consent is **granted** to change Condition 1 of resource consent RM160181, such that:

### Varied Conditions of RM160181

1. That the development must be undertaken/carried out in accordance with the plans:
  - ~~Earthworks plan titled 'Proposed Earthworks on Lot 10 RM050520.01', drawn by Clark Fortune McDonald and Associates, Drawing Number 1, Sheet 002, Alpha Properties Limited,~~
  - ~~Revision A, dated 9 May 2016 showing the new water main alignment. Cross section plan titled 'Proposed Earthworks on Lot 10 RM050520.01', drawn by Clark Fortune McDonald and Associates, Drawing Number 1, Sheet 002, Alpha Properties Limited, undated.~~
  - 'The Tiers Villas Proposed Earthworks Design: Drawing No. 16, Sheet 001, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design, Stage 1 Earthworks Only: Drawing No. 16\_Sheet 001a, Rev-', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section A & B: Drawing No. 16\_Sheet 003, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section C: Drawing No. 12\_02, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section D: Drawing No. 12\_03, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section E: Drawing No. 12\_04, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section F: Drawing No. 12\_05, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section G: Drawing No. 12\_06, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section H: Drawing No. 12\_07, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section I: Drawing No. 12\_08, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section O: Drawing No. 16 Sheet 010, Rev - prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section P: Drawing No. 16 Sheet 011, Rev - prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section L: Drawing No. 16 Sheet 012, Rev - prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.

**stamped as approved on 15 November 2017,**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

### Advice note

- All other conditions of RM160181 shall continue to apply.

2) Consent is **granted** to change landuse Conditions 6a, 6b, 6g (*Appendix 2*) and subdivision Conditions 1, 4, 7a, 7b and 7g (*Appendix 3*) of resource consent RM160718, such that:



## Varied Conditions of RM160718

### Landuse Conditions

#### WJ Cadzow & Associates Ltd

- ~~'Site Plan' Contract 16010 Sheet A-A1-01 Date 03/04/14~~
- 'Block A – Typical Plans' Contract 16010 Sheet A-A2-02 Date 07/06/16
- 'Block A – Floor Plans' Contract 16010 RC-A-01 Date 06/26/14
- 'Block A – Elevations Contract 16010 RC-A-03 Date 06/26/14
- 'Block B – Floor Plans' Contract 16010 RC-B-01 Date 07/07/16
- 'Block B – Typical Plans' Contract 16010 Sheet RC-B-02 Date 07/07/16
- 'Block B – Elevations Contract 16010 RC-B-03 date 07/07/16
- **'Block B – B & Grid Layout Plans: Sheet A0-03', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17**
- **'Elevations: Sheet A2-02', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17**
- **'Unit 5 – Typical Plans: Sheet A1-051', prepared by WJ CADZOW & Associated Ltd and dated 03/15/17**
- **'Tiers Villas: Unit 5 – context: drawing number INT 200', prepared by Yoke**
- **'Tiers Villas: Unit 5 – GF FFL: drawing number INT 210', prepared by Yoke and dated 15/09/2017**
- **'Tiers Villas: Unit 5 – FF FFL: drawing number INT 211', prepared by Yoke and dated 15/09/2017**
- **'Tiers Villas: Unit 5 – SF FFL: drawing number INT 212', prepared by Yoke and dated 15/09/2017**
- **'Tiers Villas: Unit 5 – Courtyard: drawing number INT 213', prepared by Yoke and dated 15/09/2017**
- **'Tiers Villas: Unit 5 – Elevations: drawing number INT 220', prepared by Yoke and dated 15/09/2017**
- 'Block C – Floor Plans' Contract 16010 RC-C-01 Date 07/07/16
- 'Block C – Typical Plans' Contract 16010 Sheet RC-C-02 Date 07/07/16
- 'Block C – Elevations Contract 16010 RC-C-03 Date 07/07/16

#### Clark Fortune McDonald & Associates

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev ~~B~~ **D**
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev ~~A~~ **C**
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev ~~A~~ **D**
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev ~~A~~ **D**
- 'The Tiers Villas Car Parking Layout' Job No 12377 Dwg 10 Sheet 001 Rev D
- ~~'The Tiers Villas Landscaping and Outdoor Living Spaces' Job No 12377 Dwg 09 Sheet 01 Rev B~~
- **'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev D', prepared by Clark Fortune McDonald & Associates and dated 17/09/2017**
- 'Wheelie Bin Plan'
- 'Wheelie Bin Collection Plan'

**stamped as approved on 23 January 2017 and 15 November 2017,**

### Condition 6a

The provision of a water supply to the ~~42~~ **14** residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.



**Condition 6b**

The provision of a foul sewer connection from the ~~42~~ **14** residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.

**Condition 6g**

The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Car Parking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, ~~Rev B~~ **Rev C**, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.

**Condition 11a**

Certify to Council in writing that the foundations of each building subject to this consent (comprising ~~12~~ **4** Residential Units) have been set out in accordance with the approved consent in terms of levels and position; and

**Subdivision Conditions****Condition 1**

That the development must be undertaken/carried out in accordance with the plans:

Clark Fortune McDonald & Associates

- ~~• 'Lots 1 - 12 & 100 Being a subdivision of Lot 10 DP 490069' Job No 12377 Dwg 07 Sheet 01 Rev B~~
- ~~• 'Lots 1 - 12 & 100 Being a subdivision of Lot 10 DP 490069 - Stage 1' Job No 12377 Dwg 07 Sheet 01 Rev D~~
- ~~• 'Lots 1 - 12 & 100 Being a subdivision of Lot 10 DP 490069 - Stage 2 & 3' Job No 12377 Dwg 07 Sheet 01 Rev D~~
- **'Lots 1 - 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 001 Rev F', dated 12/10/2017**
- **'Lots 1 - 14 & 100 Being a Subdivision of Lot 10 DP 490069 - Staging: drawing number 07: sheet 002 Rev F', dated 12/10/2017**
- **'Lots 1 - 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 003 Rev F', dated 12/10/2017**
- **'Lots 1 - 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 004 Rev F', dated 12/10/2017**
- **'Lots 1 - 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 005 Rev F', dated 12/10/2017**

**stamped as approved on 15 November 2017 ~~23 January 2017~~**

**Condition 4**

This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 1 - 4

Stage 2: Lots ~~5-8~~ **6-10**

Stage 3: Lots ~~9-12~~ **11-14**

**Stage 4: Lot 5 & 100**



Stage 1 shall precede all other stages. Stages 2 – ~~3-4~~ thereafter may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

#### **Condition 7a**

The provision of a water supply to the ~~42~~ **14** residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.

#### **Condition 7b**

The provision of a foul sewer connection from the ~~42~~ **14** residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.

#### **Condition 7g**

The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Car Parking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, ~~Rev B~~ **Rev C**, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.

#### Advice note

- All other conditions of RM160718 shall continue to apply.

## **8.0 OTHER MATTERS**

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required for the additional two residential units. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.



If you have any enquiries please contact Hamish Anderson on phone 021 707 740 or email hamish.anderson@qldc.govt.nz.

Report prepared by



Hamish Anderson  
**CONSULTANT SENIOR PLANNER**

Decision made by



Alana Standish  
**SENIOR PLANNER**

- APPENDIX 1** - Consent Conditions
- APPENDIX 2** - Updated Consent Conditions of RM160181
- APPENDIX 3** - Updated Consent Conditions of RM160718
- APPENDIX 4** - Applicants AEE



## **APPENDIX 1 – LAND USE CONSENT CONDITIONS – RM170614**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Block B – B & Grid Layout Plans: Sheet A0-03', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17
  - 'Unit 5 – Typical Plans: Sheet A1-051', prepared by WJ CADZOW & Associated Ltd and dated 03/15/17
  - 'Elevations: Sheet A2-02', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17
  - 'Proposed Units on Lot 10 DP 490069: Drawing No. 08 Sheet 001, Rev D', prepared by Clark Fortune McDonald & Associates and dated 11.10.17.
  - 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev D', prepared by Clark Fortune McDonald & Associates and dated 17.09.17.
  - 'The Tiers Villas Proposed Earthworks Design: Drawing No. 16, Sheet 001, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design, Stage 1 Earthworks Only: Drawing No. 16\_Sheet 001a, Rev-', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section A & B: Drawing No. 16\_Sheet 003, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section C: Drawing No. 12\_02, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section D: Drawing No. 12\_03, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section E: Drawing No. 12\_04, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section F: Drawing No. 12\_05, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section G: Drawing No. 12\_06, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section H: Drawing No. 12\_07, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section I: Drawing No. 12\_08, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section O: Drawing No. 16 Sheet 010, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section P: Drawing No. 16 Sheet 011, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section L: Drawing No. 16 Sheet 012, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.

**stamped as approved on 15 November 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.
3. All earthworks shall be undertaken in accordance with the conditions of RM160181 (as varied by RM170614).



4. The Landuse conditions of RM160718 (as varied by RM170614) shall apply to the construction of new buildings 5 and 6.

#### **APPENDIX 1 – SUBDIVISION CONSENT CONDITIONS – RM170614**

All the plans and conditions of this subdivision are contained in the updated Conditions of RM160181 in Appendix 2 below. They do not need to be replicated here.



## **APPENDIX 2 – RM160181 CONSENT CONDITIONS AS VARIED BY RM170614**

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'The Tiers Villas Proposed Earthworks Design: Drawing No. 16, Sheet 001, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design, Stage 1 Earthworks Only: Drawing No. 16\_Sheet 001a, Rev-', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section A & B: Drawing No. 16\_Sheet 003, Rev -', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section C: Drawing No. 12\_02, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section D: Drawing No. 12\_03, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section E: Drawing No. 12\_04, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section F: Drawing No. 12\_05, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section G: Drawing No. 12\_06, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section H: Drawing No. 12\_07, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section I: Drawing No. 12\_08, Rev A', prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section O: Drawing No. 16 Sheet 010, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section P: Drawing No. 16 Sheet 011, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.
  - 'The Tiers Villas Proposed Earthworks Design Section L: Drawing No. 16 Sheet 012, Rev – prepared by Clark Fortune McDonald & Associates and dated 01/01/2014.

**stamped as approved on 15 November 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.



***To be completed prior to the commencement of any works on-site***

- 3a. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
4. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan to undertake works within the State Highway road reserve to the Network Management Consultant at Opus International Consultants of Alexandra for approval, unless the sites are already covered under an existing and current OPUS approved Traffic Management Plan. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Engineer at Council prior to works commencing.
5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - a) Realignment of the 100mm diameter PE water main within the southwest corner of Lot 10 RM050520. This shall include longitudinal sections of the realignment, final ground covers, Schedule 1A Design Certificate and details confirming the service will remain centrally within a 3m wide easement in gross.
  - b) The provision of a Construction Methodology for the water main realignment. The Construction Methodology shall propose consultation and inspection milestones with Council engineering staff and ensure domestic and fire fighting pressures and flows to downstream properties are not compromised.
6. The Council reviewed and accepted works in Condition (5) above shall be completed and Schedule 1B and 1C Completion Certificates issued by the Contractor and the Engineer advised in Condition (3a) prior to starting any other earthworks in the vicinity of the water main.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the site management plan submitted with the consent application. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
8. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the 'Geotechnical report for Resource Consent, Lot 10 (Subdivision of Lot 2 DP 305273), The Tiers Queenstown, February 2016, Geosolve Reference 140412,' and who shall supervise the excavation and filling procedure and retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.



***To be monitored throughout earthworks***

9. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the; Geotechnical report for Resource Consent, Lot 10 (Subdivision of Lot 2 DP 305273), The Tiers Queenstown, February 2016, Geosolve Reference 140412.
10. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability. The consent holder shall ensure that construction of the retaining walls is completed as soon as practicable on completion of the excavations. If the cuts will be left unstabilised for more than 8 weeks following excavation, temporary retaining and/or protection measures shall be installed to protect the exposed batter face from the elements and potential erosion or instability until such time as the cut is permanently stabilised.
11. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and certification. The Consent holder shall implement any measures proposed in the report that will mitigate any negative effects of the vibration.
12. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
13. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
14. No earthworks or rock anchors, being temporary or permanent are to breach the boundaries of Lot 10 RM050520.

***On Completion of Earthworks***

15. All earthworks and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 1.4 of NZS 4404:2004. This shall include the issue of a Completion Report and Schedule 2A certificate on completion to the Principal Engineer for the Council.
16. In the event that the Schedule 2A certificate issued under Condition (15) contains limitations or remedial works required for future building development, then an s108 covenant shall be registered on the relevant Computer Freehold Registers. The s108 covenant condition shall read; "Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."



17. On completion of the earthworks, the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water reticulation (including private laterals and toby positions).
  - b) All earthworked and/or exposed areas shall be topsoiled and grassed/revegetated or otherwise permanently stabilised.
  - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
18. Hours of operation for earthworks, shall be:
- Monday to Friday (inclusive): 8.00am to 6.00pm.
  - Saturday 8:00am to 12pm
  - Sundays and Public Holidays: No Activity
- In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.
19. The consent holder shall ensure that construction sound shall comply with with NZS 6803:1999.

#### Advice Notes

1. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
2. Prior approval from Council's Three Waters Manager and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if the Council water supply is to be utilised for dust suppression during earthworks.



## **APPENDIX 3 – UPDATED CONSENT CONDITIONS RM160718 AS VARIED BY RM170614**

### **Land Use**

#### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:

#### WJ Cadzow & Associates Ltd

- -'Block A – Typical Plans' Contract 16010 Sheet A-A2-02 Date 07/06/16
- 'Block A – Floor Plans' Contract 16010 RC-A-01 Date 06/26/14
- 'Block A – Elevations Contract 16010 RC-A-03 Date 06/26/14
- 'Block B – Floor Plans' Contract 16010 RC-B-01 Date 07/07/16
- 'Block B – Typical Plans' Contract 16010 Sheet RC-B-02 Date 07/07/16
- 'Block B – Elevations Contract 16010 RC-B-03 date 07/07/16
- 'Block B – B & Grid Layout Plans: Sheet A0-03', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17'Elevations: Sheet A2-02', prepared by WJ CADZOW & Associated Ltd and dated 03/14/17'Block C – Floor Plans' Contract 16010 RC-C-01 Date 07/07/16
- 'Tiers Villas: Unit 5 – context: drawing number INT 200', prepared by Yoke
- 'Tiers Villas: Unit 5 – GF FFL: drawing number INT 210', prepared by Yoke and dated 15/09/2017
- 'Tiers Villas: Unit 5 – FF FFL: drawing number INT 211', prepared by Yoke and dated 15/09/2017
- 'Tiers Villas: Unit 5 – SF FFL: drawing number INT 212', prepared by Yoke and dated 15/09/2017
- 'Tiers Villas: Unit 5 – Courtyard: drawing number INT 213', prepared by Yoke and dated 15/09/2017
- 'Tiers Villas: Unit 5 – Elevations: drawing number INT 220', prepared by Yoke and dated 15/09/2017
- 'Block C – Typical Plans' Contract 16010 Sheet RC-C-02 Date 07/07/16
- 'Block C – Elevations Contract 16010 RC-C-03 Date 07/07/16

#### Clark Fortune McDonald & Associates

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev D
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev C
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev D
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev D
- 'The Tiers Villas Car Parking Layout' Job No 12377 Dwg 10 Sheet 001 Rev D
- 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev D', prepared by Clark Fortune McDonald & Associates and dated 17/09/2017
- 'Wheelie Bin Plan'
- 'Wheelie Bin Collection Plan'

**stamped as approved on 23 January 2017 and 15 November 2017,**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.



- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.

### **General**

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

### **To be completed prior to the commencement of any works on-site**

4. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
6. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
- a) The provision of a water supply to the 14 residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 14 residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.



- e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.
- f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev C, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

#### **Prior to construction of any dwelling/unit**

- 7. The consent holder shall complete any identified geotechnical work from condition 7(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

#### ***To be completed when works finish and before occupation of any dwelling/unit***

- 8. Prior to the occupation of any dwelling/unit, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).



- b) The completion and implementation of all certified works detailed in Condition 7 above.
- c) Any power supply connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
- d) Any wired telecommunications connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
- e) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- g) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to occupation.

#### **Prior to construction of any dwelling/unit**

- 9. The consent holder shall complete any identified geotechnical work from condition 5(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

#### **Accidental Discovery Protocol**

- 10. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
  - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
  - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.



- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
  - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

#### Surveyor's Certificate

11. In order to ensure that the proposed buildings are located exactly as proposed in the application and comply with the maximum height control of the Queenstown Lakes District Plan, or the degree of infringement applied for (as it relates to Block 2 and Block 5), the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
  - a) Certify to Council in writing that the foundations of each building subject to this consent (comprising 14 Residential Units) have been set out in accordance with the approved consent in terms of levels and position; and
  - b) Confirm to Council in writing upon completion of each building that it has been built in accordance with the approved plans, and complies with the maximum height control/degree of infringement applied for.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

#### Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.



## Subdivision

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

#### Clark Fortune McDonald & Associates

- 'Lots 1 – 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 001 Rev F', dated 12/10/17
- 'Lots 1 – 14 & 100 Being a Subdivision of Lot 10 DP 490069 - Staging: drawing number 07: sheet 002 Rev F', dated 12/10/17
- 'Lots 1 – 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 003 Rev F', dated 12/10/17
- 'Lots 1 – 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 004 Rev F', dated 12/10/17
- 'Lots 1 – 14 & 100 Being a Subdivision of Lot 10 DP 490069: drawing number 07: sheet 005 Rev F', dated 12/10/17

**stamped as approved on 13 November 2017,**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

### General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:  
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

4. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 1 - 4

Stage 2: Lots 6 - 10

Stage 3: Lots 11 - 14

Stage 4: Lots 5 and 100

Stage 1 shall precede all other stages. Stages 2 - 4 thereafter may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.



***To be completed prior to the commencement of any works on-site***

5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
  - a) The provision of a water supply to the 14 residential units in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 14 residential units to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.
  - f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.



- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev C, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

***To be completed before Council approval of the Survey Plan***

- 8. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

*Note: No service easements in gross shall be created without prior written approval from Council.*

- b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

*Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]*

***To be completed before issue of the s224(c) certificate***

- 9. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on each lot shall be confirmed. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed).



- b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- c) The completion and implementation of all works detailed in Condition 8 above.
- d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
- i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 6 for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- j) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
- k) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- l) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- m) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.



- n) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and service infrastructure associated with the subdivision. The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

### **Ongoing Conditions/Consent Notices**

10. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a) All lot owners are required to be part of a management entity. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
  - b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
  - c) All owners/occupiers of any Residential Unit shall ensure that rubbish and recycling bins are located in immediate proximity to their residential units and on their own sites, or within the '*right to store rubbish*' easement identified on the scheme plan, on all days except for those when refuse/recycling by Council is scheduled. Bins may however be taken to the collection points on the evening of the day preceding the scheduled collection.
  - d) In the event that the Schedule 2A certificate issued under Condition (8) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; "*Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building.*"

### **Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.



### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the “[Notice of Works Starting Form](#)” and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the Engineering Acceptance Application form and submit this completed form and an electronic set of documents to [engineeringacceptance@qldc.govt.nz](mailto:engineeringacceptance@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>



**APPENDIX 4 – APPLICANTS AEE**



**ATTACHMENT [A]**

**Assessment of Effects on the Environment**

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***Alpha Properties Ltd***

**COMPREHENSIVE DEVELOPMENT  
VEHICLE CROSSING  
SUBDIVISION**



**June 2017**

**Prepared by:** Nick Geddes

**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS





## **1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:**

### **1.1 Site Description**

The subject site is located on the northern side of Frankton Road (State Highway 6A), between Queenstown and Frankton. The site is legally described as Lot 10 DP 490069, being 0.9886 hectares in area and contained within computer freehold register identifier 706713. A recent search copy of computer freehold register is contained within Attachment [B].

The topography of the site rises up from the southern boundary to the northern. Exploratory earthworks have been undertaken on the subject site under RM160181 to establish the nature of subsurface conditions while RM160718 approved 12 residential units on the property.

An internal access Potters Hill Drive has been constructed in accordance with the original subdivision consent RM050520.01. This Road provides access to the subject site via a formed intersection with Frankton Road.

A location plan is contained in Attachment [C] to this application.

### **1.3 Site History**

- |                 |   |
|-----------------|---|
| <b>RM050520</b> | Approved on 20 May 2008, by Commissioners Mr Trevor Shields and Mr Lyall Cocks. This granted consent to subdivide Lot 2 Deposited Plan 305273 into 17 fee simple residential allotments with associated earthworks.   |
| <b>RM160181</b> | Application to carry out earthworks on Lots 10 and 11 of approved subdivision RM050520 as amended by RM050520.01 involving 7200m <sup>3</sup> of earthworks at Frankton Road, Frankton.   |
| <b>RM160718</b> | Application to construct a comprehensive residential development with 12 residential units that will breach maximum height and outdoor living space, including subdivision of the site into 12 allotments, each to contain a residential unit. Consent is also sought to breach transportation standards. Approved 24 <sup>th</sup> January 2017. |

A full copy of the relevant decisions listed above are contained in Attachment [D] to this application.

#### **Summary;**

The subject site was created by subdivision consent RM050520 which approved the creation of 17 separate fee simple allotments. RM160181 approved earthworks on the subject site which has





enabled the design of the proposed development while RM160718 approved the construction of 10 residential allotments each containing one unit.

#### 1.4 The Proposal

The subject site was identified under RM050520 as containing suspected instability which would only be confirmed (or not) by further detailed geotechnical investigation following the earthworks approved under RM160181. Subsequent to geotechnical investigation ground conditions have been confirmed as suitable for a further two residential units alongside the twelve approved under RM160718.

The current application is sought for a variation to RM160718 to replace approved drawings containing twelve units with those approving (should consent be granted) with 14 which is considered to keep Council records complete as opposed to approving the two units in isolation from the remainder of the development.

However, it is considered that there is insufficient scope within the approved consent RM160718 to address the additional infringements associated with the two units so this application has been divided in two where Part A relates to landuse consent for the two units and Part B relates to the variation of RM160718.

Please note: The plans subject of the current application reference additional units as Unit 5 and Unit 6 not 13 and 14.

#### Part A: Landuse / Subdivision

##### 1.4.1 Earthworks

The bulk of earthworks required to establish the development has been approved under RM160181:

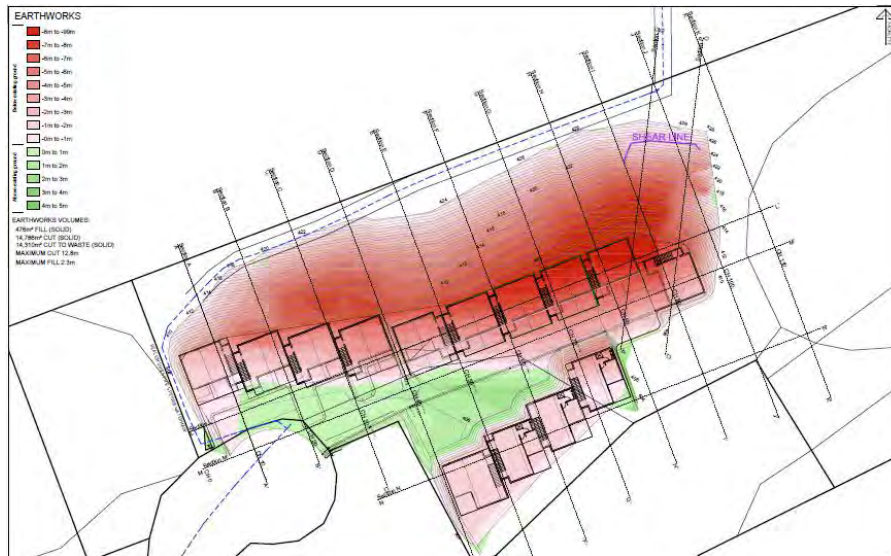


**Figure 1: Approved Earthworks, Page 45, RM160181 Decision (Attachment D)**





However, following further site investigation a revised earthworks plan is proposed:



**Figure 2: Proposed Earthworks (Attachment E)**

RM160181 approved a total of 7200m<sup>3</sup> of cut, 650m<sup>3</sup> of fill with a maximum cut height of 9.5 metres. The current application seeks consent for a total of 14786m<sup>3</sup> of cut, 476m<sup>3</sup> of fill with a maximum cut height of 12.8 metres and maximum fill height of 2.3 metres.

### 1.4.2 Buildings

Units approved under RM160718 feature materials chosen to appear recessive and incongruous with the site and surrounding area. Materials appear consistent across the apartment blocks in order to complete this recessive appearance across the subject site. Materials include:

- Selected double glazed aluminium joinery;
- Glass Balustrade;
- Stone veneer;
- Vertical Shiplap Cedar Weatherboards;
- Charcoal 20 series concrete block wall;

Proposed Units 5 and 6 feature the materials approved under RM160718 to align with the approved built environment of the subject site. Plans of the proposed units are contained in Attachment [F].

### 1.4.3 Outdoor Living Areas

Proposed Unit 5 affords 101m<sup>2</sup> of useable outdoor living area to the north of the proposed unit while proposed Unit 6 affords 42m<sup>2</sup> also to the north of the proposed unit. These areas are detailed on the plan contained in Attachment [G].





#### 1.4.4 Access

Access to the subject site is from Potters Hill Drive via a 19.5m wide vehicle crossing as measured along the boundary of the property. RM160718 approved a 19.5m wide vehicle crossing to be split into three crossings where Lot 12 RM160718 measures 7m, Lot 11 RM160718 measures 7.5m and Lot 10 RM160718 measures 5.0m.

This crossing provides the right-of-way easements which enable vehicle access to the additional two allotments subject of the current application. RM160718 identified and approved an shortfall in the required vehicle queuing where the current application results in additional loading in terms of vehicle queuing. This has been discussed in detail in Part 2.2.3 of this application.

Potters Hill Drive was designed, approved and constructed in accordance with the original subdivision consent RM050520.01. This consent anticipated a maximum of 51 residential units based upon the yield of the subdivision which is detailed in Para 22 of the Traffic Engineers evidence contained in Attachment [H] to this application. The original subdivision had the support of NZTA (Transit) which is contained in Attachment [H] along with subsequent approvals from NZTA.

NZTA are settled that Potters Hill Drive and its intersection with Frankton Road can afford up to 51 residential units without upgrade. As such, the plan contained in Attachment [H] denotes the count at the time RM160718 was approved being 49 units towards the 51 unit threshold. As such, the proposal results in this count being 51 units.

#### 1.4.5 Parking

Car parking spaces have been designed with dimensions which measure 5m x 2.6m as depicted on the plans contained in Attachment [F]. Sufficient manoeuvring has been provided to enable vehicles to avoid reverse manoeuvring onto Potters Hill Drive.

#### 1.4.6 Subdivision

Proposed Lot 5 comprises of 1200m<sup>2</sup> while Lot 6 comprises of 325m<sup>2</sup>. As such, Lot 5 meets the minimum lot size for the zone being 600m<sup>2</sup> while Lot 6 requires the building to be fully measurable on the site prior to the completion of the subdivision.

In addition to the above, Lot 3 RM160718 comprised of 205m<sup>2</sup> while it is proposed under the current application as 200m<sup>2</sup>. All proposed and approved allotments are depicted on the plans contained in Attachment [I].

Part 15.2.6.3 of the District Plan stipulates:





*"No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit".*

Should consent be granted the consent holder intends on constructing the development and completing the subdivision when the buildings are fully measurable. Since the buildings have not yet been constructed any consent approval must be conditional on the roofs being complete. As such, the following condition is offered:

*"With the exception of Lots 5 & 100, prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on-each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed)".*

#### 1.4.7 Services

The completion of the RM050520.01 subdivision Lot 10 was fully serviced with water, power, telecom and effluent disposal. RM160718 confirmed servicing in relation to 12 units on the subject site. The approved servicing is considered to afford adequate capacity to accommodate the additional two units proposed under the current application. Details of servicing approved under RM160718 appear in Attachment [J].

Conditions of consent are offered in Attachment [K] which directly reflects those imposed in RM160181.

### **Part B: Variation to RM160718**

#### 1.4.8 Condition 1 (Landuse and Subdivision)

As discussed earlier in part 1.3 of this application a variation is sought to replace plans approved under RM160718. These include the plans contained in Attachments [F], [G] and [I] which requires the following amendment to condition 1 of RM160718 where ~~strike through~~ denotes text to be removed and underlined denotes text to be added:

#### **Land Use**

##### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:

WJ Cadzow & Associates Ltd

- 'Site Plan' Contract 16010 Sheet A-A1-01 Date 03/04/14
- 'Block A – Typical Plans' Contract 16010 Sheet A-A2-02 Date 07/06/16
- 'Block A – Floor Plans' Contract 16010 RC-A-01 Date 06/26/14
- 'Block A – Elevations Contract 16010 RC-A-03 Date 06/26/14
- 'Block B – Floor Plans' Contract 16010 RC-B-01 Date 07/07/16
- 'Block B – Typical Plans' Contract 16010 Sheet RC-B-02 Date 07/07/16





**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

- 'Block B – Elevations Contract 16010 RC-B-03 date 07/07/16
- 'Block C – Floor Plans' Contract 16010 RC-C-01 Date 07/07/16
- 'Block C – Typical Plans' Contract 16010 Sheet RC-C-02 Date 07/07/16
- 'Block C – Elevations Contract 16010 RC-C-03 Date 07/07/16

Clark Fortune McDonald & Associates

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev B
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev A
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev A
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev A
- 'The Tiers Villas Car Parking Layout' Job No 12377 Dwg 10 Sheet 001 Rev B
- 'The Tiers Villas Landscaping and Outdoor Living Spaces' Job No 12377 Dwg 09 Sheet 01 Rev B
- 'Wheelie Bin Plan'
- 'Wheelie Bin Collection Plan'

**stamped as approved on 23 January 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

**Subdivision**

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

Clark Fortune McDonald & Associates

- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069' Job No 12377 Dwg 07 Sheet 01 Rev B
- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069 – Stage 1' Job No 12377 Dwg 07 Sheet 01 Rev D
- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069 – Stage 2 & 3' Job No 12377 Dwg 07 Sheet 01 Rev D

**stamped as approved on 23 January 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

1.4.9 Condition 6(a) & (b) Landuse

In order for the amended condition set to remain succulent it is considered necessary to amend reference from 12 units to 14 units:

- a) The provision of a water supply to the ~~42~~ 14 residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.





- b) The provision of a foul sewer connection from the ~~12~~ 14 residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.

#### 1.4.9 Condition 4 (Subdivision) Staging

In order for the amended condition set to remain succulent it is considered necessary to include the additional two lots in the original staging condition:

This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 1 - 4

Stage 2: Lots ~~5~~ – ~~8-6~~ - 10

Stage 3: Lots ~~9~~ – ~~12-11~~ – 14

Stage 4: Lot 5 & 100

Stage 1 shall precede all other stages. Stages 2 – ~~3~~ 4 thereafter may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

#### 1.4.9 Condition 7(a) & (b) Subdivision

In order for the amended condition set to remain succulent it is considered necessary to amend reference from 12 units to 14 units:

- a) The provision of a water supply to the ~~12~~ 14 residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
- b) The provision of a foul sewer connection from the ~~12~~ 14 residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.





## 1.5 Statutory Provisions

### 1.5.1 Queenstown Lakes District Council Operative District Plan

The subject sites are located within the Low Density Residential Zone of the District Plan. The site contains no known protected items or areas of significant vegetation.

## Part A: Landuse / Subdivision

### 22.3.2.3 Restricted Discretionary

Pursuant to Rule 22.3.2.3 restricted discretionary activity consent as the proposal includes 14,786 cubic metres of earthworks which breaches site standard 22.3.3(i)(a).

Pursuant to Rule 22.3.2.3 restricted discretionary activity consent as the maximum height of cut is 12.8m which breaches site standard 22.3.3(ii)(b)(i).

Pursuant to Rule 22.3.2.3 restricted discretionary activity consent as the maximum height of fill is 2.3m which breaches site standard 22.3.3(ii)(b)(ii).

### 7.5.3.4 Discretionary Activities

The following shall be Discretionary Activities provided they are not listed as a Prohibited or Non-Complying Activity and they comply with all the relevant Zone Standards:

#### (v) Comprehensive Residential Developments located in the Low Density Residential Zone.

Comprehensive Residential Development by definition means a comprehensively planned and designed collection of two or more Residential units where:

- (a) the building and subdivision consents are submitted concurrently
- (b) the net area for a residential unit is less than 450m<sup>2</sup>
- (c) the net area of the site containing all residential units is 2000m<sup>2</sup> or larger.

The current application includes both landuse and subdivision, while building consents for the proposed units are currently being finalised for lodgement. The range in lot sizes is detailed below. The subject site is 9886m<sup>2</sup> prior to the proposed subdivision.

### 14.2.2.3(ii) Discretionary Activities





Any activity which does not comply with the following **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

#### **Length of Vehicle Crossings [Part 14.2.4.2(i)]**

The maximum crossing length shall be 6 metres per residential allotment.

A 19.5m wide vehicle crossing is measured along the boundary of the subject site.

Upon completion of the subdivision the vehicle crossing for Lot 12 measures 7m and Lot 11 measures 7.5m.

#### **7.5.3.5 Non-Complying Activities**

Any activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone** standards, shall be a **Non-Complying Activity**.

#### **15.2.3.4 Non-complying Activities**

Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a Non-Complying Subdivision Activity.

Pursuant to Part 15.2.6.3 no lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone where the minimum for Low Density Residential Zone is 600m<sup>2</sup>. Lots which comply with this Zone Standard are underlined below:

#### **STAGE 1**

Lot 1	320m <sup>2</sup>	Lot 2	225m <sup>2</sup>	Lot 3	200m <sup>2</sup>	Lot 4	305m <sup>2</sup>
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#### **STAGE 2**

Lot 6	325m <sup>2</sup>	Lot 7	320m <sup>2</sup>	Lot 8	320m <sup>2</sup>	Lot 9	320m <sup>2</sup>
Lot 10	355m <sup>2</sup>						

#### **STAGE 3**

Lot 11	380m <sup>2</sup>	Lot 12	370m <sup>2</sup>	Lot 13	295m <sup>2</sup>	Lot 12	400m <sup>2</sup>
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#### **STAGE 4**

Lot 5	<u>1200m<sup>2</sup></u>	Lot 100	3590m <sup>2</sup>
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The relevant assessment criteria specified for the above are discussed in detail in Part 4.0 of this application.





### 1.5.2 Resource Management Act 1991

Section 127 of the Resource Management Act provides for the holder of a resource consent to apply for a change of a condition of the consent. Section 127 states:

- (3) Sections 88 to 121 apply, with all necessary modifications, as if—
  - (a) the application were an application for a resource consent for a discretionary activity; and
  - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.
- (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who—
  - (a) made a submission on the original application; and
  - (b) may be affected by the change or cancellation.

In accordance with Section 3(a) above the proposed variation is for a **discretionary** activity.

### 1.5.3 Proposed Queenstown Lakes District Council District Plan

The subject site is located within the Low Density Zone of the Proposed District Plan and contains no known protected items or areas of significant vegetation. Submissions on the Proposed District Plan are being heard.

It is considered unnecessary to undertake a weighting exercise. However, it is worthy to note what direction Council policy makers intend for the Proposed Zone. This has been considered further in Part 3.0 of this application.

### 1.5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

Detailed site reviews have been undertaken and no records have been found that would suggest an activity on the HAIL has been carried out in the past. Details of the NES assessment are included as Attachment [L] to this application.

## **1.6 Classes of Activities**

A number of instruments are registered on the titles for the subject property:





**Land Covenant 10097957.3**, requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must authorized by Albatross QT Ltd and not deviated from without further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.

**Encumbrance 10154387.2**, relates to the management of the company The Tiers Management Limited in its duties to monitor and maintain roading, stormwater disposal, pedestrian access and water supply.

**Land Covenant 10449745.28**, requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must authorized by Albatross QT Ltd and not deviated from without further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.

**Consent Notice 10097957.4**, requires the construction of a vehicle crossing to Council standard and payment of additional head works fees where applicable. This consent notice includes conditions (c) and (d) which are subject to this consent application.

**Consent Notice 10449745.29**, requires to geotechnical constraints on the subject site and payment of additional head works fees where applicable. This consent notice includes conditions (7) and (8) which are subject to this consent application.

**Consent Notice 10154387.11**, requires lot owners to locate rubbish and recycling bins within their lots on certain days.

**Land Covenant 10449745.28**, relates to buildings, use of land, no further subdivision, insurance, consequences of breach and conflict.

Copies of the above are contained in Attachment [B] to this application.

Affected Party Approval from Albatross QT is contained in Attachment [M] to this application.

Overall, with Parts 1.5 and 1.6 fully considered the current application is a **non-complying** activity.

## **2.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:**





**2.1 It is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

**2.2 An assessment of actual or potential effects on the environment of the proposed activity:**

2.2.1(a) Permitted Baseline

Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. A number of activities are permitted on the site and therefore form part of the permitted baseline for the site:

- Residential buildings are a permitted activity in the Low Density Residential Zone up to a maximum height of 8m above ground level.
- Earthworks up to 100m<sup>3</sup> of over an area of 200m<sup>2</sup>.
- 40% of the net site area or 3739.2m<sup>2</sup> of building coverage is anticipated on the subject site.
- 1 residential unit per 450m<sup>2</sup> is anticipated or 20 units on the subject site.

2.2.1(b) Consented Baseline

Part 1.3 details RM160718 and RM160181 while copies of these decisions are contained in Attachment [D]. RM160181 approves substantial earthworks on the subject site. RM160718 approves building structures towards the western and southern boundaries of the subject site. Due to the location of the proposed units 5 & 6 situated centrally on the site behind the approved units when viewed from public places a considerable consented baseline is considered to exist. This is discussed further in parts 2.2.2 and 2.2.3 below.

2.2.2 Any physical effect on the locality, including any landscape and visual effects

The subject site is located in a low density residential zone.

The proposed development has been constructed with materials have been detailed in Part 1.4 above and are considered to be appropriate and consistent without the materials that furnish existing built form in the area.

Due to the existing topography, development on the lower slopes of the site, surrounding properties and approved under RM160718 the proposed Units 5 and 6 will not be visible when travelling along Frankton Road.





Proposed Unit 5 will be partially visible from Peninsula Road and some roads throughout Frankton. However, when viewed from this distance the proposal must be considered in the context of all residential development along the southern slopes of Queenstown Hill. In this context the proposal is considered to be acceptable. Proposed Unit 6 will effectively be screened by approved development.

The eastern boundary of the site is located on the eastern side of a gully system which runs north / south down the subject site. A number of mature Douglas Fir and other exotic species stand within this gully, along boundary and parts of the adjoining Lot 2 DP 20473. Any view of the proposed units will be considerably diminished by these trees coupled with excavation which limits the amount of built form to the upper levels of the proposed development. As discussed, the material appearance of the proposal is considered acceptable. Any adverse effects from the proposed development upon the visual amenity currently afforded on Lot 2 DP 20473 will be de minimis.

The western boundary is shared with Lot 17 DP 490069. The proposed units are located on the eastern end of Blocks B and C which contain eight residential units of similar bulk and location as those proposed under the current application. Given the bulk of approved building between the proposed units and Lot 17 DP 490069 no adverse effects in terms of locality, including any landscape and visual effects upon Lot 17 DP 490069 are anticipated.

Overall, the appearance of the proposed residential blocks is considered consistent with the approved buildings and buildings on adjoining properties and the surrounding area all of which are anticipated in Low Density Residential Zone. As a result, any adverse physical effects including any landscape and visual effects are considered to be de minimis.

2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

*Views / Outlook / Privacy*

The topography of the site and surrounding area rises steeply to the north. As such, the northern neighbour Lot 2 DP 409336 affords an elevated ground level above the subject site. The proposed units will be constructed within the landform of the site which enables the overall height of the proposed buildings to stand below the existing ground level at the common boundary with Lot 2 DP 409336. This ensures that the views, outlook and privacy currently afforded from the neighbouring property to the north will not be compromised by the proposed development.

The proposed units are situated some 91 metres from the existing residential building on Lot 2 DP 20473 to the east. The bulk and location of the proposal is considered to be sufficiently removed from the property to the east to ensure that any adverse effects upon any views / outlook from or privacy within Lot 2 DP 20473 will be de minimis.





The proposed units are located on the eastern end of Blocks B and C which contain eight residential units of similar bulk and location as those proposed under the current application. Given the bulk of approved building between the proposed units and Lot 17 DP 490069 no adverse effects in terms of views / outlook upon and privacy within Lot 17 DP 490069 are anticipated.

Lots 12, 13 & 14 DP 490069 are located to the south of the subject site. The proposed units are located to the north of Block A which contains four residential units of similar bulk and location towards the southern boundary of the subject site. Given the bulk of approved building between the proposed units coupled with the setback from the southern boundary any adverse effects in terms of views / outlook upon and privacy within any neighbouring properties to the south are considered to be nil to negligible.

Overall, any adverse effects from the proposed development upon the views/ outlook afforded from or privacy within any surrounding property will be de minimis.

#### *Dominance*

Both of the proposed units comply with the bulk and location controls for the Low Density Residential Zone. As such, any adverse effects in this regard must be anticipated within the zone.

#### *Sunlight / Daylight*

Both of the proposed units comply with the bulk and location controls for the Low Density Residential Zone. As such, any adverse effects in this regard must be anticipated within the zone.

#### *Traffic / Access: Residential*

The proposed development contains a sufficient number of parking spaces for the demand created from the proposed residential units.

The amount of traffic generated from these units has been anticipated in the design and construction of Potters Hill Drive as discussed in Part 1.4.4 above.

The proposal includes a large vehicle crossing where access from parking spaces associated with Units 5 and 6 is required to reverse manoeuvre onto Potters Hill Drive. From the crossing point vehicles afford clear lines of site to all road users. The nature of Potters Hill Drive at the point of crossing is a cul-de-sac. As such, the level of safety for all road users is considered to be undiminished as part of the proposal and any adverse effects associated with the same will be de minimis.

All remaining parking spaces afford sufficient manoeuvring on the site for vehicles to exit the site where any reversing vehicles from Units 5-6 will be in full view. No conflict between is anticipated.





*Traffic / Access: Construction*

A staged approach to building construction limits the number of construction vehicles and provides for sufficient room within the site to accommodate these vehicles. RM160718 provided development to be undertaken in three stages where Unit 6 is subsumed into the works programme for Stage 2 while Unit 5 is within Stage 4 works. Stage 1 must be completed prior to stages 2-4 which will ensure appropriate access to the proposed units and any adverse effects from construction traffic are anticipated to be de minimis.

2.2.4 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity

The site has already been modified from its natural state due to the earthworks undertaken in accordance with RM160181, therefore if any habitats were to be disturbed it would have already occurred.

2.2.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:

The subject site is not recognised as a site containing any significant aesthetic, recreational, scientific, historical, spiritual or cultural values.

2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants.

2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

An assessment of potential geotechnical constraints was undertaken at the time of the original subdivision consent by Tonkin Taylor Ltd which set the parameters for building design within the subdivision.

A detailed inspection of the site has been undertaken by Geosolve Ltd and it confirmed the sites suitability for the proposed building work through investigations which lead to the approval of the earthworks consent RM160181. The Geosolve Ltd report is contained in Attachment [N] while conditions applicable to the proposal from RM160181 appear in Attachment [K].

Following RM160181 earthworks a further two suitable sites for residential units have been identified and commentary on the geotechnical suitability of these sites is contained in Attachment [N].





**2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Please see section 2.2.7 above.

**2.4 If the activity includes the discharge of any contaminant, a description of...**

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) any possible alternative methods of discharge, including into any other receiving environment

Please refer to section 2.2.6

**2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Actual and potential adverse effects of the proposal have been considered in Part 2.2. No mitigation measures are considered necessary.

**2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

No persons are considered affected by the activity.

**2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

It is not expected that any monitoring will be required as part of this application.

**2.8 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

There are no known customary rights that the site is subject to therefore this is not applicable to this application.

**3.0 OPERATIVE DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT**

**3.1 District Wide Objectives and Policies**

**3.1.1 Natural Environment**





Objective 1 - Nature Conservation Values:

- The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.
- Improved opportunity for linkages between the habitat communities.
- The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.
- The protection of outstanding natural features and natural landscapes.
- The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.
- The protection of the habitat of trout and salmon.

Policies relevant to the above Objective being 1.1 – 1.20 have been considered. Due to the site not containing any significant indigenous ecosystems, plants, animals or extensive areas of natural character a majority of these policies are not considered relevant.

Objective 2: Air Quality

- Maintenance and improvement of air quality.

Policies:

- 2.1 *To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.*

The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air.

### **3.1.2 Landscape and Visual Amenity**

Objective:

- Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.
1. Future Development
- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.





- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

The proposal is considered to be consistent with Policies 1(a) to 1(c) above for the following reasons:

- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.

#### 6. Urban Development

- (a) To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.
- (b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.
- (c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:
  - maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;
  - ensuring that the subdivision and development does not sprawl along roads.
- (d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

The proposal is considered to be consistent with Policies 6(a) to 6(d) above for the following reasons:

- The subject site is not within an outstanding natural landscape or visual amenity landscape.

Policies 2 – 5 & 7 – 17 have been assessed and are not considered to be relevant to the proposal.

#### **3.1.3 Tangata Whenua**

#### **3.1.4 Open Space and Recreation**

#### **3.1.5 Energy**

#### **3.1.6 Surface of Lakes and Rivers**

#### **3.1.7 Solid and Hazardous Waste Management**

Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

#### **3.1.8 Natural Hazards**





Natural hazards have been considered above in 2.2.7.

### **3.1.9 Urban Growth**

### **3.1.10 Affordable and Community Housing**

### **3.1.11 Earthworks**

### **3.1.12 Monitoring, Review and Enforcement**

Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

## **3.2 Residential - Objectives and Policies**

### **3.2.1 District Wide Residential Objectives and Policies**

#### **Objective 1 - Availability of Land**

***Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.***

#### **Policies:**

- 1.1 *To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.*
- 1.2 *To enable new residential and visitor accommodation areas in the District.*
- 1.3 *To promote compact residential and visitor accommodation development.*
- 1.4 *To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.*
- 1.5 *To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.*
- 1.6 *To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

The proposal is considered to be consistent with 1.1 – 1.6 above for the following reasons:

- The proposal provides 2 residential units within an existing residential zone.
- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.
- The proposal does not promote any distinction between urban and rural areas but it is not considered to compromise any distinction.
- The proposal does not include any visitor accommodation.





## **Objective 2 - Residential Form**

**A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.**

### **Policies:**

- 2.1 *To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.*
- 2.2 *To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.*
- 2.3 *To provide for rural living activity in identified localities.*
- 2.4 *In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*
- 2.5 *To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.*

The proposal is considered to be consistent with 2.1 – 2.5 above for the following reasons:

- The subject site is within existing residentially zoned land and is not considered to represent urban expansion.
- The proposal does not include rural living or a new residential area
- The proposal is significantly below the density anticipated within the zone.
- The proposal is considered to represent a careful use of the topography by facilitating residential buildings upon a site which has a steep topographical incline.

## **Objective 3 - Residential Amenity.**

**Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.**

### **Policies:**

- 3.1 *To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*

The proposal is within the density anticipated within the zone and provides 2 further residential units into a developing area in the residential zone. This is considered to promote residential cohesion. The protection and enhancement of 'sense of community and well being' through residential neighbours is not understood.





- 3.2 *To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*

The proposal is within the density anticipated within the zone.

- 3.3 *To provide for and encourage high density residential development within the high density residential zones.*

The subject site is not within a high density residential zone.

- 3.4 *To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*

The subject site is zoned residential and does not constitute a landscape value which is considered significant. There is not a sufficient level of residential building in the immediate area to establish a level of coherent urban character.

- 3.5 *To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.*

Attachment [K] contains a suite of conditions which includes a condition limiting the hours of construction.

- 3.6 *To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*

Outdoor living areas are depicted on the plan contained in Attachment [G] along with proposed landscaping. While the underling topography does not facilitate extensive flat outdoor living areas the areas provided are considered to sufficient to service the indented occupancy of the residential units.

- 3.7 *To ensure residential developments are not unduly shaded by structures on surrounding properties.*

Any effect upon those in the neighbourhood and the wider community in terms of visual amenity, views, outlook, privacy, dominance and sunlight / daylight have been discussed in detail above in Part 2.2.2 and 2.2.3. Any adverse effects associated with the proposal are considered to be de minimis.

- 3.8 *To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*





Discussed in Policy 3.5 above.

- 3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

The proposed development includes five car parking spaces for two proposed residential units. Any adverse effects from the proposal in terms of access and parking is considered to be de minimis.

- 3.10 *To provide for and encourage new and imaginative residential development forms within the major new residential areas.*

'New and imaginative residential development forms' is not understood.

- 3.11 *To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments.*

The subject site is not considered to be within a critical listening environment.

- 3.12 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*

The proposal is within the density anticipated within the zone.

- 3.13 *To require an urban design review to ensure that new developments satisfy the principles of good design.*

An urban design review is not required.

- 3.14 *To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.*

These areas are distinguished by zones.

#### **Objective 4 - Non-Residential Activities**

The proposal does not include any non-residential activities.

### **3.3 Subdivision, Development and Financial Contributions - Objectives and Policies**





### 3.3.1 Objective 1 – Servicing

*The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.*

Policies 1.1 – 1.12 have been considered and the proposal is deemed to be consistent with these for the following reasons:

- Each proposed residential allotment / unit has a connection to Council effluent, stormwater and water reticulation.
- Telecommunications and Power have been confirmed in letters contained in Attachment [J] while a condition appears in Attachment [K] to ensure the same.

### 3.3.2 Objective 2 - Cost of Services to be Met by Subdividers

*The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.*

Policies 2.1 and 2.2 have been considered and the proposal is deemed to be consistent with these as the cost of the provision of services will be met by the applicant in order to obtain completion certificates.

### 3.3.3 Objective 3 - Reserve Contributions (Hydro Generation Zone only)

Not applicable.

### 3.3.4 Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

*The recognition and protection of outstanding natural features, landscapes and nature conservation values.*

Policies 4.1 – 4.4 have been considered and the proposal is deemed to be consistent with these as discussed in Part 2.2.2 of this application.

### 3.3.5 Objective 5 - Amenity Protection

*The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.*

Policies 5.1 – 5.8 have been considered and the proposal is deemed to be consistent with these as discussed in Part 2.2.2 of this application.





### 3.3.6 Objective 6 - 21

These Objectives and their respective policies have been considered deemed not to be relevant to the current proposal.

## **4.0 PROPOSED DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT**

Relevant Objectives and Policies of the Proposed District Plan are contained within Attachment [O] to this application. Submissions towards the Proposed District Plan closed on the 23<sup>rd</sup> of October and it is considered unnecessary to undertake a weighting exercise. While assessment cannot be made under the Proposed District Plan consideration of the Proposed District Plan can be made with a view to the direction Council policy makers intend for the Proposed Zone.

It is considered that the Proposed District Plan is more permissive in relation to the current proposal than the Operative District Plan.

## **5.0 OPERATIVE DISTRICT PLAN: RULES AND ASSESSMENT CRITERIA**

### Part A: Landuse & Subdivision

#### **5.1 Comprehensive Residential Development [Rule 7.7.2(vi)]**

- (a) *Any adverse effects of the activity in terms of:*
  - (i) *Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.*

Pursuant to Rule 7.5.5.3(iii) site density in the zone specifies the minimum net area for a residential unit is 450m<sup>2</sup>. The subject site is 9348m<sup>2</sup> which could accommodate a maximum of 20 units. 12 units have been approved on the site under RM160718 while an additional two are the subject of the current application.

The access arrangements within have been designed and will be constructed in accordance with QLDC standards. The scale and nature of vehicle movements associated with the proposed development is considered directly compatible with the zoning of the site.

- (ii) *Loss of privacy*

Discussed in Part 2.2.3 above.





- (iii) *Level of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.*

Traffic generation and access has been discussed in detail in Part 2.2.3 where any adverse effects from the proposed access and parking is considered to be de minimis.

- (iv) *Pedestrian safety in the vicinity of the activity.*

Pedestrian access is provided around the cul-de-sac of Potters Hill Drive and vehicle access and parking has been discussed in Part 2.2.3 where any adverse effects are considered to be de minimis.

- (v) *Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*

- (b) *The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.*

Vehicle access and parking has been discussed in Part 2.2.3 where any adverse effects are considered to be de minimis.

- (c) *Any adverse effects of the proximity or bulk of the buildings, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.*

Discussed in Part 2.2.2 and 2.2.3.

- (d) *Any adverse effects of the proximity or bulk of the buildings, in terms of loss of access to daylight on adjoining sites.*

Discussed in Part 2.2.2 and 2.2.3.

- (e) *The ability to provide adequate opportunities for garden and tree plantings around buildings.*

Outdoor living areas are depicted on the plan contained in Attachment [G] along with proposed landscaping. While the underlying topography does not facilitate extensive flat outdoor living areas the areas provided are considered to be sufficient to service the intended occupancy of the residential units.





- (f) *The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.*

The proposed development does not result in any breach of the maximum building coverage over the subject site. The appearance of the proposed buildings and any adverse effects of dominance have been considered in Part 2.2.2 and 2.2.3.

- (g) *The ability to provide adequate vehicle parking and manoeuvring space on site.*

Vehicle parking and manoeuvring has been considered in Part 2.2.3 where any adverse effects are considered to be de minimis.

- (h) *The extent to which the increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight and loss of opportunities for views.*

The proposed development does not result in any breach of the maximum building coverage over the subject site. Any adverse effects of dominance, privacy, views, sunlight / daylight admission have been considered in Part 2.2.2 and 2.2.3.

- (i) *The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.*

Refer to Part (e) above.

- (j) *The ability to mitigate any adverse effects of increased coverage.*

The proposed development does not result in any breach of the maximum building coverage over the subject site.

- (k) *Whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.*

The proposed development results in a range in apartment styles and lot sizes. This range results in a range in price reaching the market which increases affordability.

## **5.2 Access – Length, Number and Location of Vehicle Crossings [Parts 14.2.4.2 (i), (v) & (vi)]**

Assessment matters contained in Part 14.3.2(v)(a)-(t) have been considered and where relevant addressed below:





- (a) *Whether adequate sightlines are available from alternative access points.*

There are no alternative access points.

- (b) *The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection or with lesser unobstructed site distances, than is permitted by the Plan.*
- (c) *The extent to which conflicts between vehicles could be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.*

In relation to (b) and (c) above, any adverse effects from the proposed development in terms of effects on the safety of road users has been considered in Part 2.2.3 where it is considered that any adverse effects will be less than minor.

- (d) *Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.*

The subject site contains residential activities which are not generally associated with 'hours of operation' as it depends on what type of employment and individual circumstances of each household / unit.

- (e) *Whether the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.*

Potters Hill Drive is recognised as a 'local road' under the District Plan and a low operating speed environment. As such, it is not anticipated that the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.

- (f) *Whether the geometry of the road could mitigate the adverse effects of the access.*

Potters Hill Drive is steep over its entire length with a number of tight turns which reduces the speed of vehicles. The road has no thoroughfare and carries only 'resident' traffic and any associated visitors. As such, the speed and volume of vehicles is considered to be restricted by way of topography, road geometry and the lack of connectivity the road affords.

- (n) *The likelihood of future development which could result in increased traffic generation.*

As discussed in Part 1.4.4 the capacity of the road is limited but the threshold has not been reached as part of the current application. As such, the road has been designed to accommodate the demand created by the proposal.





### 5.3 Earthworks (Part 22.4)

(i) Nature and scale of the Earthworks

- (a) *Whether the earthworks are a necessary part of subdivision, development or access construction and the extent to which the subdivision engineering works, building or finished project will remedy the effects of the earthworks.*
- (b) *Whether the design of the finished earthworks is sympathetic to natural topography, provides safe and stable building platforms and access with suitable gradient.*
- (c) *Whether the earthworks will be completed within a short period, reducing the duration of any adverse effects.*
- (d) *Whether the mitigation measures proposed, reflect the level of environmental effects from the project.*

The proposal is considered to be consistent with the criteria (a) – (d) above for the following reasons:

- Any physical effect on the locality, including any landscape and visual effects have been considered within Part 2.2.1 where any adverse effects are considered to be de minimis.
- Mitigation measures and a number of conditions of consent have been provided to ensure that any adverse effects from the proposed development will be less than minor. A reduction in the construction timeframes results in an increase in construction intensity which does not automatically suggest a reduction in adverse effects.
- The proposed works period required undertake the works is eight weeks which is considered to represent a timeframe more aligned towards a temporary activity than permanent. As such, this is considered to ensure that there will be no lasting adverse effects and any adverse effects during the works period will be less than minor.

(ii) Environmental Protection Measures

- (a) *Whether, and to what extent proposed sediment and erosion control techniques are adequate to ensure sediment remains on-site.*
- (b) *Whether appropriate measures to control dust emissions are proposed, including from associated transport on and off the site.*
- (c) *Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.*
- (d) *Hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area.*

The proposal is considered to be consistent with the criteria (a) – (d) above for the following reasons:





- No active overland flow paths have been identified over areas of the site where earthworks are to be undertaken. Barriers will be placed along the downslope side of works areas to ensure material remains on site. The applicant is aware of obligations to contain material and restrict any sediment movement. A suite of conditions are offered in Attachment [K] which ensure that all sediment remains on the subject site. With the mitigation measures required by conditions of consent any adverse effects from the proposal in terms of sediment runoff from the site will be de minimis.
- The applicant will implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the applicant shall take immediate action to clean the roads. A number of conditions appear in the suite of conditions contained in Attachment [K] to this application.
- Conditions of consent ensure that works occur during the working day.
- No blasting is required and the breaking of rock is not anticipated.

(iii) Remedial works and re-vegetation

- (a) *The proposed rehabilitation of the site and to what extent re-vegetation will mitigate any adverse effects.*
- (b) *The timeframes proposed for remedial works and re-vegetation.*
- (c) *The effectiveness of the remedial works and re-vegetation taking into account the altitude and the alpine environment.*

The proposal is considered to be consistent with the criteria (a) – (c) above for the following reasons:

- A large portion of the proposed works will be built upon and the proposed buildings will screen a majority of the exposed rock face which will be washed and when weathered is anticipated to appear as entirely natural.

(iii) Effects on rural landscape and visual amenity values, including on Outstanding Natural Features and Outstanding Natural Landscapes.

- (a) *Whether, and to what extent, the scale and location of any cut and fill will adversely affect:*
  - (i) *The visual quality and amenity values of the landscape;*
  - (ii) *The natural landform of any ridgeline or visually prominent area;*
  - (iii) *The visual amenity values of surrounding sites.*
- (b) *Whether the earthworks will take into account the sensitivity of the landscape.*
- (c) *The potential for cumulative effects on the natural landform of the existing landscape.*
- (d) *Whether and to what extent the earthworks create an area that is consistent with the character of the surrounding landscape.*
- (e) *Whether the location and/or design of any new tracking can be modified in order to decrease the effects on stability, visual quality and amenity values of the landscape.*





The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons:

- Any physical effect on the locality, including any landscape and visual effects have been considered within Part 2.2.1 where any adverse effects are considered to be de minimis.
- No 'tracking' is proposed as part of the current application.

(v) Land Stability and Flooding

- (a) *Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.*
- (b) *Whether the earthworks will adversely affect the stability of neighbouring sites.*
- (c) *Whether cut, fill and retaining are done in accordance with engineering standards.*
- (d) *Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.*
- (e) *Whether and to what extent earthworks are necessary in order to undertake flood protection works recognising the long-term benefits of effective flood mitigation measures on the surrounding environment.*

The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons:

An assessment of potential geotechnical constraints was undertaken at the time of the original subdivision consent (RM050520) by Tonkin Taylor Ltd which set the parameters for building design within the subdivision. Further, a detailed inspection of the site has been undertaken by Geosolve Ltd which is contained in Attachment [N].

The Geosolve Ltd report confirms that specific building design will be dependent on the nature of rock at the depth of the excavation depicted on the earthworks plan contained in Attachment [E] and a number of recommendations are contained in this report:

- Pilot cuts should be made in advance of the bulk excavation. Such pilot cuts should be supervised; controlled and logged by a geotechnical specialist and comprise small "slots" which due to their size, location, and depth will not pose a significant instability risk to adjacent sites. Observations made in the pilot cuts should be used to confirm any rock support requirements and the excavation construction sequence prior to proceeding with the bulk excavation.
- The bulk excavation should be completed in a staged manner and advanced in several small steps and bays. The depth and size of the excavation should increase with each stage of excavation. Based on previous local experience, Geosolve recommends that all batters in schist be initially formed at 0.25H:1.0V or flatter.





- Each new section of exposed cut face should be inspected by an engineering geologist or geotechnical engineer to confirm the ground conditions and verify any requirement for additional support measures or modification to the excavation sequence.
- Preliminary assessment indicates that if unstable areas are identified the most appropriate solution is likely to comprise over excavation (removal) of the affected areas, and/or the installation of temporary rock anchors and/or rock bolts.
- The construction program and budget should make appropriate allowance for the completion of a staged excavation sequence and the installation of additional stabilisation measures.

(vi) Water bodies

- (a) *The effectiveness of sediment control techniques.*
- (b) *Whether any groundwater is likely to be affected, and if any mitigation measures are proposed address likely effects.*
- (c) *The effects of earthworks on the natural character of wetlands, lakes and rivers and their margins.*

The proposal is considered to be consistent with the criteria (a) – (c) above for the following reasons:

- There is no water body within the vicinity of the subject site.

(vii) Impacts on Sites of Cultural Heritage Value:

- (a) *The extent to which the activity modifies or damages waahi tapu or waahi taonga, and whether tangata whenua have been notified.*
- (b) *The extent to which the activity affects Ngai Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the Kai Tahu ki Otago and Te Ao Marama Incorporated Natural Resource Management Plans.*
- (c) *Whether the subject land contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand.*
- (d) *The extent to which earthwork activities adversely affect values within Heritage Landscapes of the District.*
- (e) *The extent to which earthwork activities have the potential adversely affect heritage buildings or structures located in close proximity to the site of the proposed earthworks and the adequacy of any avoidance or mitigation measures put forward to address such risks or effects.*

The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons:

- The subject site is not recognised as a site of any archaeological, cultural or heritage significance. However, should any sub-surface archaeological evidence be unearthed





during works, work will cease in the immediate area of remains and the relevant authorities will be contacted. As such, a condition appears in Attachment [K] towards accidental discovery protocol.

(vii) Bulk Earthworks

The proposed earthworks are not considered to constitute bulk earthworks.

(ix) Cleanfill Facilities and Cleanfill Material

The subject site is not a cleanfill facility and the proposed earthworks do not include any cleanfill.

#### **5.4 Lot Size, Average and Dimension**

Proposed lot sizes and dimensions have been accurately represented on the subdivision plan contained in Attachment [I] of this application.

Lot sizes which do not meet the required fee simple standard have been identified in Part 1.4 above. Most of these do not meet the minimum density requirement specified in the District Plan for the Low Density Residential Zone. However, all lot sizes are a direct reflection of apartment style living intended for this development where the onus is placed upon a quality internal living environment.

Notwithstanding the above, Part 15.2.6.3 of the District Plan stipulates:

*"No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit".*

At the time of lodgement no buildings have been constructed on the site. It is not intended to proceed with subdivision consent until these have been constructed with the exception of Unit 5 which affords a site in excess of 600m<sup>2</sup>. To afford the benefit of Part 15.2.6.3 it must be conditioned that an subdivision consent cannot be progressed until the roofs have been erected on the buildings which occupy the site intended for completion by the subdivision consent. As such, the following condition is offered:

*"With the exception of Lots 5 & 100, prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on-each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed)".*

#### **5.5 Property Access**





Access to each proposed allotment is confirmed through the schedule of easements which appears on the subdivision plan contained in Attachment [I]. Car parking and access has been discussed in Part 2.2.3 where it was concluded any adverse effects associated with the development in this regard will be de minimis.

## **5.6 Landscaping**

The proposed units are intended to afford outdoor living area as depicted on the plan contained in Attachment [G] of this application which also detailed the level of landscaping intended for each new allotment.

## **5.7 Hazards**

Discussed in Part 2.2.7 above.

## **5.8 Water Supply / Stormwater & Effluent Disposal**

The completion of the RM050520.01 subdivision Lot 10 was fully serviced with water, power, telecom and effluent disposal. RM160718 confirmed servicing in relation to 12 units on the subject site. The approved servicing is considered to afford adequate capacity to accommodate the additional two units proposed under the current application. Details of servicing approved under RM160718 appear in Attachment [J].

## **5.9 Energy Supply and Telecommunications**

Telecommunications and Power have been confirmed to the boundary of the subject site through the issue of completion certification of RM050520.01. From the boundary of the subject site the division of power and telecommunications is allocated to each proposed allotment via easements. These easements are detailed in the schedule on the proposed scheme plan contained in Attachment [I].

RM160718 confirmed servicing in relation to 12 units on the subject site. The approved servicing is considered to afford adequate capacity to accommodate the additional two units proposed under the current application. Details of servicing approved under RM160718 appear in Attachment [J].

Conditions of consent are offered in Attachment [K] which directly reflects those imposed in RM160718.

## **6.0 RESOURCE MANAGEMENT ACT 1991: PART 2**

The proposal aligns with the Objectives and Policies of the Low Density Residential Zone. Future development will promote sustainable management of natural and physical resources within the





site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy, and mitigate adverse effects of activities on the environment.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

AEE prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD & ASSOCIATES

28<sup>th</sup> June 2017





ATTACHMENT [B]..... Certificate of Title

ATTACHMENT [C]..... Site Location Plan

ATTACHMENT [D]..... Consent History

ATTACHMENT [E]..... Proposed Earthworks Plan

ATTACHMENT [F]..... Proposed Building Plans / Parking Plans

ATTACHMENT [G]..... Landscape Plan

ATTACHMENT [H]..... NZTA Material / Maximum residential Yield from Intersection Design

ATTACHMENT [I]..... Proposed Scheme Plan

ATTACHMENT [J]..... Details of Servicing RM160718

ATTACHMENT [K]..... Offered Conditions of Consent

ATTACHMENT [L]..... NES

ATTACHMENT [M]..... APA Albatross QT Ltd

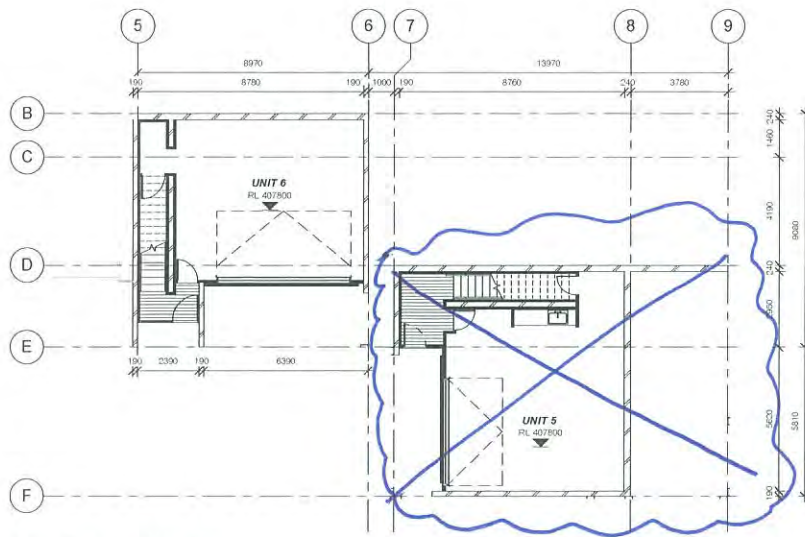
ATTACHMENT [N]..... Geotechnical Assessments

ATTACHMENT [O]..... Relevant Chapters of the Proposed District Plan

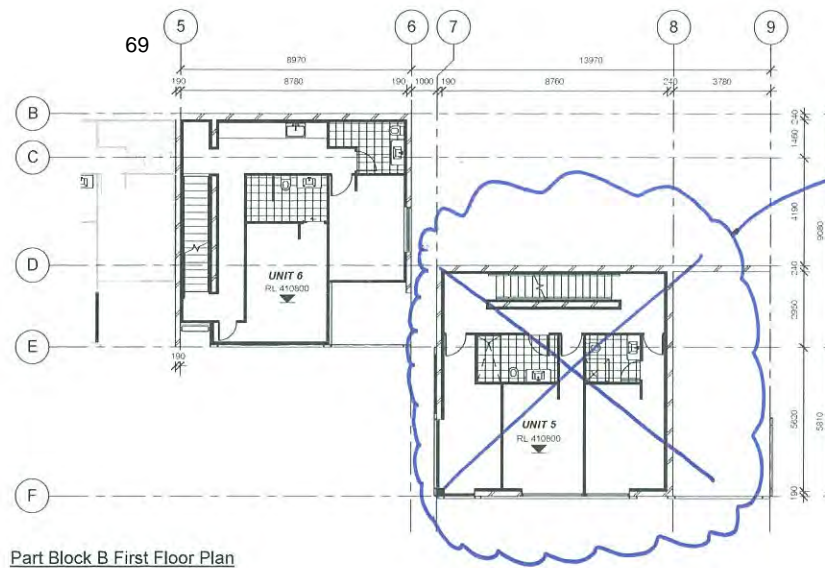
Figure 1.....Approved Earthworks Plan

Figure 2.....Proposed Earthworks Plan



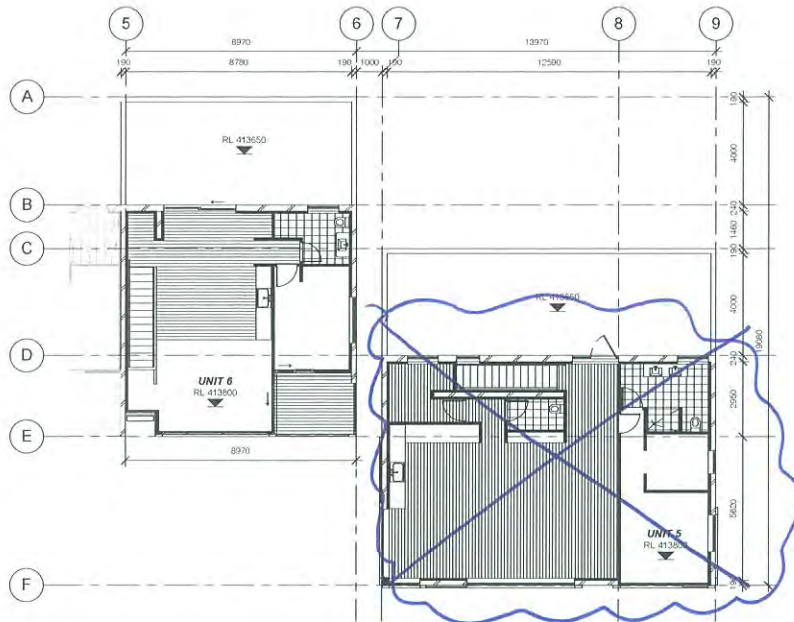


Part Block B Ground Floor Plan  
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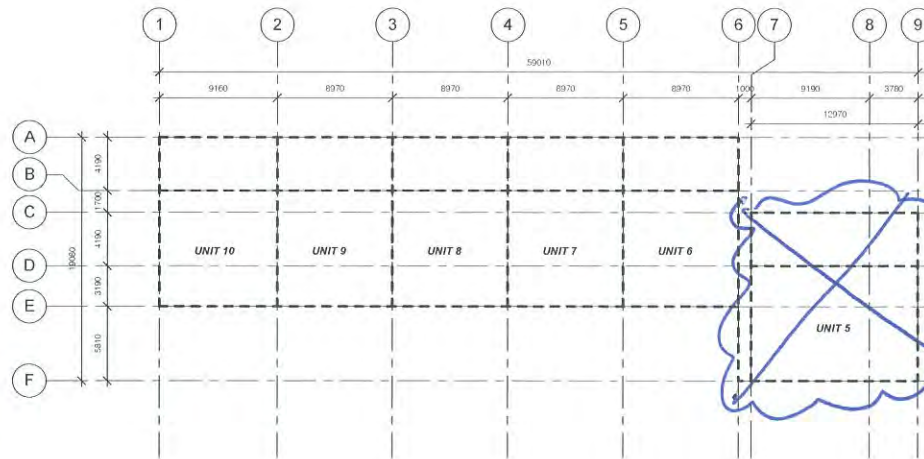


Part Block B First Floor Plan  
1 : 100

Refer to "Yoke"  
drawings Unit 5  
15/09/17.



Part Block B Second Floor Plan  
1 : 100



Block B Overall Grid Plan  
1 : 200



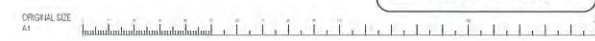
Date	Revision	Description	No.

THE TIERS VILLAS - Block B  
For: ALPHA PROPERTIES NZ LTD  
688a Frankton Road  
Queenstown

Author: [Signature]  
As indicated  
Block B - B & Grid Layout Plans

Project: 17030  
Date: 03/14/17  
For Approval: [Signature]  
A0-03  
A1

**PRELIMINARY  
FOR APPROVAL**



**QUEENSTOWN LAKES DISTRICT  
COUNCIL**

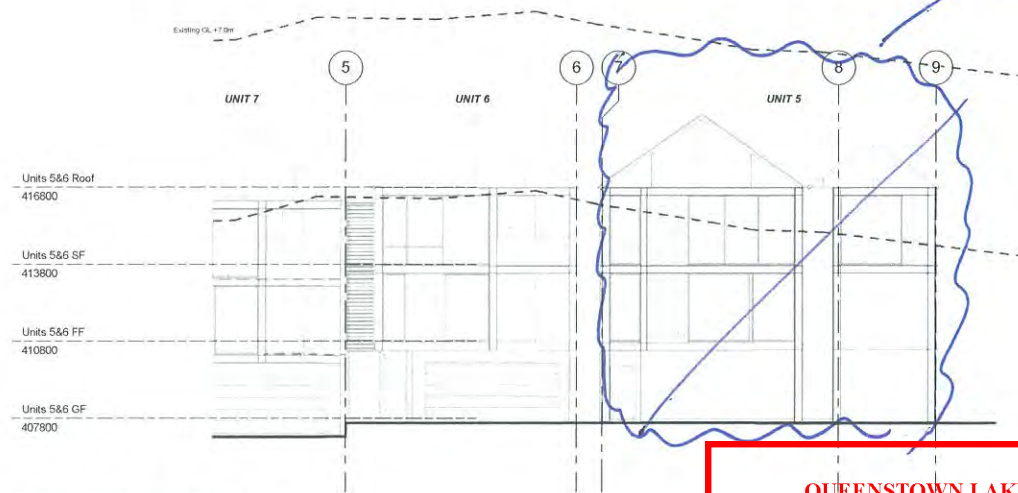
**APPROVED PLAN:  
RM170614**

**Wednesday, 15 November 2017**



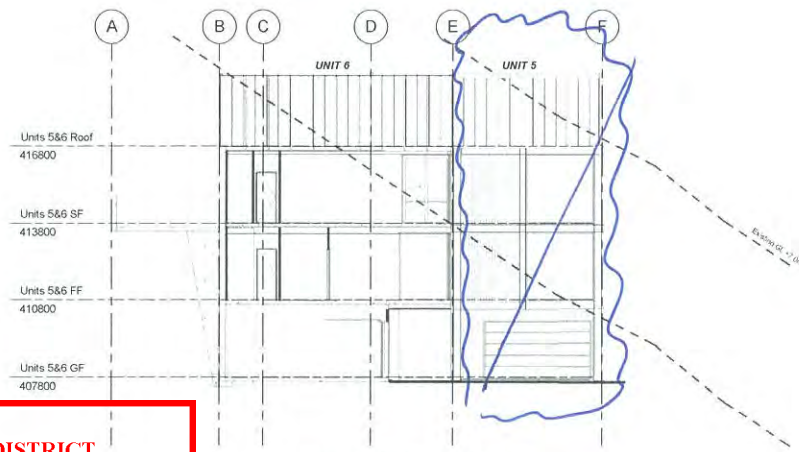
Refer to "Yone" drawings unit 5 15/09/17.

70



Block B Part South Elevation

1 : 100



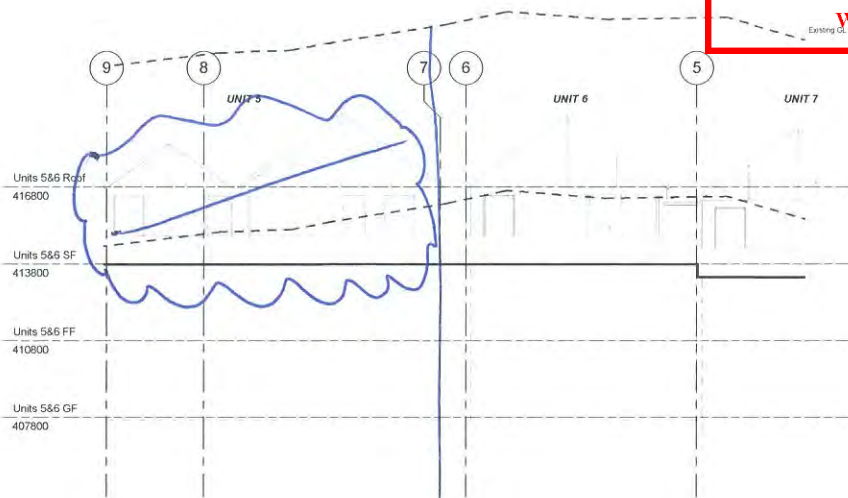
Block B Part West Elevation

1 : 100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017



Block B Part North Elevation

1 : 100



Block B Part East Elevation

1 : 100

ELEVATION/NORTH ELEVATION		RISK SEVERITY				
Risk Factor	Low	Medium	High	Very High	Subtotal	
Wind Zone				2	2	
Number of Storeys			2		2	
Roof / Wall Intersection Design		1			1	
Excess Vapour				5	5	
Envelope Complexity	0				0	
Deck Design		2			2	
Total Risk Score					12	

ELEVATION/SOUTH ELEVATION		RISK SEVERITY				
Risk Factor	Low	Medium	High	Very High	Subtotal	
Wind Zone				2	2	
Number of Storeys			2		2	
Roof / Wall Intersection Design		1			1	
Deck Design				5	5	
Deck Complexity	0				0	
Deck Design		2			2	
Total Risk Score					12	

ELEVATION/EAST ELEVATION		RISK SEVERITY				
Risk Factor	Low	Medium	High	Very High	Subtotal	
Wind Zone			2	2	2	
Number of Storeys			2	2	2	
Roof / Wall Intersection Design		1			1	
Deck Design				5	5	
Deck Complexity	0				0	
Deck Design		2			2	
Total Risk Score					12	

ELEVATION/WEST ELEVATION		RISK SEVERITY				
Risk Factor	Low	Medium	High	Very High	Subtotal	
Wind Zone				2	2	
Number of Storeys			2		2	
Roof / Wall Intersection Design		1			1	
Deck Design				5	5	
Envelope Complexity	0				0	
Deck Design		2			2	
Total Risk Score					10	

ORIGINAL SIZE  
A1



**PRELIMINARY  
FOR APPROVAL**



Date	Revision Description	No.

THE TIERS VILLAS - Block B  
For: ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Author	03/14/17
1 : 100	Approver

Elevations	
17030	A2-02
For Approval	A1



**APPROVED PLAN:  
RM170614**

Architectural floor plan of a three-unit residential building. The plan shows three units: Unit 7, Unit 6, and Unit 5. Unit 7 and Unit 6 are shaded grey, while Unit 5 is white. Unit 5 includes a kitchen, living area, two bedrooms, a bathroom, and a balcony. The plan includes dimensions, door swings, and window locations. A red box at the top right contains the text 'RM170614' and 'Wednesday, 15 November 2017'.

- LIGHT SWITCH WITH NUMBER OF GANGS. 1000mm HIGH
- RECESSED DOWN LIGHT
- WALL LIGHT (UP/DOWN?). 1800mm HIGH? TBC.
- RECESSED LED STRIP LIGHT TO UNDERSIDE OF SHELVING
- ⚡ DOUBLE POWER POINT. STANDARD 300mm ABOVE FFL
- ⚡ DOUBLE POWER POINT. 150mm ABOVE BENCH
- ⚡ DOUBLE POWER POINT. INSIDE CABINTRY TO SUIT APPLIANCES
- CEILING MOUNTED HEATING PANEL (OPTION)
- Ⓢ GAS POINT
- TAP  
|  
HOSE COCK

Architect

yoke.

architecture/interiors/design

thom@yoke.net.nz  
+64 21 0873 3838

Queenstown, NZ

[illegible]

Drawing Number	Revision
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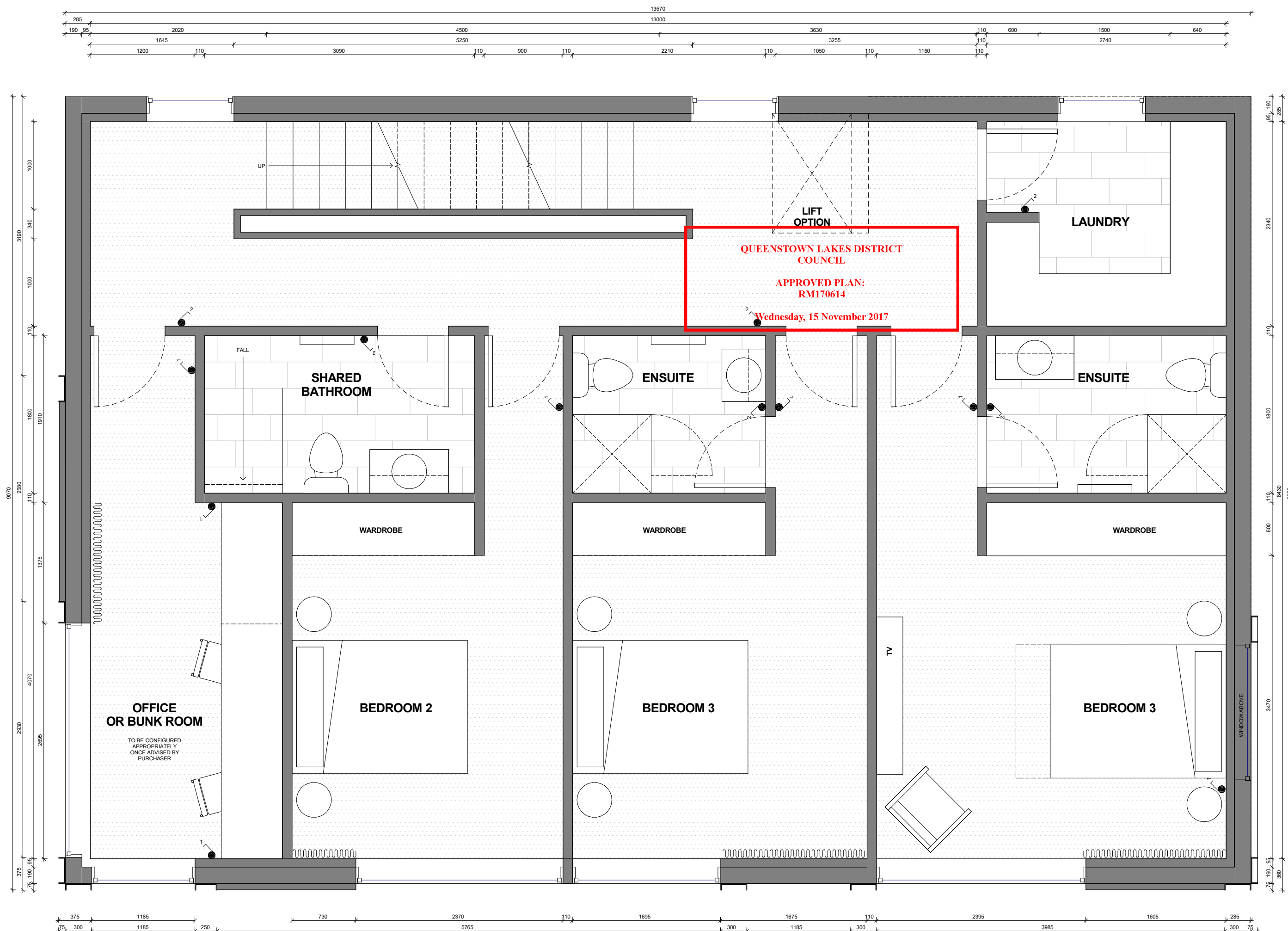
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Project Name	
TIERS_VILLAS	
Site Address	
FRANKTON ROAD	
Project Number	
#p#1702	
Client	
ALPHA PROPERTIES	
Status	
INTERIOR DESIGN ONLY	
Date	
15.09.17	
Sheet Name	
UNIT 5 - GF FFL	
Scale	
1 : 20 @ A1	
Drawing Number	Revision
INT 210	



[illegible]



ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH THE FOLLOWING DOCUMENTS WHERE RELEVANT:

1. ARCHITECTURAL SPECIFICATION
2. FINISHES, FIXTURES, LIGHTING, AND DOOR HARDWARE SCHEDULE
3. ARCHITECTURAL SPECIFICATION & SUPPLEMENTARY TRADE SPECIFICATIONS
4. STRUCTURAL ENGINEERS DOCUMENTS
5. CIVIL ENGINEERING DOCUMENTS
6. RESOURCE CONSENT
7. BUILDING CONSENT

BUILDERS / CONTRACTORS SHALL VERIFY ALL LEVELS / DIMENSIONS / SET  
OUTS BEFORE ANY WORK COMMENCES. DIMENSIONS SHOWN ARE NOMINAL.  
FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS

THE ARCHITECT IS TO BE MADE AWARE OF ANY DISCREPANCIES IN ANY OF THE DOCUMENTS BEFORE AFFECTED WORKS COMMENCE.

ALL SHOP DRAWINGS SHALL BE SUBMITTED FOR REVIEW WHERE APPROPRIATE AND MANUFACTURE SHALL NOT COMMENCE PRIOR TO THE RETURN OF APPROVED SHOP DRAWINGS.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS / BY-LAWS, THE BUILDING CODE OF NEW ZEALAND + ANY RELEVANT NEW ZEALAND STANDARDS & ACCEPTABLE SOLUTIONS WHERE APPLICABLE.

ALL WORK TO COMPLY WITH THE BUILDING CONSENT ISSUED FOR THE PROJECT.

CO-ORDINATE AND KEEP UPDATED ALL REQUIRED SUB CONTRACTORS TO ENSURE PROMPT TIMING & INTEGRATION OF ALL TRADES INVOLVED ACROSS THE PROJECT

Copyright

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Architect

yoke.

architecture/interiors/design

thom@yoke.net.nz

+64 21 0873 3838

Queenstown, NZ

[illegible]

Project Name

TIRS\_VILLAS

Site Address

FRANKTON ROAD

Project Number

#p#1702

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Client

## ALPHA PROPERTIES

Status

**INTERIOR DESIGN ONLY**

Date \_\_\_\_\_

15.09.17

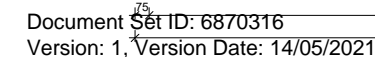
Sheet Name

UNIT 5 - SF FFL

Scale

1:20 @ A1

Drawing Number

**INT 212**



75

### General Notes

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH THE FOLLOWING DOCUMENTS WHERE RELEVANT:

- 1.Architectural Specification
- 2.Finishes, Fixtures, Lighting, and Door Hardware Schedules
- 3.Architectural Specification & Supplementary Trade Specifications
- 4.Structural Engineers Documents
- 5.Civil Engineering Documents
- 6.Resource Consent
- 7.Building Consent

BUILDERS / CONTRACTORS SHALL VERIFY ALL LEVELS / DIMENSIONS / SET  
OUTS BEFORE ANY WORK COMMENCES. DIMENSIONS SHOWN ARE NOMINAL.  
FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

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Architect

yoke.

architecture/interiors/design

thom@yoke.net.nz  
+64 21 0873 3838

Queenstown, NZ

[illegible]

Project Name

TIERS\_VILLAS

Site Address

FRANKTON ROAD

Project Number

#p#1702

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Client

## ALPHA PROPERTIES

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**Status**

**INTERIOR DESIGN ONLY**

Date  
**15.09.17**

Sheet Name

UNIT 5 - COURTYARD

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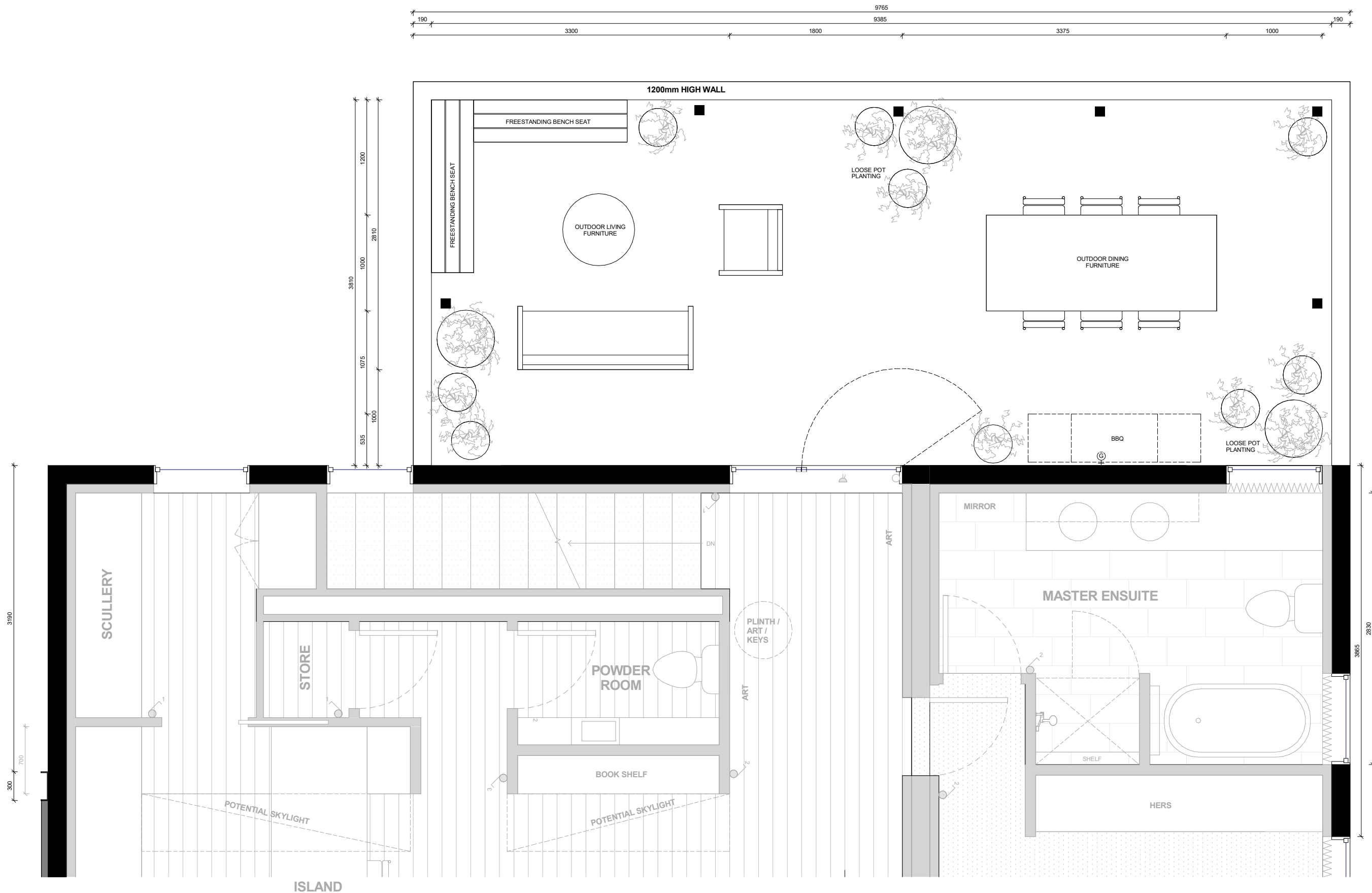
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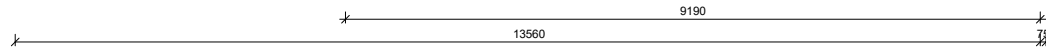
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Revision

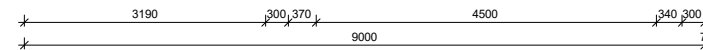
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**Wednesday, 15 November 2017**



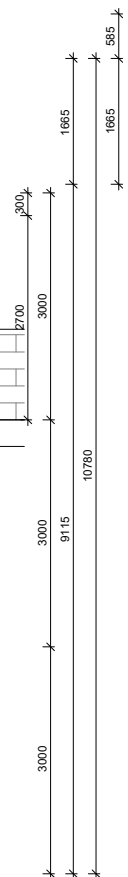
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INT  
200 SCALE 1 : 50



4 UNIT 5 - WEST ELEVATION  
INT  
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1 UNIT 5 - SOUTH ELEVATION  
INT  
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2 UNIT 5 - EAST ELEVATION  
INT  
200 SCALE 1 : 50

Queenstown, NZ

## Architect

Queenstown, NZ

[illegible]

Drawing Number

**INT 220**



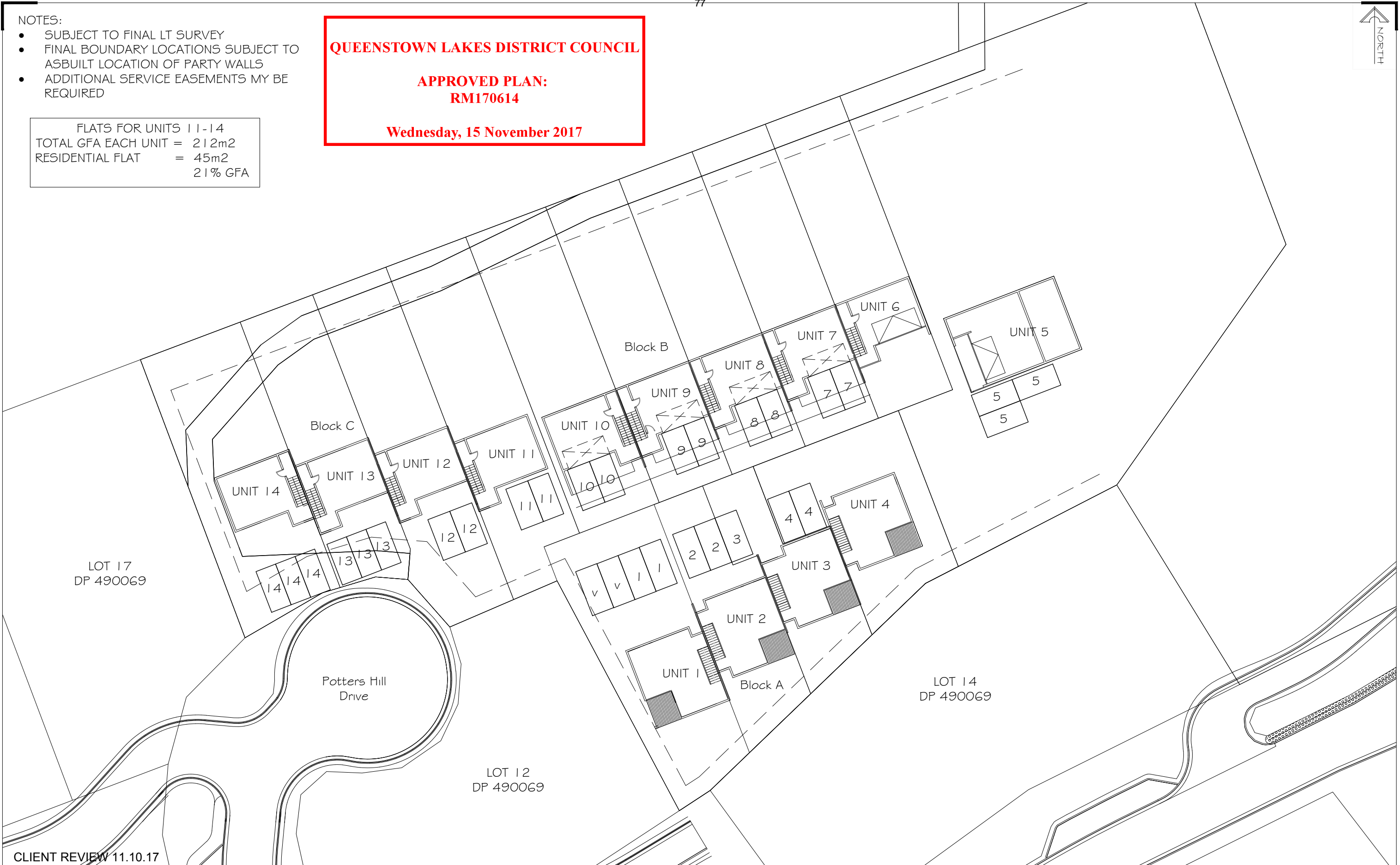
- NOTES:
- SUBJECT TO FINAL LT SURVEY
  - FINAL BOUNDARY LOCATIONS SUBJECT TO ASBUILT LOCATION OF PARTY WALLS
  - ADDITIONAL SERVICE EASEMENTS MY BE REQUIRED

FLATS FOR UNITS 11-14  
TOTAL GFA EACH UNIT = 212m2  
RESIDENTIAL FLAT = 45m2  
21% GFA


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017

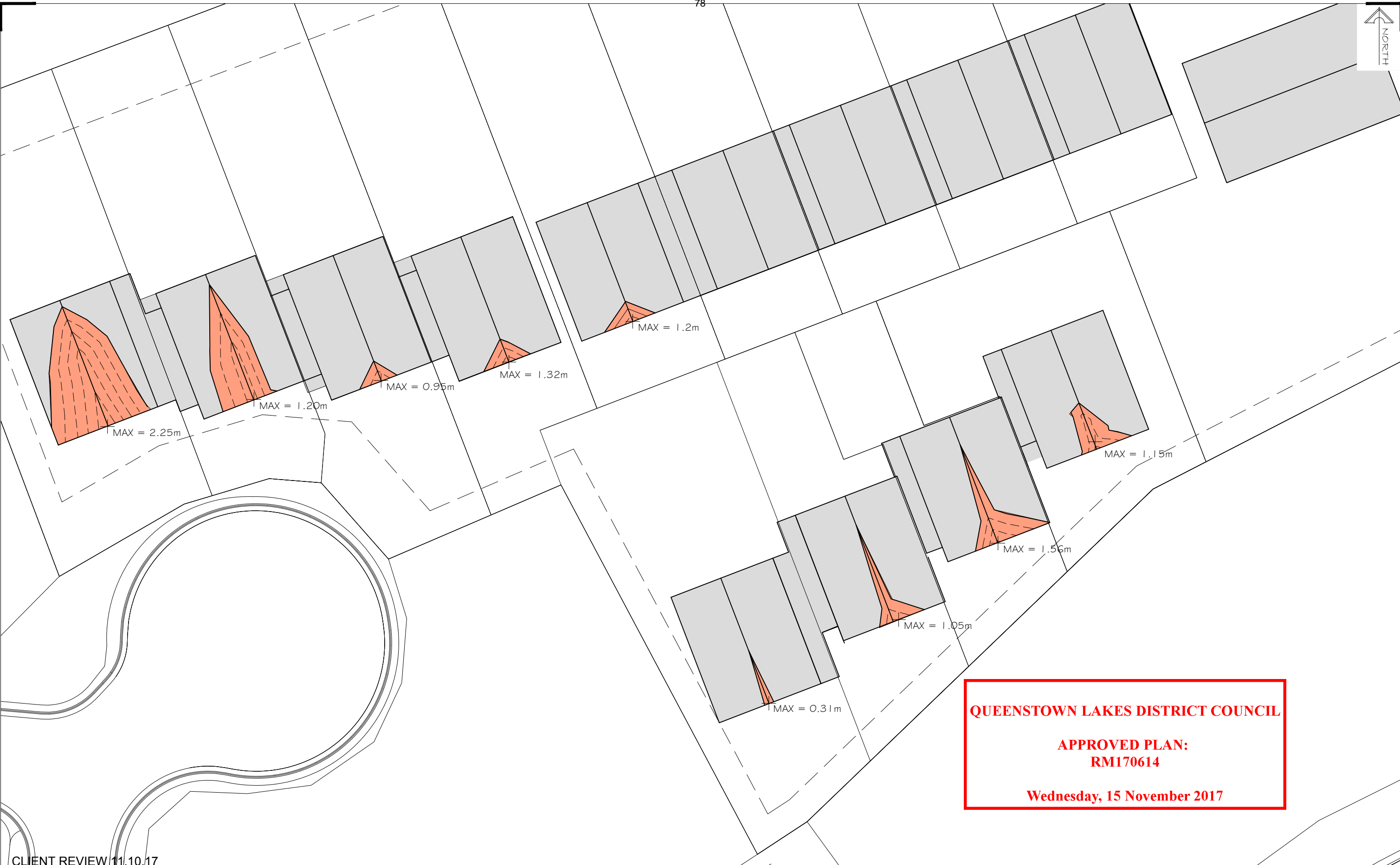


CLIENT REVIEW 11.10.17

 <b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors - Land Development - Planning Consultants 309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz		Shotover Design Limited trading as		Rev.	Date	Revision Details	By	Client				Surveyed	Signed	Date	Job No.	Drawing No.
				A	26.09.16	Adjust unit sizes	RB	ALPHA PROPERTIES LTD				-	-	-	12377	08
				B	26.09.16	Add carparks	RB					Drawn	Signed	Date	Scale	1:200 @ A1
				C	17.04.17	Add Extra units	RB					RWB	Signed	Date	1:400 @ A3	Sheet 001
				D	11.10.17	Update Block B location	RB					Designed	Signed	Date	Datum & Level	Rev.
												-	-	-	Mt Nic 2000 & MSL	D

S:\JOBS\12300\12377\acad\12377\_08\_The Tiers villas\_Proposed units\_REVD.dwg Plotted: 11.10.2017





**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM170614**

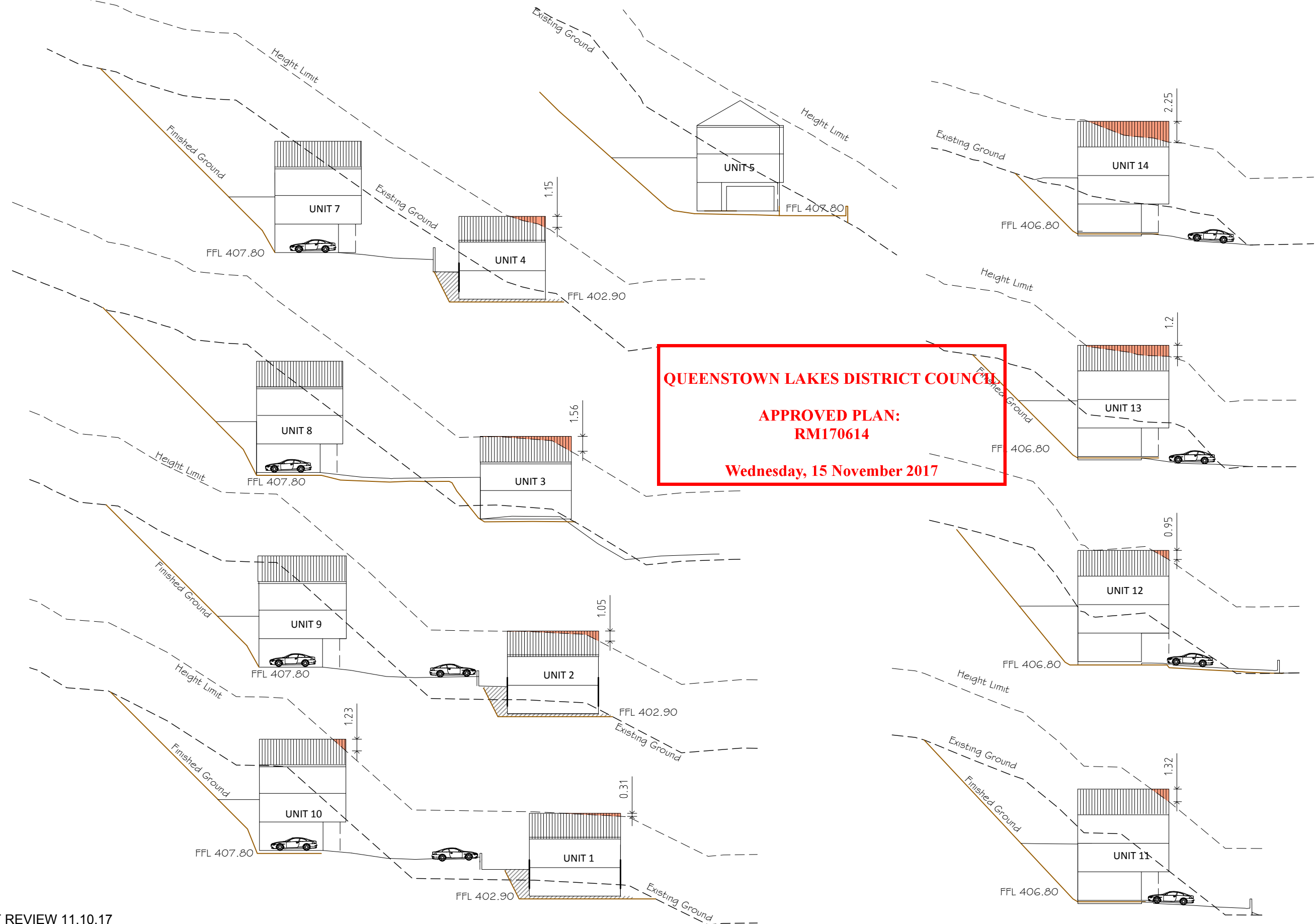
**Wednesday, 15 November 2017**

CLIENT REVIEW 11.10.17

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	A	26.09.16	Adjust unit sizes	RB							ALPHA PROPERTIES LTD						-		-		-		12377		08					
	C	17.04.17	Add Extra units	RB													Sheet 002													
										<div><small>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</small></div>						Drawn		Signed		Date		Scale		1:125 @ A1 1:250 @ A3						
RWB																														
Designed		Signed		Date		Datum & Level		Rev.																						
-		-		-		Mt Nic 2000 & MSL		C																						

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CLIENT REVIEW 11.10.17



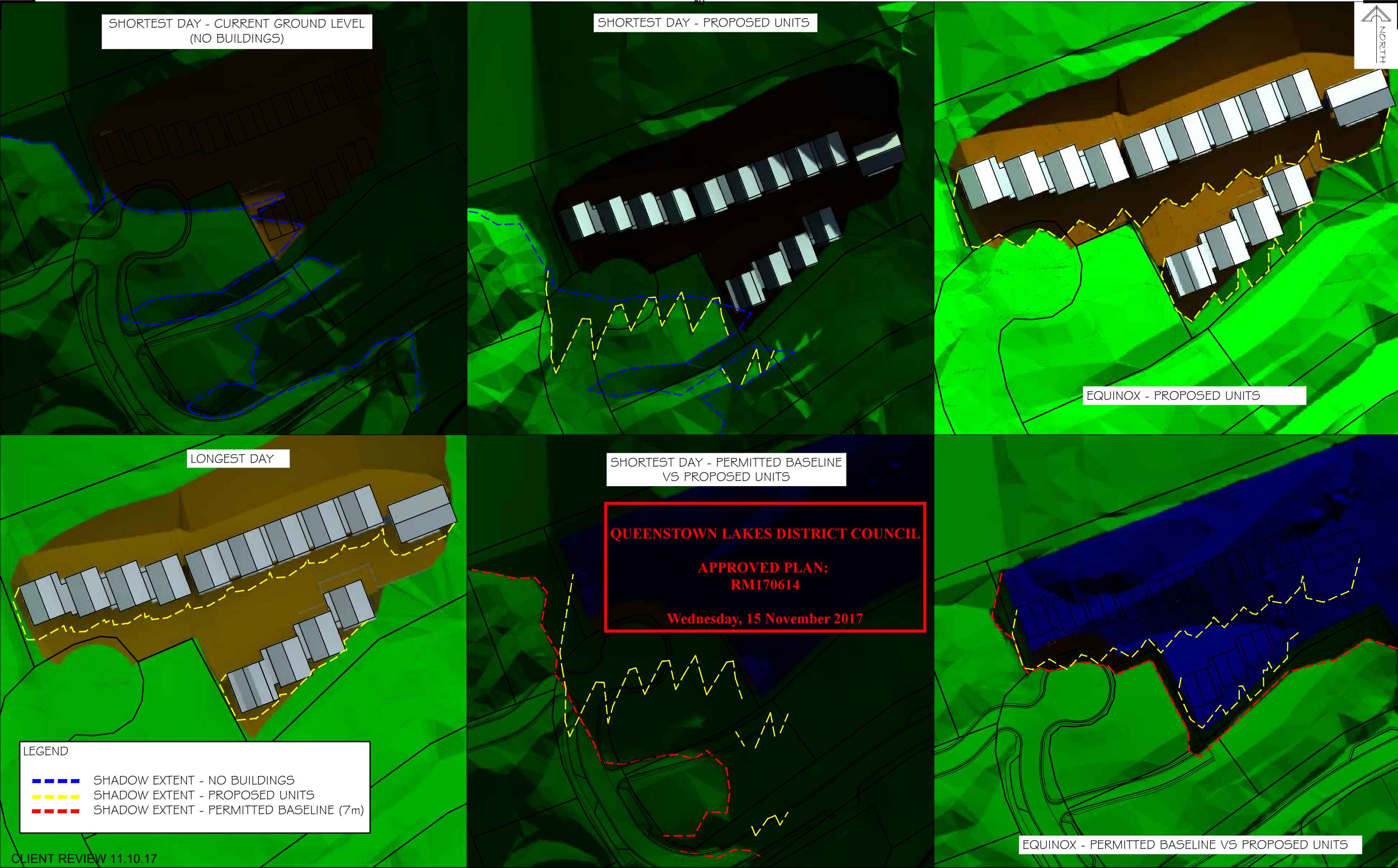
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Licensed Cadastral Surveyors • Land Development • Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	26.09.16	Adjust unit sizes	RB
C	17.04.17	Add Extra units	RB
D	11.10.17	Shift Block B back & adjust levels	RB

**PROPOSED UNOTS ON LOT 10 DP 490069**  
**SECTION VIEWS**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
		-	-	-	12377	08
					Scale	1:200 @ A1
						1:400 @ A3
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. Copyright on this drawing is reserved.				Datum & Level	Rev.
		Drawn	Signed	Date		
		RWB	-	-		
		Designed	Signed	Date		
		-	-	-	Mt Nic 2000 & MSL	D





CLIENT REVIEW 11.10.17



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309 Lower Shotover Road, P.O.Box 553 Queenstown  
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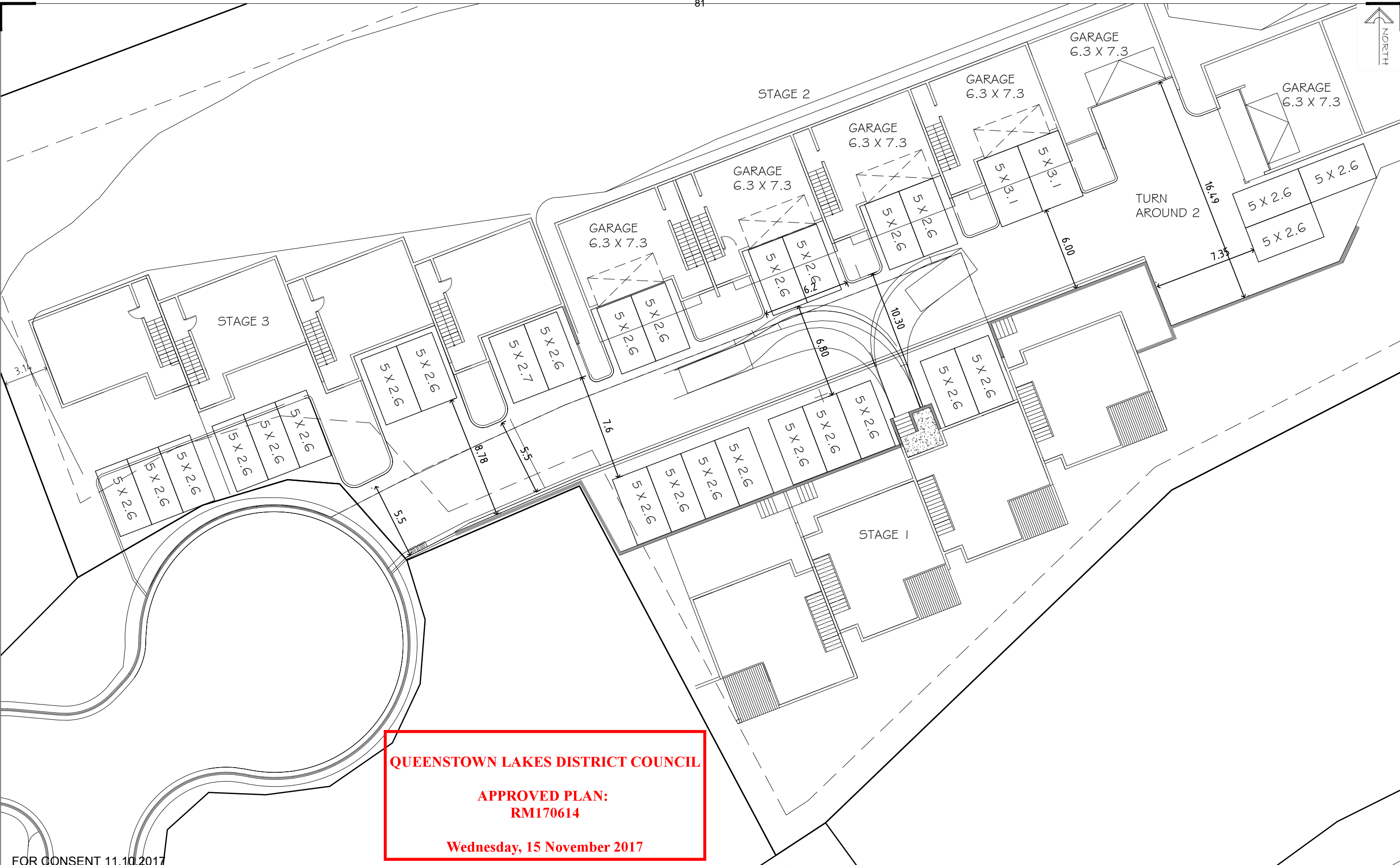
Rev.	Date	Revision Details	By
A	26.09.16	Adjust unit sizes	RB
C	17.04.17	Add Extra units	RB
D	11.10.17	Adjust Block B unit locations	RB

**PROPOSED UNITS ON LOT 10 DP 490069**  
**SHADING DIAGRAMS**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	08
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	Sheet
	RWB	-	-	1:500 @ A1 1:1000 @ A3	004
	Designed	Signed	Date	Datum & Level	Rev.
	-	-	-	Mt Nic 2000 & MSL	D

S:\JOBS\12300\12377\acad\12377\_08\_The Tiers villas\_Proposed units\_REVD.dwg Plotted: 11.10.2017





**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**

**RM170614**

**Wednesday, 15 November 2017**

FOR CONSENT 11.10.2017



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309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
B	31.10.16	Add extra carpark	RB
C	01.08.17	Add extra units	RB
D	04.10.17	New unit locations	RB

**THE TIERS VILLAS**

**CAR PARKING LAYOUT**

Client	ALPHA PROPERTIES LTD	Surveyed	-	Signed	-	Date	-	Job No.	12377	Drawing No.	10
		Drawn	RWB	Signed	-	Date	-	Scale	1:125 @ A1 1:250 @ A3	Sheet	001
		Designed	-	Signed	-	Date	-	Datum & Level	Mt Nic 2000 & MSL	Rev.	D

Notes:  
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S:\JOBS\12300\12377\acad\12377\_10\_The Tiers Villas - Parking Plan\_REV.Dwg Plotted: 12.10.2017

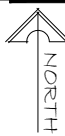


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017

82



CLIENT REVIEW 27.07.16

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
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Rev.	Date	Revision Details	By
A	17.10.16	ADD BIN AREA	RB
B	31.10.16	Add Carparks and shift bins	RB
D	17.09.17	Update with revised units and EW	RB

## THE TIERS VILLAS LANDSCAPING & OUTDOOR LIVING SPACES

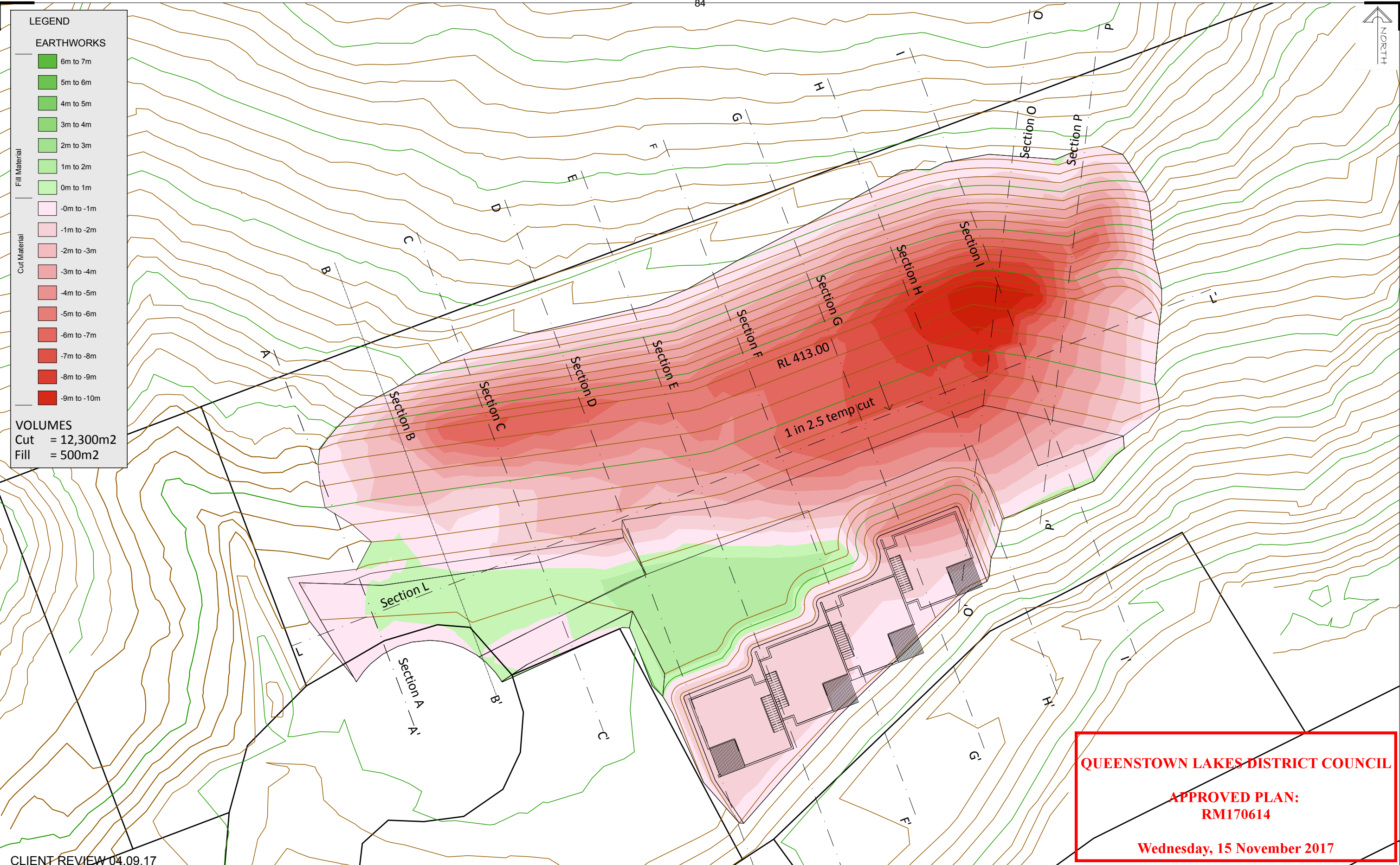
Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	09 Sheet 001
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn RWB	Signed	Date	Scale 1:150 @ A1 1:300 @ A3	Rev. D
	Designed	Signed	Date	Datum & Level Mt Nic 2000 & MSL	

C:\CFMA Jobs\12377\acad\12377\_09\_Landscape Plan\_REV.Dwg Plotted: 17.09.2017









LEGEND

EARTHWORKS

6m to 7m

5m to 6m

4m to 5m

3m to 4m

2m to 3m

1m to 2m

0m to 1m

-0m to -1m

-1m to -2m

-2m to -3m

-3m to -4m

-4m to -5m

-5m to -6m

-6m to -7m

-7m to -8m

-8m to -9m

-9m to -10m

Fill Material

Cut Material

VOLUMES

Cut = 12,300m2

Fill = 500m2

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017

CLIENT REVIEW 04.09.17



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309 Lower Shotover Road, P.O.Box 553 Queenstown

Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960

Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

THE TIERS VILLAS

PROPOSED EARTHWORKS DESIGN

STAGE 1 EARTHWORKS ONLY

Rev.	Date	Revision Details	By

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	16
	Drawn	Signed	Date	Scale	Sheet001a
	RWB	-	01.01.14	1:200 @ A1	1:400 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
	-	-	-	Mt Nic 2000 & MSL	-

Notes:  
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S:\JOBS\12300\12377\acad\12377\_16\_PROPOSED EARTHWORKS DESIGN - 170917.dwg Plotted: 12.10.2017

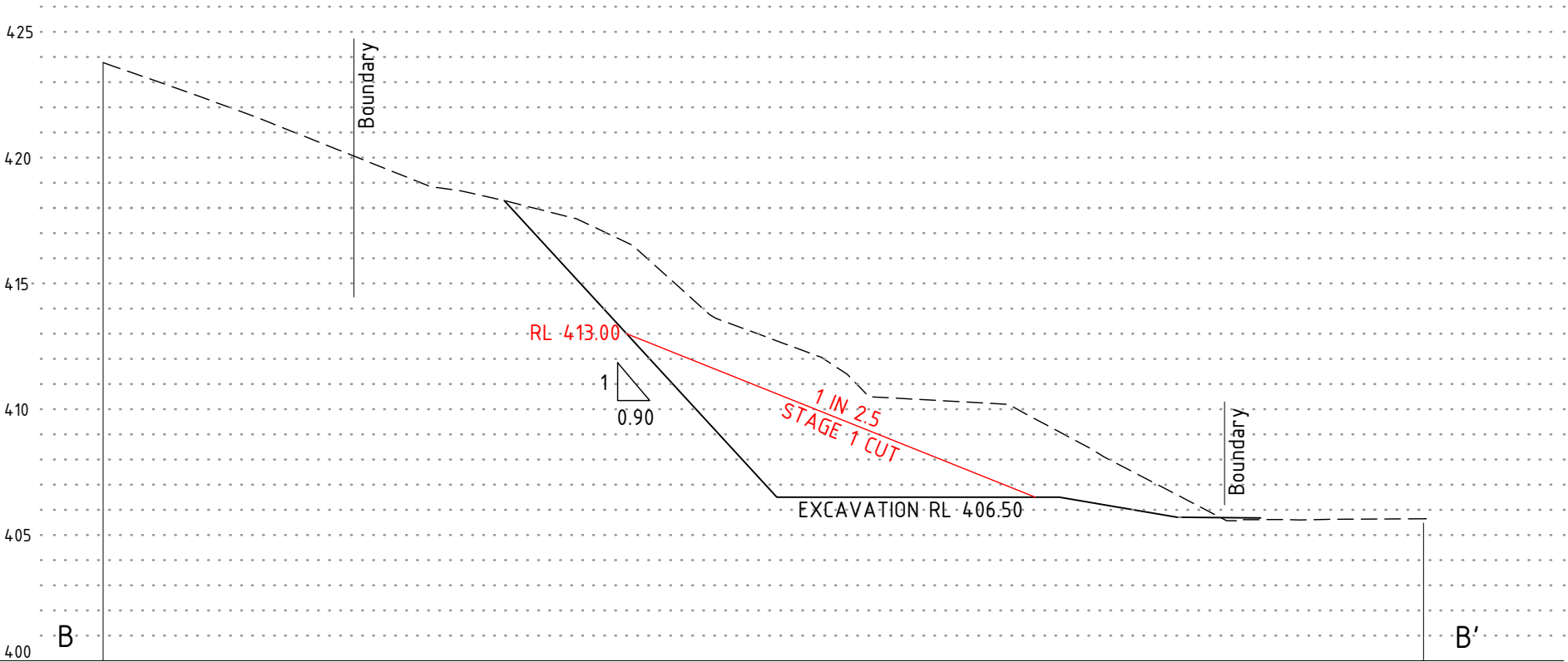


QUEENSTOWN LAKES DISTRICT COUNCIL

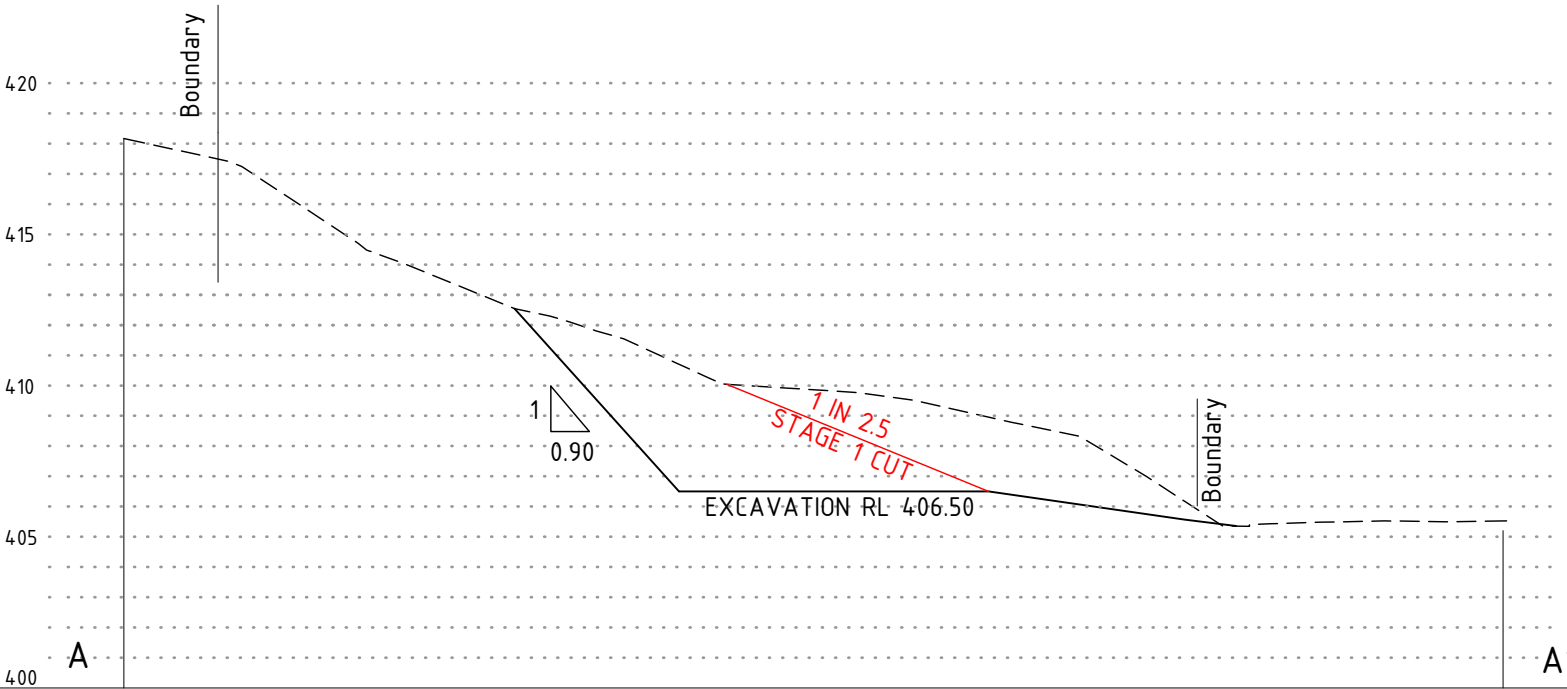
APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017


DATUM R.L.400.00



DATUM R.L.400.00



CLIENT REVIEW 04.09.17

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	-	-		-					<div>Sheet</div> <div>002</div>		
									<div>Scale</div> <div>1:125 @ A1 1:250 @ A3</div>		
									<div>Datum &amp; Level</div> <div>Mt Nic 2000 &amp; MSL</div> <div>Rev.</div> <div>-</div>		

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RM170614

Wednesday, 15 November 2017



CLIENT REVIEW 04.09.17

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	-	-	-	-		-	-	-	-	12377	16 Sheet 003			
	-	-	-	-		-	Drawn	Signed	Date	Scale	1:125 @ A1 1:250 @ A3			
	-	-	-	-		-	RWB	Signed	01.01.14					
	<div>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</div>						Designed	Signed	Date	Datum & Level	Rev.			
							-	-	-	Mt Nic 2000 & MSL	-			

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RM170614

Wednesday, 15 November 2017



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	-	-	-	-						-	-	-	12377	16 Sheet 004	
	-	-	-	-						Drawn	Signed	Date	Scale	1:125 @ A1 1:250 @ A3	
	-	-	-	-						RWB	Signed	01.01.14			
	<div>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</div>						Designed	Signed	Date	Datum & Level	Rev.				
							-	-	-	-	Mt Nic 2000 & MSL	-			

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**THE TIERS VILLAS  
PROPOSED EARTHWORKS DESIGN  
SECTION E**

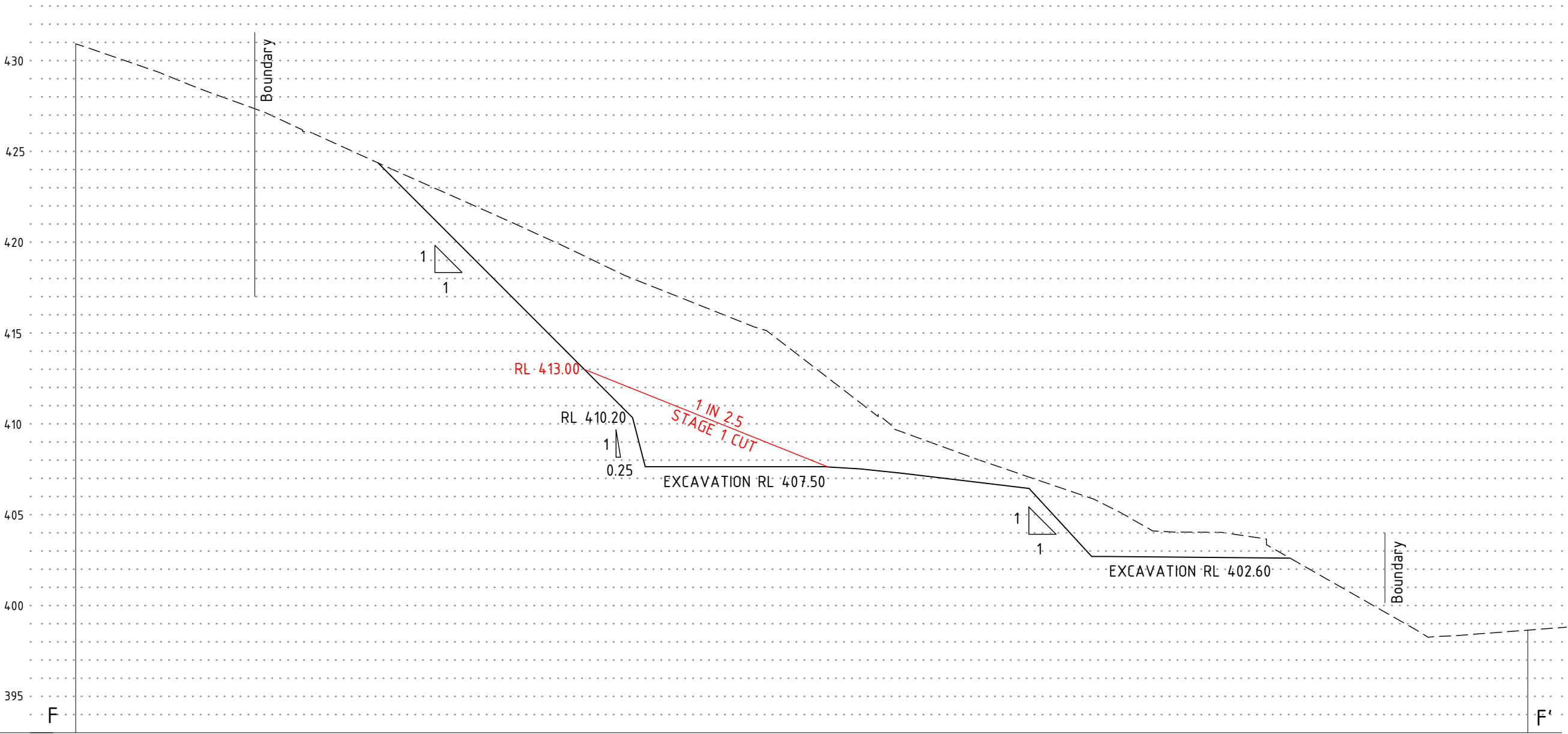
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		-	-	-	12377	16
		Drawn	Signed	Date	Scale	Sheet 005
		RWB	-	01.01.14	1:125 @ A1	1:250 @ A3
Notes:		Designed	Signed	Date	Datum & Level	Rev.
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Wednesday, 15 November 2017



DATUM R.L.393.00

CLIENT REVIEW 04.09.17

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	-	-	-	-		ALPHA PROPERTIES LTD		-	-	-	12377	16	
	<div>Notes:</div> <div>All dimensions shown are in meters unless shown otherwise.</div> <div>Any person using Clark Fortune McDonald drawings and other data accepts the risk of:</div> <div>- Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.</div> <div>- Ensuring the information is the most recent issue.</div> <div>- Copyright on this drawing is reserved.</div>					Drawn		Signed	Date	Scale	1:125 @ A1		
						RWB		-	01.01.14	1:250 @ A3			
							Designed		Signed	Date	Datum & Level	Rev.	
									-	-	Mt Nic 2000 & MSL		-

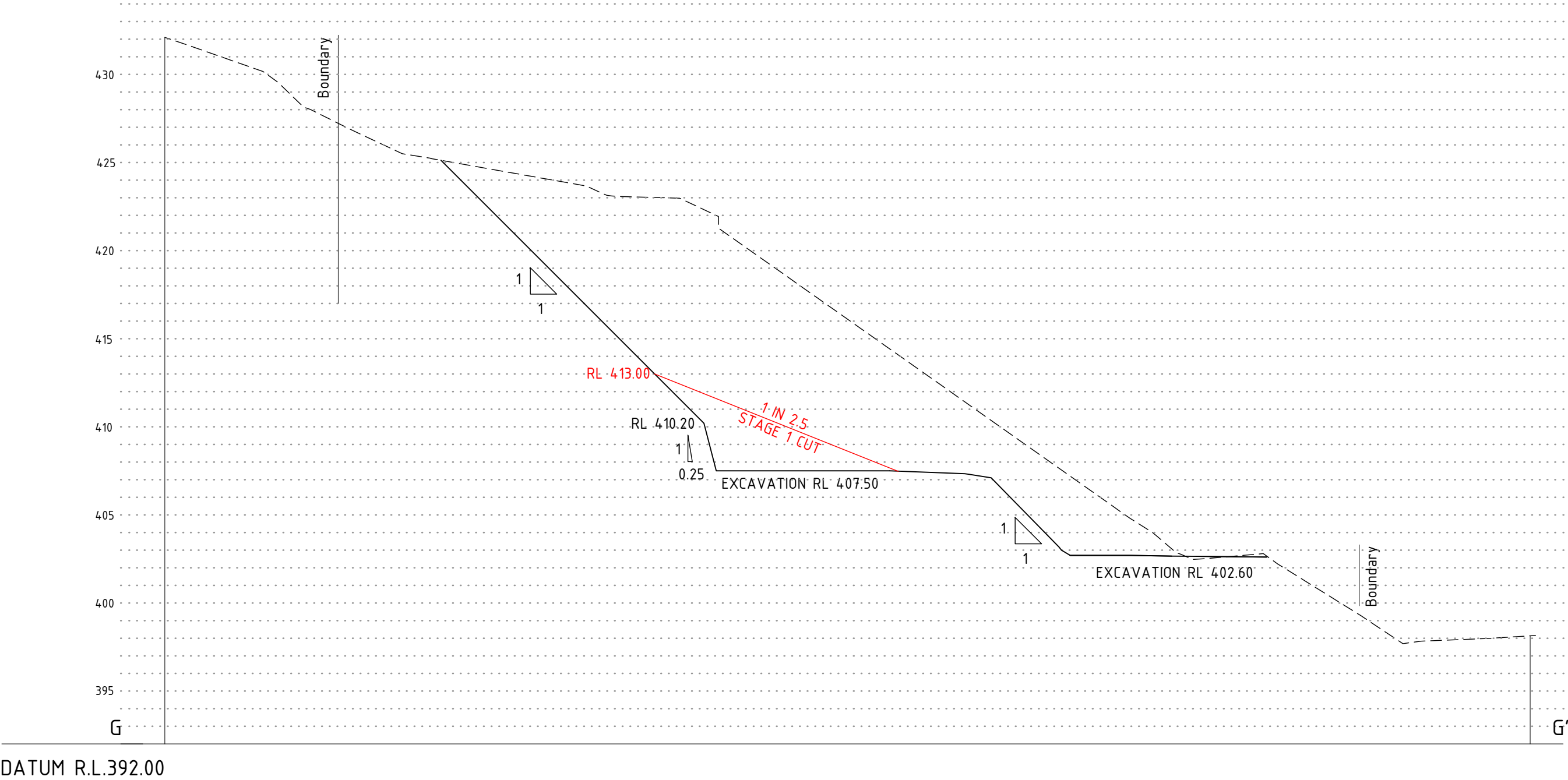
S:\JOBS\12300\12377\acad\12377\_16\_PROPOSED EARTHWORKS DESIGN - 170917.dwg Plotted: 12.10.2017



QUEENSTOWN LAKES DISTRICT COUNCIL

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Wednesday, 15 November 2017



CLIENT REVIEW 04.09.17

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	-	-	-	-		ALPHA PROPERTIES LTD		-	-	-	12377	16									
						Drawn		Signed	Date	Scale	1:125 @ A1										
						RWB		-	01.01.14	1:250 @ A3											
								Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.								Designed	Signed	Date	Datum & Level	Rev.	
																-	-	-	Mt Nic 2000 & MSL	-	

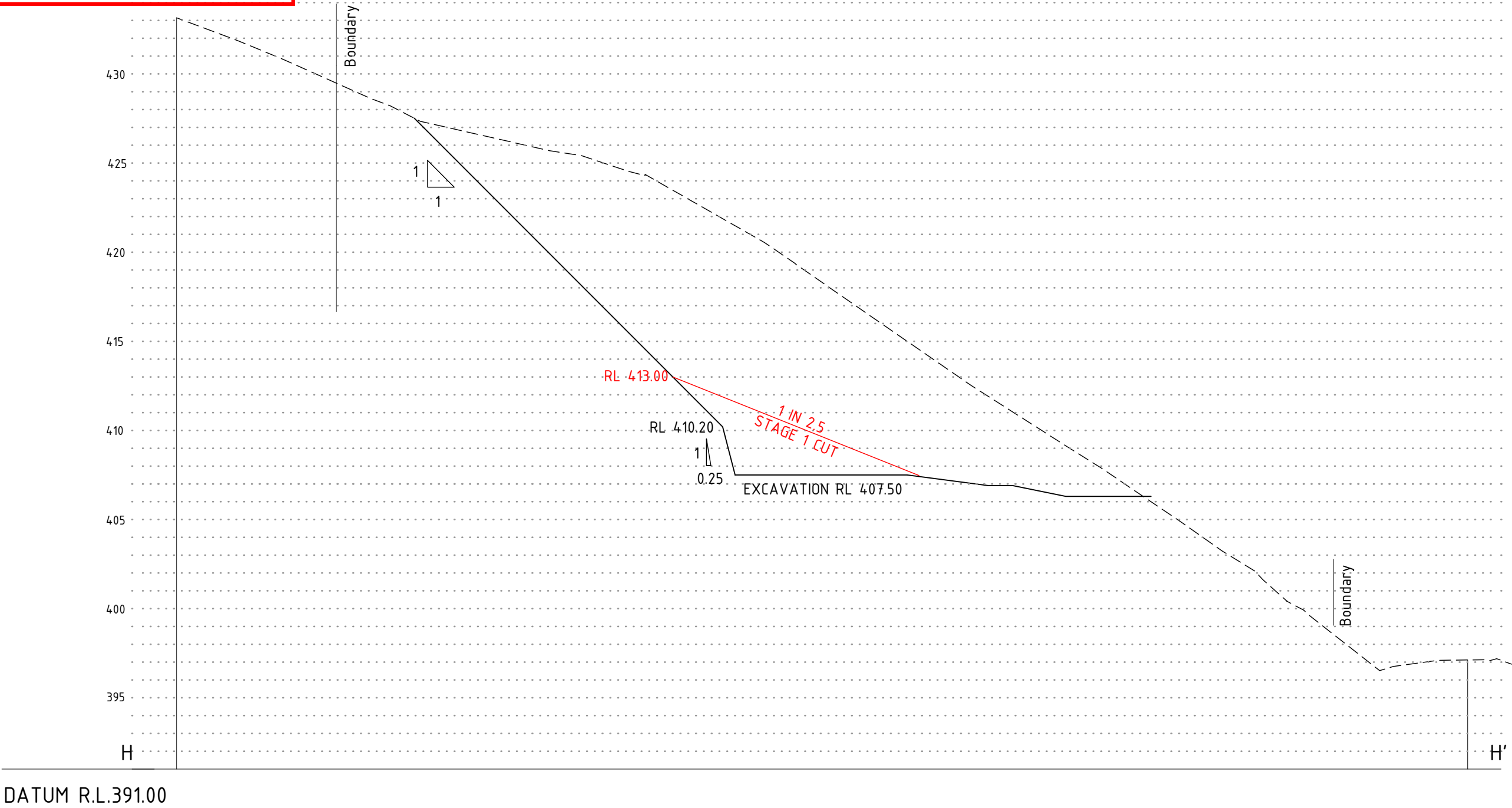
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	-	-	-	-	ALPHA PROPERTIES LTD	-	-	-	12377	16
						Drawn	Signed	Date	Scale	Sheet 008
						RWB	-	01.01.14	1:125 @ A1	1:250 @ A3
						Designed	Signed	Date	Datum & Level	Rev.
						-	-	-	Mt Nic 2000 & MSL	-

**THE TIERS VILLAS**

**PROPOSED EARTHWORKS DESIGN**

**SECTION H**

Notes:

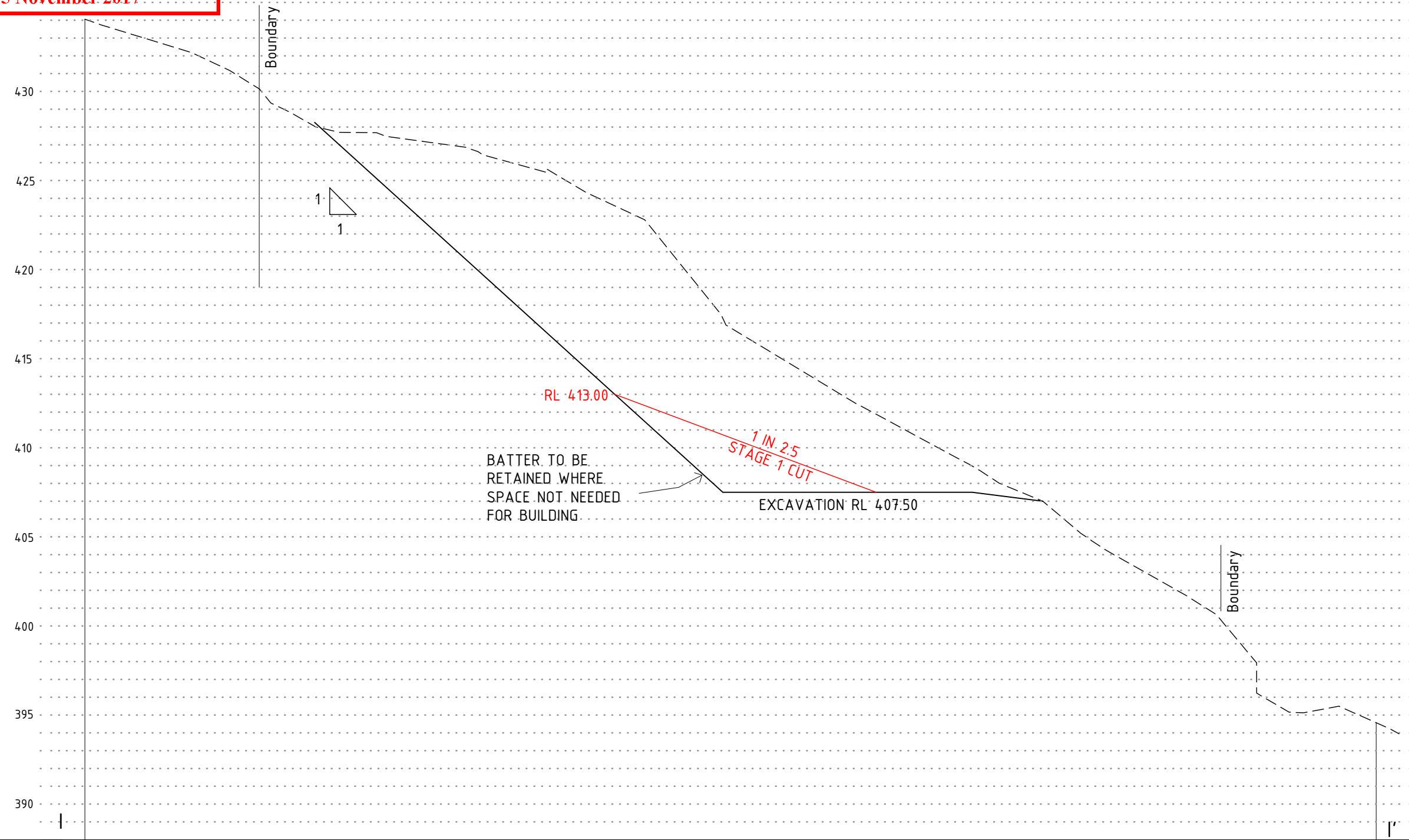
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017



DATUM R.L.388.00

CLIENT REVIEW 04.09.17



**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors • Land Development • Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By

**THE TIERS VILLAS**  
**PROPOSED EARTHWORKS DESIGN**  
**SECTION I**

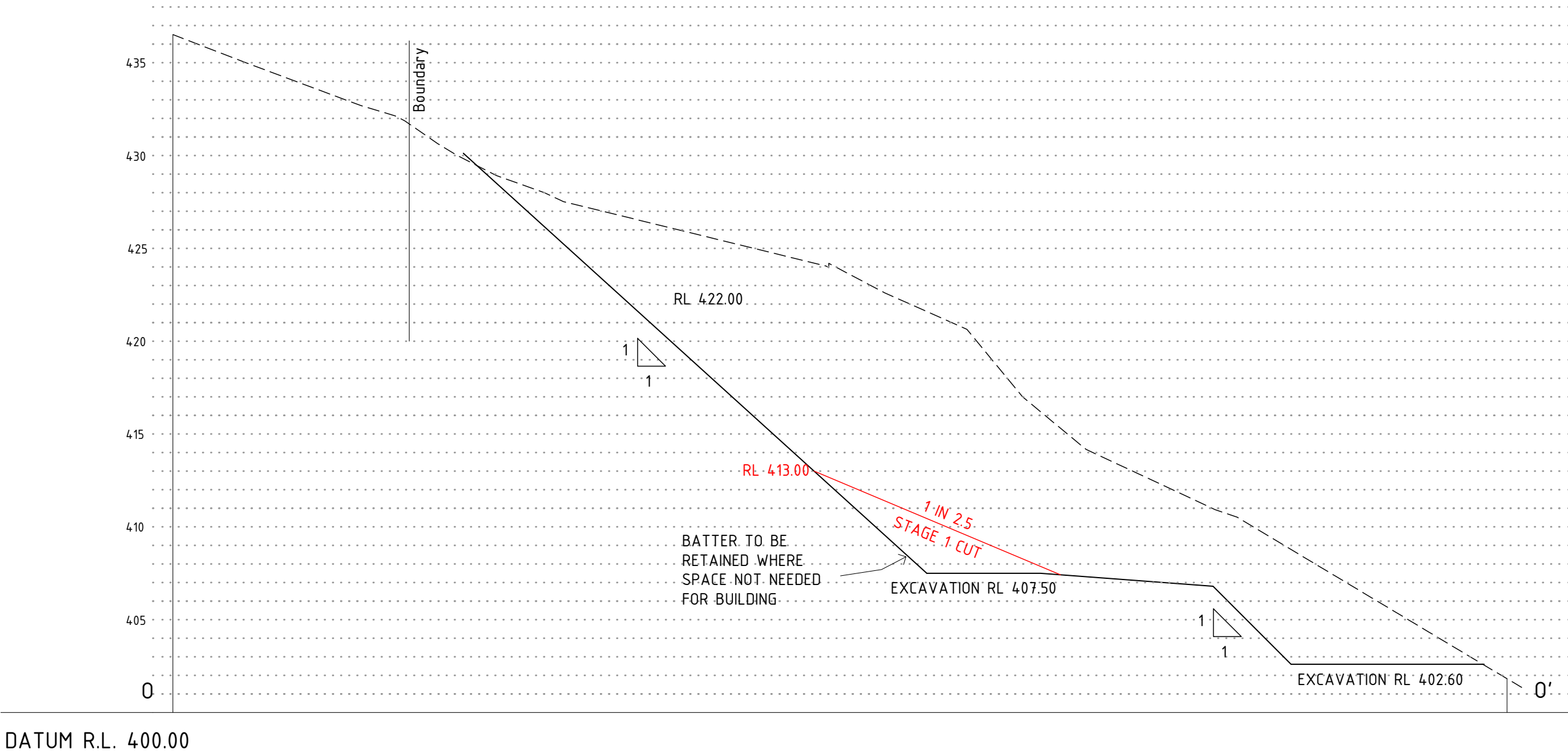
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017



CLIENT REVIEW 04.09.17

<div></div> <div><b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors • Land Development • Planning Consultants</div> <div>309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz</div> <div>Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz</div>	Rev.	Date	Revision Details	By	<b>THE TIERS VILLAS PROPOSED EARTHWORKS DESIGN SECTION O</b>					Client	Surveyed	Signed	Date	Job No.	Drawing No.	
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											Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	1:125 @ A1
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											-	-	-	Mt Nic 2000 & MSL	-	

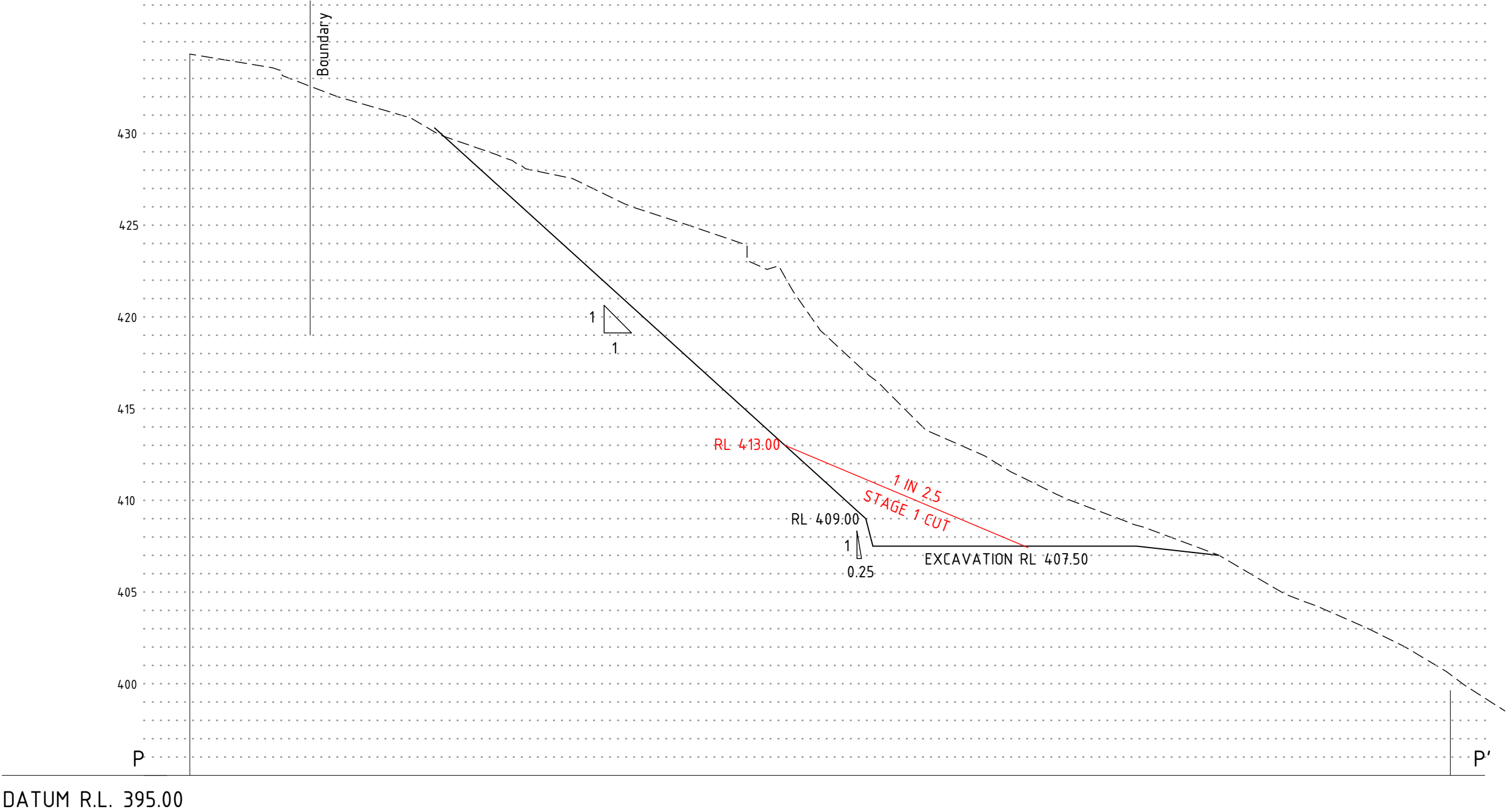
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017



CLIENT REVIEW 04.09.17

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309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**THE TIERS VILLAS**  
**PROPOSED EARTHWORKS DESIGN**  
**SECTION P**

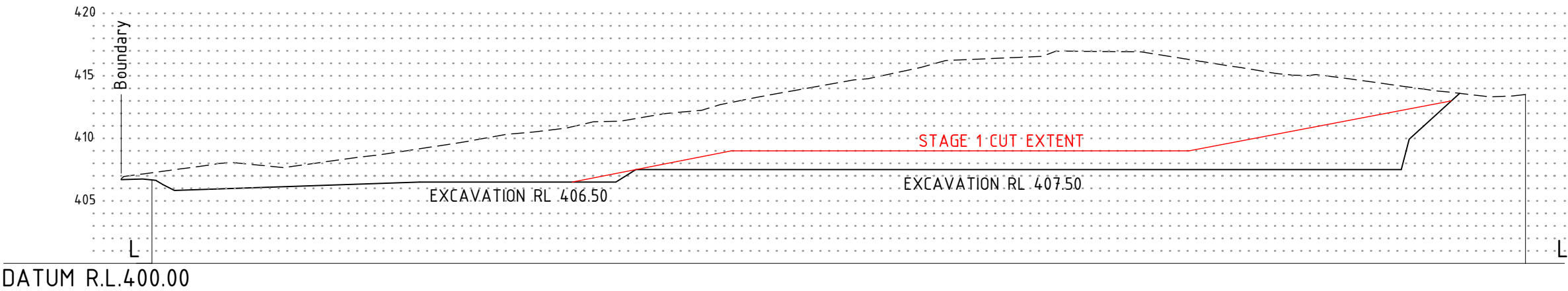
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM170614

Wednesday, 15 November 2017



CLIENT REVIEW 04.09.17



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309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**THE TIERS VILLAS  
PROPOSED EARTHWORKS DESIGN  
SECTION L**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
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Notes:		Designed	Signed	Date	Datum & Level	Rev.
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM171174

Wednesday, 15 November 2017



FOR CONSENT 12/10/17



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Licensed Cadastral Surveyors • Land Development • Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
  
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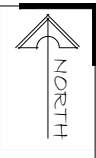
Rev.	Date	Revision Details	By
E	14.04.17	Revise to add additional lots.	RB
F	12.10.17	Update unit locations	RB

**LOTS 1 - 14 & 100 BEING A SUBDIVISION OF  
LOT 10 DP 490069**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	07
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	RWB	-	-		
	Designed	Signed	Date	Datum & Level	Rev.
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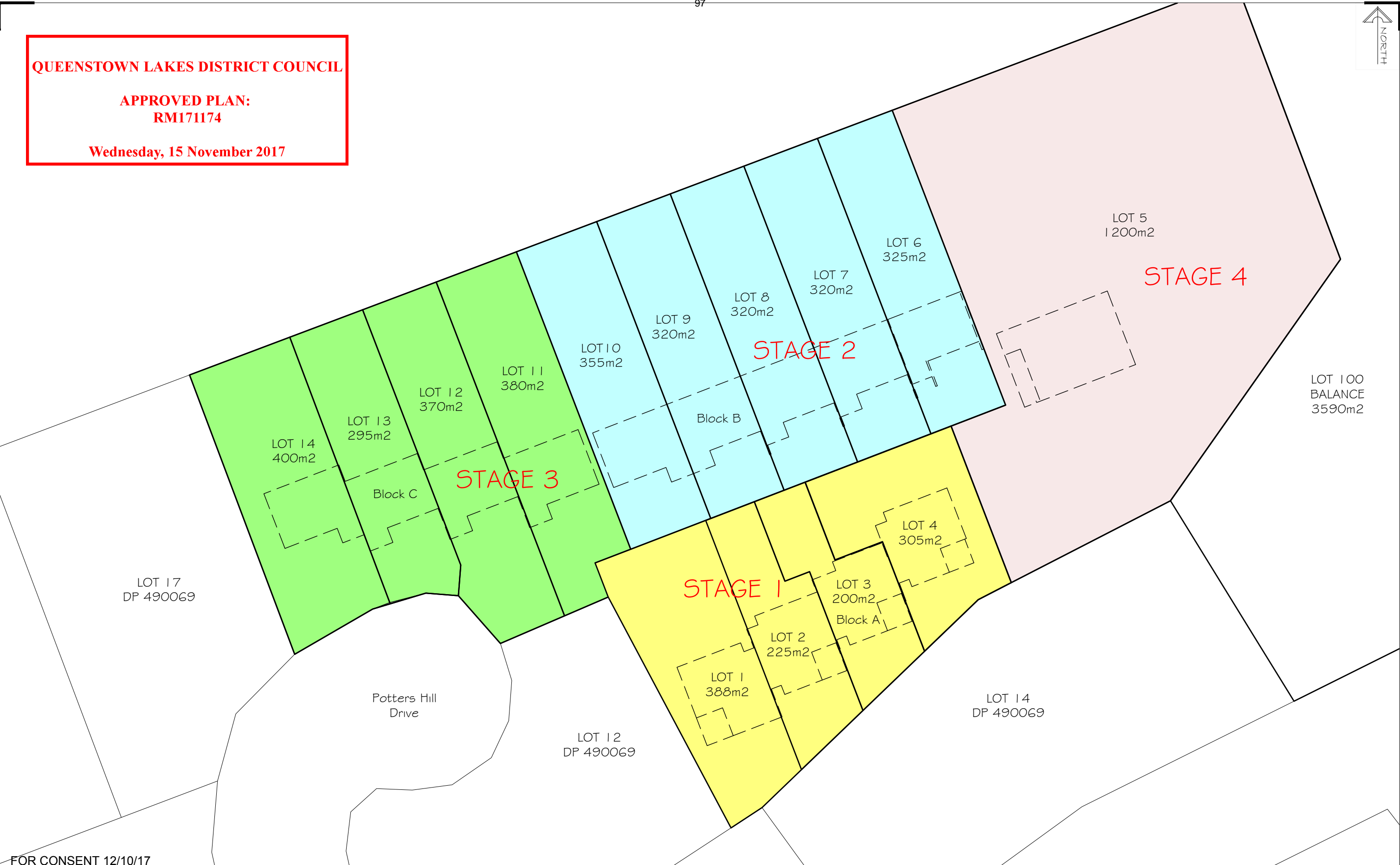





**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM171174**

**Wednesday, 15 November 2017**



FOR CONSENT 12/10/17



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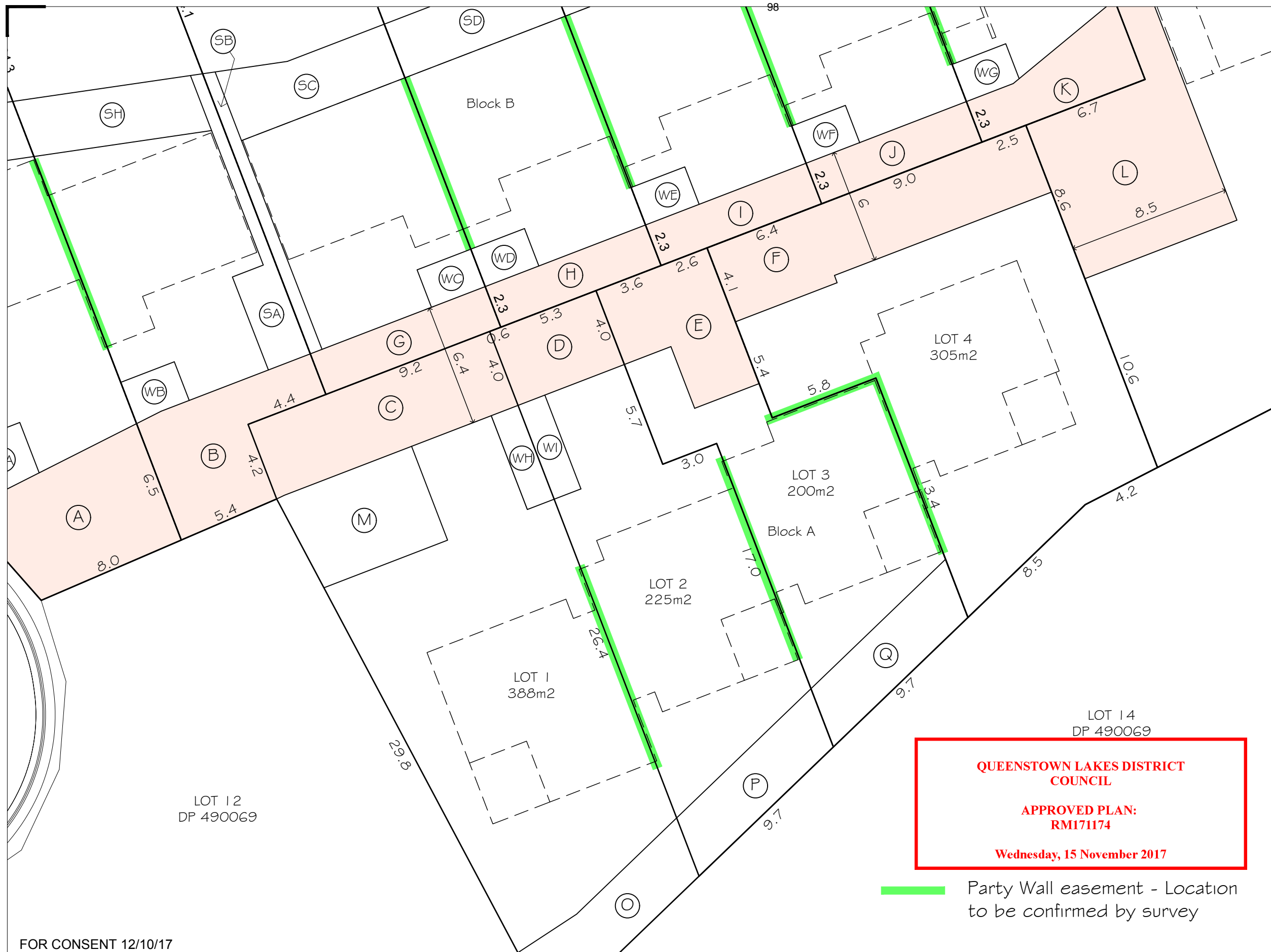
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Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**LOTS 1 - 14 & 100 BEING A SUBDIVISION OF  
LOT 10 DP 490069  
STAGING**

Client	ALPHA PROPERTIES LTD			Surveyed	Signed	Date	Job No.	Drawing No.
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PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	A	Lot 12 Hereon	Lot 1 - 11 Hereon
	B	Lot 11 Hereon	Lot 1 - 10 & 12 Hereon
	C	Lot 1 Hereon	Lot 2 - 12 Hereon
	D	Lot 2 Hereon	Lot 1 & 3 - 12 Hereon
	E	Lot 3 Hereon	Lot 1, 2 & 4 - 12 Hereon
	F	Lot 4 Hereon	Lot 1 - 3 & 5 - 12 Hereon
	G	Lot 10 Hereon	Lot 1 - 9, 11 & 12
	H	Lot 9 Hereon	Lot 1 - 8 & 10 - 12 Hereon
	I	Lot 8 Hereon	Lot 1 - 7 & 9 - 12 Hereon
	J	Lot 7 Hereon	Lot 1 - 6 & 8 - 12 Hereon
Right to Park	K	Lot 6 Hereon	Lot 1 - 5 & 7 - 12 Hereon
	L	Lot 5 Hereon	Lot 1 - 4 & 6 - 12 Hereon
	M	Lot 1 Hereon	Lots 1 - 12 Hereon
Right to Drain Stormwater	A	Lot 12 Hereon	Lot 1 - 11, 13 & 14 Hereon
	B	Lot 11 Hereon	Lots 1 - 8 Hereon
	C	Lot 10 Hereon	Lots 1 - 7 Hereon
	D	Lot 9 Hereon	Lot 1 - 6 Hereon
	E	Lot 8 Hereon	Lot 1 - 5 Hereon
	F	Lot 7 Hereon	Lot 2 - 4 Hereon
	G	Lot 6 Hereon	Lot 3 & 4 Hereon
	H	Lot 5 Hereon	Lot 4 Hereon
	I	Lot 4 Hereon	Lot 5 Hereon
	J	Lot 3 Hereon	Lot 5 & 6 Hereon
Right to Drain Sewage	K	Lot 2 Hereon	Lot 7 - 14 Hereon
	L	Lot 1 Hereon	Lot 5 - 8 Hereon
	M	Lot 10 Hereon	Lot 5 & 6 Hereon
	N	Lot 9 Hereon	Lot 7 - 14 Hereon
	O	Lot 8 Hereon	Lot 5 - 8 Hereon
	P	Lot 7 Hereon	Lot 5 - 9 Hereon
	Q	Lot 6 Hereon	Lot 5 - 10 & 11 - 14 Hereon
	R	Lot 5 Hereon	Lots 12 - 14 Hereon
	S	Lot 4 Hereon	Lot 13 & 14 Hereon
	T	Lot 3 Hereon	Lot 14 Hereon

PROPOSED MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Water	A, WA	Lot 12 Hereon	QLDC
	B, WB	Lot 11 Hereon	
	C, WH	Lot 1 Hereon	
	D, WI	Lot 2 Hereon	
	E	Lot 3 Hereon	
	F	Lot 4 Hereon	
	G, WC	Lot 10 Hereon	
	H, WD	Lot 9 Hereon	
	I, WE	Lot 8 Hereon	
	J, WF	Lot 7 Hereon	
	K, WG	Lot 6 Hereon	
	L	Lot 5 Hereon	

NOTE - ADDITIONAL SERVICE EASEMENTS MAY BE REQUIRED

FINAL EASEMENT BOUNDARIES ARE SUBJECT TO LOCATION OF FINAL ASBUILT SERVICES

FOR CONSENT 12/10/17

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309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
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Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**LOTS 1 - 14 & 100 BEING A SUBDIVISION OF  
LOT 10 DP 490069**

Client  
**ALPHA PROPERTIES LTD**

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Datum & Level: Mt Nic 2000 & MSL  
Rev. F

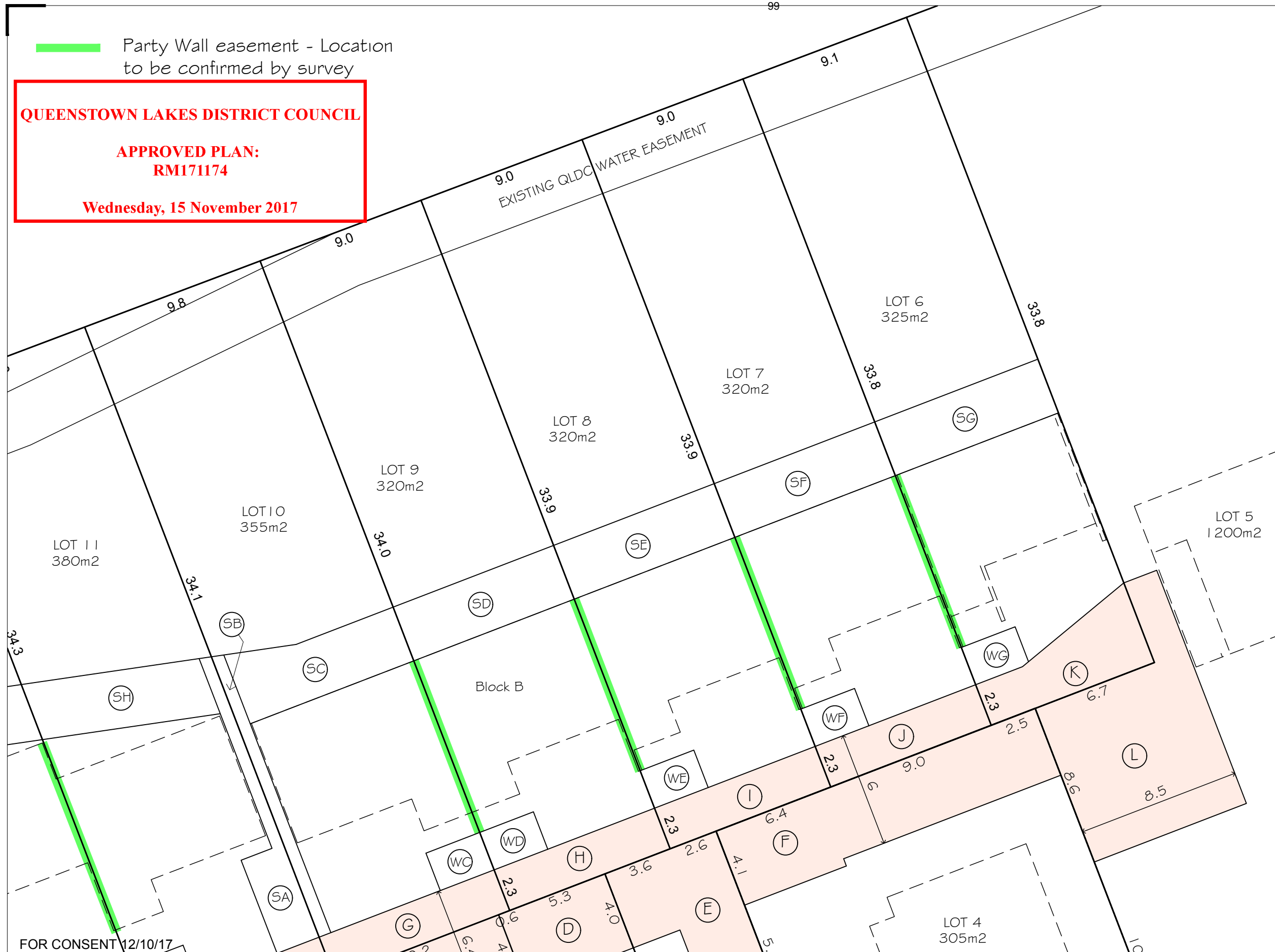
S:\JOBS\12300\12377\acad\12377\_07\_The Tiers villas\_Scheme plan\_REV F.dwg Plotted: 12.10.2017



Party Wall easement - Location  
to be confirmed by survey

**APPROVED PLAN:  
RM171174**

**Wednesday, 15 November 2017**



PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	A	Lot 12 Hereon	Lot 1 - 11 Hereon
	B	Lot 11 Hereon	Lot 1 - 10 & 11 Hereon
	C	Lot 1 Hereon	Lot 2 - 12 Hereon
	D	Lot 2 Hereon	Lot 1 & 3 - 12 Hereon
	E	Lot 3 Hereon	Lot 1, 2 & 4 - 12 Hereon
	F	Lot 4 Hereon	Lot 1 - 3 & 5 - 12 Hereon
	G	Lot 10 Hereon	Lot 1 - 9, 11 & 12
	H	Lot 9 Hereon	Lot 1 - 8 & 10 - 12 Hereon
	I	Lot 8 Hereon	Lot 1 - 7 & 9 - 12 Hereon
	J	Lot 7 Hereon	Lot 1 - 6 & 8 - 12 Hereon
Right to Park	K	Lot 6 Hereon	Lot 1 - 5 & 7 - 12 Hereon
	L	Lot 5 Hereon	Lot 1 - 4 & 6 - 12 Hereon
	M	Lot 1 Hereon	Lot 1 - 12 Hereon
	A	Lot 12 Hereon	Lot 1 - 11, 13 & 14 Hereon
	H	Lot 9 Hereon	Lot 1 - 8 Hereon
Right to Drain Stormwater	I	Lot 8 Hereon	Lot 1 - 7 Hereon
	J	Lot 7 Hereon	Lot 1 - 6 Hereon
	K	Lot 6 Hereon	Lot 1 - 5 Hereon
	O	Lot 1 Hereon	Lot 2 - 4 Hereon
	P	Lot 7 Hereon	Lot 1 & 4 Hereon
	Q	Lot 3 Hereon	Lot 4 Hereon
	SG	Lot 6 Hereon	Lot 5 Hereon
	SF	Lot 7 Hereon	Lot 5 & 6 Hereon
	SI	Lot 8 Hereon	Lot 7 - 5 Hereon
	SD	Lot 9 Hereon	Lot 5 - 8 Hereon
	SC	Lot 10 Hereon	Lot 5 - 9 Hereon
	G, SB	Lot 10 Hereon	Lot 5 - 9 & 11 - 14 Hereon
	B, SA	Lot 11 Hereon	Lot 5 - 10 & 12 - 14 Hereon
Right to Drain Sewage	SH	Lot 11 Hereon	Lot 12 - 14 Hereon
	SI	Lot 12 Hereon	Lot 13 & 14 Hereon
	SI	Lot 13 Hereon	Lot 14 Hereon
	A	Lot 12 Hereon	Lot 5 - 11 Hereon
	B	Lot 11 Hereon	Lot 5 - 10 Hereon
	G	Lot 10 Hereon	Lot 5 - 9 Hereon
	H	Lot 9 Hereon	Lot 1 - 8 Hereon
	I	Lot 8 Hereon	Lot 1 - 7 Hereon
	J	Lot 7 Hereon	Lot 1 - 6 Hereon
	K	Lot 6 Hereon	Lot 1 - 5 Hereon
	O	Lot 1 Hereon	Lot 2 - 4 Hereon
	P	Lot 2 Hereon	Lot 3 & 4 Hereon
	Q	Lot 3 Hereon	Lot 4 Hereon

PROPOSED MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT EASEMENT	GRANTEE
Right to Convey Water	A, WA	Lot 22 Hereon	QLDC
	B, WB	Lot 22 Hereon	
	C, WH	Lot 1 Hereon	
	D, WI	Lot 2 Hereon	
	E	Lot 3 Hereon	
	F	Lot 4 Hereon	
	G, WC	Lot 20 Hereon	
	H, WD	Lot 9 Hereon	
	I, WI	Lot 8 Hereon	
	J, WF	Lot 7 Hereon	
	K, WG	Lot 6 Hereon	
	L	Lot 5 Hereon	

FINAL EASEMENT BOUNDARIES ARE SUBJECT TO LOCATION  
OF FINAL ASBUILT SERVICES

FOR CONSENT 12/10/17



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[illegible]

**LOTS 1 - 14 & 100 BEING A SUBDIVISION OF  
LOT 10 DP 490069**

Client  
ALPHA PROPERTIES LTD

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RWB	-	01.01.14	1:200 @ A3	
Designed	Signed	Date	Datum & Level	Rev.
-	-	-	Mt Nic 2000 & MSL	F



PROPOSED MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Water	A, WA	Lot 12 Hereon	QLDC
	B, WB	Lot 11 Hereon	
	C, WH	Lot 1 Hereon	
	D, WI	Lot 2 Hereon	
	E	Lot 3 Hereon	
	F	Lot 4 Hereon	
	G, WC	Lot 10 Hereon	
	H, WD	Lot 9 Hereon	
	I, WE	Lot 8 Hereon	
	J, WF	Lot 7 Hereon	
	K, WG	Lot 6 Hereon	
	L	Lot 5 Hereon	

FOR CONSENT 12/10/17

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Document Set ID: 6870316  
Revision: 1, Version Date: 14/05/2021

**Wednesday, 15 November 2017**

— LOT 17  
DP 490069

**LOTS 1 - 14 & 100 BEING A SUBDIVISION OF  
LOT 10 DP 490069**

Client  
ALPHA PROPERTIES LTD

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Designed	Signed	Date	Datum & Level	1:200 @ A3
-	-	-	Mt Nic 2000 & MSL	Rev.
-	-	-	-	F



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL****UNDER s104 RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Alpha Properties NZ Limited, Alpha Commercial Limited and The Tiers Villas Limited
<b>RM reference:</b>	RM191267
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to establish a visitor accommodation activity from eight (8) proposed residential units, and to breach transport standards; and</p> <p>Application under section 127 of the Resource Management Act 1991 (RMA) to change condition 1 and add condition 28 of Decision A and Decision B of RM190644, to amend the parking layout for Units 1 and 3.</p>
<b>Location:</b>	Potters Hill Drive, Queenstown
<b>Legal Description:</b>	<p>Lot 14 Deposited Plan 490069 held in Record of Title 706717; and</p> <p>Lot 100 Deposited Plan 534798 held in Record of Title 882777.</p>
<b>Operative Zoning:</b>	Low Density Residential
<b>Proposed Zoning:</b>	Lower Density Suburban Residential Wāhi Tupuna
<b>Activity Status:</b>	<b>Restricted Discretionary</b>
<b>Notification Decision:</b>	Publically Notified
<b>Delegated Authority:</b>	Alana Standish – Team Leader Resource Consents
<b>Final Decision:</b>	<b>Granted Subject to Conditions</b>
<b>Date Decisions Issued:</b>	4 December 2020

**SUMMARY OF DECISIONS**

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Annexure 1** of this decision imposed pursuant to Section 108/220 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's file and responses to any queries) by Alana Standish, Team Leader Resource Consents, as delegate for the Council.



## 1.0 PROPOSAL AND SITE DESCRIPTION

Section 2 of the Section 42A (s42A) report prepared for Council (attached as Annexure 2) provides a full description of the proposal, the site and surrounds and the consenting history.

## 2.0 NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publically notified, on 25 June 2020. Submissions closed on 23 July 2020, and no submissions were received.

No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Alana Standish, Team Leader Resource Consents on the 3 December 2020.

## 3.0 THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6.0 of the s42A report outlines s104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9.0 of the s42A report outlines Part 2 of the Act.

### 3.1 RELEVANT PLAN CONSIDERATIONS

#### 3.1.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential (LDR), and consent is required for the following reasons:

*Rules that are treated as operative:*

#### Residential Areas – Section 7

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(i) for visitor accommodation activities within the Low Density Residential Zone. Council's discretion is with respect to:
  - a) The location, external appearance and design of buildings;
  - b) The location, nature and scale of activities on site;
  - c) The location of parking and buses and access;
  - d) Noise; and
  - e) Hours of operation.
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.6.2(iii)(f), which states no part of any building to be used for visitor accommodation shall be permitted to locate within 4 metres of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential. The building containing Units 1 and 2 on Lot 14 are located approximately 2.36 metres from the western internal boundary; and Units 11 and 14 on Lot 100 will breach the requirement along the eastern and western boundaries. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.6.2(iii)(g) in relation to parking and outdoor storage areas associated with visitor accommodation activities, whereby they shall be adequately screened from adjoining properties. The parking areas on both sites are not screened. Council's discretion is restricted to this matter.



#### Transport – Section 14

- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.1(v) in regards to the size of parking spaces, which are required to comply with the dimensions in Appendix 7. The aisle width for the parking spaces of Unit 11 and Unit 12 on Lot 100 does not meet the required distance, being 7 metres for Class 2 users. An aisle width of 6.2 metres is provided for Unit 11, and 6.42 metres for Unit 12. Council's discretion is restricted to this matter.

*Rules that are treated as inoperative under s86F:*

#### Transport – Section 14

- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.2(iv) in regards to the sight distances required for a visitor accommodation activity, which is required to be a minimum distance of 80 metres. The units on Lot 14 are not anticipated to comply with the minimum sight distance. Council's discretion is restricted to this matter.

Overall, the application is considered to be a **restricted discretionary** activity under the Operative District Plan.

### **3.1.2 PROPOSED DISTRICT PLAN**

The subject site is zoned Lower Density Suburban Residential (LDSR), and consent is required for the following reasons:

*Rules that are treated as operative under s86F:*

#### Transport – Chapter 29

- A **restricted discretionary** activity pursuant to Rule 29.5.18(a) in regards to the sight distances required for a visitor accommodation activity, which is required to be a minimum distance of 80 metres. The units on Lot 14 are not anticipated to comply with the minimum sight distance.

*Rules that have legal effect under s86B(1) but are not yet treated as operative are:*

#### Lower Density Suburban Residential – Chapter 7

- A **non-complying** activity resource consent pursuant to Rule 7.4.14 for the proposed operation of year round visitor accommodation in the Lower Density Suburban Residential zone within Units 11 – 14 on Lot 100 DP 528817 and Units 1 – 4 on Lot 14 DP 490069.

*The definition of visitor accommodation is under Appeal [ENV-2019-CHC-078].*

#### Transport – Chapter 29

- A **restricted discretionary** activity pursuant to Rule 29.5.3(a) in regards to the size of parking spaces, which are required to comply with the dimensions in Table 29.7. The aisle width for the parking spaces of Unit 11 and Unit 12 on Lot 100 does not meet the required distance, being 7 metres for Class 2 users. An aisle width of 6.2 metres is provided for Unit 11, and 6.42 metres for Unit 12. Council's discretion is restricted to this matter.

*This rule is under Appeal [ENV-2019-CHC-058].*

Overall, the application is considered to be a **non-complying** activity under the Proposed District Plan.



### 3.2 RESOURCE MANAGEMENT ACT

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change condition 1 of Decision A and Decision B of RM190644, to amend the parking layout for Units 1 and 3.

Overall, the application is considered to be a **discretionary** activity under the Resource Management Act 1991 (RMA).

### 3.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 3.4 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- A **restricted discretionary** activity under the Operative District Plan;
- A **non-complying** activity under the Proposed District Plan; and
- A **discretionary** activity under the Resource Management Act.

## 4.0 SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

## 5.0 PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application, section 42A report and content of submissions are:

- Character and Cumulative Effects (8.2.2.1)
- Nuisance and Amenity Effects (8.2.2.2)
- Parking, Access and Traffic Effects (8.2.2.3)

The findings relating to these principal issues of contention are outlined in Section 8.2.2 of the attached s42A report.

## 6.0 ASSESSMENT

### 6.1 ACTUAL AND POTENTIAL EFFECTS (S104(1)(A))

Actual and potential effects on the environment have been addressed in Section 8.2.2 of the s42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

Having accepted the imposition of conditions and additional mitigation measures proposed by the applicant, the fact no submissions against the proposal were received during the notification period, and that all adjacent land owners have given their approval; I consider the proposal will not inappropriately detract from the residential amenity of the area in terms of residential amenity or character.

Overall it is considered that this location, the site and surrounding environment characteristics, the existing built form on the site, and the mitigation proposed by the applicant, the proposed activity is able to be absorbed without resulting in unacceptable adverse effects.



## 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in section 8.3 of the s42A report, overall the proposed development is in accordance with the relevant policies and objectives of the Operative and Proposed District Plan.

While the subject site is not within a visitor accommodation sub-zone, in this context whereby the site will be managed by a property manager and the visitor accommodation management plan proposed; and the fact the immediate neighbourhood raised no concerns in relation to their residential amenity, it is considered that the nature and scale of the proposal is inconsistent with, but not contrary to, the visitor accommodation and residential amenity objectives and policies.

## 6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in section 9.0 of the S42A report.

## 7.0 DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Ann 1* of this decision imposed pursuant to Section 108 of the RMA.

## 8.0 OTHER MATTERS

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required.

Please contact the Council if you require a Development Contribution Estimate.

### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Alex Jamieson on phone (03) 441 0499 or email [alex.jamieson@qldc.govt.nz](mailto:alex.jamieson@qldc.govt.nz)

Report prepared by



Alex Jamieson  
**PLANNER**

Decision made by



Alana Standish  
**TEAM LEADER RESOURCE CONSENTS**



**ANNEXURE 1 – Consent Conditions**  
**ANNEXURE 2 – Section 42A Report**



# **ANNEXURE 1**

## **CONSENT CONDITIONS**



## General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

### Lot 100 DP 528817

- The Tiers Villa Block C Level 1 Floor Plan, Contract 17031, Sheet A1-02, dated July 2019;
- The Tiers Villa Block C Level 2 Floor Plan, Contract 17031, Sheet A1-03, dated July 2019;
- The Tiers Villa Block C Level 3 Floor Plan, Contract 17031, Sheet A1-04, dated July 2019;
- The Tiers Villa Block C South Elevation, Contract 17031, Sheet A1-05, dated July 2019;
- The Tiers Villa Block C East Elevation, Contract 17031, Sheet A1-06, dated July 2019;
- The Tiers Villa Block C West Elevation, Contract 17031, Sheet A1-07, dated July 2019;
- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev I, dated 04/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Carparking' Job No 12377 Dwg 8 Sheet 006 Rev G I, dated 09/08/2019; and
- 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev I', prepared by Clark Fortune McDonald & Associates and dated 09/08/2019.

### Lot 14 DP 490069

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev I, dated 04/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Carparking' Job No 12377 Dwg 8 Sheet 006 Rev G I, dated 09/08/2019;
- 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev I', prepared by Clark Fortune McDonald & Associates and dated 09/08/2019.

### **stamped as approved on 3 December 2020**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.



### Prior To Conditions

4. Prior to the use of Lot 14 (DP 490069) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the RM190644 alternate parking arrangement plans approved by RM191267, and Council's standards.
5. Prior to the use of Lot 100 (DP 534798) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with stamped as approved drawings for RM190893.

### Operational Conditions

6. The consent holder shall ensure the visitor accommodation activity is undertaken in accordance with the approved site management plan (Visitor Accommodation Management Plan, Appendix 2), and the following conditions (7 – 16). Prior to operation of the visitor accommodation activity, the visitor accommodation management plan for each unit shall be updated to include the contact details of the property manager available for any complaints.

*Advice note: The management plan may be updated from time to time, this shall be certified by Council's Planning and Development department prior to implementation and shall demonstrate the management techniques that will be used to ensure conditions (5 - 12) are met, and shall include the contact details of the property manager available for any complaints.*

7. Each unit shall be rented to a maximum of one (1) group at any one time, for a maximum of 365 nights per year.
8. The maximum number of guests on site in association with the visitor accommodation activity, shall be restricted to:
  - a) Units 11 – 14 "The Tiers" (being 1, 3, 5 & 7 Woods Lane) in association with the visitor accommodation use shall be restricted to ten (10) persons at any one time; and
  - b) Units 1 – 4 Lot 14 DP 490069 (being 4A, 4B, 4C and 4D Rocha Lane) in association with the visitor accommodation use shall be restricted to four (4) persons at any one time.
9. Regarding the use of outdoor areas:
  - a) The use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am.
  - b) Two (2) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am. One sign shall be installed in the kitchen, and weatherproof signs (e.g. laminated) shall be installed within the outdoor area.
  - c) Upon installation, and prior to the use of the property for visitor accommodation, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.
10. The consent holder shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. Details of all tenancies for at least the preceding 5 years shall be continually maintained. This register shall be made available for the Councils review and records at all times.

*Please note: While the consent holder is responsible for there being an up to date register, the register may be completed by a letting agent / property manager.*



11. The consent holder shall ensure that all vehicles associated with the short-term visitor accommodation use of each unit, including those belonging to people visiting guests, shall be parked on each respective site. The consent holder must advise all guests of this condition prior to their arrival on site.
12. The consent holder shall ensure that no coaches are to service the authorised activity.
13. Prior to the operation of the residential unit for visitor accommodation, the consent holder shall provide to the Council the name and contact details of the Visitor Accommodation Manager. If these are to change, updated details shall be provided to the Council.
14. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection, rubbish and recycling shall only be placed on the street the day of or day prior to collection.
15. Prior to the use of the building for residential visitor accommodation activities authorised by this consent, and within ten (10) days of a change in property manager contact details, the consent holder shall undertake a letter drop to the owners/occupiers of neighbouring adjacent sites below:
  - Lot 12 DP 490069, Potters Hill
  - Lot 13 DP 490069, Potters Hill
  - Lot 17 DP 490069, Potters Hill
  - 2 Woods Lane, Potters Hill
  - 4 Woods Lane, Potters Hill
  - 6 Woods Lane, Potters Hill
  - 8 Woods Lane, Potters Hill
  - 9 Woods Lane, Potters Hill
  - 10 Woods Lane, Potters Hill
  - 11 Woods Lane, Potters Hill
  - 12 Woods Lane, Potters Hill
  - 13 Woods Lane, Potters Hill
  - 15 Woods Lane, Potters Hill
  - 17 Woods Lane, Potters Hill

The consent holder shall ensure that all adjacent properties are served with a copy of the conditions of RM191267, and a letter. The letter shall outline the consented activity and the property managers contact details for receiving any complaints. The letter shall direct owners and occupiers to direct all complaints to be conveyed to the property manager in the first instance. The consent holder shall submit the letter to the Council Monitoring Department for monitoring purposes within ten (10) working days of each letter drop.

16. The consent holder shall maintain a record of all complaints received during the operation of the visitor accommodation activity in the form of a register containing the complaint details and any remedial actions undertaken. Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years and any complaints received shall be forwarded to the Council Monitoring Department for monitoring purposes within 48 hours of the complaint being received. The complaint register shall be made available for inspection by the Council at all times.

#### Review

17. Within six (6) months of the date of this decision; and/or upon the receipt of information identifying noncompliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;

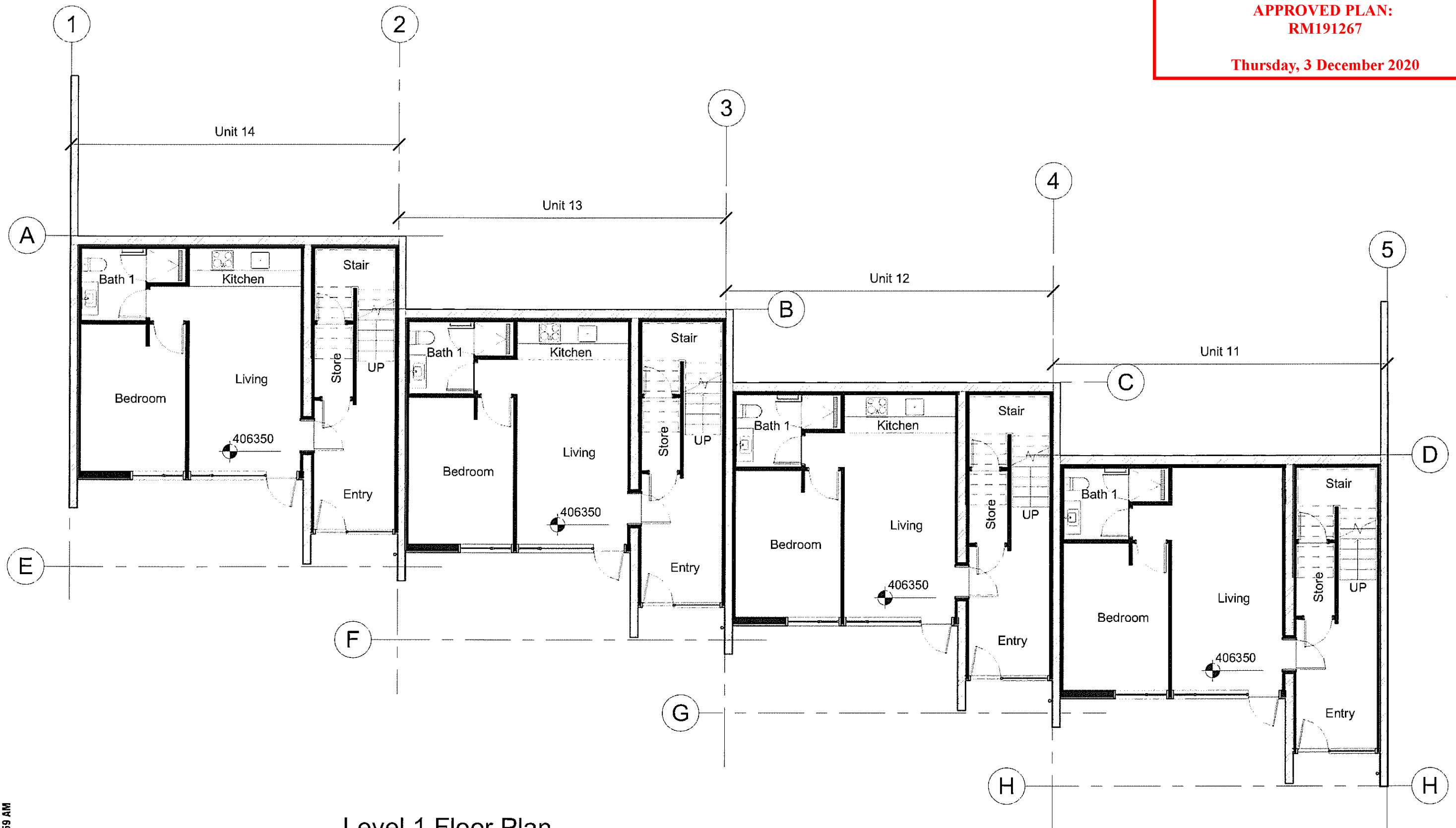


- b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered;
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991;
  - d) The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
18. As part of the review clause stated in condition 15 of this consent, the Council may have the visitor accommodation management plan audited at the consent holder's expense.

#### Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for visitor accommodation. As of the time this consent was granted, increased rates from a residential use are generated for visitor accommodation use over 180 days in any one calendar year. For further information please contact the Council Rates department.
2. An additional development contribution will be required for the change in use from residential to visitor accommodation. It is recommended the applicant contact the Council DCN officer for an estimate.
3. The consent holder is advised that there may be further requirements to using a residential unit for visitor accommodation, including but not limited to health and safety, income tax and GST.
4. Prior to the use of the building for visitor accommodation activities authorised by this consent, the consent holder should ensure the smoke alarms are provided and maintained in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.
5. The consent holder is advised the consent for visitor accommodation is a commercial type activity and access to residential related services, such as rubbish and recycling bins may not be provided by QLDC.
6. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.



**Level 1 Floor Plan**

Scale - 1 : 100 on A3

**The Tiers Villa - Block C**  
**Level 1 Floor Plan**

17/07/2019 9:28:59 AM



Date	Description	Rev
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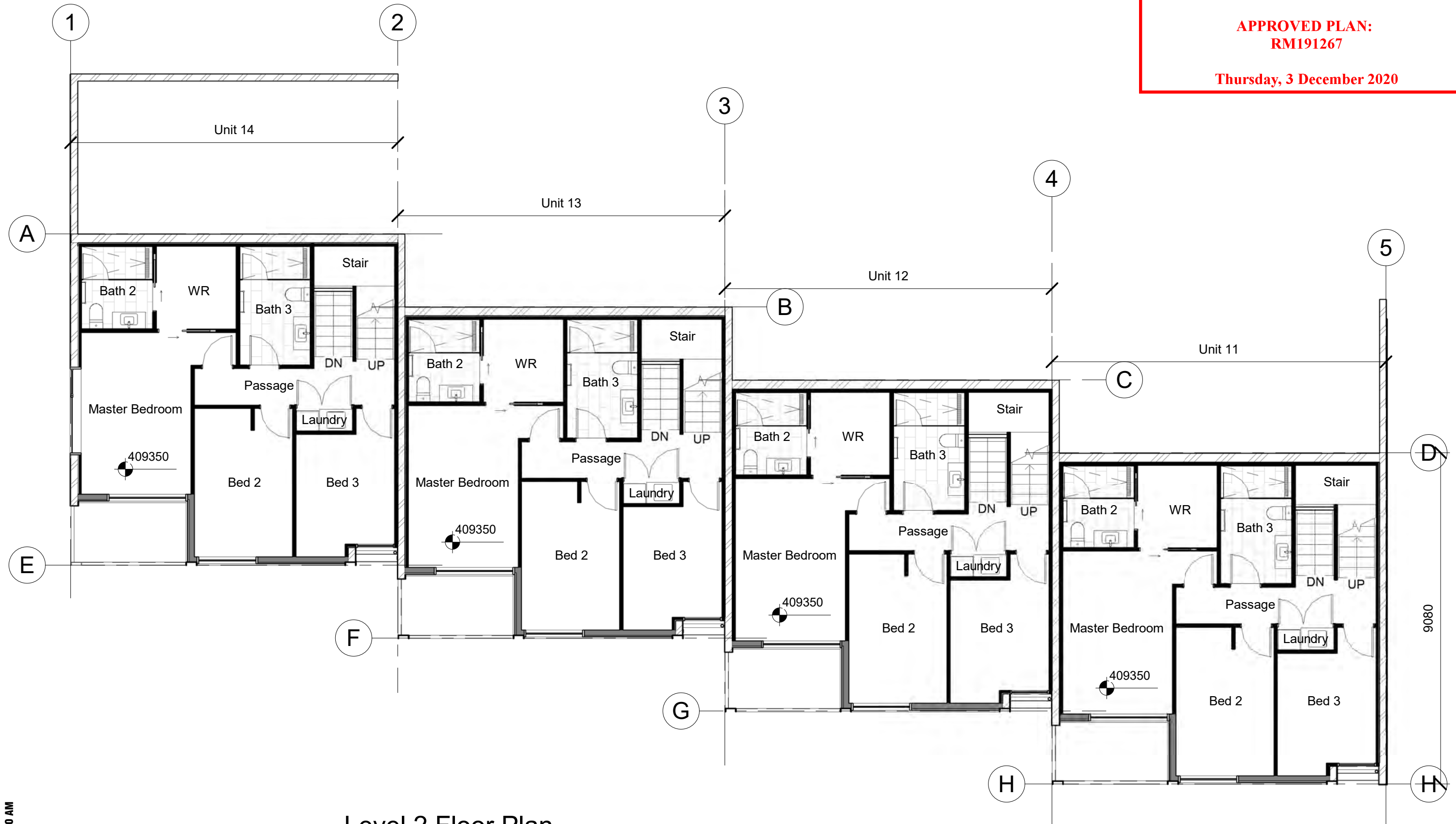
Date July 2019 A3 Sizes

Contract 17031

Sheet

**A1-02**



Level 2 Floor Plan

Scale - 1 : 100 on A3

**The Tiers Villa - Block C**  
**Level 2 Floor Plan**

17/07/2019 9:29:00 AM



Date	Description	Rev
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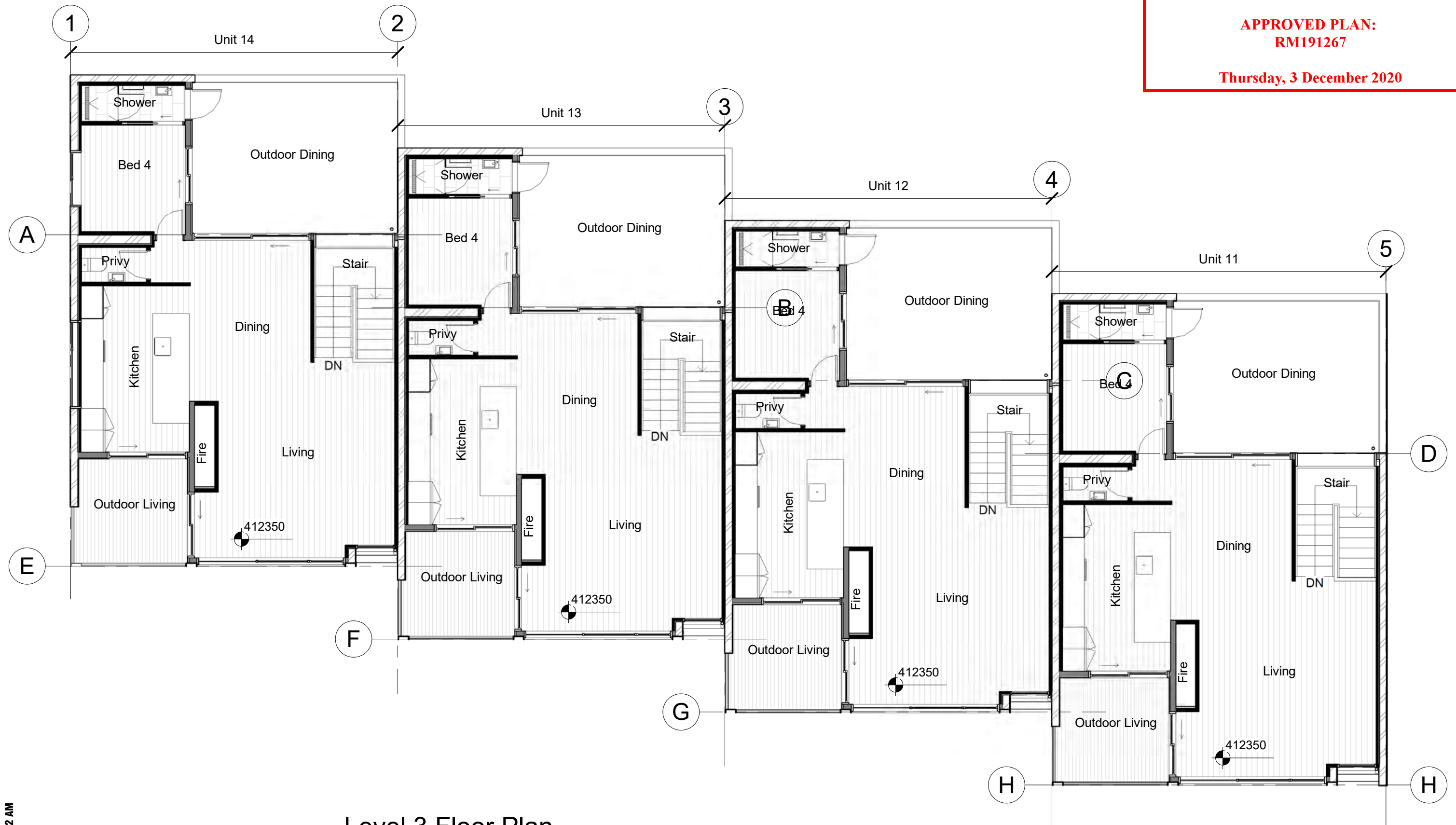
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Contract: 17031

Sheet:

**A1-03**



**Level 3 Floor Plan**

Scale - 1 : 100 on A3

**The Tiers Villa - Block C  
Level 3 Floor Plan**

17/07/2019 9:29:02 AM



Date	Description	Rev
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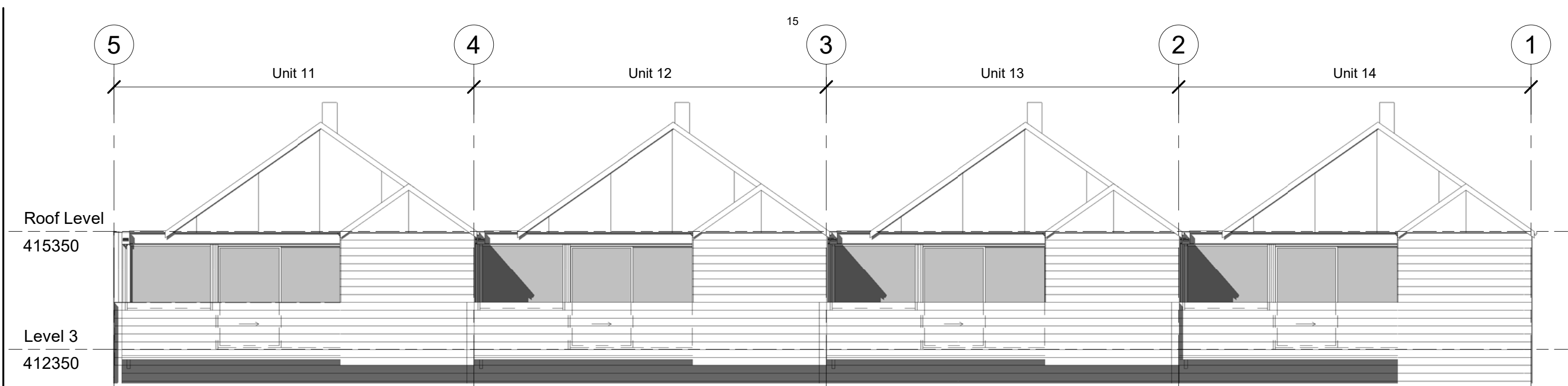
Date: July 2019 A3 Scales:

Contract: 17031

Sheet:

**A1-04**





**North Elevation**  
Scale - 1 : 100 on A3



**South Elevation**  
Scale - 1 : 100 on A3

**The Tiers Villa - Block C**  
**Elevations**

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM191267**  
**Thursday, 3 December 2020**

17/07/2019 9:29:04 AM

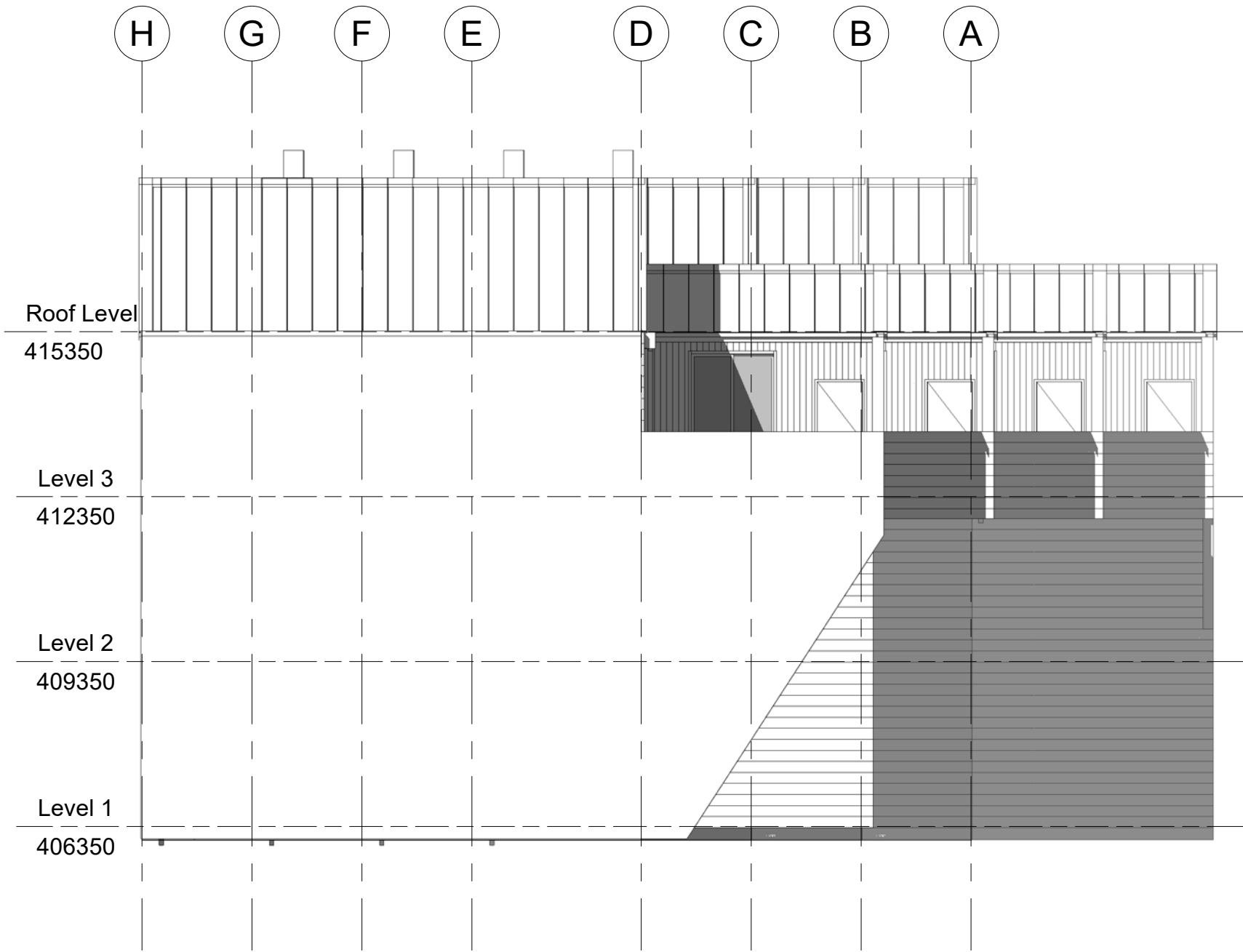




QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



East Elevation  
Scale - 1 : 100 on A3

The Tiers Villa - Block C

Elevations

17/07/2019 9:29:06 AM



Date	Description	Rev
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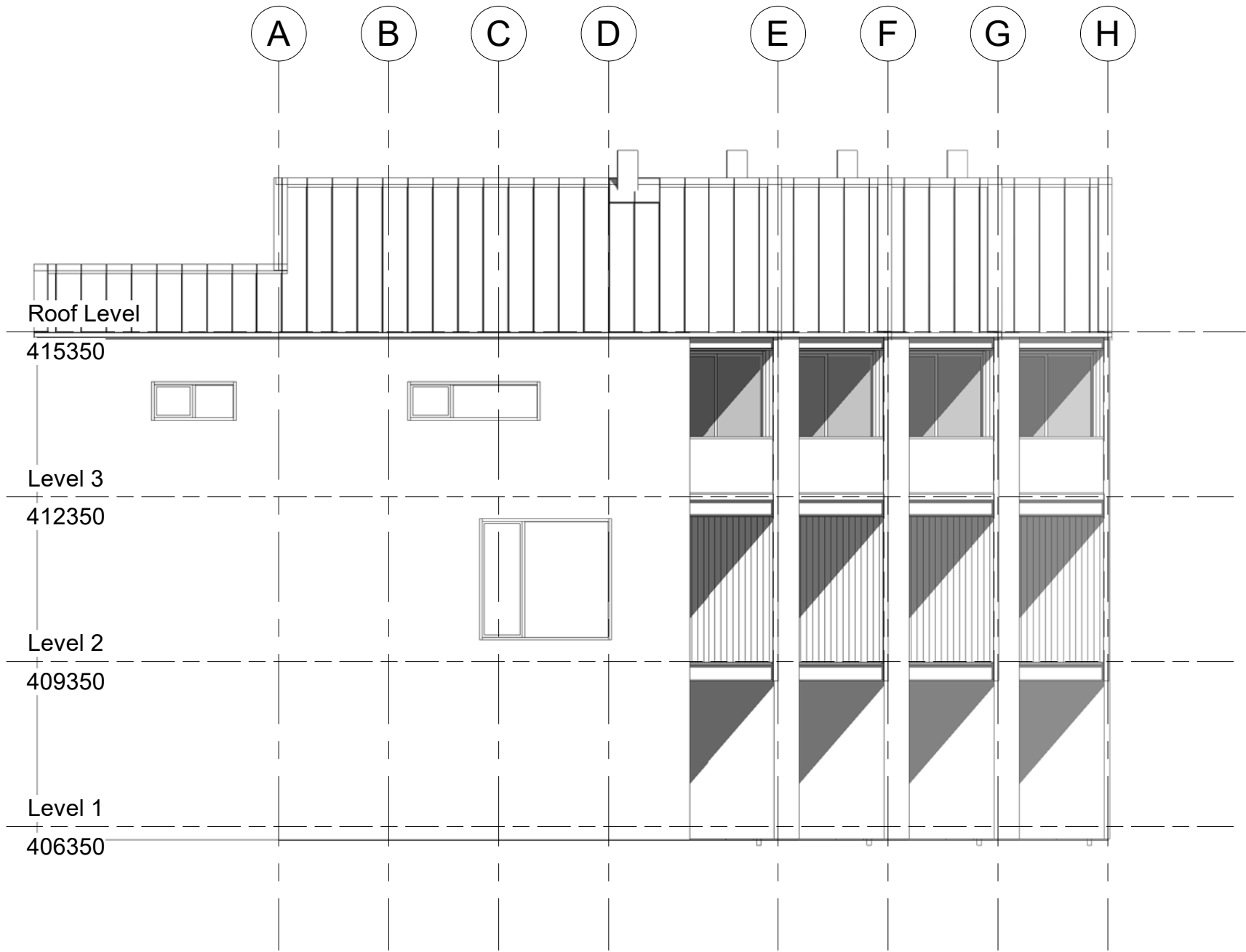
Date: July 2019 A3 Scales:

Contract: 17031

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A1-06





West Elevation  
Scale - 1 : 100 on A3

**The Tiers Villa - Block C**  
**Elevations**

17/07/2019 9:29:07 AM



Date	Description	Rev
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Date: July 2019 A3 Scales:

Contract: 17031

Sheet:

**A1-07**

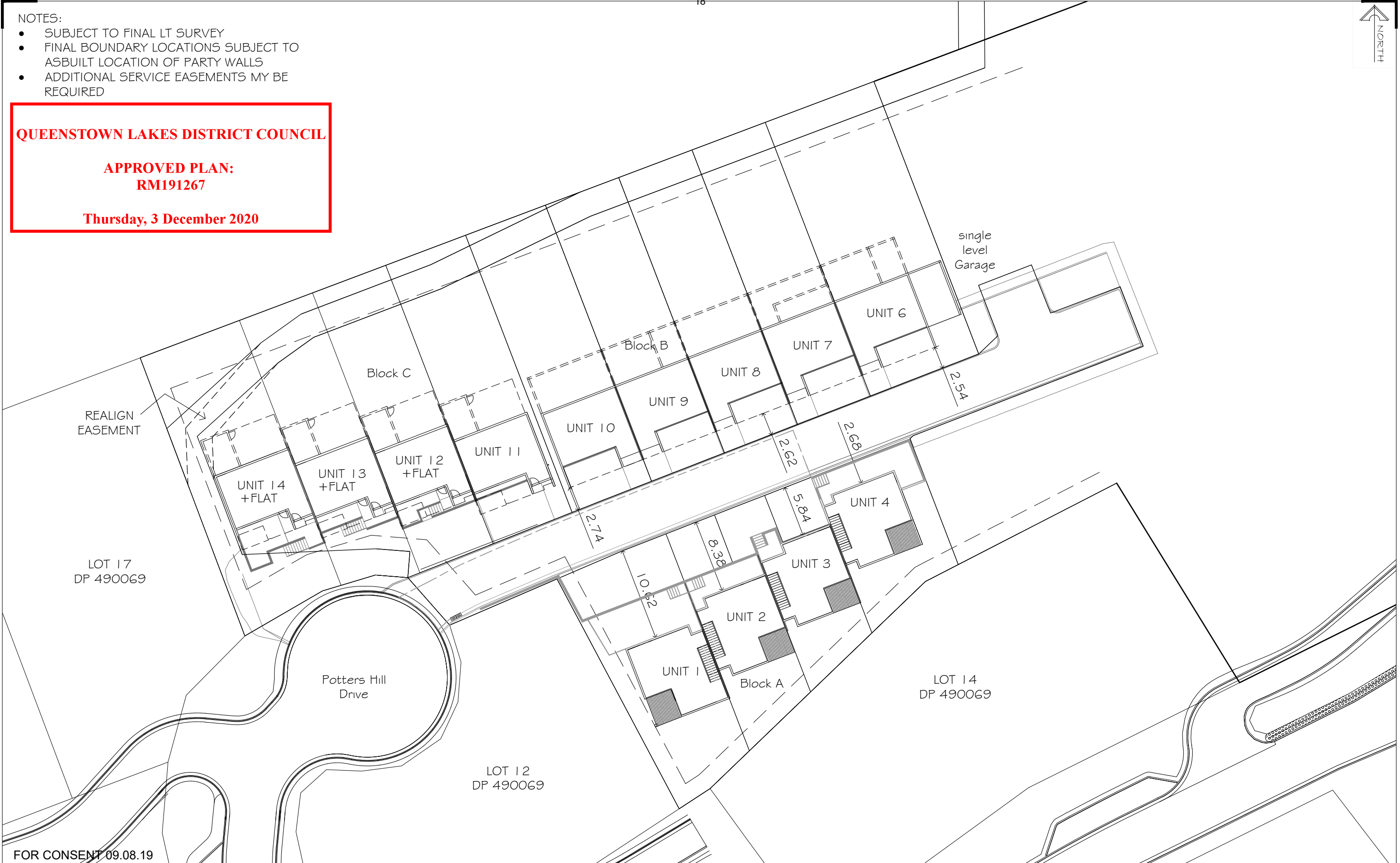


- NOTES:
- SUBJECT TO FINAL LT SURVEY
  - FINAL BOUNDARY LOCATIONS SUBJECT TO ASBUILT LOCATION OF PARTY WALLS
  - ADDITIONAL SERVICE EASEMENTS MY BE REQUIRED


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020

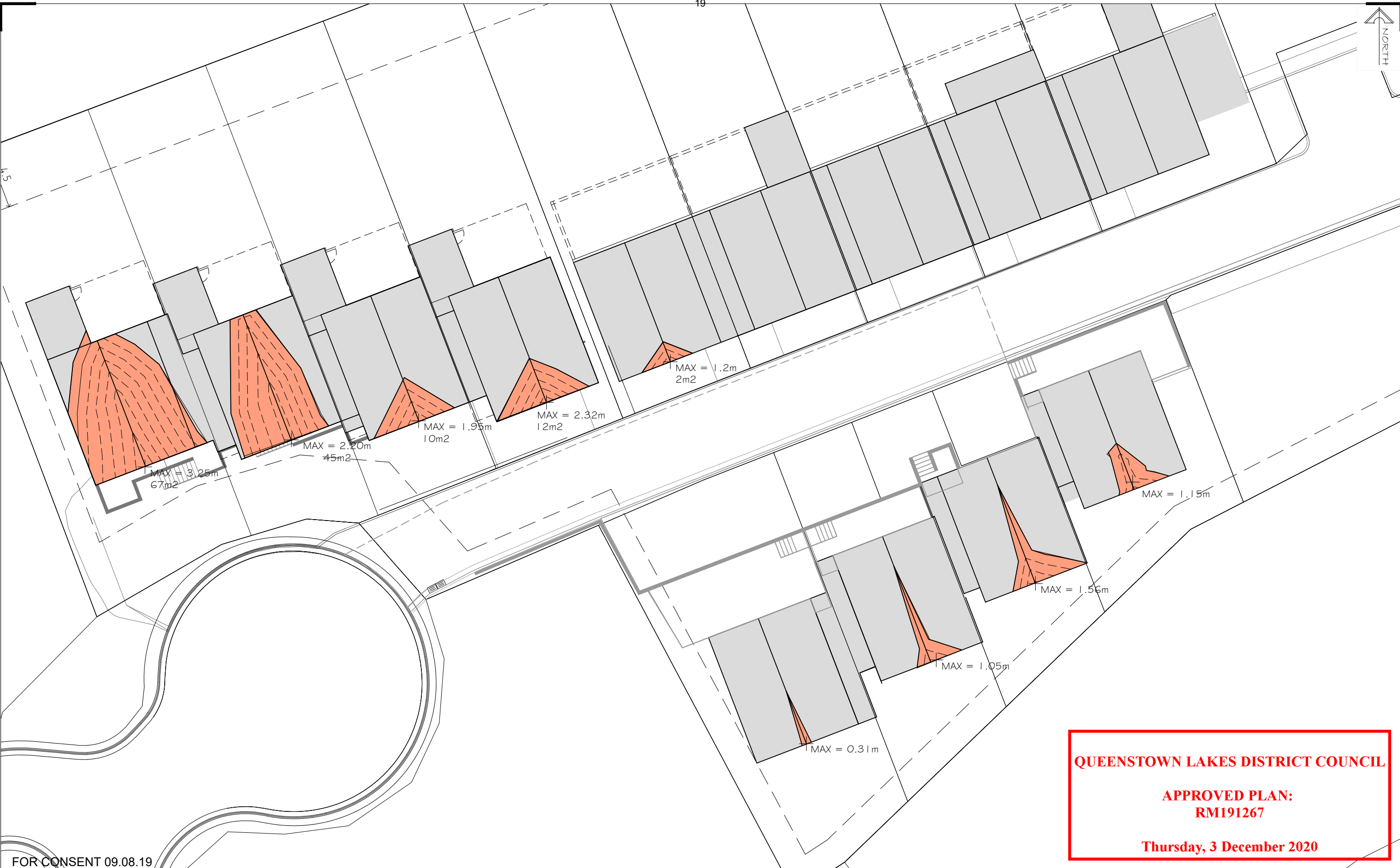


FOR CONSENT 09.08.19

 <b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors - Land Development - Planning Consultants 309 Lower Shotover Road, P.O Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz		Rev.		Date	Revision Details	By
		A	26.09.16	Adjust unit sizes	RB	
		B	26.09.16	Add carparks	RB	
		C	17.04.17	Add Extra units	RB	
<b>PROPOSED UNITS ON LOT 10 DP 490069</b>		D	11.10.17	Update Block B location	RB	
		E	22.05.18	Update Unit 6 & remove 5	RB	
		F	04.09.18	Update boundaries	RB	
		I	09.08.19	Update Block C layout	RB	
Client <b>ALPHA PROPERTIES LTD</b>  <small>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</small>		Surveyed	Signed	Date	Job No.	Drawing No.
		-	-	-	<b>12377</b>	<b>08</b>
		Drawn	Signed	Date	Scale	Sheet 001
		RWB	-	-	<b>1:200 @ A1</b> <b>1:400 @ A3</b>	
Designed		Signed	Date	Datum & Level	Rev.	
		-	-	Mt Nic 2000 & MSL	i	

C:\jobs\12377\12377\_08\_The Tiers villas\_Proposed units\_REV1.dwg Plotted: 10.10.2019





FOR CONSENT 09.08.19



**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
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Rev.	Date	Revision Details	By
A	26.09.16	Adjust unit sizes	RB
C	17.04.17	Add Extra units	RB
E	22.06.18	Update Unit 6 & remove 5	RB
I	09.08.19	Adjust Block C level	RB

**PROPOSED UNITS ON LOT 10 DP 490069  
HEIGHT INFRINGEMENTS**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	08
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	Sheet
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	Designed	Signed	Date	Datum & Level	Rev.
	-	-	-	Mt Nic 2000 & MSL	i

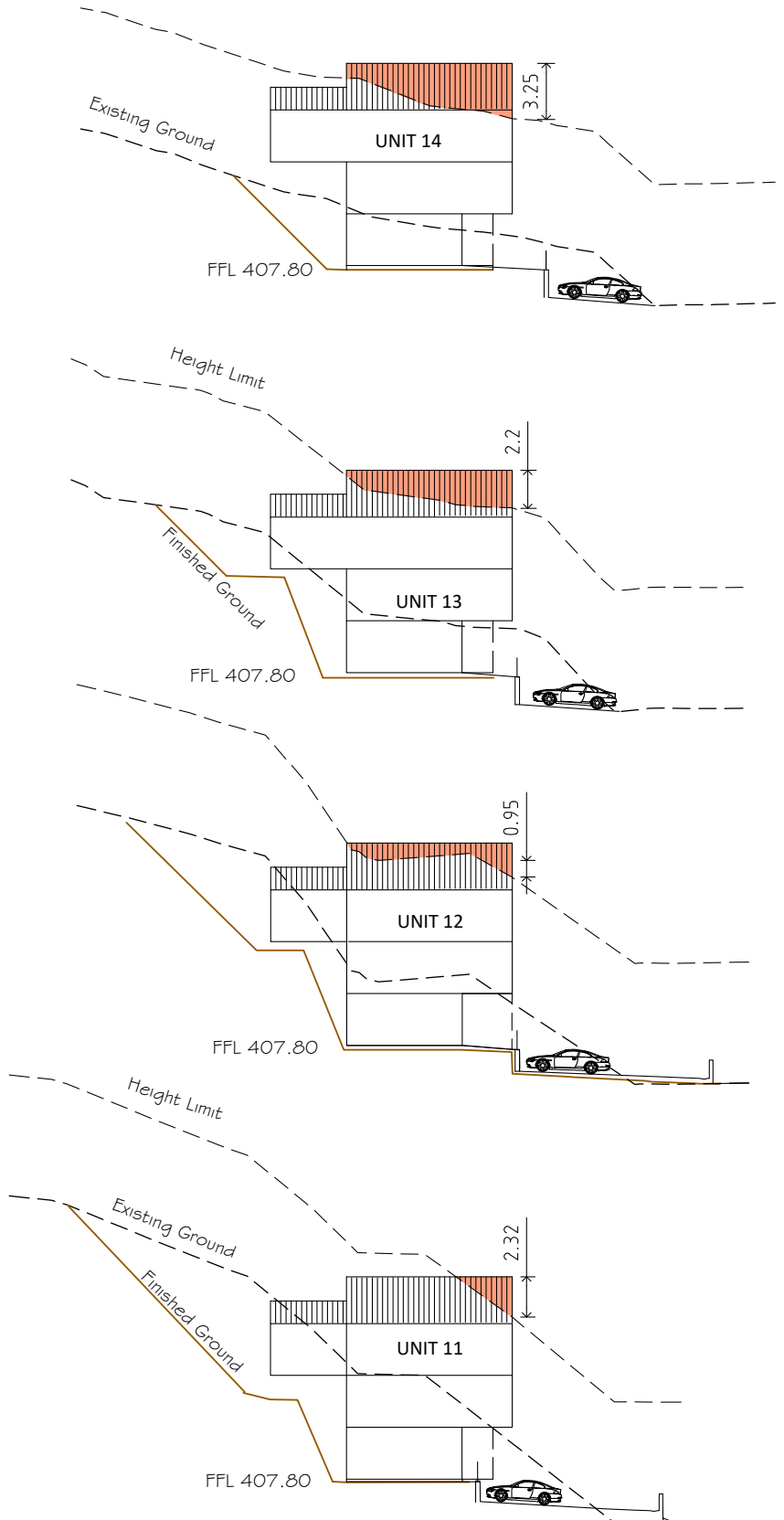
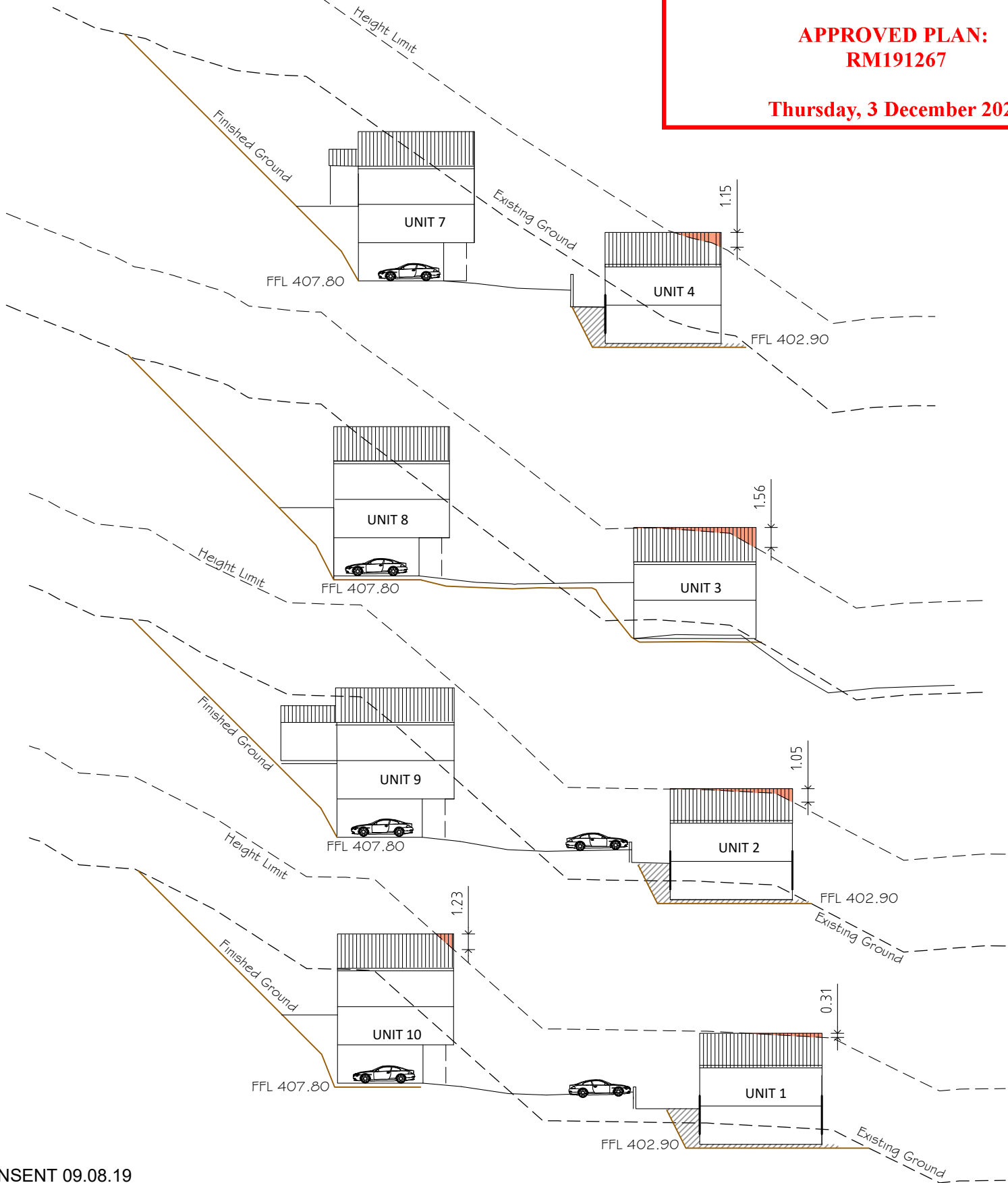
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**APPROVED PLAN:**  
**RM191267**  
  
**Thursday, 3 December 2020**




QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



FOR CONSENT 09.08.19



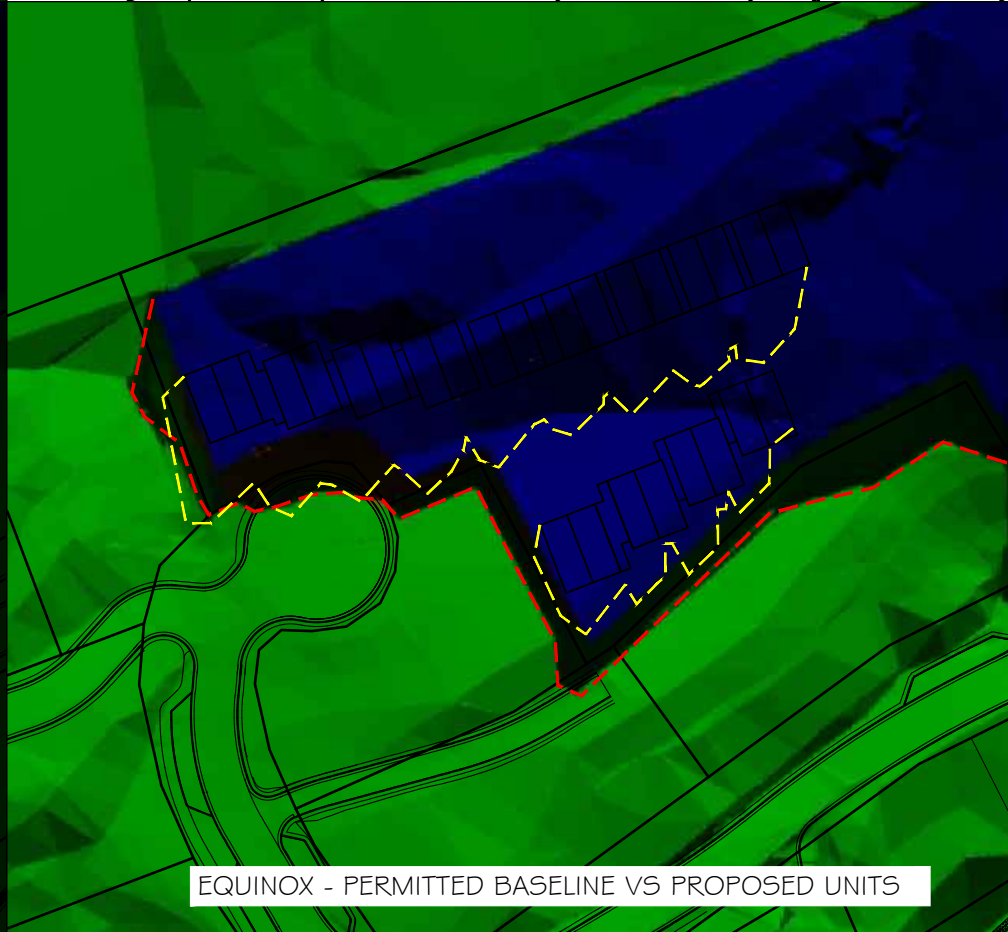
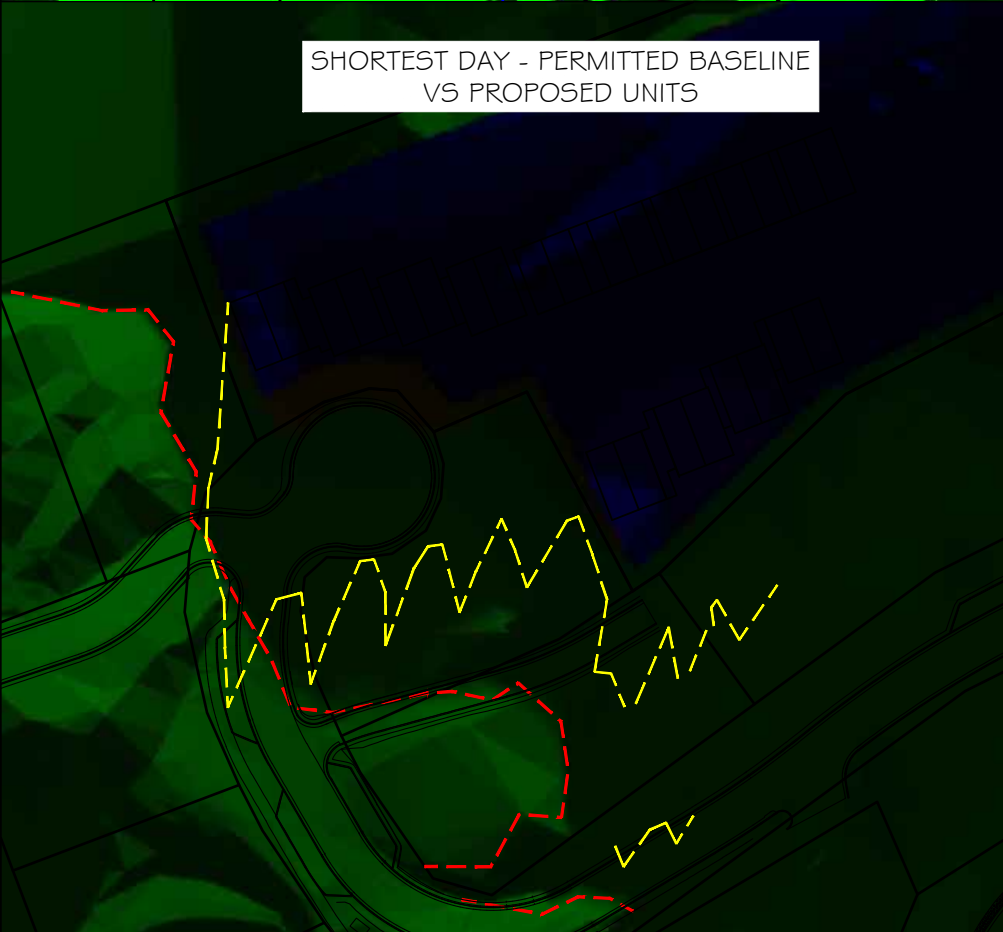
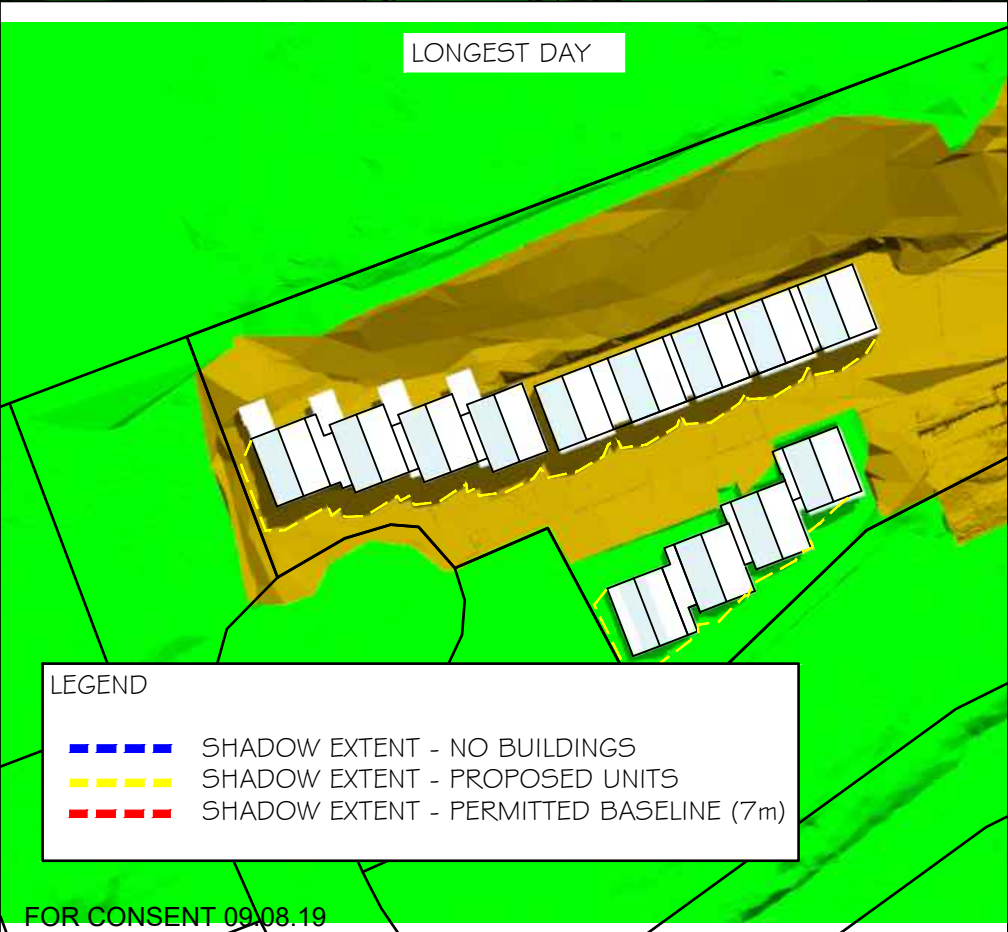
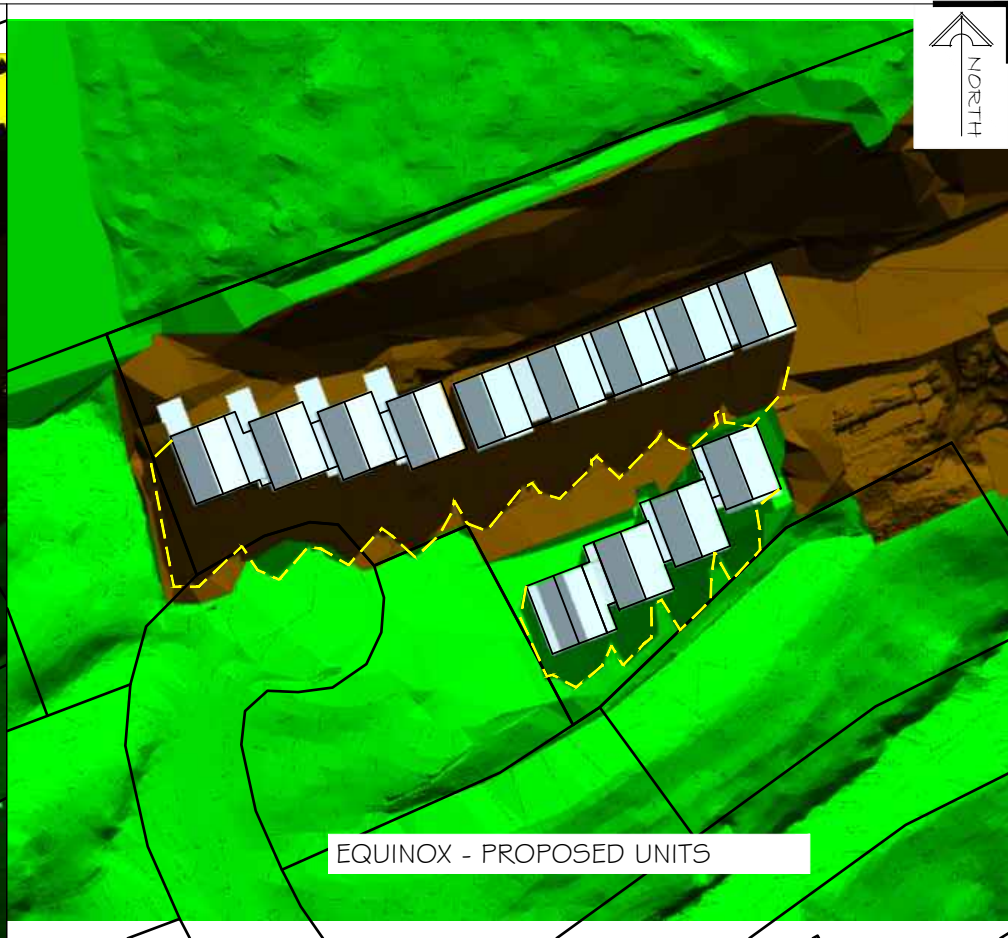
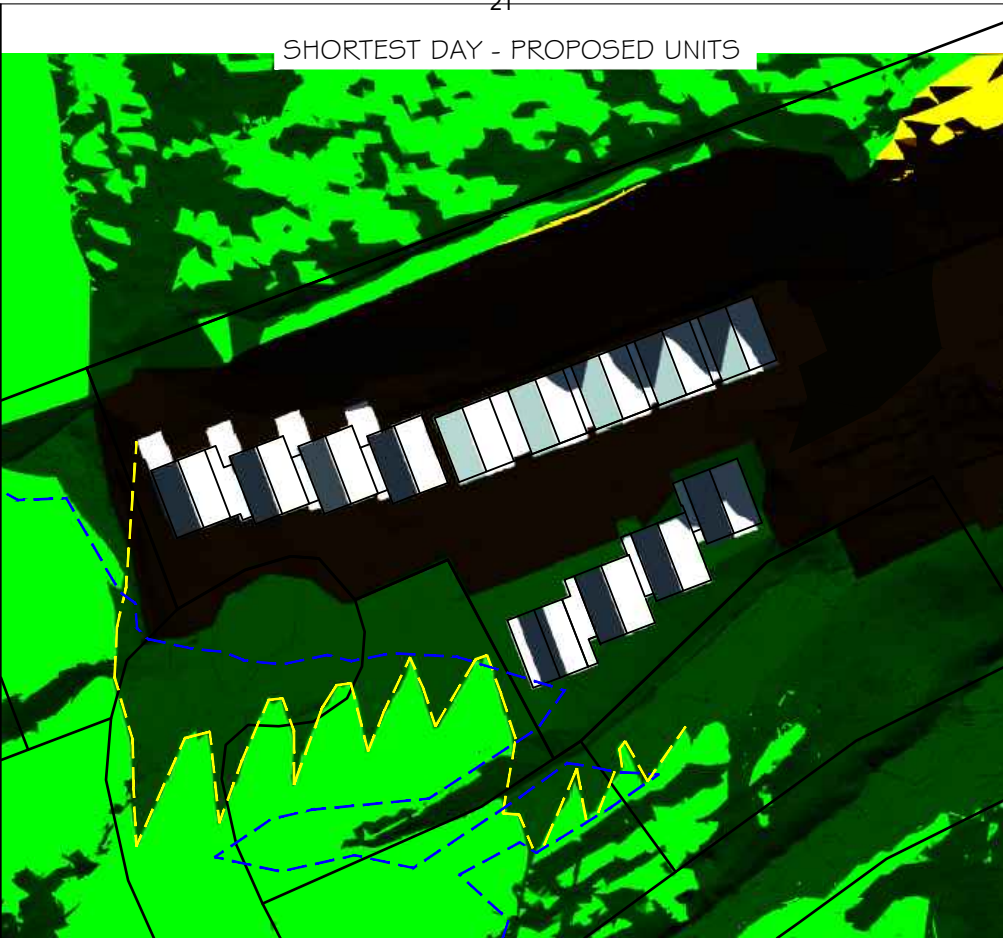
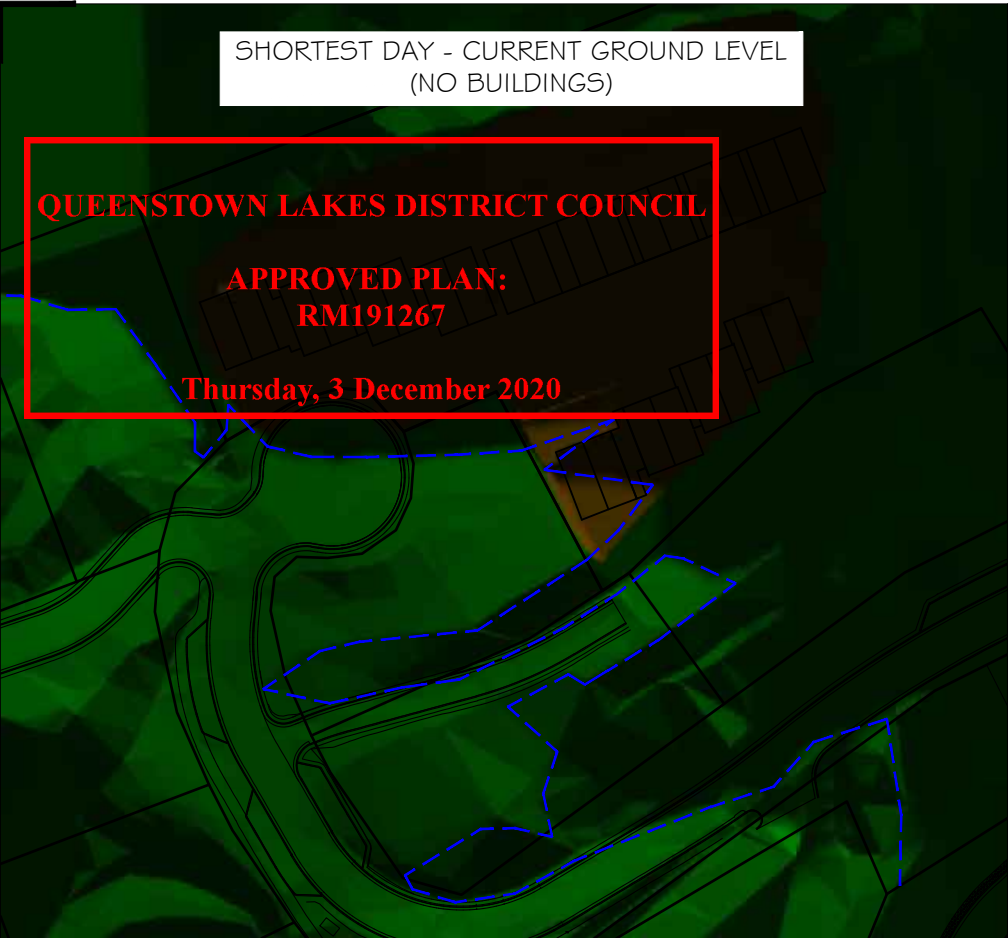
**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors • Land Development • Planning Consultants  
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Rev.	Date	Revision Details	By
A	26.09.16	Adjust unit sizes	RB
C	17.04.17	Add Extra units	RB
D	11.10.17	Shift Block B back & adjust levels	RB
E	22.05.18	Update Unit 6 & remove 5	RB
I	09.08.19	Adjust block C levels	RB

**PROPOSED UNOTS ON LOT 10 DP 490069**  
**SECTION VIEWS**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	Signed	-	12377	08
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	RWB	Signed	Date	Datum & Level	Rev.
	Designed	Signed	Date	Mt Nic 2000 & MSL	i





LEGEND

- SHADOW EXTENT - NO BUILDINGS
- SHADOW EXTENT - PROPOSED UNITS
- SHADOW EXTENT - PERMITTED BASELINE (7m)

FOR CONSENT 09.08.19

**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants

309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	26.09.16	Adjust unit sizes	RB
C	17.04.17	Add Extra units	RB
D	11.10.17	Adjust Block B unit locations	RB
E	22.05.18	Update Unit 6 & remove 5	RB
I	09.08.18	Update Shading Diagrams with height increase	RB

**PROPOSED UNITS ON LOT 10 DP 490069  
SHADING DIAGRAMS**

Client	ALPHA PROPERTIES LTD	Surveyed	-	Signed	-	Date	-	Job No.	12377	Drawing No.	08
		Drawn	RWB	Signed	-	Date	-	Scale	1:500 @ A1 1:1000 @ A3	Sheet	004
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.										
		Designed	-	Signed	-	Date	-	Datum & Level	Mt Nic 2000 & MSL	Rev.	i

C:\jobs\12377\12377\_08\_The Tiers villas\_Proposed units\_REV1.dwg Plotted: 10.10.2019

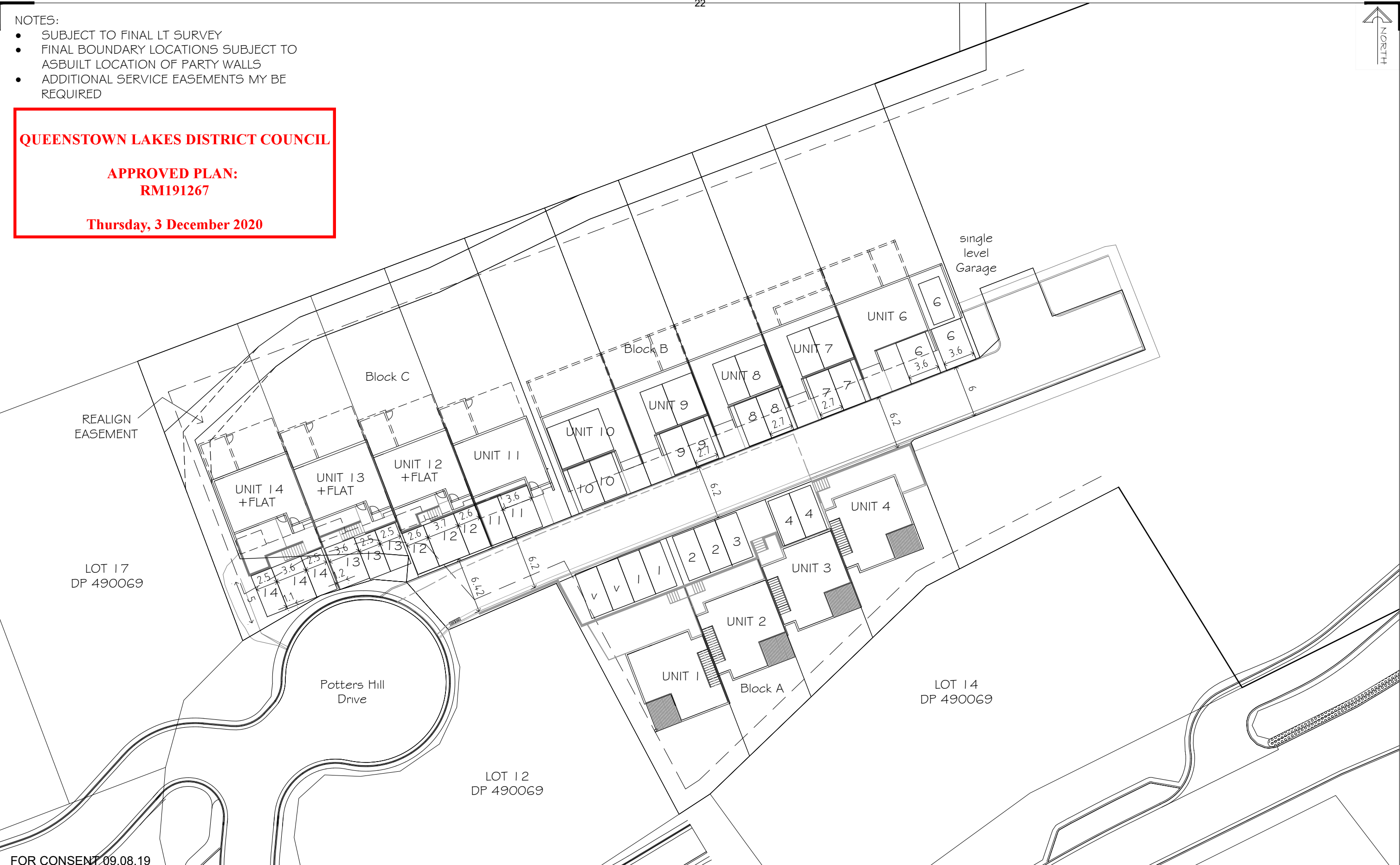
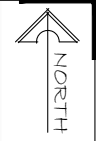


- NOTES:
- SUBJECT TO FINAL LT SURVEY
  - FINAL BOUNDARY LOCATIONS SUBJECT TO ASBUILT LOCATION OF PARTY WALLS
  - ADDITIONAL SERVICE EASEMENTS MY BE REQUIRED


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



FOR CONSENT 09.08.19



**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors • Land Development • Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
B	26.09.16	Add carparks	RB
C	17.04.17	Add Extra units	RB
D	11.10.17	Update Block B location	RB
E	22.05.18	Update Unit 6 & remove 5	RB
F	04.09.18	Update boundaries	RB
G	18.09.18	Adjust carparks	RB
I	09.08.19	Adjust Block C levels & layout	RB

**PROPOSED UNITS ON LOT 10 DP 490069  
CARPARKING**

Client	ALPHA PROPERTIES LTD	Surveyed	-	Signed	-	Date	-	Job No.	12377	Drawing No.	08
								Scale	1:200 @ A1	Sheet	006
		Drawn	RWB	Signed	-	Date	-		1:400 @ A3		
		Designed	-	Signed	-	Date	-	Datum & Level	Mt Nic 2000 & MSL	Rev.	i

Notes:  
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- Ensuring the information is the most recent issue.  
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C:\jobs\12377\12377\_08\_The Tiers villas\_Proposed units\_REV1.dwg Plotted: 10.10.2019



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



Shotover Design Limited trading as  
**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	17.10.16	ADD BIN AREA	RB
B	31.10.16	Add Carparks and shift bins	RB
D	17.09.17	Update with revised units and EW	RB
E	28.11.17	Future stage.	RB
F	08.01.17	Update unit layout	RB
H	04.08.19	Update Block B	RB
I	09.08.19	Update Block C	RB

## THE TIERS VILLAS LANDSCAPING & OUTDOOR LIVING SPACES

Client  
**ALPHA PROPERTIES LTD**

Notes:  
All dimensions shown are in meters unless shown otherwise.  
Any person using Clark Fortune McDonald drawings and other data accepts the risk of:  
- Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.  
- Ensuring the information is the most recent issue.  
- Copyright on this drawing is reserved.

Surveyed	Signed	Date	Job No.	Drawing No.
-	-	-	12377	09 Sheet 001
Drawn	Signed	Date	Scale	1:150 @ A1 1:300 @ A3
RWB	-	-	-	-
Designed	Signed	Date	Datum & Level	Rev.
-	-	-	Mt Nic 2000 & MSL	i

S:\JOBS\12300\12377\acad\12377\_09\_Landscape Plan\_REV1.dwg Plotted: 09.10.2019



## **UPDATED CONDITIONS OF RM190644 (AS VARIED BY RM191267)**

### **DECISION A – LANDUSE**

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - ‘The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Sections: Sheet A4-01, Revision E’, prepared WJ Cadzow and dated 06/03/2018
  - ‘The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Ground Floor Plan: Sheet A2-01, Revision F’, prepared WJ Cadzow and dated 06/03/2018
  - ‘The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: First Floor Plan: Sheet A2-02, Revision F’, prepared WJ Cadzow and dated 06/03/2018
  - ‘The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Car Park/Roof Plan: Sheet A4-01, Revision C’, prepared WJ Cadzow and dated 25/04/2017
  - ‘Proposed Units Lot 14 DP 490069: Drawing 27, Sheet 001’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units Lot 14 DP 490069 Excavation for Unit Construction: Drawing 27, Sheet 002’, prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - ‘Proposed Units Lot 14 DP 490069 Backfill Behind Units Post Construction: Drawing 27, Sheet 003’, prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - ‘Proposed Units Lot 14 DP 490069 Section Views: Drawing 27, Sheet 004’, prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - ‘Proposed Units Lot 14 DP 490069 Landscaping: Drawing 27, Sheet 005’, prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - ‘Proposed Units Lot 14 DP 490069 Services: Drawing 27, Sheet 006’, prepared by Clark Fortune McDonald and Associates and dated 10/05/2019

#### **stamped as approved on 3 December 2020**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*

<http://www.qldc.govt.nz>

#### **To be completed prior to the commencement of any works on-site**

5. Prior to any works commencing on site the Consent Holder shall complete the Short Form Environmental Management proforma:

<https://www.qldc.govt.nz/assets/Uploads/Planning/Resource-Consents/Environmental-Management-Guidelines/QLDC-Short-Form-Template-for-Environmental-Management-Plans-Small-Scale-Builds-June-2019.pdf>



At all times during the works, environmental management measures onsite shall be installed and carried out in accordance with this document.

6. Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works program in accordance with the requirements detailed on pages 9 and 10 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
7. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements detailed on page 8 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
8. The EMP shall be accessible on site at all times during work under this consent.
9. In accordance with page 9 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*, where any Environmental Incident where the EMP has failed leading to any adverse environmental effects offsite occurs the Consent Holder shall report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.
10. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
11. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
12. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following requirements:
  - a) The provision of a water supply to each Unit within the development in terms of Council's standards and connection policy. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017, for each unit located at the lot boundary. The costs of making these connections shall be borne by the consent holder.



- b) The provision of a foul sewer connection to Units 1 – 4 in accordance with Council's standards and connection policy. This shall include an inspection chamber/rodding eye at the junction of any laterals for two units. The costs of making these connections shall be borne by the consent holder.
  - c) The provision of connections to the existing Council reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The individual lateral connections shall be designed to provide gravity drainage for the entire impervious area they service. The costs of making these connections shall be borne by the consent holder.
  - d) The provision of a sealed access, parking facility and vehicle manoeuvring area that serves Units 1 – 4 that shall be constructed to Council's standards. Parking spaces shall be clearly and permanently marked out and allocated to the unit which they serve. Wheel stops shall be provided 0.8m from the end of the parking spaces.
  - e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to the occupation of the units.
  - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
13. Prior to commencing any work on the site the consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
14. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified geo-professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve Limited report (GeoSolve ref 140412, dated April 2016) and who shall supervise the earthworks procedure and retaining wall construction, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.

#### **To be monitored throughout earthworks**

- 15. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
- 16. The earthworks, retaining, foundation design and site management shall be undertaken in accordance with the recommendations of the report by GeoSolve Limited (GeoSolve ref 140412, dated April 2016).
- 17. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability.



18. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
19. No earthworks, temporary or permanent, are to breach the boundaries of the site.

**To be completed on completion of the earthworks but prior to the construction of the units**

20. On completion of earthworks within the building footprints and prior to the construction of the residential units, the consent holder shall complete the following:
  - a) The consent holder shall provide to the Manager of Resource Management Engineering at Council a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.2 and demonstrates to Council that the building platforms are suitable for building development. In the event that the conditions within the building platforms are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Manager of Resource Management Engineering at Council.

**To be completed prior to occupation of the units**

21. Prior to the occupation of any unit, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition (4) above.
  - c) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for each Unit, and evidence of supply shall be provided to Council's Subdivision Inspector.
  - d) Each Unit created by this subdivision shall be provided with a minimum electricity supply of single phase 15kVA capacity. Each supply shall be underground from any existing reticulation.
  - e) The consent holder shall provide a suitable telecommunications connection to each unit. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of the Network provider.
  - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for all engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.



- g) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

### **Ongoing Conditions/Covenants**

22. In the event that the Engineering Acceptance issued under Condition (4) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a covenant in gross (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Register of Titles detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

*[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].*

23. Rubbish bins shall be stored in the locations shown on the approved plans.

### **Accidental Discovery Protocol**

24. If the consent holder:

- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
  - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
  - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application



for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

### **Noise**

25. The consent holder shall comply with construction noise standards throughout construction.
26. Hours of operation for earthworks, shall be:
- Monday to Saturday (inclusive): 7.30am to 6.00pm.
  - Sundays and Public Holidays: No Activity.
27. No machinery shall start up or operate earlier than 7.30am. All activity on the site is to cease by 6.00pm.

### **Visitor Accommodation**

28. Prior to the use of Lot 14 (DP 490069) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the RM190644 alternate parking arrangement plans approved by RM191267, and Council's standards.

### **Advice Notes:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
2. There is repetition of some conditions in the land use consent and the subdivision consent. When a condition is satisfied in one it will be noted as having been satisfied in the other.
3. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.



## DECISION B – SUBDIVISION

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - ‘Proposed Units on Lot 14 DP 490069 Ground floor Level: Drawing 28, Sheet 001’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 14 DP 490069 First floor Level: Drawing 28, Sheet 002’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 16 DP 490069 Roof Top Carpark: Drawing 28, Sheet 003’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 14 DP 490069 Section Views: Drawing 28, Sheet 004’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020

### **stamped as approved on 3 December 2020**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council’s website via the following link:*

<http://www.qldc.govt.nz>

### **To be completed prior to the commencement of any works on-site**

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC’s Land Development and Subdivision Code of Practice, in relation to this development.
5. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council’s road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA’s “Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management”. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.



6. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
- a) The provision of a water supply to each Principal Unit within the development in terms of Council's standards and connection policy. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017, for each unit located at the lot boundary. The costs of making these connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection to Units 1 – 4 in accordance with Council's standards and connection policy. This shall include an inspection chamber/rodding eye at the junction of any laterals for two units. The costs of making these connections shall be borne by the consent holder.
  - c) The provision of connections to the existing Council reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The individual lateral connections shall be designed to provide gravity drainage for the entire impervious area they service. The costs of making these connections shall be borne by the consent holder.
  - d) The provision of a sealed access, parking facility and vehicle manoeuvring area that serves Units 1 – 4 that shall be constructed to Council's standards. Parking spaces shall be clearly and permanently marked out and allocated to the unit which they serve. Wheel stops shall be provided 0.8m from the end of the parking spaces.
  - e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to the occupation of the units.
  - f) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

#### **To be completed before Council approval of the Survey Plan**

7. Prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council's Land Development



Engineer prior to Council signing the Survey Plan and prior to obtaining 'Engineering Review and Acceptance' for design of infrastructure.

**To be completed before issue of the s224(c) certificate**

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition (3) above.
  - c) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for each Principal Unit, and evidence of supply shall be provided to Council's Subdivision Inspector.
  - d) Each Principal Unit created by this subdivision shall be provided with a minimum electricity supply of single phase 15kVA capacity. Each supply shall be underground from any existing reticulation.
  - e) The consent holder shall provide a suitable telecommunications connection to each unit. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of the Network provider.
  - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
  - g) All earthworks shall be carried out in accordance with the conditions of the Land Use Consent, as outlined above.
  - h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

**To be completed before issue of the s32(2)(a) certificate**

9. Where a Section 224(c) has been issued on the Proposed Unit Development Plan, which shall only occur once all development contributions are paid and the conditions of consent have been met, bonded or shown within a consent notice, no application shall be made or granted for certification pursuant to section 32(2)(a) of the Unit Title Act 2010 on any of the additional stages or the complete unit plan until the required units are measurable as per the Unit Title Act 2010 definition.

**Ongoing Conditions/Consent Notices**

10. In the event that the Engineering Acceptance issued under Condition (4) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a consent notice (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Register of Titles detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs,



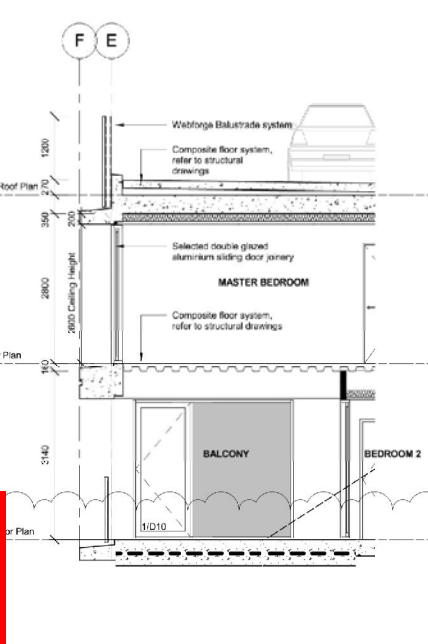
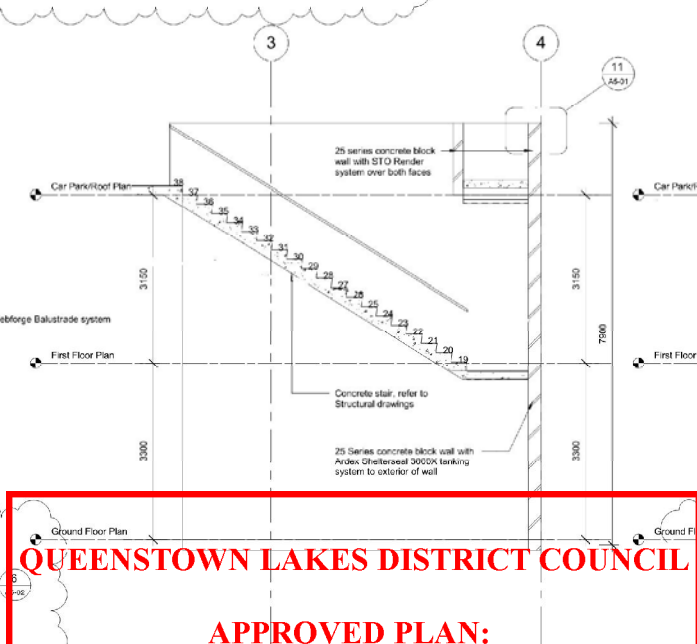
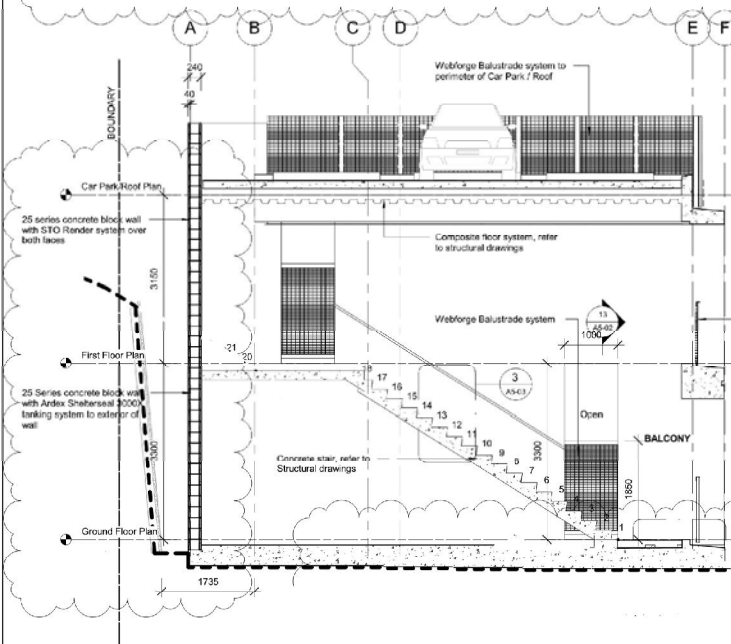
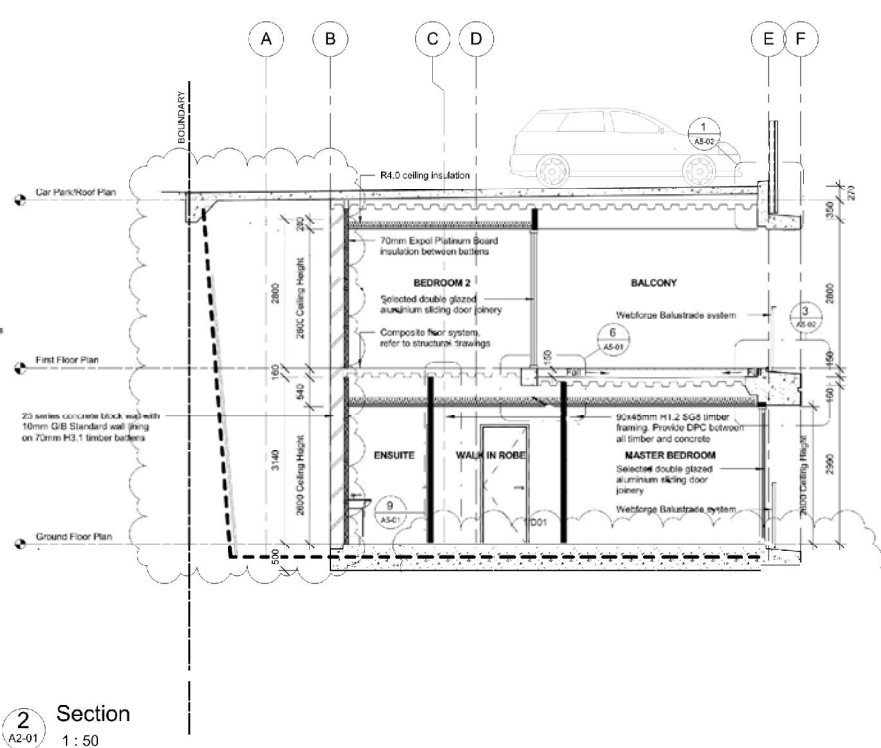
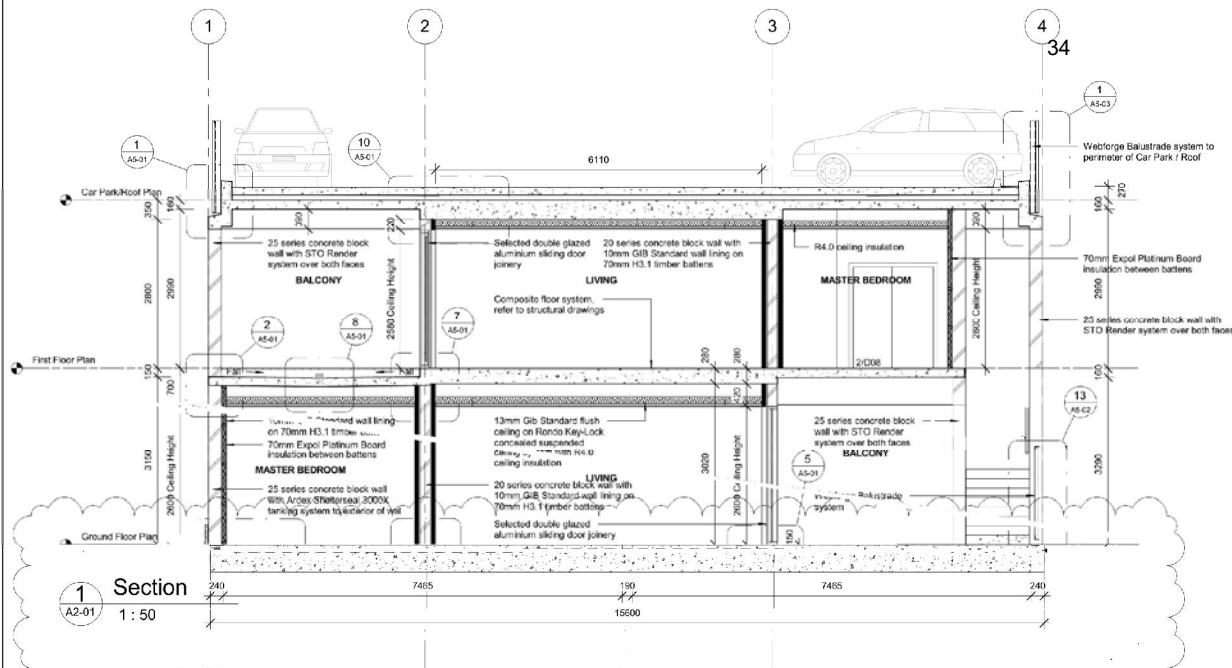
including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

*[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].*

**Advice Notes:**

1. Prior to certification pursuant to 32(2)a of the Unit Titles Act, every building (if any) that is shown on the plan shall be erected, and all other development work shall be completed, the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.
2. Prior to certification pursuant to 224(f) of the Act, every existing building or part of an existing building (including any building or part thereof under construction) to which the unit title plan relates complies with or will comply with the provisions of the building code described in section 116A of the Building Act 2004
3. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
4. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
5. There is repetition of some conditions in the land use consent and the subdivision consent. When a condition is satisfied in one it will be noted as having been satisfied in the other.
6. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.





**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM191267**

**Thursday, 3 December 2020**

Phone 03 485 4196  
Fax 03 485 8575  
12 Tairāwhiti Street  
New Zealand

**Building Design and Drafting Services**

06-03-16 AMENDMENT TO RFI REQUEST  
DATED 23-04-17  
12-03-18 ISSUED FOR CLIENT REVIEW  
12-12-17 Design amendment by client  
08-02-17 Consent Issue  
01-10-16 Issued with Structural Drawings for Engineer's Review

Date Revision Description No

Do Not Scale From These Drawings  
All Plans Dimensions Only

**THE TIERS**  
for ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
QUEENSTOWN

15112  
AT Scale 1: 50  
AT Scale 1: 50

Section

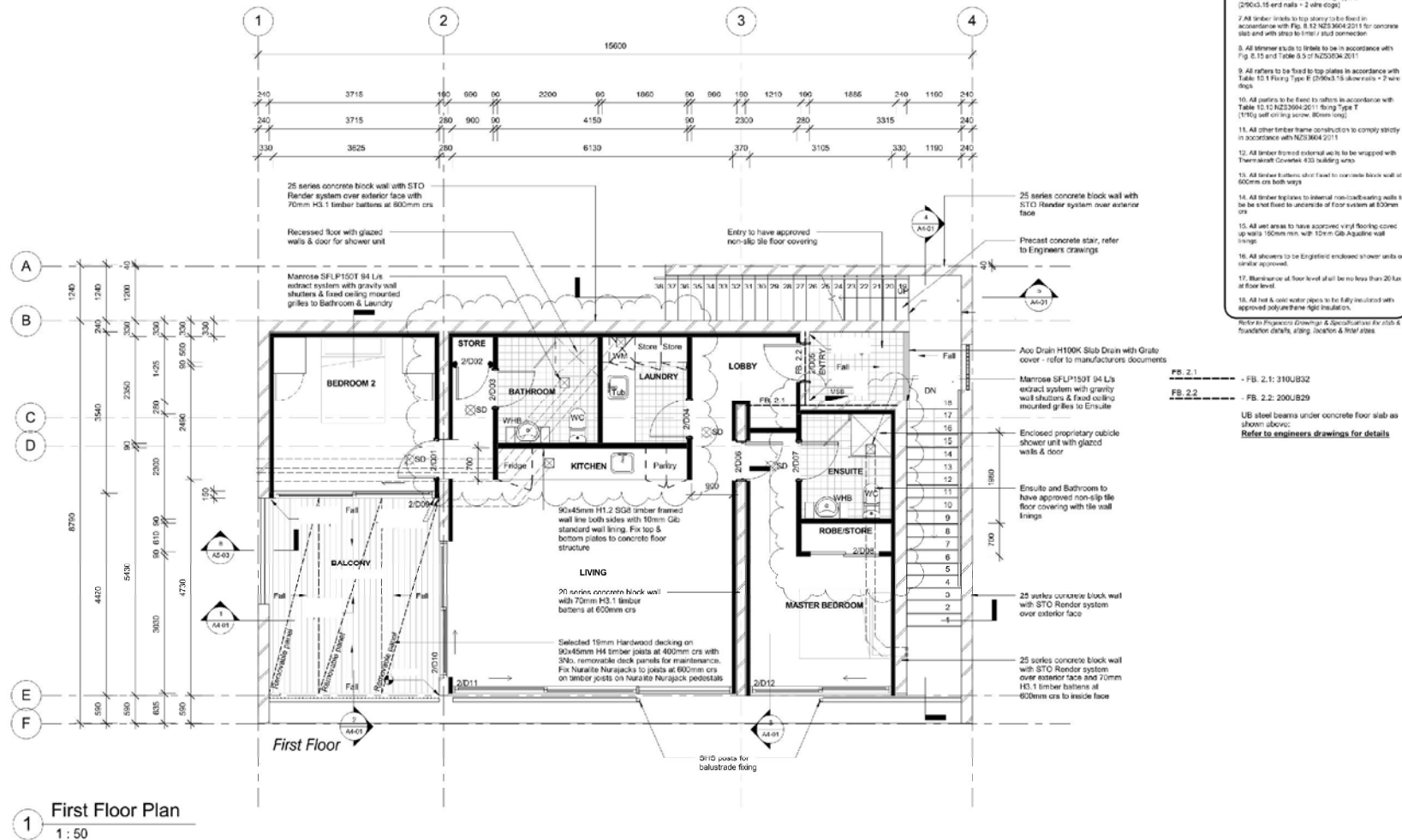
15112  
A4-01  
E A1

Consent Issue









GENERAL NOTES

1. Start spacings to all exterior framed walls to be 400mm, unless noted otherwise
2. Start spacings to all interior non-framed walls to be 1600mm unless otherwise specified
3. All bottom plates to exterior wall framing to be fixed to foundation with 10mm Ø anchored anchor bolts @ 600mm on centre. Bolt to be complying with 305S205HR steel min. Bolt to be welded with 305S205HR steel
4. All bottom plates to internal framed walls to be fixed to concrete slabs with M12 T-bolts @ 1500mm on centre
5. All bottom plates to have a minimum of three fixings per plate
6. All top plates to be fixed to top joists in accordance with Table 8.1 of NZS3603:2011 (Piling 1000) (2000x150 and 2x150 - 2 x 150 girders)
7. All timber linings to top story to be fixed in accordance with Table 8.1 of NZS3603:2011 (Piling 1000) and with studs to remain a stud connection
8. All timber studs to linings to be in accordance with Table 8.1 and Table 8.3 of NZS3603:2011
9. All rafters to be fixed to top plates in accordance with Table 8.1 of NZS3603:2011 (Piling 1000) (2000x150 and 2x150 girders)
10. All rafters to be fixed to rafters in accordance with Table 8.1 of NZS3603:2011 (Piling 1000) (2000x150 and 2x150 girders)
11. All other timber frame construction to comply strictly in accordance with NZS3604:2011
12. All timber framed external walls to be wrapped with 150gsm glass fibre reinforced GFRP mesh @ 600mm on centre both ways
13. All timber battens shall be fixed to concrete blocks with 600mm on centre both ways
14. All timber linings to internal non-framing walls to be fixed to studs by means of 10mm Ø end grain fixings @ 1500mm min. with 12mm GFRP Aquaguard wall wrap
15. All sheath to be 12mm E-Glass/epoxy sheath or superior
16. All sheath to be fixed with 10mm Ø end grain fixings @ 1500mm min. with 12mm GFRP Aquaguard wall wrap
17. All tank to water supply pipes to be fully insulated with approved insulation

WALL LEGEND

- [illegible]

FLOOR AREAS

Ground Floor Area =	131.04m <sup>2</sup>
First Floor Area =	131.04m <sup>2</sup>
Garage Floor Area =	121.04m <sup>2</sup>
<b><u>TOTAL FLOOR AREAS =</u></b>	<b>383.12m<sup>2</sup></b>

## FLOOR FINISHES

- Selected ceramic flooring tiles with slip resistance of 0.3 to all Bathrooms, Ensuite's, Laundry's & Kitchen areas
- All other areas to be selected carpet

WET AREAS

1. All Braille & Buhnerform walls to be fitted with selected ceramic wall tiles fixed to manufacturers' specifications
2. All Braille & Buhnerform floors to be finished using selected ceramic wall tiles fitted to shower floor falls to floor waste gully. Prepare wall & floor surfaces using Mapeko W88 waterproofing system to comply with NZBC & AS 1511 Parts 4 & 5
3. Apply approved sealant & 3 coats of enamel paint to Laundry area.
4. Showers to be fitted with toughness safety glass screens & doors
5. Kitchen sink to be stainless steel and sealed using Formica or equal laminated nonporous material or equal epoxy laminated ceramic and showering and drainage, all complying with the NZBC Acceptable solutions, C3. Final layout of kitchen to be determined on site by client.
6. All entry walls, including laundry, to be sealed area and perimeter to floor.

Phone: (03) 485 4195  
Fax: (03) 485 5075  
12 Thames Street  
Mongrel 9024  
New Zealand

**wj**  
CADZOW  
& Associates  
Ltd

Building Design and Drafting Services

06-03-18	AMENDMENT TO RFI REQUEST DATED 25-06-17	F
12-02-18	ISSUED FOR CLIENT REVIEW	E
12-12-17	Design amendment by client	D
25-04-17	RFI Queries	C
08-02-17	Consent Issue	B
01-10-10	Issued with: Structural Drawings for Engineers Review.	A
<b>Date</b>	<b>Revision Description</b>	<b>No.</b>

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

**THE TIERS -**  
**for ALPHA PROPERTIES NZ**  
**LTD**  
**658a Frankton Road**  
**QUEENSTOWN**

Urban:	RG	Date:	01-06-16
AT Scale:	1 : 50	AT Scale:	

Show Title:

## First Floor Plan

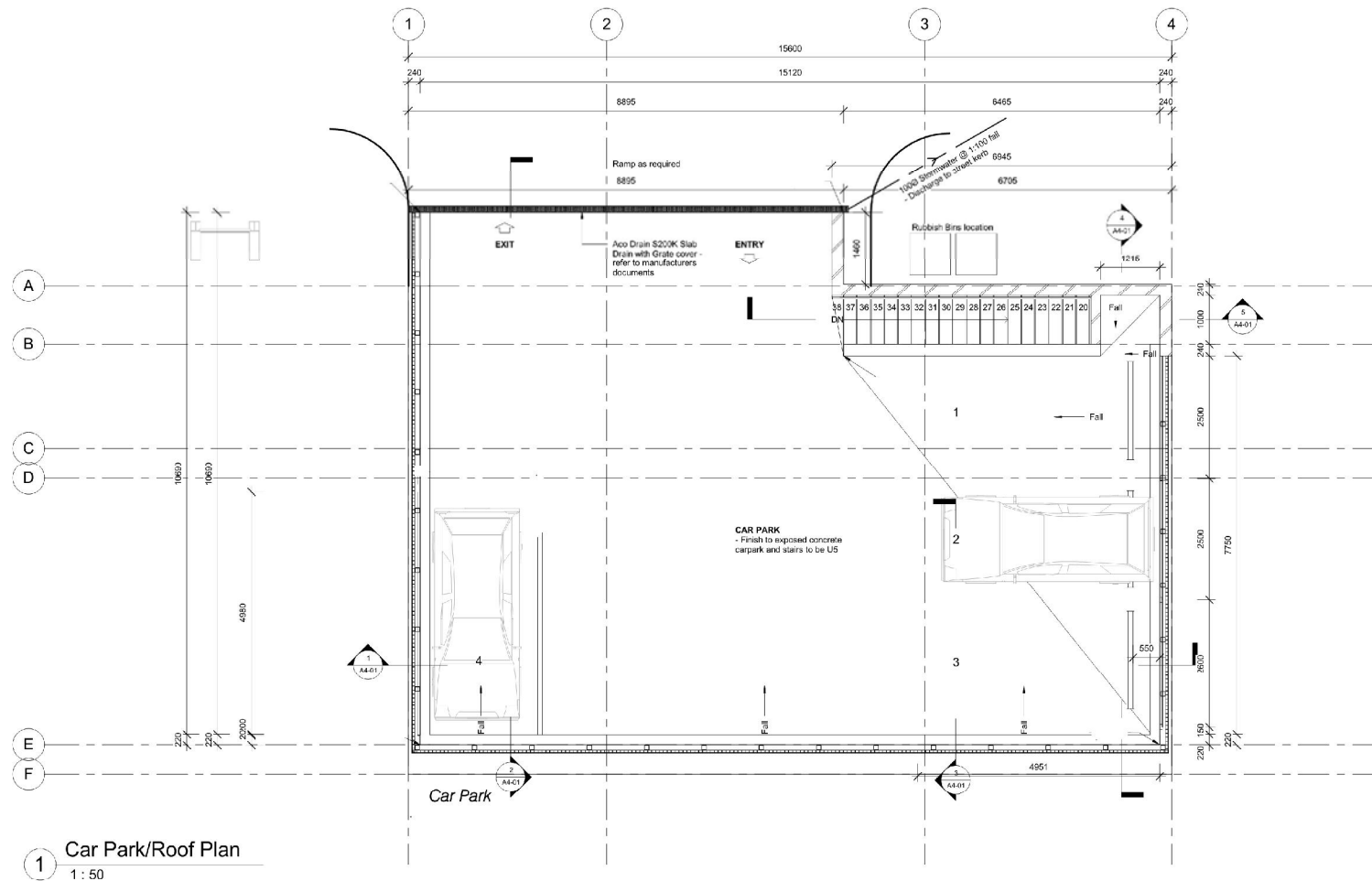
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15112	<b>A2-02</b>
CAD File Name:	C:
	Revision
	F
Consent Issue	A1



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM191267**

**Thursday, 3 December 2020**



25-04-17	RFI Queries	C
08-02-17	Consent Issue	B
31-10-16	Issued with Structural Drawings for Engineers Review.	A
<b>Date</b>	<b>Revision Description</b>	<b>No.</b>

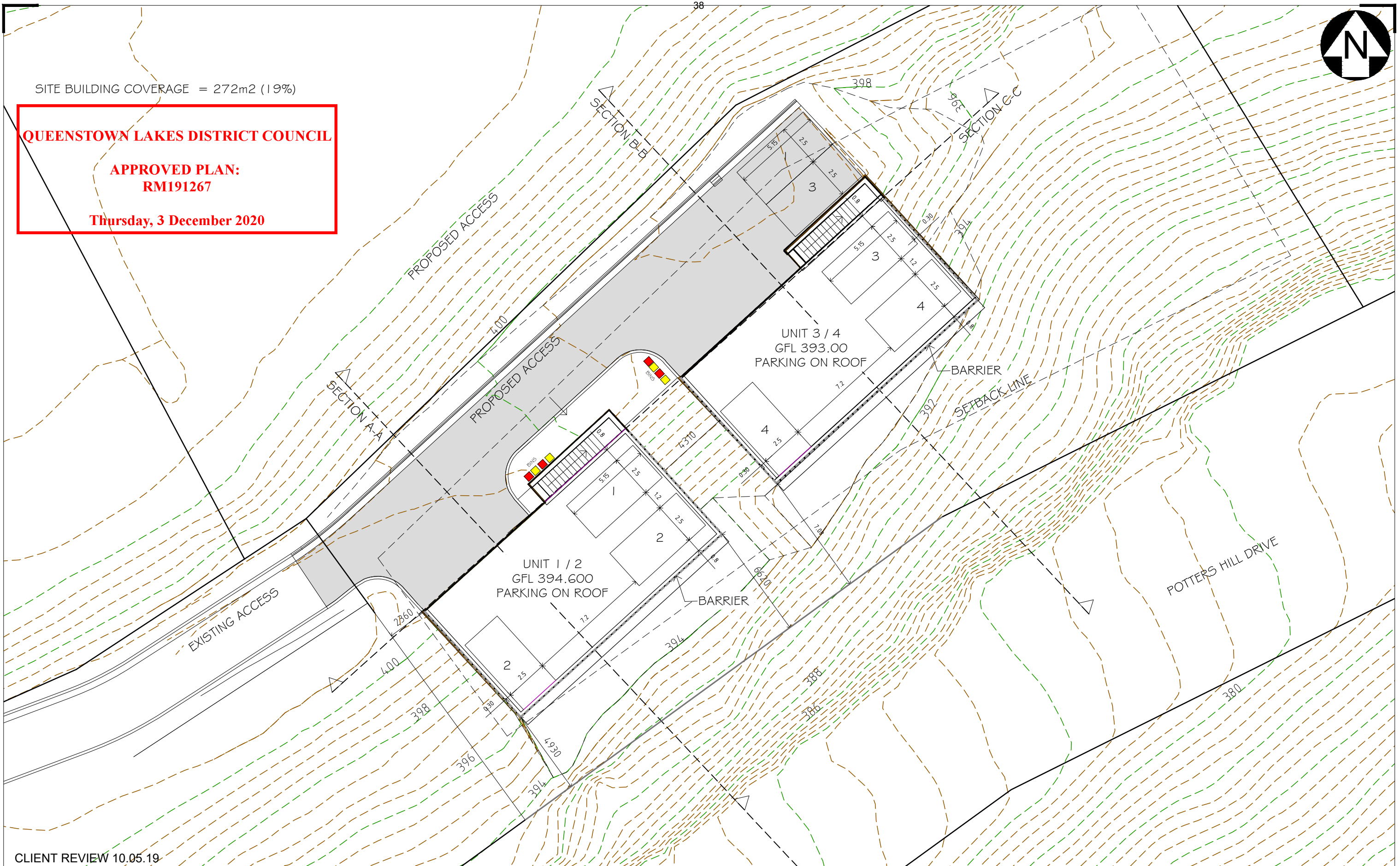
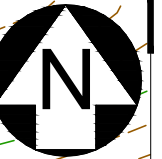


SITE BUILDING COVERAGE = 272m2 (19%)

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020

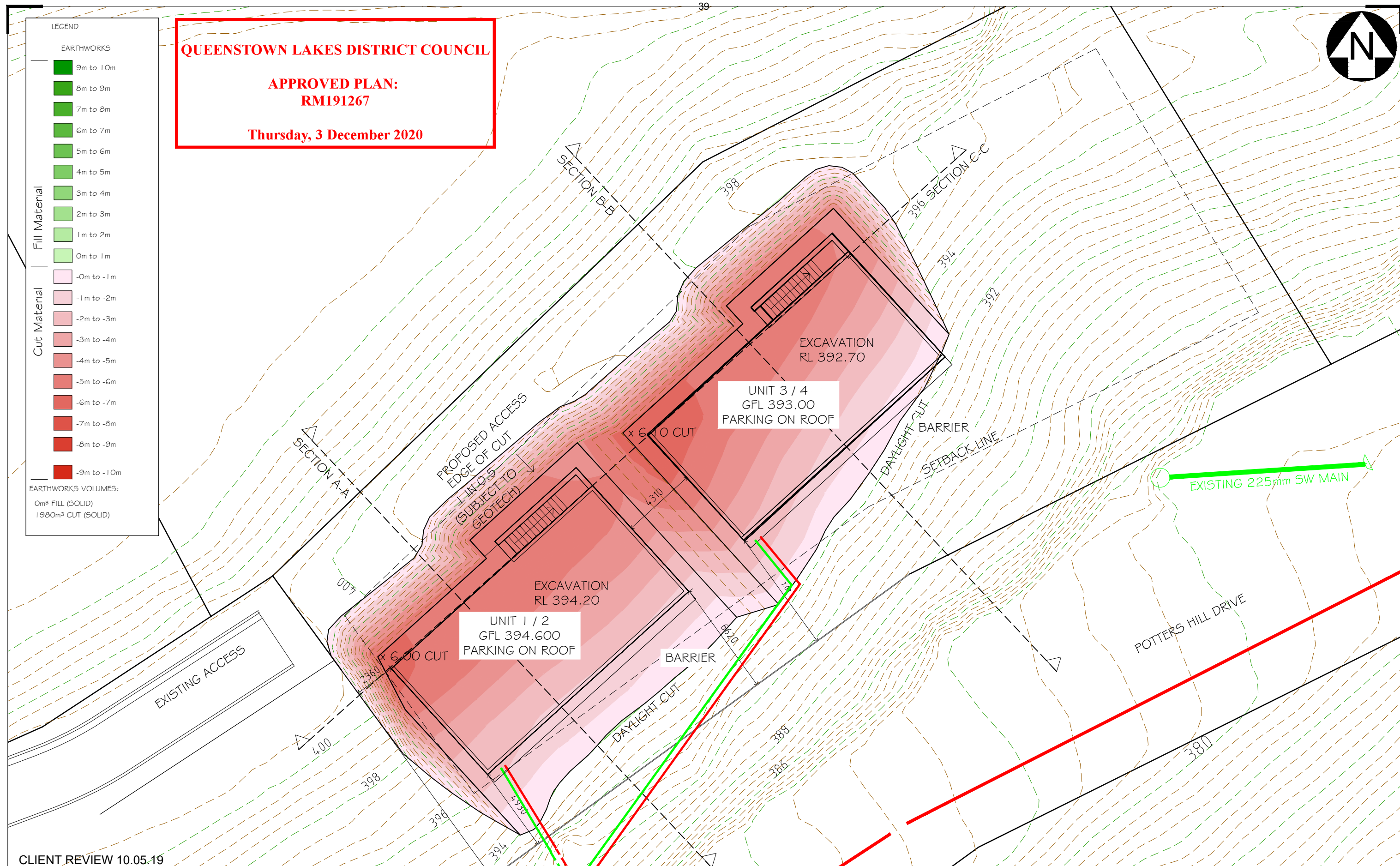


CLIENT REVIEW 10.05.19

 <div>Clark Fortune McDonald &amp; Associates Licensed Cadastral Surveyors - Land Development - Planning Consultants 309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz</div>	Shotover Design Limited trading as				Rev.	Date	Revision Details	By																														
					A	19.02.20	Parks moved, tracking curves and bins added	NT																														
<div>PROPOSED UNITS LOT 14 DP 490069</div>																																						
<div>Client: ALPHA PROPERTIES LTD</div> <div>Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.</div> <table><tr><td>Surveyed</td><td>Signed</td><td>Date</td><td>Job No.</td><td>Drawing No.</td></tr><tr><td>-</td><td>-</td><td>-</td><td>12377</td><td>27 Sheet 001</td></tr><tr><td>Drawn</td><td>Signed</td><td>Date</td><td>Scale</td><td>1:100 @ A1 1:200 @ A3</td></tr><tr><td>RB</td><td></td><td>10.05.19</td><td></td><td></td></tr><tr><td>Designed</td><td>Signed</td><td>Date</td><td>Datum &amp; Level</td><td>Rev.</td></tr><tr><td></td><td></td><td></td><td>NZGD2000 / MSL</td><td>-</td></tr></table>									Surveyed	Signed	Date	Job No.	Drawing No.	-	-	-	12377	27 Sheet 001	Drawn	Signed	Date	Scale	1:100 @ A1 1:200 @ A3	RB		10.05.19			Designed	Signed	Date	Datum & Level	Rev.				NZGD2000 / MSL	-
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020

CLIENT REVIEW 10.05.19

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Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

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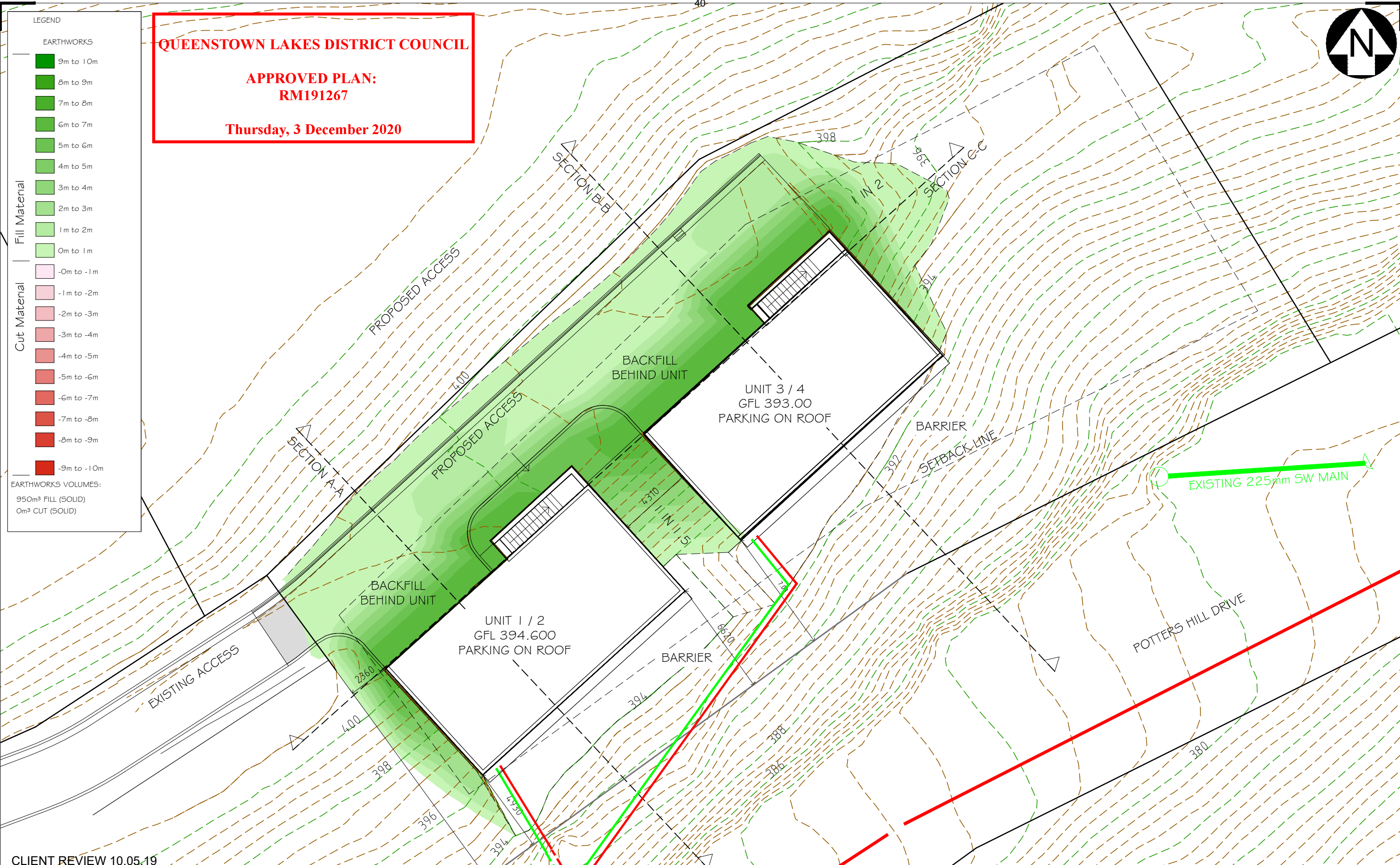
Rev.	Date	Revision Details	By

**PROPOSED UNITS  
LOT 14 DP 490069  
EXCAVATION FOR UNIT CONSTRUCTION**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD				12377	27
					Sheet 002
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	RB		10.05.19		
	Designed	Signed	Date	Datum & Level	Rev.
				NZGD2000 / MSL	-

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Rev.	Date	Revision Details	By

**PROPOSED UNITS  
LOT 14 DP 490069  
BACKFILL BEHIND UNITS POST CONSTRUCTION**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
					12377	27
						Sheet 003
Notes:						
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Designed	Signed	Date	Datum & Level			
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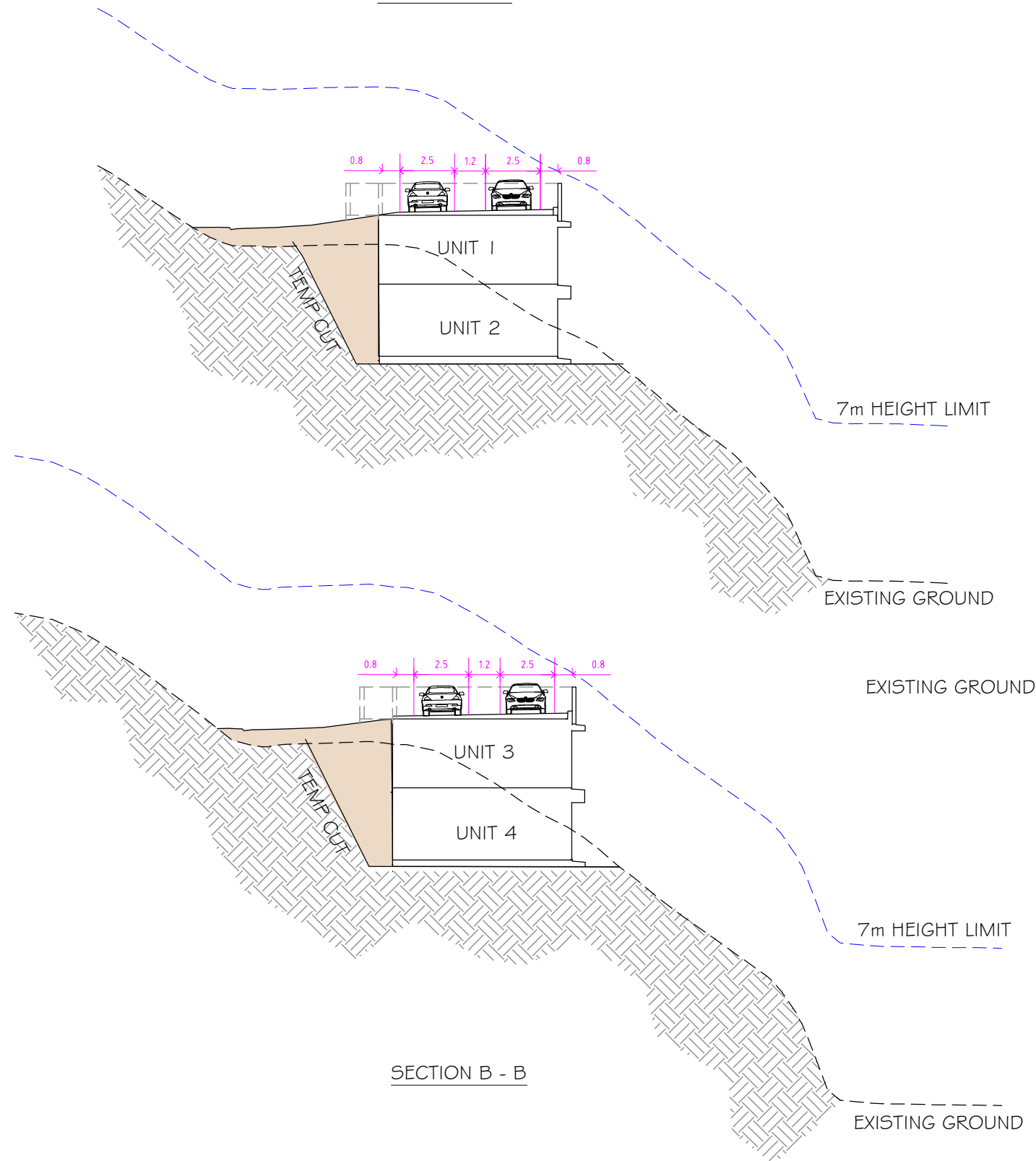


**QUEENSTOWN LAKES DISTRICT COUNCIL**

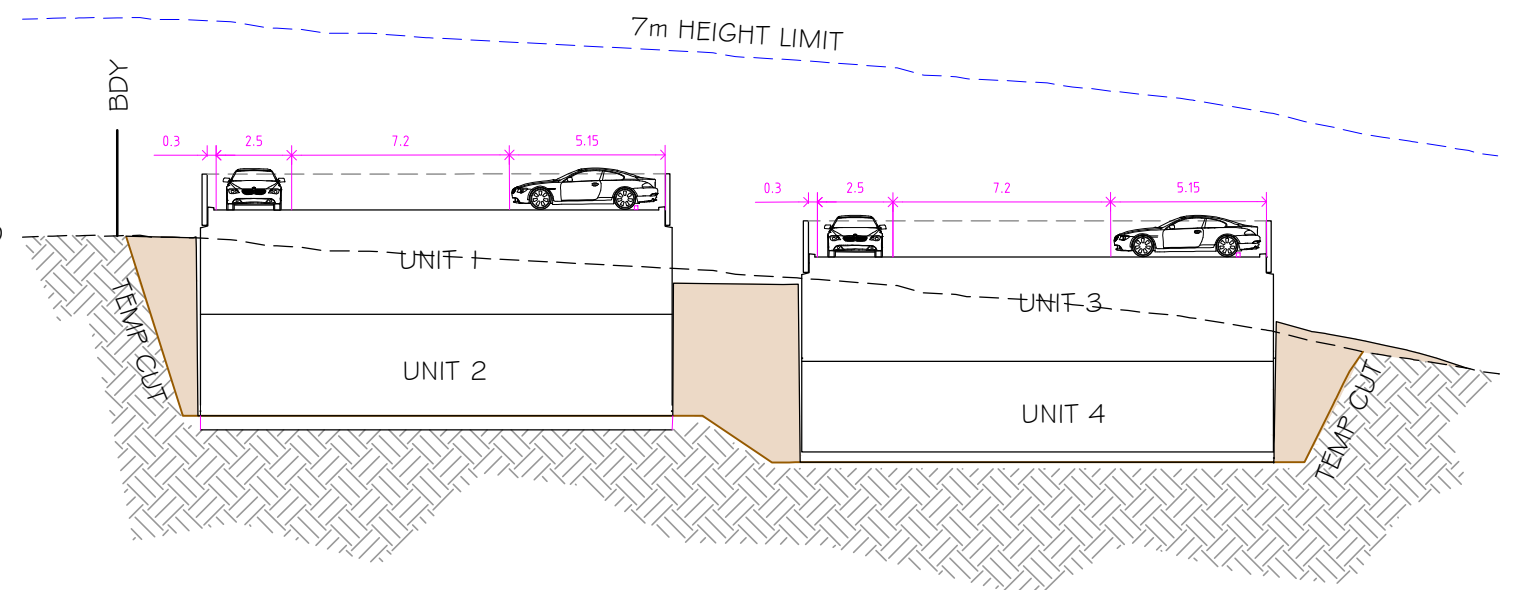
**APPROVED PLAN:  
RM191267**

**Thursday, 3 December 2020**

SECTION A - A



SECTION C - C



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 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
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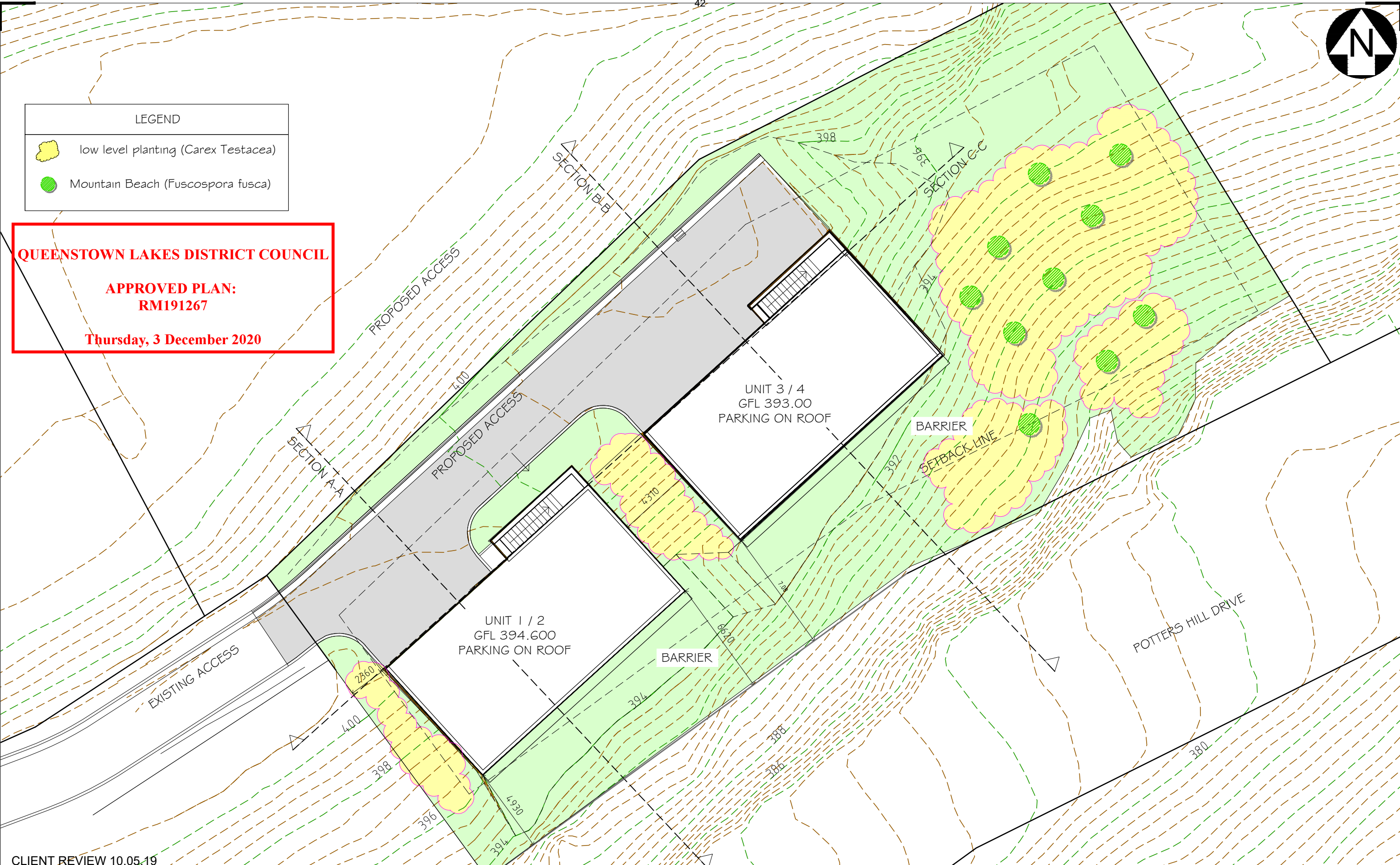
Rev.	Date	Revision Details	By

**PROPOSED UNITS  
LOT 14 DP 490069  
SECTION VIEWS**


Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
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			NZGD2000 / MSL	-		


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LEGEND

 low level planting (*Carex Testacea*)

 Mountain Beach (*Fuscospora fusca*)

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM191267**

**Thursday, 3 December 2020**

CLIENT REVIEW 10.05.19

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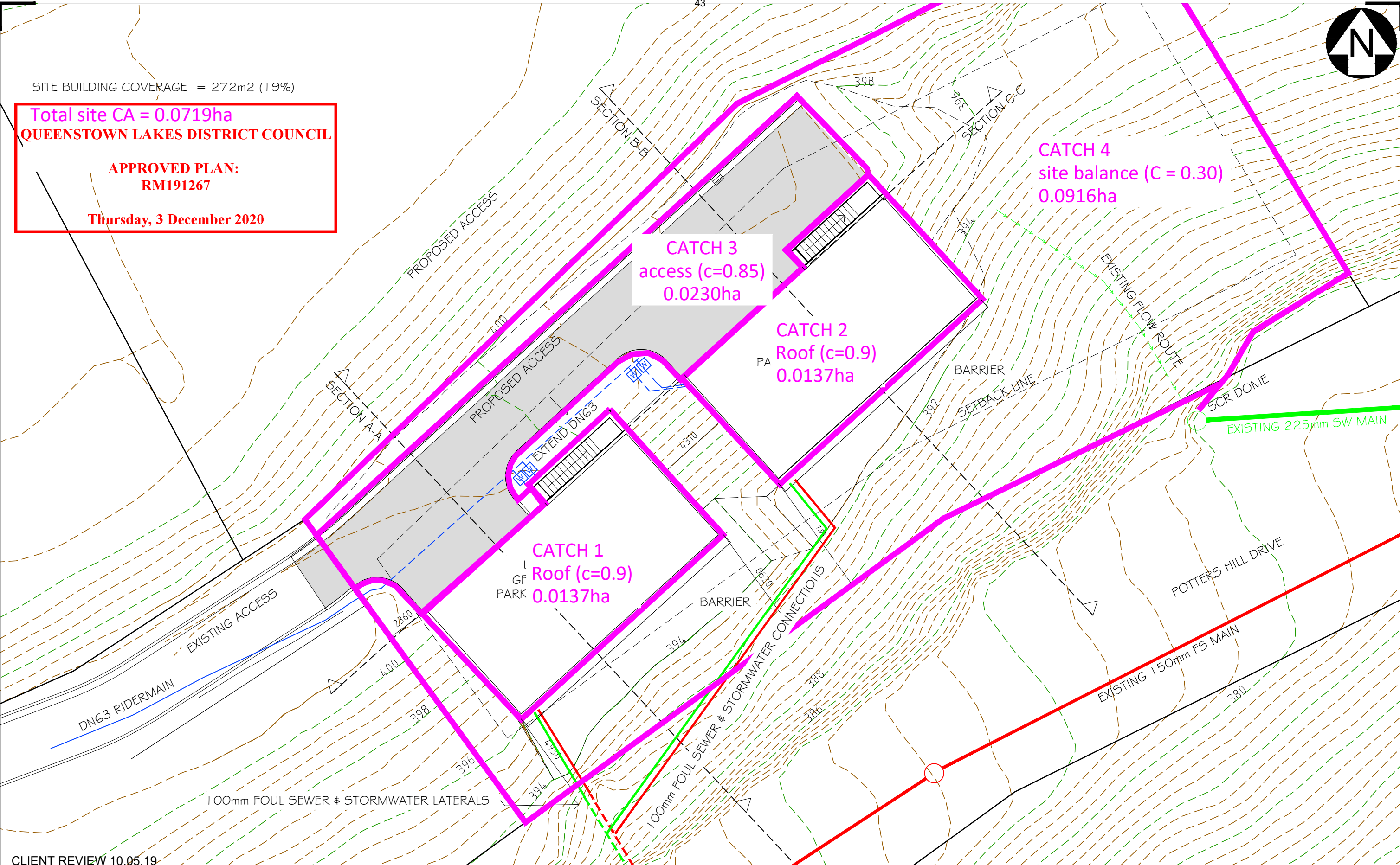
Rev.	Date	Revision Details	By

**PROPOSED UNITS**  
**LOT 14 DP 490069**  
**LANDSCAPING**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD				12377	27
					Sheet 005
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CLIENT REVIEW 10.05.19



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Rev.	Date	Revision Details	By

**PROPOSED UNITS  
LOT 14 DP 490069  
SERVICES**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
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						Sheet 006
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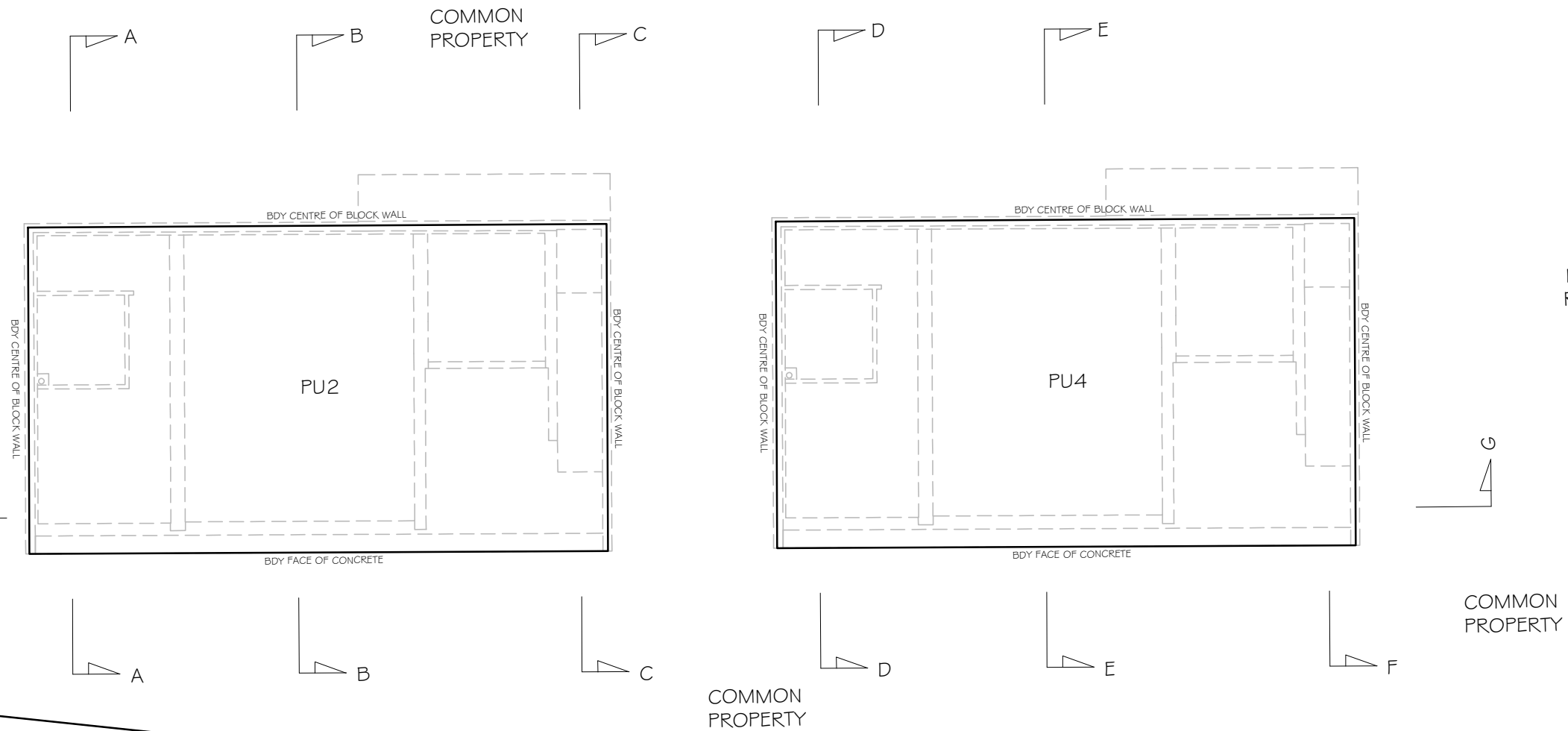
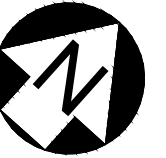
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



LOT 14  
DP 512588  
RT 706717

FOR CONSENT 05.11.19

**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	19.02.20	Parks moved, AU and Section F view changed	NT

## PROPOSED UNITS ON LOT 14 DP 490069 GROUND FLOOR LEVEL

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-	-	-	12377	28
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	1:75 @ A1 1:150 @ A3
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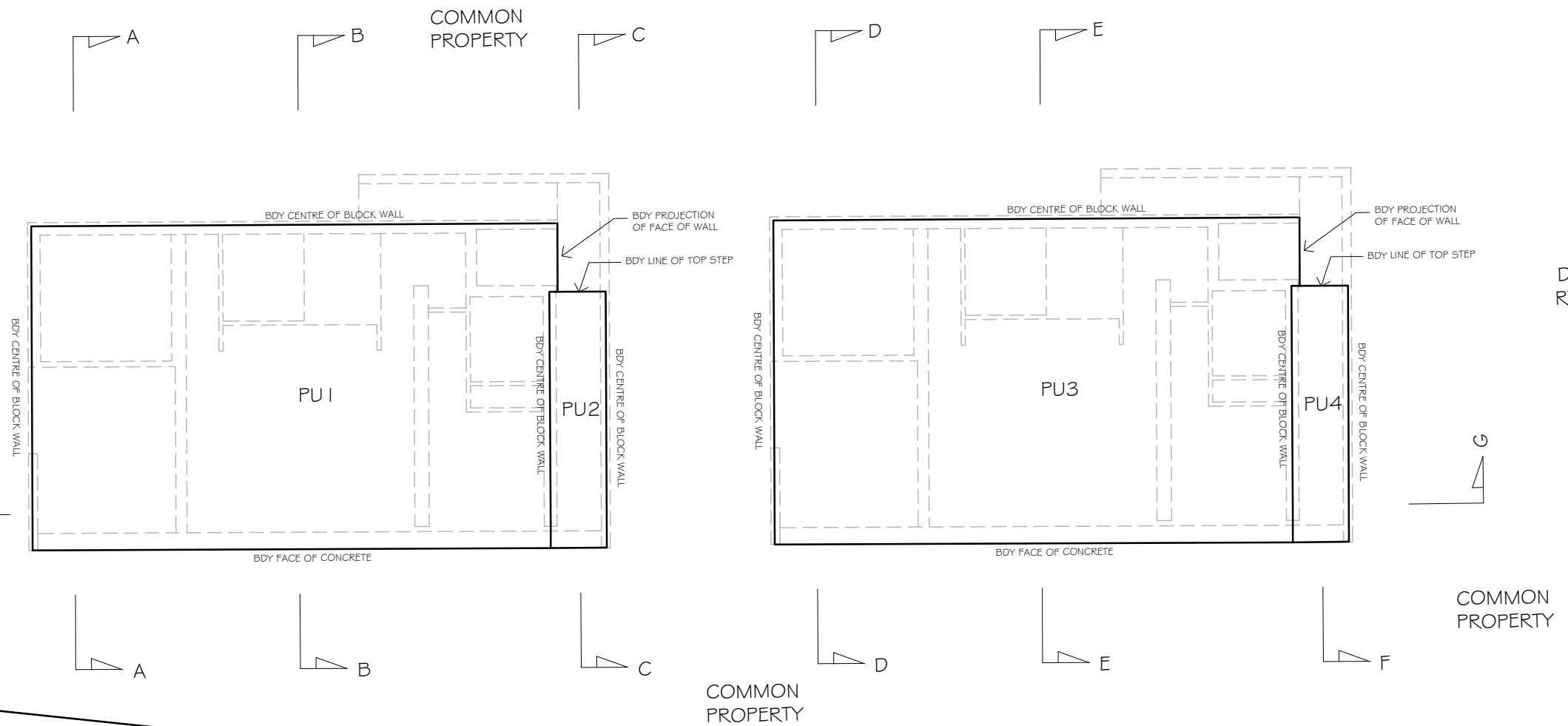
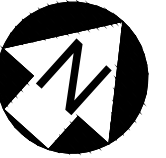
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



FOR CONSENT 05.11.19

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Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**PROPOSED UNITS ON LOT 14 DP 490069  
FIRST FLOOR LEVEL**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
		-	-	-	12377	28
		Drawn	Signed	Date	Scale	Sheet 002
		-	-	-	1:75 @ A1 1:150 @ A3	
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Designed	Signed	Date	Datum & Level	Rev.
		-	-	-	NZGD2000 / MSL	-

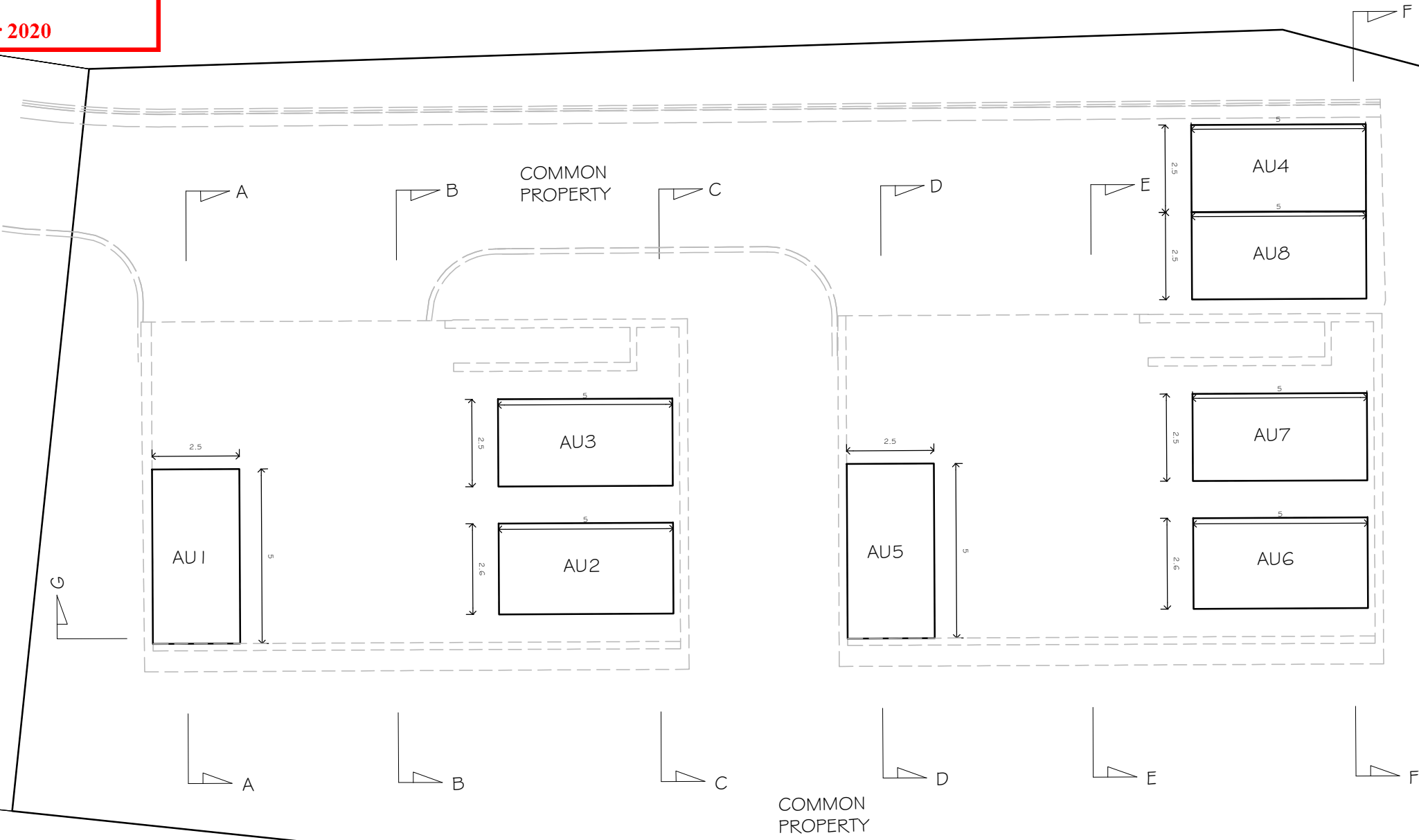
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM191267

Thursday, 3 December 2020



LOT 14  
DP 512588  
RT 706717

AU ALLOCATION

- PU 1 - AU 3#4
- PU 2 - AU 1#2
- PU 3 - AU 7#8
- PU 4 - AU 5#6

FOR CONSENT 05.11.19

**Clark Fortune McDonald & Associates**  
Licensed Cadastral Surveyors - Land Development - Planning Consultants  
309 Lower Shotover Road, P.O.Box 553 Queenstown  
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Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**PROPOSED UNITS ON LOT 16 DP 512588  
ROOF TOP CARPARK**

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
					12377	28
						Sheet 003
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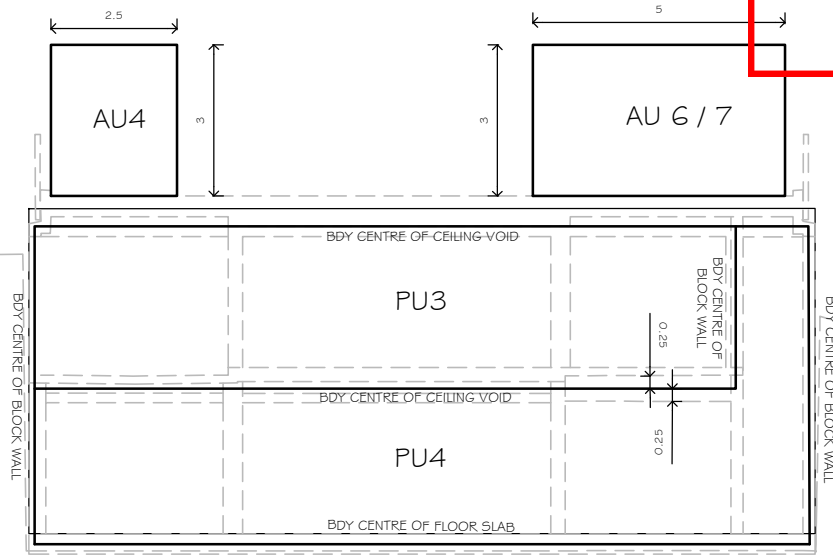
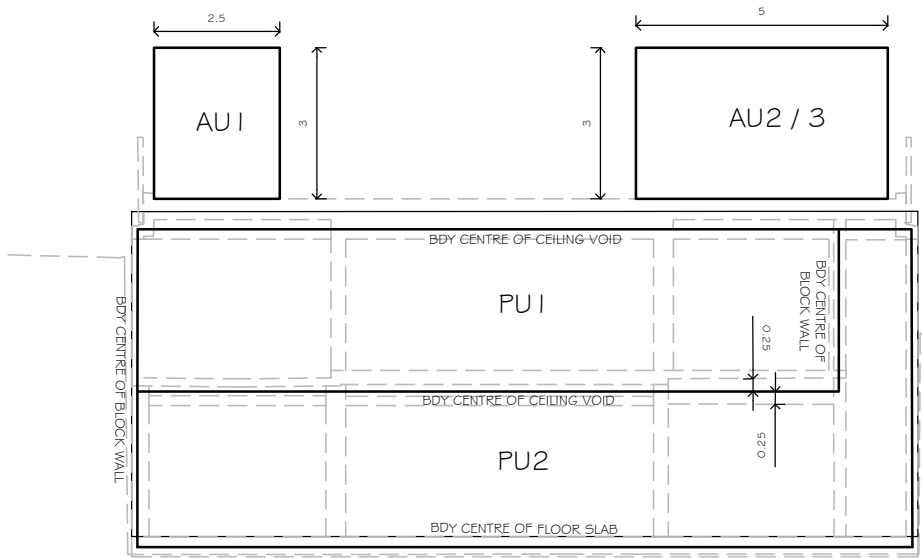


QUEENSTOWN LAKES DISTRICT COUNCIL

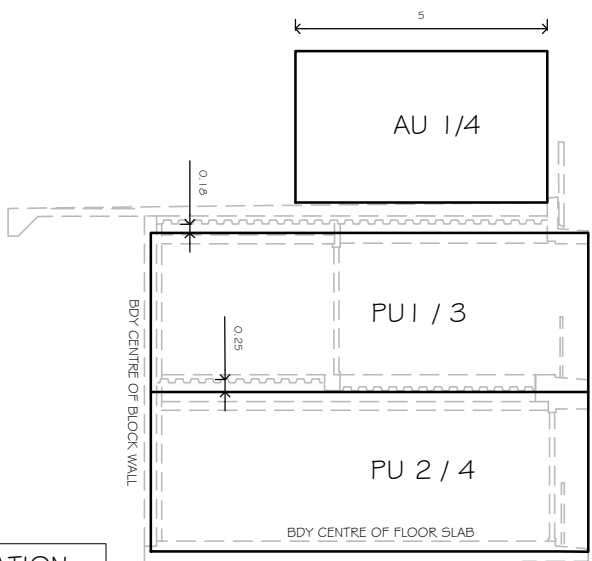
APPROVED PLAN:  
RM191267

Thursday, 3 December 2020

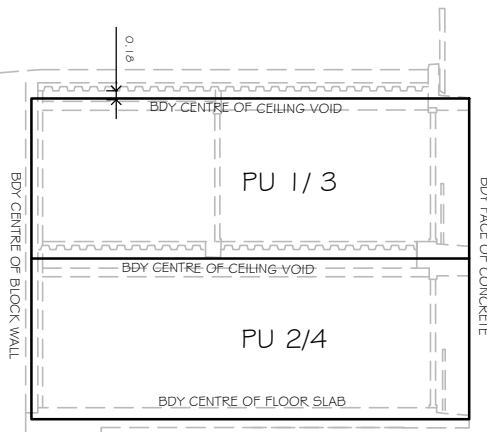
SECTION G - G



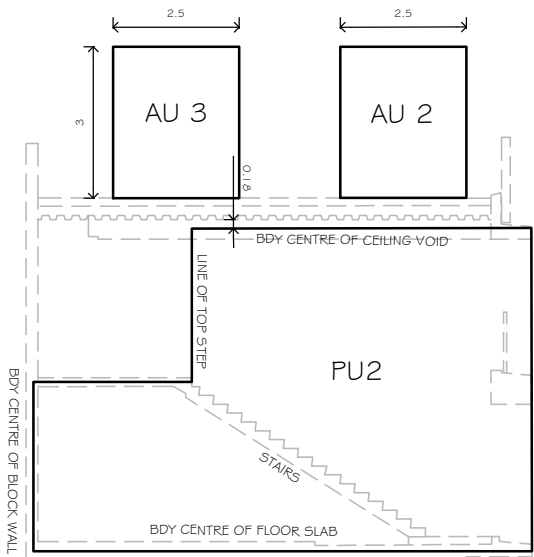
COMMON  
PROPERTY



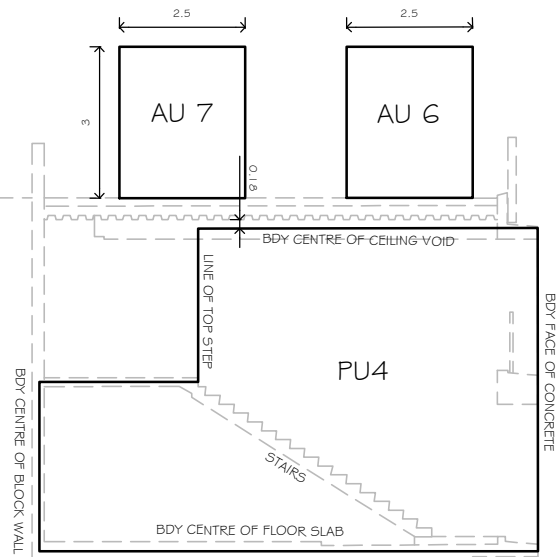
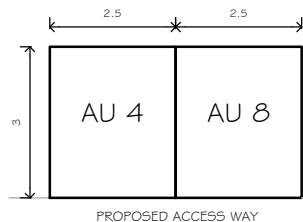
SECTION A & D



SECTION B & E



SECTION C



SECTION F

COMMON  
PROPERTY

AU ALLOCATION

- PU 1 - AU 3&4
- PU 2 - AU 1&2
- PU 3 - AU 7&8
- PU 4 - AU 5&6

FOR CONSENT 05.11.19

 <b>Clark Fortune McDonald &amp; Associates</b> Licensed Cadastral Surveyors - Land Development - Planning Consultants 309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz	Rev.	Date	Revision Details	By
	A	19.02.20	Parks moved, AU and Section F view changed	NT

PROPOSED UNITS ON LOT 14 DP 490069  
SECTION VIEWS

Client	ALPHA PROPERTIES LTD	Surveyed	Signed	Date	Job No.	Drawing No.
					12377	28
						Sheet 004
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# **ANNEXURE 2 COUNCIL'S S42A PLANNING REPORT**



<b>TO</b>	Independent Commissioner	<b>FILE REF: RM191267</b>
<b>REPORT PREPARED BY</b>	Alex Jamieson	
<b>SUBJECT</b>	Report on a Notified Consent Application	

<b>SUMMARY</b>	
<b>Applicant:</b>	Alpha Properties NZ Limited, Alpha Commercial Limited and The Tiers Villas Limited
<b>Location:</b>	Potters Hill Drive, Queenstown
<b>Proposal:</b>	<p>Application under section 88 of the Resource Management Act 1991 (RMA) for land use consent to establish a visitor accommodation activity from eight (8) proposed residential units, and to breach transport standards; and</p> <p>Application under section 127 of the Resource Management Act 1991 (RMA) to change condition 1 of Decision A and Decision B of RM190644, to amend the parking layout for Units 1 and 3.</p>
<b>Legal Description:</b>	<p>Lot 14 Deposited Plan 490069 held in Record of Title 706717; and</p> <p>Lot 100 Deposited Plan 534798 held in Record of Title 882777.</p>
<b>Operative District Plan Zoning:</b>	Low Density Residential
<b>Proposed District Plan Zoning:</b>	Lower Density Suburban Residential Wāhi Tūpuna
<b>Activity Status:</b>	<p><b>Restricted Discretionary (Operative District Plan)</b></p> <p><b>Non-Complying (Proposed District Plan)</b></p>
<b>Notification Date:</b>	25 June 2020
<b>Closing Date for Submissions:</b>	23 July 2020
<b>Submissions:</b>	None



## RECOMMENDATION

That the application be **GRANTED** pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. Given the scale of the visitor accommodation proposed, it is considered that adverse effects of the activity will be less than minor:
  - Taking into account the surrounding environment, it is clear this area of Potters Hill is not reflective of a typical Low Density Residential neighbourhood. The existing buildings show a more high density style of living, with limited outdoor areas and steep topography separating the sites.
  - The Visitor Accommodation Management Plans (VAMP) proposed, are anticipated to sufficiently assist in mitigating potential adverse effects such as noise and residential amenity arising from guest activity.
  - While the proposal would change the character of the area to one that is dominated by visitor accommodation use rather than residential, resulting in a minor effect. However, given the residents of the area support this change and the location of the units are geographically confined, it is therefore considered the effects are anticipated to be less than minor.
  - There is sufficient car parking available on the site to meet the parking demand for the units, and there will be no effects on the transport network.
  - Overall, adverse effects are considered to be less than minor.
2. The proposal is not contrary to the relevant objectives and policies of both the Operative and Proposed District Plans. However, it was concluded the application proposed is inconsistent with objective 7.2.8 and policy 7.2.8.2 in the Proposed District Plan, given the extent of visitor accommodation proposed outside of the Visitor Accommodation Sub-Zone (VASZ). Given the absence of residential character within this area of Potters Hill, it is considered the proposed activity is not contrary to the objectives and policies within Chapter 7 *Lower Density Suburban Residential* in the Proposed District Plan.
3. The proposal promotes the overall purpose of the RMA, being the sustainable management of natural and physical resources.



## 1.0 INTRODUCTION

My name is Alex Jamieson. I am a resource consents Planner with Queenstown Lakes District Council (QLDC). I have been employed in this role since April 2019. I was previously employed as a Planning Officer at QLDC, and was in this role since November 2017. I hold the qualifications of a Bachelor of Science (BSc) in Geography and Environmental Management from Otago University. I am an associate member of the New Zealand Planning Institute (NZPI).

I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

## 2.0 PROPOSAL AND SITE DESCRIPTION

I refer the Commission to the report entitled, 'Visitor Accommodation – Units 12-14 "The Tiers", Units 1-4, Lot 14 DP 490069 – Alpha Properties NZ Ltd, June 2020', prepared by Nick Geddes of Clark Fortune McDonald & Associates and submitted as part of the application (hereon referred to as the Applicant's AEE) and a copy of the application and accompanying assessment of effects and supporting reports can be found in the "Application" section of the Agenda.

A detailed description of the proposal and the site and locality is provided in sections 1.1, 1.2 and 1.3 of the applicant's AEE. This description is considered accurate and is adopted for the purpose of this report, with the following additions:

A number of the approvals submitted with the application were not valid, given they had referenced the incorrect proposal, or were not signed by all of the relevant landowners. Since submissions closed on 23 July 2020, the applicant placed the application on hold to obtain additional approvals. Another sixteen (16) approvals were attained by the applicant, in addition to the two (2) valid approvals submitted with the application. All approvals are described in section 4.0 below.

To clarify the location of the application site, refer to Figure 1 below.



Figure 1: Aerial depicting the application sites



## 2.1 RELEVANT SITE HISTORY

The most recent and relevant consent history for the application sites include the following:

### Lot 14 DP 490069

Resource Consent RM190644 was granted on 7 November 2019, and approved land use consent to construct four (4) residential units, and subdivision consent to undertake a four (4) lot unit title subdivision. The units are currently under construction, although are yet to be completed. Both the land use and subdivision components of RM190644 have been given effect to.

### Lot 100 DP 534798

Resource Consent RM160718 was granted on 24 January 2017, and approved the construction and subdivision of a Comprehensive Residential Development with 12 residential units on Lot 10 DP 490069, which breached maximum height and outdoor living space; whereby 12 allotments were created and each to contain a residential unit. Consent was also sought to breach transportation standards.

Resource Consent RM170614 granted land-use consent to add two (2) additional residential units and a residential flat to the existing Comprehensive Residential Development and subdivision; in addition to varying condition 1 of RM160181, and conditions 6a, 6b, 6g (land-use) and Conditions 1, 4, 7a, 7b and 7g (subdivision) of RM160718.

Resource Consent RM180674 was recently granted on the 24 May 2019, which consented the construction of 10 residential units that breached maximum height, transportation standards, site density, and setback and earthworks requirements; in addition to undertaking a 13 lot subdivision, whereby the proposed road was to be vested to Council. This consent created the application sites (Unit 1 and Unit 2) on Lot 5DP 528817

Resource Consent RM180834 approved land-use consent for a road boundary infringement, due to the vesting of a road, to replace an approved Right of Way. In addition, RM180834 varied land-use conditions 1, 3, 6, 7, 8 and 9 and subdivision conditions 1, 3, 4 and 7 - 10 of RM170614 to vary the approved plans.

A number of consent applications have been approved for visitor accommodation within the vicinity of the application site. These are listed below:

RM180470 – Units 6 and 9 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM180782 – Unit 7 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM180800 – Unit 8 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM181920 – Unit 1 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM181921 – Unit 3 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM181922 – Unit 4 ‘The Tiers’, Potters Hill Drive, Queenstown  
 RM190542 – Units 1 and 2 ‘The Woods’, Potters Hill Drive, Queenstown

It is noted RM180834 and RM180470 were varied by RM190845 on the 4 September 2019 to amend the layout to provide for an additional bedroom in Units 6 and 9 and material adjustments to the building’s southern elevation.

Resource Consent RM190893 recently approved consent to change Conditions 1, 6 and 8 (land use) and Conditions 1, 7, 8 and 9 (subdivision) of Resource Consent RM160718 (as varied by RM170614, RM180834 and RM190845) to increase the height infringements and total gross floor area (GFA) of Units 11 – 14 (‘Block C’) in the ‘Tiers’ Development. This application also sought to re-route an existing Council water main.

In addition to the above, the below consent applications have been lodged with Council:



Resource Consent RM190636 is an application lodged for Unit 2 (4 Woods Lane) to be utilised for residential visitor accommodation (RVA) for up to 180 nights. This consent was limited notified, although a determination is yet to be made.

Resource Consent RM200664 has recently been submitted for Unit 10 (9 Woods Lane) to be utilised for year round visitor accommodation activities, for up to six (6) guests. This application was publically notified, and submissions are yet to close.

Therefore, the effects of the applications proposed within RM190636 and RM200664 are unable to be considered within the context of the surrounding environment.

### 3.0 SUBMISSIONS

#### 3.1 SUBMISSIONS

There were no submissions received on the application within the notification period.

### 4.0 CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded.

As stated in section 2.0 above, two (2) valid approvals were submitted with the application, and sixteen (16) were obtained after submissions closed.

It is noted the approval from Chandler Properties Limited only relates to the operation of visitor accommodation within Units 11 – 14 in the Tiers Development, which is adjacent to the allotment.

The location of these sites in relation to the application site, is illustrated in Figure 2 below.

Person (owner/occupier)	Address (location in respect of subject site)
Love QT Holidays Limited (owner)	Lot 7 DP 490069, Potters Hill
J Franco and S Balachandran (owners)	Lot 8 DP 490069, Potters Hill
Q Donald	Lot 9 DP490069, Potters Hill
J Lin – LZW Limited (owner)	Lot 12 DP 490069, Potters Hill
H Wang (owner)	Lot 13 DP 490069, Potters Hill
H Tang (owner)	Lot 15 DP 490069, Potters Hill
Chandler Properties Limited (owner)	Lot 17 DP 490069, Potters Hill
X Wu (owner)	2 Woods Lane, Potters Hill
C & J McGregor (owners)	4 Woods Lane, Potters Hill
M Mongalo & C Ooi	6 Woods Lane, Potters Hill
Y Ding (owner)	8 Woods Lane, Potters Hill
M Fine (owner)	9 Woods Lane, Potters Hill
Jessup Investments Limited	10 and 12 Woods Lane, Potters Hill
S Reinert (interest in the land)	13 Woods Lane. Potters Hill
C Yee	15 Woods Lane. Potters Hill
Y Wen (owner)	1 – 3 Highlands Close, Potters Hill
B & S Thomas (owners)	634 Frankton Road, Queenstown



H Tang &amp; J Zhao (owners)

678 Frankton Road, Queenstown



**Figure 2:** Location of the subject sites , the properties which are owned by the applicant (Alpha Properties NZ Limited, Alpha Commercial Limited and The Tiers Villas Limited) ●, those who provided approval prior to notification ●, and those who have provided approval since notification ●

## 5.0 PLANNING FRAMEWORK

### 5.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential (LDR). The purpose of the Low Density Residential Zone is:

*To provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage. The zone seeks to maintain and enhance the low density residential areas with ample open space, low rise development and minimal adverse effects experienced by residents.*

*Other activities are permitted in the zone provided they meet environmental standards which keep the activities compatible with residential activity and amenity. A number of established activities, mainly visitor accommodation facilities, have been scheduled to ensure full protection of these activities acknowledging their contribution to the local economy.*

The relevant provisions of the Plan that require consideration can be found in Section 7 *Residential Areas* and Section 14 *Transport*.

Resource consent is required for the following reasons:



*Rules that are treated as operative:*

Residential Areas – Section 7

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(i) for visitor accommodation activities within the Low Density Residential Zone. Council's discretion is with respect to:
  - a) The location, external appearance and design of buildings;
  - b) The location, nature and scale of activities on site;
  - c) The location of parking and buses and access;
  - d) Noise; and
  - e) Hours of operation.
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.6.2(iii)(f), which states no part of any building to be used for visitor accommodation shall be permitted to locate within 4 metres of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential. The building containing Units 1 and 2 on Lot 14 are located approximately 2.36 metres from the western internal boundary; and Units 11 and 14 on Lot 100 will breach the requirement along the eastern and western boundaries. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.6.2(iii)(g) in relation to parking and outdoor storage areas associated with visitor accommodation activities, whereby they shall be adequately screened from adjoining properties. The parking areas on both sites are not screened. Council's discretion is restricted to this matter.

Transport – Section 14

- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.1(v) in regards to the size of parking spaces, which are required to comply with the dimensions in Appendix 7. The aisle width for the parking spaces of Unit 11 and Unit 12 on Lot 100 does not meet the required distance, being 7 metres for Class 2 users. An aisle width of 6.2 metres is provided for Unit 11, and 6.42 metres for Unit 12. Council's discretion is restricted to this matter.

*Rules that are treated as inoperative under s86F:*

Transport – Section 14

- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.2(iv) in regards to the sight distances required for a visitor accommodation activity, which is required to be a minimum distance of 80 metres. The units on Lot 14 are not anticipated to comply with the minimum sight distance. Council's discretion is restricted to this matter.

Overall, the application is considered to be a **restricted discretionary** activity under the Operative District Plan.

## 5.2 PROPOSED DISTRICT PLAN

The subject site is zoned Lower Density Suburban Residential (LDR). The purpose of the Lower Density Suburban Residential zone is:

*Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs*



*of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments...*

*...Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects. Visitor accommodation located outside of the Visitor Accommodation Sub-Zones is restricted.*

*The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis is restricted where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled where the predominant residential character of the environment is retained and the residential amenity values of nearby residents are maintained.*

*Visitor Accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.*

The relevant provisions of the Plan that require consideration can be found in Section 7 *Lower Density Suburban Residential* and Section 29 *Transport*.

Resource consent is required for the following reasons:

*Rules that are treated as operative under s86F:*

#### Transport – Chapter 29

- A **restricted discretionary** activity pursuant to Rule 29.5.18(a) in regards to the sight distances required for a visitor accommodation activity, which is required to be a minimum distance of 80 metres. The units on Lot 14 are not anticipated to comply with the minimum sight distance.

*Rules that have legal effect under s86B(1) but are not yet treated as operative are:*

#### Lower Density Suburban Residential – Chapter 7

- A **non-complying** activity resource consent pursuant to Rule 7.4.14 for the proposed operation of year round visitor accommodation in the Lower Density Suburban Residential zone within Units 11 – 14 on Lot 100 DP 528817 and Units 1 – 4 on Lot 14 DP 490069.

*The definition of visitor accommodation is under Appeal [ENV-2019-CHC-078].*

#### Transport – Chapter 29

- A **restricted discretionary** activity pursuant to Rule 29.5.3(a) in regards to the size of parking spaces, which are required to comply with the dimensions in Table 29.7. The aisle width for the parking spaces of Unit 11 and Unit 12 on Lot 100 does not meet the required distance, being 7 metres for Class 2 users. An aisle width of 6.2 metres is provided for Unit 11, and 6.42 metres for Unit 12. Council's discretion is restricted to this matter.

*This rule is under Appeal [ENV-2019-CHC-058].*

Overall, the application is considered to be a **non-complying** activity under the Proposed District Plan.



### 5.3 RESOURCE MANAGEMENT ACT

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change condition 1 of Decision A and Decision B of RM190644, to amend the parking layout for Units 1 and 3.

Overall, the application is considered to be a **discretionary** activity under the Resource Management Act 1991 (RMA).

### 5.4 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 5.5 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- A **restricted discretionary** activity under the Operative District Plan;
- A **non-complying** activity under the Proposed District Plan; and
- A **discretionary** activity under the Resource Management Act.

As per the above, the application is being assessed as a non-complying activity overall.

### 5.6 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application.

In addition, Section 104D (particular restrictions on non-complying activity) states that in order for Council to have discretion to grant consent, an application must have no more than minor effects or be not contrary to the objectives and policies of the relevant plans.

Following assessment under Section 104, the application must be considered under Section 104B of the RMA.

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9 of this report outlines Part 2 of the RMA in more detail.

Section 108 empowers the Commission to impose conditions on a resource consent.

## 7.0 INTERNAL REPORTS

The following reports have been prepared on behalf of QLDC and are attached as appendices.

- Engineering Report – prepared by Mr Arsalan Ali, Land Development Engineer at QLDC.

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.



## 8.0 ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment;
- (ii) District Plan Provisions – Objectives and Policies Assessment;
- (iii) Regional Policy Statements; and
- (iv) Other Matters.

## 8.2 EFFECTS ON THE ENVIRONMENT

### 8.2.1 THE PERMITTED BASELINE, EXISTING ENVIRONMENT AND RECEIVING ENVIRONMENT

#### Permitted Baseline

##### *Operative District Plan*

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline includes residential occupation of a residential unit, and associated effects such as car parking demand, traffic generation, noise and impact on privacy. Visitor accommodation that could feasibly take place as a permitted activity are:

- A single annual let for one or two nights;
- Homestay accommodation for up to 5 guests in a Registered Homestay.

It is noted that the application site is not defined as a stand-alone or duplex residential unit, and therefore resource consent is required in order to operate visitor accommodation regardless of the zoning. Such an activity produces different and additional effects above those of a residential activity.

Therefore it is considered there is a permitted baseline as it relates to the Operative District Plan, which is taken into account in the assessment to follow.

##### *Proposed District Plan*

Chapter 7 *Lower Density Suburban Residential* permits home occupations, residential occupation of a residential unit, and homestays. Residential visitor accommodation and visitor accommodation for any period of time requires resource consent.

Due to the nature and of the proposal, it is considered that permitted baseline under the Proposed District Plan is of limited relevance in this instance.

#### Existing and Receiving Environment

The 'environment' is defined in section 2 of the RMA, however this definition has been modified by case law under section 104 to add to the concept of the receiving environment in consent applications by considering the environment not only as it exists at the time of considering an application, but also as it would exist in the future, taking into account permitted activities and any resource consents granted and likely to be implemented. The existing environment forms a baseline for assessing this application against.

The Tiers development (approved by RM160718 and most recently varied by RM190893) is currently underway, with the units in Stages 1 and 2 already completed and subdivided. The four (4) units approved by RM190644 on Lot 14 are currently under construction. It is considered the existing environment includes the consented residential built form, which comprises of parking, access and landscaping. It further includes residential occupation of the residential unit, and the associated effects such as car parking demand, traffic generation, noise and impact on privacy from residential occupation.



In regards to the receiving environment, this is formed by the significant number of units which operate visitor accommodation – however only those which have been lawfully established are able to be considered. It is determined that given the significant number of non-residential activities in the area, this has fundamentally changed the surrounding environment. These properties are illustrated in Figure 3 below.

The existing and receiving environment has been taken into consideration in the below assessment.



**Figure 3:** Aerial depicting the application sites, and the units which have obtained resource consent to operate visitor accommodation (●), and those with resource consent applications lodged to operate visitor accommodation (●) and the neighbourhood (■)

## 8.2.2 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

I consider the proposal raises the following actual and potential effects on the environment:

- Character and Cumulative Effects (8.2.2.1)
- Nuisance and Amenity Effects (8.2.2.2)
- Parking, Access and Traffic Effects (8.2.2.3)

### 8.2.2.1 Character, Amenity and Cumulative Effects

The proposal would allow for up to ten (10) guests to stay within proposed Units 11 – 14 on Lot 100, and up to four (4) guests within proposed Units 1 – 4 on Lot 14, up to 365 nights per year. No minimum stay is proposed by the applicant, however each unit is to be rented to one group at a time. Given the potential number of guests, it is considered that the scale of the visitor accommodation proposed would not be significantly greater than a typical permitted residential activity, because the number of guests is a similar occupation rate to a reasonable permitted residential use.

It is worth noting the environment of this particular area of Potters Hill, as it is beneficial in understanding the function of the neighbourhood. The existing and receiving environment consists of eleven (11) established residential units, four (4) that are currently under construction and another twelve (12) have been consented but are yet to be constructed. Taking into account the topography of this area, it is considered the neighbourhood consists of the upper area of Potters Hill Drive. This area is illustrated in Figure 3 above.



The units are predominantly townhouse and apartment type configurations, designed as part of a high quality comprehensive development. The access, parking, outdoor living areas, landscaping and external appearance of the buildings have been designed to adjoin neighbouring sites, resulting in multi-storey units with limited outdoor living space – typically balcony and patio areas. Overall, the units themselves obtain character which is more akin to a medium or high density residential living. It is considered that given the steep topography of this upper area of Potters Hill Drive, typical low density character would be difficult to establish.

The applicant has proposed a Visitor Accommodation Management Plan (VAMP) as part of the application, which outlines various house rules, along with the responsibilities of the property manager. Further, the applicant has volunteered a number of conditions which relate to the operation of visitor accommodation within each unit. I consider that this Visitor Accommodation Management Plan and volunteered conditions can enable the visitor accommodation activity to be appropriately managed in each unit, and any potential nuisance and amenity effects on the environment will be adequately mitigated.

While the scale of use proposed is largely consistent with the permitted residential activity, the use of the units by short-term guests presents the potential for additional adverse effects. These may include a lack of routine and consistency in the use of the properties, less residential cohesion, loss of privacy and potentially less regard for residential character and amenity. These potential effects are discussed in detail below.

The Operative District Plan is less restrictive when comparing the framework to the Proposed District Plan. The ODP focuses on the compatibility with amenity values of the surrounding environment, considering the character, scale and intensity of the proposed use with adjoining neighbourhoods.

Under the Proposed District Plan, visitor accommodation outside of a Visitor Accommodation Sub-Zone (VASZ) is a non-complying activity, which suggests it is an activity that is not anticipated. The Commission that decided on the Proposed District Plan visitor accommodation provisions discussed that there are scales of visitor accommodation activity which can be absorbed with minimal amenity and cohesion effects. As a result, a framework was created to enable guest letting of those properties with a residential component – ie. homestays, residential visitor accommodation. However, generally speaking, any guest activity that falls within the non-complying activity framework could have adverse effects on residential amenity and cohesion, and these effects would be most notable in the immediate neighbourhood where amenity and social cohesion is established – which may in turn result in adverse cumulative effects on the residential neighbourhood.

Taking the above into consideration, it is noted that a large number of the surrounding properties have obtained resource consent to operate year round visitor accommodation – as approved under the Operative District Plan. It is not considered fanciful that these consents will be given effect to, and are a relevant consideration and can be taken into account when assessing potential residential character, amenity and cumulative effects.

None of the residents of this neighbourhood have submitted in opposition to the application, and all adjacent owners have provided approval. The number of visitor accommodation activities in the surrounding neighbourhood has already fundamentally changed the character of this area of Potters Hill, which is zoned for residential purposes. As such, it is considered there is an already reduced presence of residential cohesion within the neighbourhood, where the activity proposed within the application seeks to decrease this even more so.

However, residential character, amenity and cohesion is largely a personal matter, and the extent of effect depends on an individual's sense or desire for cohesion. To assist the application, the applicant engaged in consultation with neighbouring sites and the local community of Potters Hill. As a result, the owners of nineteen (19) adjacent properties in this particular area of Potters Hill have provided approval with respect to this application. These persons would be the most affected by the loss of residential character, amenity and cohesion, and their approval indicates the immediate and wider community/ neighbourhood are comfortable with the proposed non-residential activity and the adverse effects the activity will generate. The location of these sites are illustrated in Figure 2 above.



Regardless, the application proposes a significant change to the character of this particular area of Potters Hill, which is currently still being established. By allowing such an activity – within an area which is zoned for residential purposes and already has a significant presence of visitor accommodation, it has the ability to eradicate the residential character completely. However, it is noted that from the units which are constructed in this area, only two (2) do not have a consent to operate visitor accommodation. Both of these units have applied for either residential visitor accommodation (4 Woods Lane) or visitor accommodation (9 Woods Lane) activities, however consent is yet to be granted for either of these properties. It is considered that the presence of visitor accommodation in this area of Potters Hill has already eliminated the ability for residential character to form within this particular neighbourhood. Although this is not consistent with the intention of the Lower Density Suburban Residential zoning, it is an outcome which is desired by the owners and occupiers in this neighbourhood. As such, I consider that although there is an absence of residential character within this neighbourhood, this is an outcome which is sought-after by the residents.

The applicant sought approval from the owners of nearby properties, for the purposes of obtaining resource consent for visitor accommodation. Over time, the owners and occupiers of these sites may change, and given the zoning – future owners will expect a Low Density Residential neighbourhood. This application has the ability to affect future owners and occupiers of nearby units, as the scale of non-residential use will modify the character of the area. As the current owners are supportive of the significant presence of visitor accommodation, the application is processed on this basis.

No changes to the external appearance of the buildings are proposed, although the application proposes to vary the parking layout for Units 1 and 3 on Lot 14, to ensure they are suitable for Class 2 users. It is considered the units will retain their residential appearance, as no change to these are proposed. In my opinion, any amenity and character effects from the external appearance of the units will be negligible.

Further, it is noted that this area is relatively confined by topography, being at the top of Potter's Hill Drive with no access to communities to the east or west.

Overall, I consider the application will create no more than minor effects in regards to character, amenity, social cohesion and cumulative effects on the wider neighbourhood of Potters' Hill, when taking into account the existing and receiving environment. This conclusion has been made through the above assessment, and is relevant to both the Operative and Proposed District Plan. As discussed above, the presence of non-residential activities within this area of Potters Hill has exceeded the threshold anticipated by the Proposed District Plan. However, given the consented environment (approved under the Operative District Plan), the topography and design of the neighbourhood, and the approvals provided with the application, I consider effects in terms of character, amenity and cumulative degradation to be no more than minor.

#### 8.2.2.2 Nuisance and Amenity Effects

To mitigate amenity and nuisance effects the applicant has proposed a certain number of guests could reside within each unit at any one time (two (2) persons per bedroom), and that the units shall be professionally managed by a short-term letting agency. The Visitor Accommodation Management Plan restricts use of outdoor areas between 10.00 pm and 7.00 am, with all guests being made aware of noise restrictions between those hours; and guests are to show consideration to neighbours at all times. The name and contact for the property manager is also to be provided. I accept that these measures will help to mitigate nuisance effects from noise and any associated loss of amenity thereby reducing adverse amenity effects within the surrounding environment.

The use of the units for visitor accommodation purposes instead of residential activity can result in irregular frequencies of vehicle movements and traffic generation, which can impact persons living within close proximity. Guests are likely to arrive at a variety of hours. However, as no submissions have been received, and given a significant number of surrounding properties have provided their written approval, I do not consider the potential inconsistency in traffic would inappropriately impact adjacent properties' amenity.



Further, the application does not propose to screen the vehicles associated with the visitor accommodation activity, which is in breach of Rule 7.5.6.2(iii)(g) in the Operative District Plan. Guests are expected to park within the allocated parking spaces on site, although these will be visible from adjoining properties. Considering the permitted baseline with respect to the residential use of the units, the visual and nuisance effects are not expected to differ from that of a permitted residential activity. It is noted all parking spaces meet the size and dimension requirements within the Operative and Proposed District Plan for Class 2 users. These effects are discussed in the relevant section below.

Given the above assessment, I consider any effects with relation to nuisance and amenity as being no more than minor.

### 8.2.2.3 Parking, Access and Traffic Effects

Councils Land Development Engineer, Mr Arsalan Ali has assessed the application documents, and provided comments in regards to parking and access. Mr Ali's comments are referenced in the relevant sections below.

Units 11 and 12 gain access from Woods Lane, which has recently been vested to Council as road. Units 13 and 14, are accessed directly off Potters Hill Drive as opposed to the wider Tiers Development. Units 12 – 14 are proposed to contain a residential unit and an attached residential flat, while Unit 11 is proposed as a single residential unit. Units 12 – 14 have access to three (3) parking spaces, two (2) for the residential unit, and one (1) for the flat; whereas Unit 11 obtains two (2) spaces.

As the visitor accommodation activity will exceed six (6) guests, a mobility park is required for each unit, under the Proposed District Plan. All of the units on Lot 100 have provided space for a mobility park, measuring a minimum width of 3.6 metres.

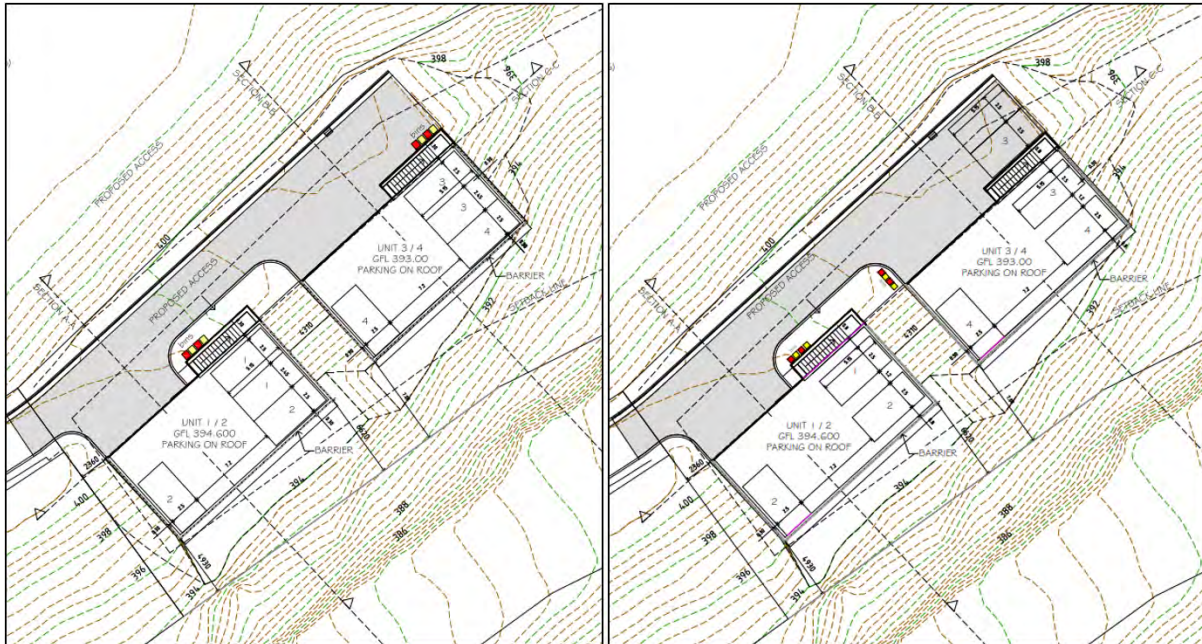
Mr Ali has assessed the parking spaces, and is satisfied that these are in accordance with District Plan Requirements and Appendix 7 of the Operative District Plan for Class 2 users in regards to dimensions, gradient, and break over angles. Mr Ali further notes the 7.0 metre minimum aisle width required for Class 2 users as set out in the Operative and Proposed District Plan has not been achieved for Unit 11 and Unit 12. However, Mr Ali has considers the effects of this breach are mitigated by way of the slightly wider parking spaces, and the low expected traffic volumes. Overall, Mr Ali is satisfied the use of the parking spaces by unfamiliar users is unlikely to result in unsafe and undesirable traffic outcomes. This is accepted.

Vehicles entering and exiting the parking spaces for Unit 13 and Unit 14 will need to reverse manoeuvre onto Potters Hill Drive, which is categorised as a local road under the Operative and Proposed District Plan. Given the location of the crossings, and the fact Potters Hill Drive is a cul-de-sac which is a slow-speed environment, this is considered to have a less than minor effect, and vehicles are anticipated to safely exit the site. Loading areas or additional vehicle crossings are not required as a result of this activity.

Units 1 – 4 on Lot 14 are accessed off Rocha Lane, a private Right of Way over Lot 12 and Lot 13 DP 490069 which gains access off Potters Hill Drive. As Lot 14 is serviced by a shared driveway, the following assessment considers adverse effects on users of the accessway.

The parking spaces for the units proposed on Lot 14 were approved by RM190644, and allocate each unit two (2) spaces. This consent stated the parking spaces for Unit 1 and Unit 3 are unsuitable for visitor accommodation use. To address these concerns, the applicant has proposed a revised parking plan, relocating one (1) of the parking spaces for each Unit 1 and Unit 3 to the north-eastern area of the access way. The parking plan approved by RM190644 and the revised parking plan proposed within this application are illustrated in Figure 4 below.





**Figure 4:** Images illustrating the parking plan approved by RM190644 (left), and the parking plan proposed within this application (right)

Mr Ali has assessed these parking spaces, and is satisfied the parking spaces for each unit meet the District Plan requirements for Class 2 users for dimensions, aisle width, gradient, and break-over angles. Mr Ali is satisfied with the swept path diagrams provided by the applicant, which demonstrates reverse manoeuvring is feasible, to ensure vehicles leaving the site can do so in a forwards motion, meeting the District Plan requirements for rear sites. Further, Mr Ali is satisfied the sight distance breach in relation to Lot 100 DP 534798 is mitigated by the low expected traffic volumes and low operating speeds. Mr Ali is satisfied that this breach is unlikely to result in unsafe or undesirable traffic outcomes, and makes no recommendations.

Mr Ali's report recommends a condition, that prior to the use of Units 1 – 4 on Lot 14, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the parking arrangement plans provided with this application, and Council's standards. I consider this condition to be appropriate, and recommend it is added into the conditions approved by RM190644, should consent be granted.

Further to the above, Mr Ali has stated that as Engineering Acceptance has been granted for RM190644, an advice note is recommended (should consent be granted) to ensure the applicant is aware that a variation to the Engineering Acceptance is required, to ensure the site can be used for visitor accommodation activities.

No mobility parking spaces are required to be provided for the units on Lot 14, given they are proposed to accommodate five or less persons.

Mr Ali is satisfied that the change of use proposed within the units on Lot 14 and Lot 100 from residential to visitor accommodation is unlikely to result in unsafe or undesirable traffic outcomes with regards to access and vehicle crossings, and makes no recommendations in this regard.

Further to above, the applicant has volunteered a condition that no coaches shall service the activity. I consider this suitable given the topography of Potters Hill Drive.

In regards to traffic, the use of units for visitor accommodation instead of residential activity can result in irregular frequencies of vehicle movements, which can create nuisance effects for adjacent sites. Given the above assessment, I consider any nuisance effects as a result of the traffic generation and movements will be negligible.



As part of the Visitor Accommodation Management Plan (VAMP), all vehicles associated with the visitor accommodation/residential visitor accommodation use will be required to park in the available parking spaces on site.

Taking into account the approvals provided, and the applicants' volunteered conditions relating to parking on the relevant site and that no coaches can service the activity, I consider negligible effects are anticipated in regard to on-site parking and manoeuvring. The additional vehicle movements associated with the visitor accommodation use are considered to be similar to a permitted residential activity, and are unlikely to result in adverse traffic related amenity effects above and beyond what is anticipated in this residential environment.

Taking into account the above assessment, I consider any effects in relation to parking, access and traffic will be no more than minor.

### **8.2.3 CONCLUSION**

Having accepted the imposition of additional mitigation measures proposed by the applicant, the fact no submissions against the proposal were received during the notification period, and that all adjacent land owners have given their approval, I consider that the proposal will have no more than minor effects on residential character, amenity and cumulative effects in the immediate surrounding neighbourhood.

I consider adverse effects on amenity and access and transport to be no more than minor.

Overall I consider that this location, the site and surrounding environment characteristics, the existing built form on the site, and the mitigation proposed by the applicant, the proposed activity is able to be absorbed without resulting in unacceptable adverse effects.

## **8.3 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES**

### **8.3.1 OPERATIVE DISTRICT PLAN**

#### District Wide – Section 4

Objective 1 contained within section 4.7 is relevant, and relates to natural hazards:

*Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.*

- 1.1 To increase community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.*
- 1.2 To continually develop and refine a hazards register in conjunction with the Otago Regional Council, as a basis for Council decisions regarding subdivision and building development.*
- 1.3 In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.*
- 1.4 To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*
- 1.5 To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.*
- 1.6 To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.*



- 1.7 *To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.*

Natural hazards were considered at the time the units were consented, and it was determined that Lot 14 falls within the LIC1 liquefaction hazard category, with an assessed liquefaction risk being 'nil to low'. The application does not propose to change the built form of these units, and therefore I consider objective 1 and associated policies is able to be achieved.

Objective 2 contained within section 4.9 is relevant, and relates to urban growth:

*Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well-being.*

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*

These particular policies relate to the retention of the built character and amenity values, so these are not compromised within existing urban and residential areas. The application proposes a change of use, in units which are yet to be constructed. No changes to the built form or residential design of the units are proposed, and therefore I consider Policy 2.1 is met. I believe the proposal is consistent with policy 2.2, given the receiving environment within this area of Potters Hill. The number of visitor accommodation activities are clustered, and may enable the preservation of other areas for residential purposes.

Objective 5 and associates policies relate to visitor accommodation activities:

*To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.*

- 5.1 *To manage visitor accommodation to avoid any adverse effects on the environment.*
- 5.2 *To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.*
- 5.3 *To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.*

Objective 5 enables non-residential activities to occur, so long as adverse effects are avoided, remedied or mitigated. Adverse effects relating to amenity and residential character are anticipated as a result of the visitor accommodation activities proposed within this application, although these are proposed to be mitigated by the conditions volunteered by the applicant they are not avoided entirely. Policy 5.1 seeks for visitor accommodation to be managed so it avoids any adverse effect on the environment. As the proposal mitigates adverse effects, I consider the proposal is consistent with policy 5.1.

Policy 5.2, is not considered as registration is required to undertake a permitted activity, whereby the proposal seeks to undertake year round visitor accommodation. Policy 5.3 will be met, as the applicant has sought resource consent to undertake visitor accommodation, which is a regulatory obligation. Should resource consent be granted, the consent holder is obliged to comply with any conditions and monitoring costs.



The objectives and associated policies contained within section 4.1 *Natural Environment*, 4.1 *Landscape and Visual Amenity*, 4.3 *Takata Whenua*, 4.4 *Open Space and Recreation*, 4.5 *Energy*, 4.6 *Surface of Lakes and Rivers*, are not considered relevant to the application.

Taking into account the above assessment, I consider the proposal is consistent with those relevant objectives and policies contained within Section 4 *District Wide Issues*.

#### Residential Areas – Section 7

Objective 1 relates to the availability of land, and policies 1.1 to 1.4 and 1.6 which seek:

*Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.*

- 1.2 *To enable new residential and visitor accommodation areas in the District.*
- 1.3 *To promote compact residential and visitor accommodation development.*
- 1.4 *To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity*
- 1.6 *To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

The application proposes to provide for both residential and visitor accommodation demand, by enabling both uses to be undertaken within the proposed units – should consent be granted. Given the sites are zoned for residential purposes, residential activity is able to operate as a permitted activity. As such, I consider the application to be consistent with policy 1.6.

Objective 3 and policies 3.1, 3.2, 3.5, 3.8 and 3.9 relate to residential amenity:

*Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

- 3.1 *To protect and enhance the cohesion of residential activity and the sense of community and well-being obtained from residential neighbours.*
- 3.2 *To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*
- 3.5 *To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well-being, residential cohesion and privacy.*
- 3.8 *To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*
- 3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

The application does not seek to change the built form of the consented residential units, ensuring a pleasant living environment is maintained. Policy 3.1 relates to the protection and enhancement of cohesion of residential activity. Given the approvals provided from the majority of adjacent sites and the absence of submissions against the proposal, this indicates the neighbours are supportive of the application and the anticipated loss of cohesion. Therefore, I consider this policy is met.



Further, policy 3.5 looks to ensure the hours of operation of non-residential activities do not compromise residential amenity values, social well-being, residential cohesion and privacy. I consider that the controls volunteered by the applicant will ensure that residential amenity values are not compromised within the wider environment. This relates to policy 3.8, whereby the hours of operation have been restricted by the applicant.

The application proposes to be consistent with policy 3.9 as the VAMP requires all guests to park on site.

Objective 4 and policies 4.1 and 4.2 seek:

*Non-residential activities which meet community needs and do not undermine residential amenity located within residential areas.*

4.1 *To enable non-residential activities in residential areas, subject to compatibility with residential amenity.*

4.2 *To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well-being while protecting the surrounding residential environment.*

The residential amenity within this neighbourhood is not considered to be undermined as a result of the proposal. The application will not change the built form of the consented residential units, and will continue to have a residential appearance as viewed from the street. However, it is clear that there is a large presence of visitor accommodation within this area of Potters Hill. As discussed in the Assessment of Effects in section 8.2.2 above, the character of the neighbourhood already has a high presence of non-residential activities. Given the number of approvals sought by the applicant from neighbouring sites, it is considered this is the desired function of this discrete neighbourhood.

Specifically, policy 4.1 seeks to enable non-residential activities in residential areas, subject to compatibility with residential amenity. Taking into account the assessment undertaken in section 8.2.2, the residential amenity within this area of Potters Hill will be able to be maintained, should owners of units seek to utilise these for residential purposes – which they are able to do, as a permitted activity.

The proposal will establish a more prominent presence of non-residential activities in an area already containing a large number of other visitor accommodation activities. It is considered the residential cohesion within this area is already compromised, given the cumulative effect from such activities. However, given the ability to convert the units to residential at any time, it is considered the residential use – intended by the zoning – is still able to be achieved.

It is not anticipated that the activity will compromise amenity values and the adjoining land uses.

For the above reasons, I consider the proposal is consistent with those relevant objectives and policies contained within Section 7

*Residential Areas.*

#### Transport – Section 14

Objective 1 relates to efficiency, and seeks the:

*Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.*

1.3 *To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.*

1.9 *To require off-road parking and loading for most activities to limit congestion and loss of safety and efficiency of adjacent roads and to promote the maintenance and efficiency of those roads.*



I consider objective 1 and associated policies 1.3 and 1.9 are achieved by the proposal. Suitable parking has been provided on site, which is able to cater to Class 2 users. The nature and scale of the activity also corresponds with that of a permitted residential activity, with a maximum of ten (10) persons in Units 11 – 14 on Lot 100, and four (4) in Units 1 – 4 on Lot 14 – so two (2) per bedroom. Given the on-site parking provided, it is considered there will be no effect in relation to congestion on the road network, and therefore safety and efficiency will not be compromised by the proposed change in use.

Objective 2 and policy 2.2 relates to accessibility, and seeks the:

*Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.*

**2.2** *To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.*

As stated above for objective 1, the nature and scale of the activity is not so different to that of a permitted residential activity. Adequate parking is provided on the application sites given the proposed use, and therefore it is considered the nature and scale will not create any concerns with respect to road capacity and function.

Objective 5, and policies 5.4 and 5.5 relate to parking and loading, and state:

*Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.*

**5.4** *To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.*

**5.5** *To require the design of parking areas to ensure the safety of pedestrians as well as vehicles.*

As the residential units have already been consented, the parking and access areas have already been approved, with associated landscaping. The parking areas are considered to be appropriate for the proposed visitor accommodation activity, given the assessment undertaken in the relevant section above. I consider no effects are anticipated in this regard, given the units have been consented, and the current application only proposes a change of use.

Overall, the transportation policies seek to ensure a safe and efficient road network, which includes suitable provision for access and parking. The design of the parking and access ways for Lot 100 will not change as a result of this application. The amended parking layout for Lot 14 will ensure the safety of pedestrians and vehicles, enabling safe manoeuvres into the parking spaces. The proposal is achieve this, and is considered to be consistent with those relevant objectives and policies.

It is considered the proposal is consistent with those relevant objectives and policies contained within Section 14 *Transport*.

## **Summary**

Overall, I consider the proposal is of an acceptable nature and scale to not inappropriately detract from amenity values. While the proposal would adversely affect residential character values to a more than minor degree, I consider there is an absence of residential character within this neighbourhood, and therefore there is no established residential character to degrade. In addition, all adjacent landowners have provided their approval. As such, I consider that the proposal is not contrary to the objectives and policies of the Operative District Plan.



### 8.3.2 PROPOSED DISTRICT PLAN

In this case, the objectives and policies contained in Chapter 3 *Strategic Direction*, Chapter 4 *Urban Development*, Chapter 7 *Lower Density Suburban Residential* and Chapter 29 *Transport* are relevant. Only those objectives and policies that are considered relevant are assessed below.

#### Strategic Direction – Chapter 3

Strategic objective 3.2.1 and associated policies contained within Chapter 3 *Strategic Direction* relates to the development of a prosperous, resilient and equitable economy in the District:

*The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)*

*3.2.1.1 The significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities and services are realised across the District.*

The application seeks to increase the availability of visitor accommodation facilities within the District, by allowing eight (8) units to be utilised for visitor accommodation purposes. Therefore I consider objective 3.2.1 and policy 3.2.1.1 to be met.

I consider the strategic objectives and associated policies contained within section 3.2.2, 3.2.4, 3.2.5, 3.2.6 and 3.2.7, to not be relevant to the application.

Overall, I consider the proposal is consistent with those relevant objectives and policies contained within Chapter 3 *Strategic Direction*.

#### Urban Development – Chapter 4

*Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defendable urban edges (from Policies 3.3.13 and 3.3.14)*

*4.2.1.2 Focus urban development primarily on land within and adjacent to the existing larger urban areas and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements.*

*4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.*

The application does not propose any additional development from that consented, which is located entirely within the Urban Growth Boundary (UGB). For these reasons I consider the application is consistent with objective 4.2.1 and associated policies.

*4.2.2A A compact, integrated and well designed urban form within the Urban Growth Boundaries that:*

- (i) Is coordinated with the efficient provision, use and operation of infrastructure and services; and*
- (ii) Is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.*

*4.2.2.1 Integrate urban development with existing or proposed infrastructure so that:*

- a) Urban development is serviced by infrastructure of sufficient capacity; and*
- b) Reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and*
- c) In the case of the National Grid, reverse sensitivity effects avoided to the extent reasonably possible and the operation, maintenance, upgrading and development of the National Grid is not compromised.*



4.2.2.2 *Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:*

- a) *Its topography;*
- b) *Its ecological, heritage, cultural or landscape significance if any;*
- c) *Any risk of natural hazards, taking into account the effects of climate change;*
- d) *Connectivity and integration with existing urban development;*
- e) *Convenient linkages with public transport;*
- f) *The need to provide a mix of housing densities and forms within a compact and integrated urban environment;*
- g) *The level of existing and future amenity that is sought (including consideration of any identified special character areas);*
- h) *The need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;*
- i) *The need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;*
- j) *The function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and*
- k) *The need to locate emergency services at strategic locations.*

As stated above, no additional development is proposed within this application, and it has been previously determined the residential units were appropriate in terms of servicing, location and design. Regardless, it is considered the development is well-designed and is located in close proximity to the Queenstown and Frankton town centres and public transport routes. As such, I consider the proposal to be consistent with Objective 4.2.2A.

Taking the above into consideration, I consider the proposal is consistent with and not contrary to those relevant objectives and policies contained within Chapter 4 *Urban Development*.

Lower Density Suburban Residential – Chapter 7

Objective 7.2.1 and policy 7.2.1.2 relate to the density of development and ensure this is compatible with the scale and character of existing development:

*Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.*

7.2.1.2 *Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development and maintains suburban residential amenity values including predominantly one to two storey building heights.*

The buildings have been consented by previous resource consent, and the design of these has already been approved. The appearance will not change as a part of this application. There is sufficient infrastructure serving this site and there are also considered to be sufficient car parks to meet the needs of guests.

While the proposal will mean the residential units are utilised solely for visitor accommodation, it will not change the appearance and the units could readily be converted back to residential in the future. The units obtain a residential appearance, and are of a scale that is anticipated for this area of Potters Hill. As such, I consider the proposal to be consistent with objective 7.2.1.

Objective 7.2.8 and policies 7.2.8.1, 7.2.8.2, 7.2.8.3, 7.2.8.4 and 7.2.8.5 relate to non-residential activities, and seek:



*Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.*

Given this objective is extremely relevant to the proposal, comments are made under each relevant policy, as outlined below:

**7.2.8.1** *Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.*

Policy 7.2.8.1 is not relevant as the application is not located within the Visitor Accommodation Sub-Zone.

**7.2.8.2** *Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.*

This site is located in a residential area, albeit with a number of short-term visitor accommodation activities surrounding it, and cognisance needs to be had to those residents. To address any potential effects, the applicant has proposed the requirement for a management plan to be implemented for each unit. It is anticipated that the management plan will mitigate any adverse noise or traffic (from vehicles entering and exiting the site) effects on residential amenity. Regardless, all owners who were considered to have been potentially affected by the proposal, have provided approval.

Each unit has an outdoor living area and onsite parking, which will be visible from Potters Hill Drive. However, the movement of people or vehicles from the sites will not detract from the amenity of the area, given all parking and access areas of already constructed units are visible from the road. It is determined each unit will provide sufficient parking for the proposed change in use.

I consider that the units will retain their residential appearance, as no change to these are proposed. Given the topography of the application site and surrounding environment, the units proposed are not anticipated to create any overlooking or privacy effects.

Policy 7.2.8.2 seeks to restrict the establishment of visitor accommodation outside of the Visitor Accommodation Sub-Zone. As discussed above, the application will result in a greater presence of non-residential activities in this area of Potters Hill – which ultimately has the ability to change the character of the neighbourhood. Should consent be granted, this has the ability to eradicate the residential character completely. Given the existing presence of visitor accommodation within this area of Potters Hill, I am of the opinion that the residential character of the area is already degraded. The proposal will substantially degrade that residential character further. Although this is not consistent with the intention of the Lower Density Suburban Residential zoning, it is an outcome which is desired by the owners and occupiers of these sites. Further, it is noted that this area is well contained by topography. Therefore, while I consider the proposal to be inconsistent with the intention of this policy, but not contrary to it. Overall, I believe the application is inconsistent with policy 7.2.8.2.

**7.2.8.3** *Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.*

Policy 7.2.8.3 is not relevant as the application does not propose residential visitor accommodation or homestay activities.

**7.2.8.4** *Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.*

Policy 7.2.8.4 is not relevant as the application does not propose residential visitor accommodation or homestay activities.



- 7.2.8.5 *To manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.*

Policy 7.2.8.5 is not relevant as the application does not propose residential visitor accommodation or homestay activities.

As the visitor accommodation activity is to be well contained within this area of Potters Hill, where there is no residential character to further degrade, and overall amenity is not compromised, I consider the application to be inconsistent with objective 7.2.8.

For these reasons it is considered the proposed visitor accommodation activity is inconsistent with, but not contrary to, the relevant objectives and policies within Chapter 7 *Lower Density Suburban Residential*.

## Transport – Chapter 29

Objective 29.2.2 seeks:

*Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:*

- a) *Providing a safe and efficient transport network;*
- b) *Compact urban growth;*
- c) *Economic development;*
- d) *Facilitating an increase in walking and cycling and the use of public transport; and*
- e) *Achieving the level of residential amenity and quality of urban design anticipated in the zone.*

29.2.2.1 *Manage the number, pricing, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:*

- a) *Is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;*
- d) *Provides sufficient parking spaces to meet demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans; and*
- e) *Provides sufficient onsite loading space to minimise congestion and adverse visual amenity effects that arise from unmanaged parking and loading on road reserves and other public land.*

All units obtain the minimum number of car parks for the proposed activity, and provide for mobility parking spaces where necessary.

It is noted the parking spaces for Unit 11 and Unit 12 do not meet the minimum aisle width required, given the size of the parking spaces. As discussed in section 8.2.2, this breach is not considered to create an adverse effect. Given the slow speed environment, it is considered there will be no adverse effects on the transport network, and guests will be able to manoeuvre safely and efficiently.

For these reasons it is considered the proposed visitor accommodation is not contrary to the relevant objectives and policies within Chapter 29 *Transport*.

## Summary

Overall, the proposal is of an acceptable nature and scale to not inappropriately detract from residential amenity and character values. The proposal is inconsistent with, but not contrary to the objectives and policies of the Proposed District Plan.



### 8.3.3 WEIGHTING

A weighting assessment in relation to the Operative District Plan and Proposed District Plan is only required if the conclusions reached under either planning document are different (i.e. the assessment under one plan concludes that consent can be granted and the other concludes that consent should be refused).

In this instance, the proposal is considered to not be contrary to the Operative District Plan or the Proposed District Plan, and as such no weighting assessment is required.

### 8.4 REGIONAL POLICY STATEMENTS (SECTION 104(1)(b)(v))

The relevant objectives and policies in the Operative Regional Policy Statement are contained within Part 5 *Land*, and for the Proposed Regional Policy Statements within Part B Chapter 1 *Resource Management in Otago is Integrated*, and Chapter 3 *Otago has High Quality Natural Resources and Ecosystems*.

The policies of the Operative Regional Policy Statement have been given effect through the Operative District Plan.

From 14 January 2019 the Proposed Regional Policy Statement became the Partially Operative Otago Regional Policy Statement 2019. While some provisions are not yet settled, and do not have full legal force, the majority of the document is operative and can be given weight.

These objectives and policies will flow through into the considerations of the Proposed District Plan but those provisions have not yet been resolved. The relevant objectives and policies in the Partially Operative Otago Regional Policy Statement 2019 are included in Appendix 6 but are summarised and assessed below:

Part B, Chapter 1: Resource management in Otago is integrated:

*Objective 1.1 Otago's resources are used sustainably to promote the economic, social, and cultural wellbeing for its people and communities.*

*Policy 1.1.1 Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.*

*Policy 1.1.2 Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:*

- a) Recognising and providing for Kāi Tahu values;*
- b) Taking into account the values of other cultures;*
- c) Taking into account the diverse needs of Otago's people and communities;*
- d) Avoiding significant adverse effects of activities on human health;*
- e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing; and*
- f) Promoting good quality and accessible infrastructure and public services.*

*Objective 1.2 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.*

*Policy 1.2.1 Achieve integrated management of Otago's natural and physical resources, by all of the following:*



- a) Coordinating the management of interconnected natural and physical resources;
- b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;
- c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;
- d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary;
- e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits;
- f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement;
- g) Promoting healthy ecosystems and ecosystem services; and
- h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.

Part B, Chapter 4: Communities in Otago are resilient, safe and healthy:

*Objective 4.5 Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.*

*Policy 4.5.1 Provide for urban growth and development in a strategic and co-ordinated way, including by:*

- a) Ensuring future urban growth areas are in accordance with any future development strategy for that district;
- b) Monitoring supply and demand of residential, commercial and industrial zoned land;
- c) Ensuring that there is sufficient housing and business land development capacity available in Otago;
- d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6;
- e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- f) Having particular regard to:
  - i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;
  - ii. Minimising competing demands for natural resources;
  - iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - iv. Maintaining important cultural or historic heritage values;
  - v. Avoiding land with significant risk from natural hazards;
- g) Ensuring efficient use of land;  
Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;
- i) Requiring the use of low or no emission heating systems where ambient air quality is:
  - i. Below standards for human health; or
  - ii. Vulnerable to degradation given the local climatic and geographical context;



*j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth.*

Part B, Chapter 5: People are able to use and enjoy Otago's natural and built environment:

*Objective 5.3 Sufficient land is managed and protected for economic production.*

*Policy 5.3.5 Recognise the social and economic value of some forms of outdoor recreation and tourism having access to, and being located within, outstanding natural features and landscapes.*

The provision of the visitor accommodation will enable the applicant to provide for their economic wellbeing via the use of existing residential units and flats without being detrimental to the natural and physical resources. The site is located within reasonable proximity to both the Queenstown Town Centre and Frankton Town Centre. Guests will be able to utilise these facilities and business, by walking or taking nearby public transport.

As discussed above, the visitor accommodation activity will continue to have a residential appearance so will not detract, visually, from the residential character of the area. Further, any of the units could revert back to a residential use in the future. For these reasons it is considered the proposal is consistent with the above objectives and policies.

The provisions of the Otago Regional Plan: Water are not considered to be relevant to this application.

No other regulations, National Environmental Standards (NES) or National Policy Statements (NPS) are relevant to this application.

## **8.5 OTHER MATTERS**

### **8.5.1 PRECEDENT**

There are a large number of residential properties in the Lower Density Suburban Residential zone in the District, and it should be considered whether granting consent for this proposal will create a precedent for approving other non-compliant visitor accommodation activities within other residential properties in this zone.

The Potters Hill area is a unique neighbourhood, unlike other Low Density Residential areas and neighbourhoods. It is topographically isolated from wider residential areas, and has established in a way that is more suited to a high density residential style of development. The neighbourhood defined within this report does not obtain the characteristics of a traditional low density area, which allows it to be unique in that regard. Based on the above, I consider that if consent is granted, a precedent will be set – however it will be contained completely within the neighbourhood as outlined in Figure 3.

As such, it is considered that granting this consent will result in a precedent effect.

## **8.6 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))**

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has not been met in that the application will have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed one of the gateway tests in s104D, consent can be granted for this non-complying activity.



## 9.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

*Managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

As discussed throughout this report, it is considered that the development proposed is appropriate based upon an assessment of the application against s104 matters.

It is concluded that the proposal does maintain the residential character, landscape and visual amenity values. As such, I consider the proposal does promote sustainable management.

Overall, I consider the proposal promotes sustainable management as per the purposes and principles of the RMA.

Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (f) *The maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon*
- (i) *The effects of climate change*
- (j) *The benefits to be derived from the use and development of renewable energy*

- (c) *The maintenance and enhancement of amenity values*

The buildings on the site will continue to have a residential appearance. The development is well designed with outdoor living areas well screened from adjacent sites. Given management plans will be a requirement, if consent is approved, cognisance will be given to the residential nature of the area. For the reasons discussed in the assessment of effects above, the amenity values of the area will be maintained.

- (f) *The maintenance and enhancement of the quality of the environment*

The existing environment is characterised by a mixture of residential properties with a small number of those used as visitor accommodation. The building on the site is residential in appearance and the outdoor living areas and vehicle access points are well separated and/or screened from adjacent sites. It is considered the quality of the environment will be maintained.

- (g) *Any finite characteristics of natural and physical resources*

While this development will utilise a number of residential units (once constructed) there will continue to be a supply of residential units across the District.



### Summary

Overall, I consider the proposal does promote sustainable management.

## 10.0 RECOMMENDATION

- Subject to conditions, adverse effects regarding amenity, nuisance and traffic from guest activity can be adequately mitigated;
- It is considered that the proposal will erode the residential character of the area to a minor degree. However this is an outcome which is sought-after by the residents and will be contained within a area of Potters Hill. Therefore the effects, in this instance, are considered to be less than minor in the context of this particular neighbourhood;
- The proposal is not contrary to the relevant objectives and policies of the Operative District Plan or Proposed District Plan;
- It is considered by approving this resource consent, a precedent will be set within this neighbourhood, located at the top of Potters Hill; and
- The proposal promotes the overall purpose of the RMA.

Report prepared by



Alex Jamieson  
**PLANNER**

Reviewed by



Erin Stagg  
**SENIOR PLANNER**

**Attachments:**

Appendix 1	Council's Engineering Report
Appendix 2	Recommended Consent Conditions (should consent be granted)
Appendix 3	Updated Conditions of RM190644 (as varied by RM191267)
Appendix 4	Objectives and Policies of the Operative District Plan
Appendix 5	Objectives and Policies of the Proposed District Plan

**Report Dated:** 3 December 2020



**APPENDIX 1 – COUNCIL’S ENGINEERING REPORT**





## ENGINEERING REPORT

**TO:** Alex Jamieson

**FROM:** Arsalan Ali

**DATE:** 09/09/2020

APPLICATION DETAILS	
REFERENCE	RM191267
APPLICANT	Alpha Properties Limited
APPLICATION TYPE & DESCRIPTION	Land use consent to undertake visitor accommodation from 8 proposed units and a variation of parking layouts under RM190644.
ADDRESS	Potters Hill Drive, Frankton
ZONING	ODP: Low Density Residential PDP: Low Density
LEGAL DESCRIPTION	Lot 14 DP 490069 and Lot 100 DP 534798
SITE AREA	1,434m <sup>2</sup> and 30,217m <sup>2</sup>
ACTIVITY STATUS	Non-complying.

Application	<b>Reference Documents</b>	Documents supplied at time of application, in response to RFI, and at time of re-application.
	<b>Previous Relevant Consents</b>	RM050520 – underlying subdivision that created both sites. RM160718, RM170614 & RM180834 – underlying consents to construct residential units and variations. RM190983 – land use consent for a variation to RM160718 (as varied by RM170614, and RM108834) and RM181535. RM190644 – Underlying resource consent to undertake earthworks and construction 4 residential units on Lot 14 DP 490069.
	<b>Date of site visit</b>	14/01/2020

### Location Diagram





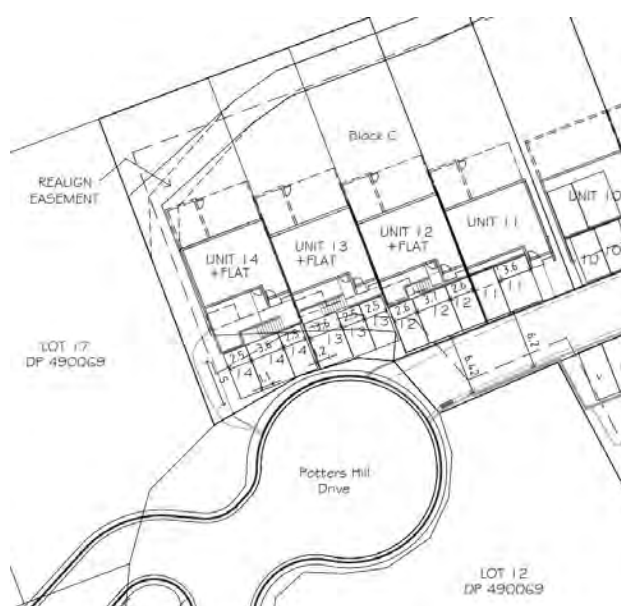
Comments		
	Existing Use	Vacant residential allotments. Construction of residential units yet to commence.
	Neighbours	<b>Lot 14 DP 490069:</b> Rocha Lane to the north and Pencarrow Lane to the south. Vacant residential allotments towards the east and west. <b>Lot 100 DP 534798:</b> Potters Hill Drive cul-de-sac to the south. Undeveloped open space to the north. Vacant residential allotment to the west. Residential unit to the east.
	Topography/Aspect	Level development footprint has been established for Lot 100 DP 534798. Lot 14 DP 490069 slopes steeply downwards from the front of the lot to the rear of the lot.

## **TRANSPORT**

### **Parking**

#### **Lot 100 DP 534798**

The applicant has proposed short-term visitor accommodation for 365 nights a year at The Tiers Units 11-14, as shown on plans. Units 12-14 consist of a residential unit with attached residential flat (1 bedroom in each of the flats, 4 bedrooms in each of the units), whilst Unit 11 is a standalone residential unit. There are 5 bedrooms in Unit 11. Resource consent is being sought for 10 persons in Unit 11, and 10 persons in the combined residential flat + unit combo for Units 12-14. Please refer to screenshot below.



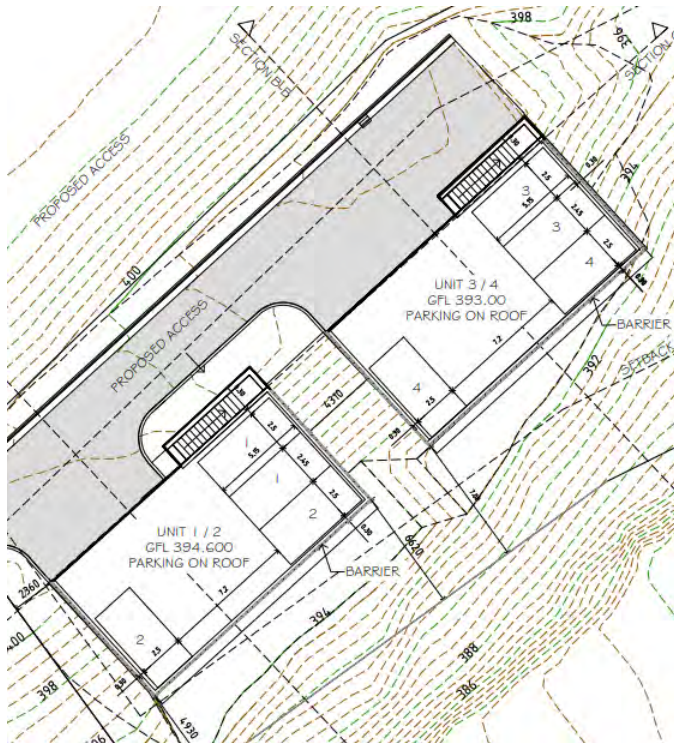
Car parking provisions have been made in the form of two parking spaces for each of the residential units, and one parking space for the flats on Units 12-14. Resource consent RM190893 was granted for the construction of residential units on Lot 100 DP 534798. This application does not propose any further construction. It was noted on the site visit that earthworks is on-going on the site and construction of the residential units has not commenced.

I am satisfied that car parking spaces are in accordance with District Plan Requirements and Appendix 7 of the Operative District Plan for Class 2 users in regards to dimensions, gradient, and break over angles. The minimum required aisle width for Class 2 users as set out in the District Plan is not being achieved for Units 11-12. However, the effects of this breach are mitigated by way of the slightly wider parking spaces, and the low expected traffic volumes. I am satisfied this breach is unlikely to result in unsafe or undesirable traffic outcomes. I am also satisfied that the use of the parking spaces for unfamiliar users is unlikely to result in unsafe and undesirable traffic outcomes.



Lot 14 DP 490069

Construction of the residential units (Units 1 – 4) on Lot 14 DP 490069 was consented under RM190644. The AEE for the subject site notes that the parking spaces consented under RM190644 are not in accordance with District Plan requirements for Class 2 users. As such, the applicant has proposed an alternate parking arrangement with this application. There are 2 bedrooms in each of the units and resource consent for visitor accommodation for 4 people in each unit is being sought. Please refer to screenshots below.



*Original Parking arrangement RM190644 (above)*



*Proposed Parking arrangement RM191267*

The applicant has proposed 2 parking spaces for each of the residential units, Units 1 – 4. I am satisfied that the parking spaces meet District Plan requirements for Class 2 users with respect to dimensions, aisle width, gradient, and break-over angles.



The applicant has provided swept path diagrams which shows safe reverse manoeuvres are feasible to ensure vehicles leaving the site can do so in a forward motion. I am satisfied that these swept path diagrams are accurate. I am satisfied vehicle can exit the site in a forward motion. I note that on-site reverse manoeuvring for Units 1 – 4 is a District Plan requirement.

Review of underlying resource consent RM190644 has shown that Engineering Acceptance was granted for the original parking layout. An advice note is recommended in this regards to ensure the applicant is aware that a variation to the RM190644 Engineering Acceptance granted for the parking layout will need to be sought **prior to the commencement of construction to ensure the site can be used for visitor accommodation activities.**

I recommend a condition of consent to ensure that construction of the parking, access, and manoeuvring areas shall be completed in accordance with the RM190644 alternate parking arrangement plans provided with this application RM191267, and Council's standards, prior to the use of the site for visitor activity.

No coach parking has been proposed. I defer to Council Planner to consider the appropriateness of this parking arrangement.

### **Mobility Parking**

The PDP requires a mobility space for 6 or more guests. Please see screenshot below.

	Table 29.3 - Standards for activities outside roads	Non-compliance status								
29.5.5	<p><b>Mobility Parking spaces</b></p> <p>a. Other than in relation to residential units and visitor accommodation with less than 6 guests, wherever an activity requires parking to be provided, mobility parking spaces shall be provided in accordance with the following minimum standards:</p> <table><tr><th>Total number of parks to be provided by the activity or activities on the site</th><th>Minimum number of mobility parking spaces required</th></tr><tr><td>1 to 10 spaces:</td><td>1 space</td></tr><tr><td>11 to 100 spaces:</td><td>2 spaces</td></tr><tr><td>More than 100 spaces</td><td>2 spaces plus 1 space for every additional 50 parking spaces provided</td></tr></table> <p>b. Mobility parking spaces shall be:</p> <ul style="list-style-type: none"><li>(i) on a level surface;</li><li>(ii) clearly signposted;</li><li>(iii) located on the same site as the activity;</li><li>(iv) be as close as practicable to the building entrance; and</li><li>(v) be accessible to the building via routes that give direct access from the car park to the building.</li></ul>	Total number of parks to be provided by the activity or activities on the site	Minimum number of mobility parking spaces required	1 to 10 spaces:	1 space	11 to 100 spaces:	2 spaces	More than 100 spaces	2 spaces plus 1 space for every additional 50 parking spaces provided	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"><li>a. The number, location, and design of mobility parking spaces, including the accessibility of the spaces to the building(s); and</li><li>b. Effectiveness of the associated signage.</li></ul>
Total number of parks to be provided by the activity or activities on the site	Minimum number of mobility parking spaces required									
1 to 10 spaces:	1 space									
11 to 100 spaces:	2 spaces									
More than 100 spaces	2 spaces plus 1 space for every additional 50 parking spaces provided									

The applicant has proposed 10 guests at Units 11-14 on Lot 100 DP 534798, and as such mobility parking spaces are required. Based on plans provided with the application, a mobility parking space has been provided on Units 11-14 whilst still allowing access to the property entrances. I am satisfied that the mobility parking spaces themselves are in accordance with the requirements of Appendix 7 of the ODP. The additional aisle width for manoeuvring such vehicles (8m aisles) can be considered as provided within the legal frontage. I make no recommendations in this regard.

### **Vehicle Crossings and Access**

No vehicle crossings or access have been proposed under this resource consent. Parking and access arrangements have been assessed by way of underlying resource consents for both sites.

Access and vehicle crossings have already been constructed on site. I am satisfied that use of the subject sites for visitor accommodation are unlikely to result in unsafe or undesirable traffic outcomes with regards to access and vehicle crossings. I make no recommendations in this regard.



### **Sight Distances**

District Plan rules 29.5.18 of the PDP and 14.2.4.2 (iv) of the ODP require a minimum of 80m of sight distance be provided for non-residential activities in a 50km/h speed environment. Sight distances provided at the intersection between Rocha Lane (ROW for access to Lot 14 DP 490069) and Potters Hill Drive are less than 80m in the northern and southern direction, triggering a breach of District Plan rules. However, I am satisfied this is unlikely to result in unsafe or undesirable traffic outcomes due to the low speed environment, and low traffic volumes. No conditions are necessary in this regard.

I am satisfied 80m of sight has been provided for Lot 100 DP 534798 in the western direction. However, this rule is being breached in the eastern direction as only 40m of sight distance has been provided. I am satisfied this breach is mitigated by the low expected traffic volumes and low operating speeds. I am satisfied that this breach is unlikely to result in unsafe or undesirable traffic outcomes. I make no recommendations in this regard

<b>SERVICES</b>	<b>Existing Services</b>	Provision of services was assessed at time of underlying resource consents for each of the subject sites. I am satisfied that the change of use from residential to visitor activity will not result in undesirable outcomes. I am satisfied that no alterations to the provision of services is required for change of use to visitor activity. I make no recommendations with regards to servicing.	
<b>TITLE</b>	<b>Covenants/consent notices</b>	Consent Notice 10449745.29 is registered on the Record of Title for Lot 14 DP 490069 and Lot 100 DP 534798 and contains conditions with respect to services, residential unit construction, access, further subdivision, and geotechnical considerations. I am satisfied these would have been addressed at a time that residential units were proposed on the site. No conditions are required.	
	<b>Variation to RM190644</b>	From an engineering perspective the only change necessary to the RM190644 conditions is the update to the drawing that shows the new parking configurations, consequently no engineering recommendations are necessary to the variation decision.  Additionally as noted above the amended layout may trigger a need for an additional "engineering Acceptance" and an advice note is recommended herein.	<b>X</b>

### **RECOMMENDED RM191267 CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

1. Prior to the use of Lot 14 490069 for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the RM190644 alternate parking arrangement plans provided with this application RM191267, and Council's standards.
2. Prior to the use of Lot 100 DP 534798 for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with stamped as approved drawings for RM190893.



**Advice Notes:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at Council.
  2. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.
- 

Prepared by:



**Arsalan Ali**  
**LAND DEVELOPMENT ENGINEER**

Reviewed by:



**Michael Wardill**  
**TEAM LEADER**  
**RESOURCE MANAGEMENT ENGINEERING**



**APPENDIX 2 – RECOMMENDED CONSENT CONDITIONS (SHOULD CONSENT BE GRANTED)**



## General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

### Lot 100 DP 528817

- The Tiers Villa Block C Level 1 Floor Plan, Contract 17031, Sheet A1-02, dated July 2019;
- The Tiers Villa Block C Level 2 Floor Plan, Contract 17031, Sheet A1-03, dated July 2019;
- The Tiers Villa Block C Level 3 Floor Plan, Contract 17031, Sheet A1-04, dated July 2019;
- The Tiers Villa Block C South Elevation, Contract 17031, Sheet A1-05, dated July 2019;
- The Tiers Villa Block C East Elevation, Contract 17031, Sheet A1-06, dated July 2019;
- The Tiers Villa Block C West Elevation, Contract 17031, Sheet A1-07, dated July 2019;
- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev I, dated 04/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Carparking' Job No 12377 Dwg 8 Sheet 006 Rev G I, dated 09/08/2019; and
- 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev I', prepared by Clark Fortune McDonald & Associates and dated 09/08/2019.

### Lot 14 DP 490069

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev I, dated 04/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev I, dated 09/08/2019;
- 'Proposed Units on Lot 10 DP 490069 Carparking' Job No 12377 Dwg 8 Sheet 006 Rev G I, dated 09/08/2019;
- 'The Tiers Villas Landscaping & Outdoor Living Spaces: Drawing No. 09 Sheet 001, Rev I', prepared by Clark Fortune McDonald & Associates and dated 09/08/2019.

### **stamped as approved on XXXX**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.



### Prior To Conditions

4. Prior to the use of Lot 14 (DP 490069) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the RM190644 alternate parking arrangement plans approved by RM191267, and Council's standards.
5. Prior to the use of Lot 100 (DP 534798) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with stamped as approved drawings for RM190893.

### Operational Conditions

6. The consent holder shall ensure the visitor accommodation activity is undertaken in accordance with the approved site management plan (Visitor Accommodation Management Plan, Appendix 2), and the following conditions (7 – 16). Prior to operation of the visitor accommodation activity, the visitor accommodation management plan for each unit shall be updated to include the contact details of the property manager available for any complaints.

*Advice note: The management plan may be updated from time to time, this shall be certified by Council's Planning and Development department prior to implementation and shall demonstrate the management techniques that will be used to ensure conditions (5 - 12) are met, and shall include the contact details of the property manager available for any complaints.*

7. Each unit shall be rented to a maximum of one (1) group at any one time, for a maximum of 365 nights per year.
8. The maximum number of guests on site in association with the visitor accommodation activity, shall be restricted to:
  - a) Units 11 – 14 "The Tiers" (being 1, 3, 5 & 7 Woods Lane) in association with the visitor accommodation use shall be restricted to ten (10) persons at any one time; and
  - b) Units 1 – 4 Lot 14 DP 490069 (being 4A, 4B, 4C and 4D Rocha Lane) in association with the visitor accommodation use shall be restricted to four (4) persons at any one time.
9. Regarding the use of outdoor areas:
  - a) The use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am.
  - b) Two (2) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am. One sign shall be installed in the kitchen, and weatherproof signs (e.g. laminated) shall be installed within the outdoor area.
  - c) Upon installation, and prior to the use of the property for visitor accommodation, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.
10. The consent holder shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. Details of all tenancies for at least the preceding 5 years shall be continually maintained. This register shall be made available for the Councils review and records at all times.

*Please note: While the consent holder is responsible for there being an up to date register, the register may be completed by a letting agent / property manager.*



11. The consent holder shall ensure that all vehicles associated with the short-term visitor accommodation use of each unit, including those belonging to people visiting guests, shall be parked on each respective site. The consent holder must advise all guests of this condition prior to their arrival on site.
12. The consent holder shall ensure that no coaches are to service the authorised activity.
13. Prior to the operation of the residential unit for visitor accommodation, the consent holder shall provide to the Council the name and contact details of the Visitor Accommodation Manager. If these are to change, updated details shall be provided to the Council.
14. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection, rubbish and recycling shall only be placed on the street the day of or day prior to collection.
15. Prior to the use of the building for residential visitor accommodation activities authorised by this consent, and within ten (10) days of a change in property manager contact details, the consent holder shall undertake a letter drop to the owners/occupiers of neighbouring adjacent sites below:
  - Lot 12 DP 490069, Potters Hill
  - Lot 13 DP 490069, Potters Hill
  - Lot 17 DP 490069, Potters Hill
  - 2 Woods Lane, Potters Hill
  - 4 Woods Lane, Potters Hill
  - 6 Woods Lane, Potters Hill
  - 8 Woods Lane, Potters Hill
  - 9 Woods Lane, Potters Hill
  - 10 Woods Lane, Potters Hill
  - 11 Woods Lane, Potters Hill
  - 12 Woods Lane, Potters Hill
  - 13 Woods Lane, Potters Hill
  - 15 Woods Lane, Potters Hill
  - 17 Woods Lane, Potters Hill

The consent holder shall ensure that all adjacent properties are served with a copy of the conditions of RM191267, and a letter. The letter shall outline the consented activity and the property managers contact details for receiving any complaints. The letter shall direct owners and occupiers to direct all complaints to be conveyed to the property manager in the first instance. The consent holder shall submit the letter to the Council Monitoring Department for monitoring purposes within ten (10) working days of each letter drop.

16. The consent holder shall maintain a record of all complaints received during the operation of the visitor accommodation activity in the form of a register containing the complaint details and any remedial actions undertaken. Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years and any complaints received shall be forwarded to the Council Monitoring Department for monitoring purposes within 48 hours of the complaint being received. The complaint register shall be made available for inspection by the Council at all times.

#### Review

17. Within six (6) months of the date of this decision; and/or upon the receipt of information identifying noncompliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;



- b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered;
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991;
  - d) The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
18. As part of the review clause stated in condition 15 of this consent, the Council may have the visitor accommodation management plan audited at the consent holder's expense.

#### Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for visitor accommodation. As of the time this consent was granted, increased rates from a residential use are generated for visitor accommodation use over 180 days in any one calendar year. For further information please contact the Council Rates department.
2. An additional development contribution will be required for the change in use from residential to visitor accommodation. It is recommended the applicant contact the Council DCN officer for an estimate.
3. The consent holder is advised that there may be further requirements to using a residential unit for visitor accommodation, including but not limited to health and safety, income tax and GST.
4. Prior to the use of the building for visitor accommodation activities authorised by this consent, the consent holder should ensure the smoke alarms are provided and maintained in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.
5. The consent holder is advised the consent for visitor accommodation is a commercial type activity and access to residential related services, such as rubbish and recycling bins may not be provided by QLDC.
6. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.



**APPENDIX 3 – UPDATED CONDITIONS OF RM190644 (AS VARIED BY RM191267)**



## **UPDATED CONDITIONS OF RM190644 (AS VARIED BY RM191267)**

### **DECISION A – LANDUSE**

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Sections: Sheet A4-01, Revision E', prepared WJ Cadzow and dated 06/03/2018
  - 'The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Ground Floor Plan: Sheet A2-01, Revision F', prepared WJ Cadzow and dated 06/03/2018
  - 'The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: First Floor Plan: Sheet A2-02, Revision F', prepared WJ Cadzow and dated 06/03/2018
  - 'The Tiers for Alpha Properties NZ Ltd 658a Frankton Road Queenstown: Car Park/Roof Plan: Sheet A4-01, Revision C', prepared WJ Cadzow and dated 25/04/2017
  - 'Proposed Units Lot 14 DP 490069: Drawing 27, Sheet 001', prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - 'Proposed Units Lot 14 DP 490069 Excavation for Unit Construction: Drawing 27, Sheet 002', prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - 'Proposed Units Lot 14 DP 490069 Backfill Behind Units Post Construction: Drawing 27, Sheet 003', prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - 'Proposed Units Lot 14 DP 490069 Section Views: Drawing 27, Sheet 004', prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - 'Proposed Units Lot 14 DP 490069 Landscaping: Drawing 27, Sheet 005', prepared by Clark Fortune McDonald and Associates and dated 10/05/2019
  - 'Proposed Units Lot 14 DP 490069 Services: Drawing 27, Sheet 006', prepared by Clark Fortune McDonald and Associates and dated 10/05/2019

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and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*

<http://www.qldc.govt.nz>

#### **To be completed prior to the commencement of any works on-site**

5. Prior to any works commencing on site the Consent Holder shall complete the Short Form Environmental Management proforma:

<https://www.qldc.govt.nz/assets/Uploads/Planning/Resource-Consents/Environmental-Management-Guidelines/QLDC-Short-Form-Template-for-Environmental-Management-Plans-Small-Scale-Builds-June-2019.pdf>



At all times during the works, environmental management measures onsite shall be installed and carried out in accordance with this document.

6. Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works program in accordance with the requirements detailed on pages 9 and 10 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
7. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements detailed on page 8 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
8. The EMP shall be accessible on site at all times during work under this consent.
9. In accordance with page 9 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*, where any Environmental Incident where the EMP has failed leading to any adverse environmental effects offsite occurs the Consent Holder shall report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.
10. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
11. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
12. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following requirements:
  - a) The provision of a water supply to each Unit within the development in terms of Council's standards and connection policy. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017, for each unit located at the lot boundary. The costs of making these connections shall be borne by the consent holder.



- b) The provision of a foul sewer connection to Units 1 – 4 in accordance with Council's standards and connection policy. This shall include an inspection chamber/rodding eye at the junction of any laterals for two units. The costs of making these connections shall be borne by the consent holder.
  - c) The provision of connections to the existing Council reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The individual lateral connections shall be designed to provide gravity drainage for the entire impervious area they service. The costs of making these connections shall be borne by the consent holder.
  - d) The provision of a sealed access, parking facility and vehicle manoeuvring area that serves Units 1 – 4 that shall be constructed to Council's standards. Parking spaces shall be clearly and permanently marked out and allocated to the unit which they serve. Wheel stops shall be provided 0.8m from the end of the parking spaces.
  - e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to the occupation of the units.
  - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
13. Prior to commencing any work on the site the consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
14. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified geo-professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve Limited report (GeoSolve ref 140412, dated April 2016) and who shall supervise the earthworks procedure and retaining wall construction, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.

#### **To be monitored throughout earthworks**

- 15. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
- 16. The earthworks, retaining, foundation design and site management shall be undertaken in accordance with the recommendations of the report by GeoSolve Limited (GeoSolve ref 140412, dated April 2016).
- 17. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability.



18. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
19. No earthworks, temporary or permanent, are to breach the boundaries of the site.

**To be completed on completion of the earthworks but prior to the construction of the units**

20. On completion of earthworks within the building footprints and prior to the construction of the residential units, the consent holder shall complete the following:
  - a) The consent holder shall provide to the Manager of Resource Management Engineering at Council a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.2 and demonstrates to Council that the building platforms are suitable for building development. In the event that the conditions within the building platforms are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Manager of Resource Management Engineering at Council.

**To be completed prior to occupation of the units**

21. Prior to the occupation of any unit, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition (4) above.
  - c) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for each Unit, and evidence of supply shall be provided to Council's Subdivision Inspector.
  - d) Each Unit created by this subdivision shall be provided with a minimum electricity supply of single phase 15kVA capacity. Each supply shall be underground from any existing reticulation.
  - e) The consent holder shall provide a suitable telecommunications connection to each unit. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of the Network provider.
  - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for all engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.



- g) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

### **Ongoing Conditions/Covenants**

22. In the event that the Engineering Acceptance issued under Condition (4) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a covenant in gross (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Register of Titles detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

*[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].*

23. Rubbish bins shall be stored in the locations shown on the approved plans.

### **Accidental Discovery Protocol**

24. If the consent holder:

- a) does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
  - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
  - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application



for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

### **Noise**

25. The consent holder shall comply with construction noise standards throughout construction.
26. Hours of operation for earthworks, shall be:
  - Monday to Saturday (inclusive): 7.30am to 6.00pm.
  - Sundays and Public Holidays: No Activity.
27. No machinery shall start up or operate earlier than 7.30am. All activity on the site is to cease by 6.00pm.

### **Visitor Accommodation**

28. Prior to the use of Lot 14 (DP 490069) for visitor accommodation activities, the consent holder shall complete the construction of all parking, access, and manoeuvring areas in accordance with the RM190644 alternate parking arrangement plans approved by RM191267, and Council's standards.

### **Advice Notes:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
2. There is repetition of some conditions in the land use consent and the subdivision consent. When a condition is satisfied in one it will be noted as having been satisfied in the other.
3. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.



## DECISION B – SUBDIVISION

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - ‘Proposed Units on Lot 14 DP 490069 Ground floor Level: Drawing 28, Sheet 001’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 14 DP 490069 First floor Level: Drawing 28, Sheet 002’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 16 DP 490069 Roof Top Carpark: Drawing 28, Sheet 003’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020
  - ‘Proposed Units on Lot 14 DP 490069 Section Views: Drawing 28, Sheet 004’, prepared by Clark Fortune McDonald and Associates and dated 19/02/2020

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and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council’s website via the following link:*

<http://www.qldc.govt.nz>

### **To be completed prior to the commencement of any works on-site**

4. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC’s Land Development and Subdivision Code of Practice, in relation to this development.
5. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council’s road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA’s “Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management”. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.



6. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
- a) The provision of a water supply to each Principal Unit within the development in terms of Council's standards and connection policy. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017, for each unit located at the lot boundary. The costs of making these connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection to Units 1 – 4 in accordance with Council's standards and connection policy. This shall include an inspection chamber/rodding eye at the junction of any laterals for two units. The costs of making these connections shall be borne by the consent holder.
  - c) The provision of connections to the existing Council reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The individual lateral connections shall be designed to provide gravity drainage for the entire impervious area they service. The costs of making these connections shall be borne by the consent holder.
  - d) The provision of a sealed access, parking facility and vehicle manoeuvring area that serves Units 1 – 4 that shall be constructed to Council's standards. Parking spaces shall be clearly and permanently marked out and allocated to the unit which they serve. Wheel stops shall be provided 0.8m from the end of the parking spaces.
  - e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to the occupation of the units.
  - f) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

#### **To be completed before Council approval of the Survey Plan**

7. Prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council's Land Development



Engineer prior to Council signing the Survey Plan and prior to obtaining 'Engineering Review and Acceptance' for design of infrastructure.

**To be completed before issue of the s224(c) certificate**

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition (3) above.
  - c) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for each Principal Unit, and evidence of supply shall be provided to Council's Subdivision Inspector.
  - d) Each Principal Unit created by this subdivision shall be provided with a minimum electricity supply of single phase 15kVA capacity. Each supply shall be underground from any existing reticulation.
  - e) The consent holder shall provide a suitable telecommunications connection to each unit. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of the Network provider.
  - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
  - g) All earthworks shall be carried out in accordance with the conditions of the Land Use Consent, as outlined above.
  - h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

**To be completed before issue of the s32(2)(a) certificate**

9. Where a Section 224(c) has been issued on the Proposed Unit Development Plan, which shall only occur once all development contributions are paid and the conditions of consent have been met, bonded or shown within a consent notice, no application shall be made or granted for certification pursuant to section 32(2)a of the Unit Title Act 2010 on any of the additional stages or the complete unit plan until the required units are measurable as per the Unit Title Act 2010 definition.

**Ongoing Conditions/Consent Notices**

10. In the event that the Engineering Acceptance issued under Condition (4) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a consent notice (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Register of Titles detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs,



including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

*[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].*

**Advice Notes:**

1. Prior to certification pursuant to 32(2)a of the Unit Titles Act, every building (if any) that is shown on the plan shall be erected, and all other development work shall be completed, the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.
2. Prior to certification pursuant to 224(f) of the Act, every existing building or part of an existing building (including any building or part thereof under construction) to which the unit title plan relates complies with or will comply with the provisions of the building code described in section 116A of the Building Act 2004
3. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
4. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
5. There is repetition of some conditions in the land use consent and the subdivision consent. When a condition is satisfied in one it will be noted as having been satisfied in the other.
6. The applicant is advised that a variation to the Engineering Acceptance for parking arrangement for RM190644 will be required to be sought prior to the commencement of works on site to ensure visitor accommodation activities can occur on Lot 14 DP 490069.



**APPENDIX 4 – OPERATIVE DISTRICT PLAN OBJECTIVES AND POLICIES**



# Operative District Plan

## District Wide Issues

### 4.7 Solid and Hazardous Waste Management

#### Objective 1

**The collection, treatment, storage and disposal of solid and hazardous wastes in a manner which meets the needs of current and future generations of residents and visitors to the District, and avoids, remedies or mitigates adverse effects on the environment.**

#### Policies:

- 1.1 To ensure that the effects on the environment and other adverse effects on soil, groundwater and water contamination and other adverse effects on the health, safety and amenity values of residents, visitors and environment from the disposal wastes are avoided, remedied or mitigated.
- 1.2 To minimise the quantities of waste requiring collection, treatment, storage or disposal within the District and to maximise opportunities for reuse, recycling and recovery of materials from the waste stream.
- 1.3 To ensure the safe and efficient collection, treatment, storage and disposal of all solid and hazardous wastes within the District.

### 4.8 Natural Hazards

#### Objective 1

**Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.**

#### Policies:

- 1.1 To increase community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.
- 1.2 To continually develop and refine a hazards register in conjunction with the Otago Regional Council, as a basis for Council decisions regarding subdivision and building development.
- 1.3 In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.
- 1.4 To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.
- 1.5 To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.
- 1.6 To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.
- 1.7 To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.



## 4.9 Urban Growth

### Objective 1 - Natural Environment and Landscape Values

**Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.**

#### Policies

- 1.1 To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.
- 1.2 To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.

### Objective 2 - Existing Urban Areas and Communities

**Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well-being.**

#### Policies:

- 2.1 To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.
- 2.2 To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.
- 2.3 To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.

### Objective 3 - Residential Growth

**Provision for residential growth sufficient to meet the District's needs.**

#### Policies

- 3.1 To enable urban consolidation to occur where appropriate.
- 3.2.1 To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.
- 3.3 To provide for high density residential development in appropriate areas.
- 3.4 To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.

### Objective 5 - Visitor Accommodation Activities

**To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.**

#### Policy:



- 5.1 To manage visitor accommodation to avoid any adverse effects on the environment.
- 5.2 To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.
- 5.3 To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.

## **Residential Areas**

### **7.1.2 District Wide Residential Objectives and Policies**

#### **Objective 1 – Availability of Land**

**Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed but the natural and physical environment.**

##### **Policies:**

- 1.1 To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.
- 1.2 To enable new residential and visitor accommodation areas in the District.
- 1.3 To promote compact residential and visitor accommodation development.
- 1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.
- 1.5 To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.
- 1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.

#### **Objective 3 - Residential Amenity.**

**Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.**

##### **Policies:**

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and wellbeing obtained from residential neighbours.
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.
- 3.3 To provide for and encourage high density residential development within the high density residential zones.
- 3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.
- 3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social wellbeing, residential cohesion and privacy.



- 3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.
- 3.7 To ensure residential developments are not unduly shaded by structures on surrounding properties.
- 3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.
- 3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.
- 3.10 To provide for and encourage new and imaginative residential development forms within the major new residential areas.
- 3.11 To require as necessary mechanical ventilation for any Critical Listening Environment within new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.
- 3.12 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.
- 3.13 To require an urban design review to ensure that new developments satisfy the principles of good design.
- 3.14 To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.

#### **Objective 4 - Non-Residential Activities**

**Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.**

Policies:

- 4.1 To enable non-residential activities in residential areas, subject to compatibility with residential amenity.
- 4.2 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic wellbeing while protecting the surrounding residential environment.

#### **7.2.3 Objectives and Policies - Queenstown Residential and Visitor Accommodation Areas**

##### **Objectives –**

- 1. **Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.**
- 2. **Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.**
- 3. **Consolidation of high density accommodation development in appropriate areas.**
- 4. **To recognise and provide for the non residential character of the Commercial Precinct overlay which is distinct from other parts of the High Density Residential Zone.**



## **5. To protect the Airport from reverse sensitivity effects of Activities Sensitive to Aircraft Noise.**

### **Policies:**

- 1 To protect the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.
- 2 To resist any peripheral extension of zoned residential areas which would undermine clear distinctions between the residential and rural areas and result in dispersed and uncoordinated residential growth patterns.
- 3 To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.
- 4 To provide for higher density residential activity around the town centres and in new areas of residential development.
- 5 To encourage additional consolidated residential activity in the District.
- 6 To provide for a residential environment which allows a range of housing types, including care for the elderly and dependent relatives.
- 7 To provide for non-residential activities in residential areas providing they meet residential amenity standards and do not disrupt residential cohesion.
- 8 To ensure the scale and extent of any new Visitor Accommodation in residential areas does not compromise residential amenity values by adversely affecting or altering existing neighbourhood character.
9. To recognise and promote the particular role of health care and community activities in meeting the social needs of the local community.
10. To reinforce the character development within the Commercial Precinct Overlay through a greater emphasis on the quality and standard of non-residential building form, while recognising that this may be of a character and scale distinct from other areas of the High Density Residential Zone.
11. To require as necessary mechanical ventilation of any Critical Listening Environment within any new and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on sites within the Outer Control Boundary and require sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing Activity Sensitive to Aircraft Noise within the Air Noise Boundary, to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.

## **Transport**

### **Objective 1 – Efficiency**

**Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.**

### **Policies:**

- 1.1 To encourage efficiency in the use of motor vehicles.
- 1.2 To promote the efficient use of all roads by adopting and applying a road hierarchy with associated access standards based on intended function.



- 1.3 To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.
- 1.4 To protect the safety and efficiency of traffic on State Highways and arterial roads, particularly State Highway 6A, by restricting opportunities for additional access points off these roads and by ensuring access to high traffic generating activities is adequately designed and located.
- 1.5 To promote the efficient use of fuel for transport purposes, by providing for a District wide policy of consolidated urban areas, townships, retail centres and residential environments.
- 1.6 To promote and provide for the consolidation of new areas of residential development and for higher density development within identified areas.
- 1.7 Enabling for home occupations within residential areas to reduce travel time and costs between home and work.
- 1.8 To consider options for encouraging and developing greater use of public transportation facilities and in particular to continue to investigate the options for alternative transport means.
- 1.9 To require off-road parking and loading for most activities to limit congestion and loss of safety and efficiency of adjacent roads and to promote the maintenance and efficiency of those roads.
- 1.10 To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning.

## **Objective 2 - Safety and Accessibility**

### **Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.**

#### **Policies:**

- 2.1 To maintain and improve safety and accessibility by adopting and applying a road hierarchy with associated design, parking and access standards based on the intended function.
- 2.2 To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.
- 2.3 To ensure access and movement throughout the District, and more particularly the urban areas, for people with disabilities is not unreasonably restricted.
- 2.4 To encourage the development of pedestrian and cycle accessways, within the main townships.
- 2.5 To maintain and upgrade, where appropriate, the existing roads and provide for new roads and related facilities where these are important for providing access. In particular, to investigate and/or make provision for:
  - a new road link from Man Street to the One Mile roundabout.
  - a new road linking Queenstown and Frankton on the northern side of SH6A above Frankton Arm.
  - a long term roading network for the Frankton flats area to protect the through route function of State Highways and provide access to residential, commercial and recreational activities.
- 2.6 To ensure intersections and accessways are designed and located so:
  - good visibility is provided.
  - they can accommodate vehicle manoeuvres.



- they prevent reverse manoeuvring onto arterial roads; and
- are separated so as not to adversely affect the free flow of traffic on arterial roads.

2.7 To ensure vegetation plantings are sited and/or controlled so as to maintain adequate visibility and clearance at road intersections and property access and to prevent the icing of roads during winter months, except and unless that vegetation is important to the visual amenity of the District or is protected as part of the Heritage Provisions.

### **Objective 3 - Environmental Effects of Transportation**

**Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.**

#### **Policies:**

- 3.1 To protect the amenities of specified areas, particularly residential and pedestrian orientated town centres from the adverse effects of transportation activities.
- 3.2 To discourage traffic in areas where it would have adverse environmental effects.
- 3.3 To support the development of pedestrian and similar links within and between settlements and the surrounding rural areas, in order to improve the amenity of the settlements and their rural environs.
- 3.4 To ensure new roads and vehicle accessways are designed to visually complement the surrounding area and to mitigate visual impact on the landscape.
- 3.5 To maintain and enhance the visual appearance and safety of arterial roads which are gateways to the main urban centres.
- 3.6 To incorporate vegetation within roading improvements, subject to the constraints of road safety and operational requirements, and the maintenance of views from the roads.
- 3.7 To implement appropriate procedures, in conjunction with the takata whenua and Historic Places Trust, should any waahi tapu or waahi taonga be unearthed during roading construction. (see Section 4.3 Objective 1 Policy 1 for consultation procedures with takata whenua).
- 3.8 To set areas aside for staff car parking in Business and Industrial Zones.

### **Objective 5 - Parking and Loading - General**

**Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.**

#### **Policies:**

- 5.1 To set minimum parking requirements for each activity based on parking demand for each land use while not necessarily accommodating peak parking requirements.
- 5.2 To ensure business uses have provision for suitable areas for loading vehicles on-site.
- 5.3 To ensure car parking is available, convenient and accessible to users including people with disabilities.
- 5.4 To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.
- 5.5 To require the design of parking areas to ensure the safety of pedestrians as well as vehicles.
- 5.6 To set areas aside for staff car parking in business and industrial zones.



**APPENDIX 5 – PROPOSED DISTRICT PLAN OBJECTIVES AND POLICIES**



# Proposed District Plan

## Strategic Direction

### **3.1.1 The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)**

- 3.1.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.
- 3.1.1.2 The Queenstown and Wanaka town centres<sup>1</sup> are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
- 3.1.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
- 3.1.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.
- 3.1.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres<sup>2</sup>, Frankton and Three Parks, are sustained.
- 3.1.1.6 Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
- 3.1.1.7 Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)
- 3.1.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)
- 3.1.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

### **3.1.2 Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)**

- 3.1.2.1 Urban development occurs in a logical manner so as to:
  - a. promote a compact, well designed and integrated urban form;
  - b. build on historical urban settlement patterns;
  - c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
  - d. minimise the natural hazard risk, taking into account the predicted effects of climate change;

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<sup>1</sup> Defined by the extent of the Town Centre Zone in each case

<sup>2</sup> Defined by the extent of the Town Centre Zone in each case



- e. protect the District's rural landscapes from sporadic and sprawling urban development;
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
- g. contain a high quality network of open spaces and community facilities; and.
- h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure. (also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

### **3.1.3 A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)**

- 3.1.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.
- 3.1.3.2 Built form integrates well with its surrounding urban environment.

## **Urban Development**

### **4.2.1 Objective - Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defendable urban edges. (from Policies 3.3.13 and 3.3.14)**

#### **Policies**

- 4.2.1.1 Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of urban settlements.
- 4.2.1.2 Focus urban development primarily on land within and adjacent to the existing larger urban areas and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements.
- 4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.
- 4.2.1.4 Ensure Urban Growth Boundaries encompass, at a minimum, sufficient, feasible development capacity and urban development opportunities consistent with:
  - 4.2.1.4.1 the anticipated medium term demand for housing and business land within the District assuming a mix of housing densities and form;
  - 4.2.1.4.2 ensuring the ongoing availability of a competitive land supply for urban purposes;
  - 4.2.1.4.3 the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
  - 4.2.1.4.4 the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
  - 4.2.1.4.5 a compact and efficient urban form;
  - 4.2.1.4.6 avoiding sporadic urban development in rural areas;
  - 4.2.1.4.7 minimising the loss of the productive potential and soil resource of rural land; and
  - 4.2.1.4.8 a future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban Development Capacity.



- 4.2.1.5 When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.
- 4.2.1.6 When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development, have particular regard to minimising significant adverse effects on the values of open rural landscapes.
- 4.2.1.7 Review and amend Urban Growth Boundaries as required, to address changing community needs, respond to monitoring evidence, or to enable appropriate urban development (having regard to Policy 4.2.1.4).
- 4.2.1.8 Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.
- 4.2.2 **A Objective - A compact, integrated and well designed urban form within the Urban Growth Boundaries that:**
  - (i) **is coordinated with the efficient provision, use and operation of infrastructure and services; and**
  - (ii) **is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.**
- 4.2.2 **B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)**
  - 4.2.2.1 Integrate urban development with existing or proposed infrastructure so that:
    - 4.2.2.1.1 Urban development is serviced by infrastructure of sufficient capacity; and
    - 4.2.2.1.2 reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and
    - 4.2.2.1.3 in the case of the National Grid, reverse sensitivity effects avoided to the extent reasonably possible and the operation, maintenance, upgrading and development of the National Grid is not compromised.
  - 4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:
    - 4.2.2.2.1 its topography;
    - 4.2.2.2.2 its ecological, heritage, cultural or landscape significance if any;
    - 4.2.2.2.3 any risk of natural hazards, taking into account the effects of climate change;
    - 4.2.2.2.4 connectivity and integration with existing urban development;
    - 4.2.2.2.5 convenient linkages with public transport;
    - 4.2.2.2.6 the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
    - 4.2.2.2.7 the level of existing and future amenity that is sought (including consideration of any identified special character areas);
    - 4.2.2.2.8 the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;



- 4.2.2.2.9 the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
  - 4.2.2.2.10 the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
  - 4.2.2.2.11 the need to locate emergency services at strategic locations.
- 4.2.2.3 Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.
  - 4.2.2.4 Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.
  - 4.2.2.5 Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
  - 4.2.2.6 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
  - 4.2.2.7 Explore and encourage innovative approaches to design to assist provision of quality affordable housing.
  - 4.2.2.8 In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.
  - 4.2.2.9 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".
  - 4.2.2.10 Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.
  - 4.2.2.11 Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.

## Residential Areas

- 7.2.1 Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.**

### Policies

- 7.2.1.1 Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.
- 7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.



- 7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.
- 7.2.1.4 Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular provide protection to sleeping occupants from road noise.
- 7.2.8 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.**

#### **Policies**

- 7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.
- 7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.
- 7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.
- 7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.
- 7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

### **Transport**

- 29.2.1 Objective - An integrated, safe, and efficient transport network that:**
- a. provides for all transport modes and the transportation of freight;
  - b. provides for future growth needs and facilitates continued economic development;
  - c. reduces dependency on private motor vehicles and promotes the use of shared, public, and active transport;
  - d. contributes towards addressing the effects on climate change;
  - e. reduces the dominance and congestion of vehicles, particularly in the Town Centre zones; and
  - f. Enables the significant benefits arising from public walking and cycling trails.

#### **Policies**

- 29.2.1.1 Require that transport networks including active transport networks, are well-connected and specifically designed to:
- a. enable an efficient public transport system;
  - b. reduce travel distances and improve safety and convenience through discouraging single connection streets; and



- c. provide safe, attractive, and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport.
- 29.2.1.2 Recognise the importance of expanded public water ferry services as a key part of the transport network and enable this by providing for park and ride, public transport facilities, and the operation of public water ferry services.
- 29.2.1.3 Provide a roading network within the Town Centre zones that supports the zones becoming safe, high quality pedestrian dominant places and enable the function of such roads to change over time.
- 29.2.1.4 Acknowledge the potential need to establish new public transport corridors beyond existing roads in the future, particularly between Frankton and the Queenstown Town Centre.
- 29.2.1.5 Enable and encourage the provision of electric vehicle (EV) charging points/ parking spaces within non-accessory parking, within roads where appropriate, as part of Park and Ride, and in association with accessory parking related to High Traffic Generating Activities.
- 29.2.1.6 Facilitate private coach transport as a form of large scale shared transport, through enabling the establishment of off-site or non-accessory coach parking in specified zones and by allowing visitor accommodation activity to provide coach parking off-site.

**Advice note:** the policies under Objectives 29.2.2; 29.2.3, and 29.2.4 also contribute to this Objective 29.2.1.

**29.2.2 Objective - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:**

- a. providing a safe and efficient transport network;
- b. compact urban growth;
- c. economic development;
- d. facilitating an increase in walking and cycling and the use of public transport; and
- e. achieving the level of residential amenity and quality of urban design anticipated in the zone.

**Policies**

- 29.2.2.1 Manage the number, pricing, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:
  - a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;
  - b. is compatible with the classification of the road by:
    - (i) ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling or result in unsafe conditions for pedestrians or cyclists;
    - (ii) avoiding heavy vehicles reversing off or onto any roads; and
    - (iii) ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient, and safe operation of roads.
  - c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development;



- d. provides sufficient parking spaces to meet demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans;
  - e. provides sufficient onsite loading space to minimise congestion and adverse visual amenity effects that arise from unmanaged parking and loading on road reserves and other public land;
  - f. is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas;
  - g. avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites; and
  - h. provides adequate vehicle access width and manoeuvring for all emergency vehicles.
- 29.2.2.2 Discourage accessory parking in the Town Centre zones in order to support the growth, intensification, and improved pedestrian amenity of these zones.
- 29.2.2.3 Require that a lower amount of accessory parking be provided for residential flats district wide, and for residential and visitor accommodation activity in the Town Centre, Local Shopping Centre, Business Mixed Use, High Density Residential, and Medium Density Residential zones and in the Jacks Point Village Area of the Jacks Point Zone compared to other zones in order to:
- a. support intensification and increased walking, cycling, and public transport use, and
  - b. in recognition of the land values, high pedestrian flows, amenity, accessibility, and existing and anticipated density of these zones.
- 29.2.2.4 Enable some of the parking required for residential and visitor accommodation activities and for residential and visitor accommodation activities in the Business Mixed Use Zone to be provided off-site provided it is located in close proximity to the residential or visitor accommodation activity it is associated with and is secured through legal agreements.
- 29.2.2.5 Enable a reduction in the minimum number of car parking spaces required only where:
- i. There will be positive or only minor adverse effects on the function of the surrounding transport network and amenity of the surrounding environment; and/ or
  - j. there is good accessibility by active and/or public transport and the activity is designed to encourage public and/or active transport use and projected demand can be demonstrated to be lower than the minimum required by the rules ; and/ or
  - k. the characteristics of the activity or the site justify less parking and projected demand can be demonstrated to be lower than the minimum required by the rules and/ or
  - l. there is an ability for shared or reciprocal parking arrangements to meet on-site car parking demands at all times and demand can be demonstrated to be lower than the minimum required by the rules.
- 29.2.2.6 Provide for non-accessory parking, excluding off-site parking, only where:
- a. the amount, location, design, and type of parking will consolidate and rationalise the provision of parking for a particular locality and result in more efficient land-use or better enable the planned growth and intensification enabled by the zone; and
  - b. there is an existing or projected undersupply of parking to service the locality and providing additional parking and the pricing of that parking will not undermine the success of public transport systems or discourage people from walking or cycling.





**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95A AND S95B AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Y Ding
<b>RM reference:</b>	RM181922
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to undertake short-term Visitor Accommodation for up to six (6) persons for up to 365 nights per year within an existing residential unit.
<b>Location:</b>	8 Woods Lane, Potters Hill Drive
<b>Legal Description:</b>	Lot 4 Deposited Plan 528817 held in Record of Title 855648
<b>Operative District Plan Zoning:</b>	Low Density Residential
<b>Proposed District Plan (Stage 1 Decisions Version) Zoning:</b>	Low Density Suburban Residential
<b>Activity Status:</b>	<b>Restricted Discretionary</b>
<b>Date:</b>	<b>08 May 2019</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 3 of this report. This decision is made by Erin Stagg, Senior Planner, on 08 May 2019 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Erin Stagg, Senior Planner as delegate for the Council.



## 1.0 PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake short-term visitor accommodation within an existing residential unit for 365 days per year. The applicant has proposed no minimum stay, with no maximum length of stay at 8 Woods Lane, Potters Hill, Queenstown. The maximum number of guests at any one time is proposed to be six (6) people; and the application makes no physical changes to the building.

The residential unit which the application is proposed to operate within was consented under RM160718, which approved the construction of a Comprehensive Residential Development with 12 residential units that breached maximum height, transportation standards and outdoor living space, and in addition consented the subdivision of the site into 12 allotments. Resource Consent RM170614 later varied the original consent, and added an addition two units and a residential flat to the Comprehensive Residential Development, increasing the development and subdivision to 14 allotments and associated units. It is noted that these effects were appropriately assessed within RM160718 and RM170614.

It is further understood that a variation application (RM180834) has been granted in regards the amendment of the plans approved under RM170614 – whereby Unit 5 was removed, and various other land-use and subdivision conditions. It is further noted that RM160718, RM170614 and RM180834 also consented a subdivision, although only Stage 1 of this development has been completed as of yet (Lots 1-4).

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in the report entitled *Assessment of Environmental Effects: Application for Resource Consent to undertake Visitor Accommodation from Three Residential Units, The Tiers Villas – 2 Woods Lane (Unit 1), 6 Woods Lane (Unit 3) and 8 Woods Lane (Unit 4)*, prepared by Kim Banks, the applicant's agent, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following additions:

The subject site is situated on a land parcel which slopes down from North-West to South-East and is located at the top of Potters Hill, off Woods Lane (Figure 1). Existing residential units – mostly apartments – are present to the South-East and South, however these are located further down Potters Hill Drive. The site itself is zoned Lower Density Suburban Residential, along with the surrounding environment, although several sites are utilised for Visitor Accommodation purposes.

The applicant has also provided a Management Plan for 8 Woods Lane, which details the use of the site for guests with respect to the property manager's contact information, house rules and noise considerations (Appendix 3).

It is noted that there are a number of consented Visitor Accommodation activities which have been granted for neighbouring sites, to be used as short term commercial rentals. These properties are located in the same development as the application site, and includes 2 Woods Lane (lot 1), 6 Woods Lane (lot 3), and future lots 6, 7, 8, 9, 11 and 14 (Stages 2 and 3). In addition to the above, there are a number of properties which are located further South of the application site which are consented for Visitor Accommodation – and include 9, 10, 14 and 16 Highlands Close, as well as Lot 16 DP 512588, 3 Tiers Lane, and Units 5, 8, 14, 21, 32, 33, 39 and Unit 51/716 Frankton Road.

In addition to the above, it is understood that there is currently one (1) other application which has been submitted for the operation of Visitor Accommodation for up to 365 nights in the vicinity of 8 Woods Lane. This application is to be contained within 1 and 3 Highlands Close. Although it is understood that this consent is currently being processed, the effects of these proposals cannot be considered due to the decision which is yet to be issued. These properties have been identified in relation to the application site on Figures 1 and 2 below.

To clarify the location of the application site and specifically that of 8 Woods Lane, and the neighbouring Visitor Accommodation activities, refer to the aerial image in Figures 1 and 2 below.





**Figure 1:** Aerial depicting the application site location  and the neighbouring consented Visitor Accommodation activities ●, and the current Visitor Accommodation applications ●



**Figure 2:** Southern elevation of the application site , 4 Woods Lane (who provided APA) , and 2 and 8 Woods Lane (who have consent to operate Visitor Accommodation)



### Relevant Site History

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history's in the report entitled *Assessment of Environmental Effects: Application for Resource Consent to undertake Visitor Accommodation from Three Residential Units, The Tiers Villas – 2 Woods Lane (Unit 1), 6 Woods Lane (Unit 3) and 8 Woods Lane (Unit 4)*, prepared by Kim Banks, the applicant's agent, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

## 2.0 ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

#### OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4 (i) for the proposed operation of Visitor Accommodation in the Low Density Residential zone for up to 365 nights for up to a maximum of six (6) guests. Council has restricted its discretion in respect to:
  - a) The location, external appearance and design of buildings;
  - b) The location, nature and scale of activities on site;
  - c) The location of parking and buses and access;
  - d) Noise, and
  - e) Hours of operation
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.6.2 (iii)(f) for the proposed operation of Visitor Accommodation in the Low Density Residential zone, where no part of any building which is to be used for Visitor Accommodation shall be permitted to be located within 4 meters of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4 as the proposal breaches site standard 7.5.6.2(iii)(g) in regard to parking and outdoor areas associated with Visitor Accommodation activities. The proposal seeks to utilise parking and outdoor areas which are not adequately screened from adjoining properties. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.2 (iv) in regards to the sight distances which are required for a Visitor Accommodation activity. This is due to the proposal not obtaining a minimum sight distance of 80 metres for the operation of Visitor Accommodation.

#### PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 5 May 2018. The subject site is zoned as Lower Density Suburban Residential within the Stage 1 Appeals Version 2018, and therefore no rules are relevant to the proposal in this instance.

#### PROPOSED DISTRICT PLAN - STAGE 2 NOTIFIED VERSION

Council notified Stage 2 of the Proposed District Plan (Stage 2 Decisions Version 2017) on 23 November 2017. The subject site is zoned Lower Density Suburban Residential by the Stage 2 Decisions Version 2017, with consent required for this proposal by the following rules that have immediate legal effect:

- A **controlled** activity pursuant to Rule 7.4.5 as the proposal seeks to operate Residential Visitor Accommodation. Council's control is reserved to:
  - a) The scale of the activity, including the number of guests on site per night;



- b) The management of noise, use of outdoor areas, rubbish and recycling;
  - c) The location, provision, use and screening of parking and access;
  - d) The compliance of the residential unit with the Building Code as at the date of the consent;
  - e) Health and safety provisions in relation to guests;
  - f) Guest management and complaints procedures;
  - g) The keeping of records of RVA use, and availability of records for Council inspection; and
  - h) Monitoring requirements, including imposition of an annual monitoring charge.
- A **restricted discretionary** activity pursuant to Rule 29.5.18 in regards to the sight distances which are required for a Residential Visitor Accommodation activity. This is due to the proposal not obtaining a minimum sight distance of 80 metres for the operation of Visitor Accommodation. Council's discretion is restricted to:
    - a) Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling movement.
  - A **non-complying** activity pursuant to Rule 7.5.18 as the proposal seeks to operate Residential Visitor Accommodation which is to exceed 180 nights per year.

As the application was lodged prior to 21 March 2019, the activity status continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged.

## 2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply

### OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **restricted discretionary** activity under the Operative District Plan.

## 3.0 SECTION 95A NOTIFICATION

### 3.1 STEP 1 – MANDATORY PUBLIC NOTIFICATION

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The applicant does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

### 3.2 STEP 2 – PUBLIC NOTIFICATION PRECLUDED

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity, a restricted discretionary or discretionary subdivision or a residential activity, or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB and public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv)).

Therefore, public notification is not precluded by Step 2, and Step 3 applies.



### 3.3 STEP 3 – IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION IS REQUIRED IN CERTAIN CIRCUMSTANCES

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect is therefore made in section 3.1 below:

#### 3.3.1 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (S95D)

#### 3.3.2 MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- a) *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- b) *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer section 3.3.3 below)).*
- c) *The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95D(c)).*
- d) *Trade competition and the effects of trade competition (s95D(d)).*
- e) *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Craig and Joanne McGregor	4 Woods Lane (Lot 2 DP 528817)
Corey and Wanita Mahan	Lot 14 DP 490069
The Tiers Villas Limited	Lot 100 DP 528817, Future Lots 6-14 (Stages 2 & 3)

#### 3.3.3 PERMITTED BASELINE (S95D(B))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

##### *Operative District Plan*

In this case the permitted baseline includes residential occupation of the residential unit, and associated effects such as car parking demand, traffic generation, noise and impact on privacy. Visitor Accommodation that could feasibly take place as a permitted activity are:

- A single annual let for one or two nights.
- Homestay accommodation for up to 5 guests in a Registered Homestay.

It is noted that the application site is not defined as a stand-alone or duplex residential unit, whereby Resource Consent would need to be obtained in order to operate Visitor Accommodation regardless of the zoning, and produces different and additional effects above those of a residential activity.

##### *Proposed District Plan*

In regards to the Proposed District Plan, the permitted baseline includes residential occupation of the residential unit, and homestay activities.



Whilst some of the effects generated from the residential occupation of the residential unit as outlined above are similar, they are not, in all instances, the same as the commercial letting of the residential unit for visitor accommodation for 365 days annually. That said, a comparison of effects against the permitted baseline can be considered, and will be addressed where appropriate in the assessment to follow.

### 3.3.4 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 3.3.2 and 3.3.3 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor. The Assessment of Effects provided in the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted in part for the purposes of this report with the following additions.

The relevant assessment matters are found in Section 7.7.2 (vii) *Discretionary Activity – Visitor Accommodation*, Section 14.3.2 (iii) *Parking and Loading* and Section 14.3.2 (v) *Access* of the District Plan and have been considered in the assessment below.

Further, Councils Land Development Engineer, Mr Michael Wardill has assessed the application documents, and provided comments in the relevant sections below. The following additional assessment is made:

The use of the site for short-term visitors has the potential to result in a loss of residential amenity and character, a loss of social cohesion and noise effects. To avoid adverse effects, visitor accommodation facilities are required to maintain an appropriate degree of amenity so that overall urban character is retained. The scale of a Visitor Accommodation activity can affect residential social cohesion, privacy and noise generation, parking and traffic generation. These are assessed in detail below.

#### Character and Amenity

The proposal would allow for up to six (6) guests to stay within an existing residential unit, at 8 Woods Lane, Potters Hill. Given the potential number of guests, it is considered that the scale of the Visitor Accommodation proposed would not be significantly greater than a typical permitted residential activity.

The applicant has proposed a Management Plan (Appendix 3) as part of the application, which outlines various house rules, along with the responsibilities of the property manager. It is concluded that this Management Plan will ensure the Visitor Accommodation activity is appropriately managed, and any potential effects on the environment will be minimised.

The property at 2 Woods Lane and future Lots 6, 7, 8 9, 11 and 14 on Lot 10 DP 490069 (Stages 2 and 3), have recently been granted consent for the operation of year round Visitor Accommodation for up to six (6) guests. The location of these particular units in relation to the application site is depicted in Figure 2, whereby the physical separation between these units is made apparent. Stage 1 of RM160718 (as varied by RM170614 and RM180834) is comprised of Units 1-4, and is located to the South of the original bulk lot. Stages 2 and 3 are made up of the remaining 9 apartments – Unit 5 (Stage 4) was removed by RM180834 – and includes Units 6-14. These lots are situated to the North and North-West of Stage 1, and are rather separated from one another due to their location, orientation and topography of the site.

The use of these units collectively has the potential to cause cumulative effects in regards to the operation of Visitor Accommodation for the surrounding development, such as the degradation of the character and amenity of the area, noise effects, and visual effects such as the encroachment of privacy and the overlooking of residential units. However it is noted that the current landowner of these sites (Lot 100 DP 528817) – The Tiers Villas Limited – has provided approval in respect of the proposed activity. Therefore any potential cumulative effects in relation to these sites and the wider environment are considered to be less than minor.

In addition to the above, it is noted that the current application seeks to breach rule 7.5.6.2(iii)(f), which requires any building which is to be utilised for Visitor Accommodation to be located at least 4 metres from an internal boundary, where the sites adjoining are zoned residential. The proposal is anticipating to breach this rule, however this is considered a technical breach, as the residential unit and surrounding units are existing.



Given the above assessment, it can be concluded that any differences between the use of the property for permitted activities compared to Visitor Accommodation proposed would not be overly noticeable provided suitable mitigating conditions are applied to the consent. As such, any adverse effects on the environment in respect to character and amenity are anticipated to be less than minor.

## Noise

To mitigate amenity and nuisance effects the applicant has proposed that no more than six (6) persons could reside on site at any one time (two (2) persons per room), and that the apartment shall be professionally managed by a short-term letting agency. The Visitor Accommodation Management Plan (Appendix 3) restricts use of outdoor areas between 10.00 pm and 7.00 am, with all guests being made aware of noise restrictions between those times; and guests are to show consideration to neighbours at all times. The name and contact for the property manager is also to be provided. It is accepted that these measures will help to mitigate nuisance effects from noise and any associated loss of amenity thereby reducing adverse amenity effects. Conditions are recommended with respect to these matters.

In this regard adverse effects from noise and amenity on the surrounding environment are considered to be less than minor.

## Access and Parking

The proposal is a change of use associated within an existing residential unit, and on a property that will obtain established landscaping and car parking when the development is completed. It is noted that in the previous Resource Consent which granted the residential unit, shortfalls of car parking dimensions and aisle widths were approved. This is not relevant to this application, as there are two (2) compliant car parking spaces which measure 5.0 metres by 2.7 metres, and are available for the use of guests on the property that can accommodate parking by unfamiliar users, as confirmed by the applicant's agent. Therefore potential effects on the wider environment can be mitigated through the utilisation of these car parks, which will enable the transport used to be appropriate and located off common access ways.

Council's Resource Management Engineer, Mr Michael Wardill, has reviewed the application with regard to access, parking and manoeuvring and is satisfied that the existing parking quantity/demand remains unchanged from that consented and makes no engineering recommendations. Mr Wardill's comments are as follows:

*The subject applications propose to utilise residential units 1, 3 & 4 RM160718 for Visitor Accommodation use all year round. The subject lots are also described as Lots 1, 3 & 4 DP 528817 and were recently titled as part of Stage 1 RM180834. Each of the subject Units is currently accessed along a private ROW that will be surrendered and vested to QLDC as legal public road as part of Stage 2 RM180834.*

*Each of the units has allocated formed parking as illustrated on the below Stage 1 Scheme Plan with red parking outlines added for clarity (Figure 3). Each of the units have use of at least 2 onsite parking spaces. For unfamiliar visitor use the parking spaces should each be provided with dimensions no less than 2.7m width x 5m depth and 6m wide access aisle. Following a review it is evident that each of the parking spaces provided either meet or exceed the DP minimum requirements and I am therefore satisfied that VA use will be appropriate for units 1, 3 & 4. I make no further comments or recommendations in this regard.*

In addition to the above, Council's Land Development Engineer Mr Cameron Jones previously addressed the minimum sight distance breach with RM180800, and his comments are below:

*The 80 metre sight distance required by Rule 14.2.4.2(iv) is not achieved, but I am satisfied that this will not result in any adverse traffic outcomes, as traffic volumes and speeds will be very low at this location.*

As such, Mr Wardill is satisfied that the proposal will not result in any unsafe traffic outcomes and makes no recommendations.



No changes to the location, external appearance or design of the dwelling are proposed. Therefore, there will be no adverse effects on the environment that would affect the transport or visual amenity values of the locality.



**Figure 3: Site Plan illustrating the proposed parking arrangement for 2 Woods Lane (RM181920), 6 Woods Lane (RM181921) and 8 Woods Lane (application site).**

## Rubbish and Waste

The underlying consents for 8 Woods Lane – RM160718 and RM170614– provide an easement marked as ‘H’ on the approved survey plan, which identifies a ‘right to store rubbish’ easement which is to be registered on all titles for the proposed development. As such, all owners/occupiers of any residential unit shall ensure that rubbish and recycling bins are located in immediate proximity to their residential units and on their own sites, or within this easement. This is to be monitored through a Consent Notice which has been registered on the Title for the application site.

As a result, the effects in regards to rubbish and recycling are anticipated to be less than minor.

## Summary

### Operative District Plan

The proposed use is of a similar scale in terms of the number of guests as the permitted residential use. The same number of people could live on the property when in residential use and generate the same number of movements. As such, potential adverse effects associated with Visitor Accommodation activities such as noise and the use of outdoor areas can be appropriately mitigated and addressed through conditions of consent. In this regard, it is considered that the development has the capacity to absorb the some non-residential use, without creating a minor or more than minor adverse effect with respect to residential cohesion, character and amenity within the surrounding residential area.



### *Proposed District Plan*

In accordance with s88A(1A) 'the application continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged'. As the ODP activity status is 'frozen' under s88A(1A) the application has been considered as a Restricted Discretionary activity.

Having had regard to both the ODP and PDP for the above assessment, it is considered the adverse effects of the proposal on the environment to be less than minor.

#### **3.3.5 DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

#### **3.4 STEP 4 – PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES**

There are no special circumstances in relation to this application.

### **4.0 EFFECTS ON PERSONS (s95B)**

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

#### **4.1 STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED**

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

#### **4.2 STEP 2: IF NOT REQUIRED BY STEP 1, LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES**

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity.

#### **4.3 STEP 3: IF NOT PRECLUDED BY STEP 2, CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED**

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity.

The effects of the proposal on owners of allotments with infringed boundaries are assessed in section 4.3.1 below and will be less than minor.

The proposal therefore falls into the 'any other activity' category and the effects of the proposal on any persons are assessed in accordance with section 95E in section 4.3.1 below to determine if limited notification is required.

##### **4.3.1 ASSESSMENT OF EFFECTS ON PERSONS (S95E)**

##### **4.3.2 PERMITTED BASELINE (S95E(2)(A))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 3.3.3 above and in this case is not relevant.



#### 4.3.3 PERSONS WHO HAVE PROVIDED WRITTEN APPROVAL (s95E(3))

The following persons have provided written approval for the proposed activity and therefore are not an affected person:

Person (owner/occupier)	Address (location in respect of subject site)
Craig and Joanne McGregor	4 Woods Lane (Lot 2 DP 528817)
Corey and Wanita Mahan	Lot 14 DP 490069
The Tiers Villas Limited	Lot 100 DP 528817, Future Lots 6-14 (Stages 2 & 3)

#### 4.3.4 ASSESSMENT: EFFECTS ON PERSONS

Taking into account the exclusions in section 95E(2) and (3) and 4.3.2 (Permitted Baseline) above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

To clarify the location of the application site, and the neighbouring sites, refer to the aerial image in Figure 3 below.



**Figure 2:** Aerial depicting the application site location , and those who have provided approval

#### 2 and 6 Woods Lane

It is noted that 2 and 6 Woods Lane both have consent to operate Visitor Accommodation, given RM181920 and RM181921 have been issued. It is therefore considered there is the potential for adverse effects to be created on other neighbouring properties, given the current application to operate another unit as Visitor Accommodation, in addition to that consented by RM181920 and RM181921. It is determined that the ability for adverse effects on 2 and 8 Woods Lane is reduced significantly, given the site has the ability to operate a non-residential activity for 365 days a year. As 4 Woods Lane and Lot 14 have provided approval in respect of the application, the effects on these sites are disregarded.



The properties at 2 and 8 Woods Lane are located to the North-East and South-West of the application site, and also make up Stage 1 of RM160718 (as varied by RM170614 and RM180834). The properties at 2 and 8 Woods Lane have on-site car parking, and separate entrances and outdoor areas to that of the proposed Visitor Accommodation activity. The entrances are located on each individual site, and can be accessed from the car parking area.

The properties at 2 and 8 Woods Lane are situated on the Western façade of 4 Woods Lane, and Eastern façade of the application site, and the outdoor living areas (balconies and patios) of the units have been designed to allow a reasonable degree of privacy between units while allowing users to take in the views to the South-East and South. The outdoor living areas at 8 Woods Lane (the application site) are located to the South-West of the unit, whereby there is no potential for overlooking or privacy effects, given the design and location of the units. In addition to the above, landscaping has been implemented on the embankment to the South of Lots 1-4 DP 528817, which prevents the use of this area for entertaining. Therefore, any potential effects in relation to amenity and privacy are considered to be less than minor.

The applicant has provided a Management Plan which details the use of the site for guests with respect to the property manager's contact information, house rules and noise considerations. The site will be actively managed via a professional letting agency and all adjoining neighbours will be notified of the restriction of both noise and outdoor use between 10.00 pm and 7.00 am, it is considered that adverse effects from noise can be suitably mitigated.

Given the location of the application site in relation to 6 and 8 Woods Lane, and the fact that these units are used for visitor accommodation, it is considered that any effects on these properties are considered to be less than minor.

#### **Lot 12 and Lot 13 DP 490069**

Lots 12 and 13 DP 490069 are located to the South and West of the application site, and access off Rocha Lane, and Potters Hill Drive. Currently, Lots 12 and 13 are vacant, and there do not appear to be any applications lodged with Council in respect of any future development on either site. Although there are no approved consents on Lots 12 and 13, the sites are zoned Lower Density Suburban Residential and therefore residential development is anticipated.

Lot 12 is situated to the West of the application site. It is anticipated that any future development on Lot 15 DP 490069 would likely be constructed to look out to Lake Wakatipu, with the orientation of outdoor areas facing the South and South-West. There is potential for privacy, noise and loss of amenity effects associated with the current application to impede on future development on Lot 12. However, given the proposed house rules – that are to be enforced through conditions of consent – which restrict the use of outdoor areas, in addition to ensuring all windows and doors are closed, it can be considered that any potential effects in regards to noise and amenity are to be less than minor.

Lot 13 is located to the South of the application site, and is split by Rocha Lane, which provides a physical partition between the two sites, and allows for a degree of separation. Any future development on this site is anticipated to obtain an outlook towards the South-East and South, whereby privacy, noise and amenity effects of the proposed Visitor Accommodation use would be reduced significantly, given an appropriate orientation. In addition to the above, the outdoor areas associated with the current application for 8 Woods Lane, do not overlook Lots 12 and 13, and therefore any effects in relation to privacy are considered to be less than minor.

The most prominent adverse effects which would be anticipated with the change of use proposed by this consent, would be the degradation of social cohesion, as well as potential visual and noise effects from outdoor areas. However, any future development on Lot 12 and Lot 13 DP 490069 would likely be constructed to look out to Lake Wakatipu and the Remarkables, with the orientation of outdoor areas facing the South-East and South.

As such, adverse effects arising from the Visitor Accommodation activity on the owners and occupiers of Lot 12 DP490069 and Lot 13 DP 490069 are considered to be less than minor.



## Summary

Having had regard to both the ODP and PDP, and the 'frozen' activity status for the above assessment, it is considered the adverse effects of the proposal on the environment to be less than minor.

### 4.3.4 DECISION: EFFECTS ON PERSONS (S95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

### 4.4 STEP 4 – FURTHER LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES

Special circumstances do not apply that require limited notification.

## 5.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 3 and 4 above, the application is to be processed on a non-notified basis.

## 6.0 S104 ASSESSMENT

### 6.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

#### Operative District Plan

The relevant operative objectives and policies are contained within Part(s) 7 *Residential Areas* and 14 *Transport* of the Operative District Plan. These seek to maintain and preserve the dominant Low Density Residential development and associated amenity values whilst recognising and providing for compatible non-residential activity within residential areas (Part 7), and to provide for sufficient parking facilities that cater to anticipated demands of specific activities (Part 14).

Having considered the actual and potential effects of the proposal against the objectives and policies of the District Plan, the proposed activity is considered compatible with the intent of the surrounding residential area, and the parking arrangements adequate for the intended use. Therefore it is considered the proposed development is consistent with the relevant objectives and policies in the Operative District Plan.

#### Proposed District Plan (Stage 1 – Decisions Version 2018)

Council notified its 'Decisions' version of the Stage 1 of the PDP on 5 May 2018 which contains objectives and policies with immediate legal effect pursuant to section 86A(2) of the RMA. In this case, the site is zoned Lower Density Suburban Residential under Stage 1 of the Proposed District Plan. However the rules applicable to Visitor Accommodation within this zone, do not fall into Stage 1 of the Proposed District Plan.

#### Proposed District Plan (Stage 2 Decisions Version)

Council notified the second stage of the District Plan on 23 November 2017 which contained new proposed Visitor Accommodation variation, in addition to Transport provisions. The objectives and policies contained within the Proposed District Plan must therefore be taken into consideration with this application. The relevant objectives and policies are found in Chapter 29 *Transport* and the Visitor Accommodation variation of the Proposed District Plan and have been considered and assessed below.



The relevant objectives and policies seek to manage Visitor Accommodation activity so that residential amenity is retained, and to ensure that residential units that are used for non-residential activities are commensurate with the anticipated development of the zone. Objective 7.2.8 seeks to provide for Visitor Accommodation, Residential Visitor Accommodation and Homestay activities, whereby they are enabled at locations, and at a scale, intensity and frequency that maintain the residential character and amenity values of the zone.

It is noted that although the proposal seeks to allow for Residential Visitor Accommodation within an existing residential unit, policies 7.2.8.3 and 7.2.8.5 do not appear to have been met. It is considered that although the application is for Visitor Accommodation within a Lower Density Suburban Residential area, it is determined that the proposed use would not be consistent with this objective and associated policies due to the nature and scale of non-residential activities on site. Therefore it is considered that at present, the proposal does not meet the objectives and policies of the Proposed District Plan.

In regards to the proposed Transport Chapter, the single parking space provided on site will meet the minimum number of parking spaces for residential Visitor Accommodation in the Lower Density Suburban Residential zone. It is therefore considered that the proposal is in accordance with objective 29.2.2 and policy 29.2.2.3. Therefore the proposal is consistent with the objectives and policies contained within Chapter 29 relating to parking, loading and access as this is in accordance with the character, scale and nature of the Lower Density Residential zoning.

From the assessment above it is apparent that the proposal is considered to be not consistent with the objectives and policies of Proposed District Plan.

#### Weighting between Operative District Plan and Proposed District Plan (Stage 1 Decisions Version 2018 and Stage 2 Decisions Version)

A weighting assessment in relation to the ODP and Proposed District Plan (Stage 1 Appeals Version 2018 and Stage 2 Decisions Version) is only required if the conclusions reached under either planning document are different.

Although contrary to the objectives and policies for Visitor Accommodation as notified as part of Stage 2 of the PDP, it is considered that due to the minimal testing that these provisions have been given and the fact Council has not ratified any decisions recommended by the Commissioners, limited weight can be afforded to the PDP and more significant weight is therefore afforded to the provisions of the ODP.

### **6.3 PART 2 OF THE RMA**

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

### **6.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** to operate year round Visitor Accommodation for up to six (6) guests at 8 Woods Lane subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## **7.0 OTHER MATTERS**

### **7.0 OTHER MATTERS**

#### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

Please contact the Council if you require a Development Contribution Estimate.



Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

#### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Alex Jamieson on phone (03) 441 0499 or email alex.jamieson@qldc.govt.nz.

Report prepared by



Alex Jamieson  
**PLANNER**

Decision made by



Erin Stagg  
**SENIOR PLANNER**

**APPENDIX 1 – Consent Conditions**

**APPENDIX 2 – Applicant's AEE**

**APPENDIX 3 – Management Plan (8 Woods Lane)**



## **APPENDIX 1 – CONSENT CONDITIONS**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - WJ Cadzow & Associates: The Pavillion Villas – *Site Plan* – Sheet: A-A1-01, Rev. A1, Dated: 03/04/2014,
  - WJ Cadzow & Associates: The Pavillion Villas – *Typical Plan* – Sheet: A-A2-02, Rev. A1, Dated: 07/06/2016,
  - WJ Cadzow & Associates: The Pavillion Villas – *Block A – Floor Plans* – Sheet: RC-A-01, Rev. A1, Dated: 06/26/2014,
  - WJ Cadzow & Associates: The Pavillion Villas – *Elevations* – Sheet: RC-A-03, Rev. A1, Dated: 06/26/2014,

### **re-stamped as approved on 08 May 2019**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

### **Operational Conditions**

4. The consent holder shall ensure the Visitor Accommodation activity is undertaken in accordance with the approved site management plan (RM181922, Appendix 3), and the following conditions (5 – 12).

*Advice Note: The management plan may be updated from time to time, this shall be certified by Council's Planning and Development department prior to implementation and shall demonstrate the management techniques that will be used to ensure conditions (5 – 12) are met, and shall include the contact details of the property manager available for any complaints.*

5. The property shall be rented to a maximum of one (1) group at any one time, for a maximum of 365 nights per year.
6. The maximum number of persons on site in association with the Visitor Accommodation use shall be restricted to six (6) persons at any one time.
7. Regarding the use of outdoor space:
  - a) The use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am.
  - b) Two (2) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am. One sign shall be installed in the kitchen of each unit and weatherproof signs (e.g. laminated) shall be installed within the outdoor area.
  - c) Upon installation, and prior to the use of the property for Visitor Accommodation, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the Visitor Accommodation activity is undertaken.



8. The consent holder shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. This register shall be made available for inspection by the Council at all times.

*Please note: While the consent holder is responsible for there being an up to date register, the register may be completed by a letting agent / property manager.*

9. The consent holder shall ensure that all vehicles associated with the short term Visitor Accommodation use of the unit, shall be parked in the allocated parking spaces on site which meet the minimum dimensions for Class 2 users (2.7 metres wide x 5.0 metres deep). Specifically, the consent holder shall ensure guests only park in the car parks which are designated to the unit. There shall be no offsite parking of vehicles associated with activity. The consent holder must advise all guests of this condition.
10. The consent holder shall ensure that no coaches are to service the authorised activity.
11. Prior to the operation of the residential unit for visitor accommodation, the consent holder shall provide to the Council the name and contact details of the Visitor Accommodation Manager. If these are to change, updated details shall be provided to the Council.
12. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection, rubbish and recycling shall only be placed on the street the day of or day prior to collection.

#### Review

13. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
  - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
  - d) The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
14. As part of the review clause stated in Condition 13 of this consent, the Council may have the Visitor Accommodation Management Plans / Noise Management Plans audited at the consent holder's expense.

#### Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for Visitor Accommodation. As of the time this consent was granted, increased rates from a residential use are generated for Visitor Accommodation use over 180 days in any one calendar year. For further information contact the Council Rates department.



2. An additional development contribution will be required for the change in use from residential to Visitor Accommodation. It is recommended the applicant contact the Council DCN officer for an estimate.
3. The consent holder is advised that there may be further requirements to using a residential unit for Visitor Accommodation, including but not limited to health and safety, income tax and GST.
4. No signs are permitted by this Resource Consent.

#### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to [engineeringacceptance@qldc.govt.nz](mailto:engineeringacceptance@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link: <http://www.qldc.govt.nz/planning/development-contributions/>. If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/>. And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>.



**APPENDIX 2 – APPLICANT’S AEE**



## Assessment of Environmental Effects

### Application for Resource Consent to undertake Visitor Accommodation from Three Residential Units

#### The Tiers Villas:

- 2 Woods Lane, Frankton; Unit 1
- 6 Woods Lane, Frankton; Unit 3
- 8 Woods Lane, Frankton; Unit 4



## Application details:

**Applicant:** Multiple – refer to application forms within Appendix A.

**Site Address:**

2 Woods Lane, Frankton	Unit 1	Lot 1 DP 528817
6 Woods Lane, Frankton	Unit 3	Lot 3 DP 528817
8 Woods Lane, Frankton	Unit 4	Lot 4 DP 528817

**Zoning (Operative District Plan):** Low Density Residential

**Zoning (Proposed District Plan):** Lower Density Suburban Residential

**Activity Status:** Restricted Discretionary Activity

## Summary

Resource consent is sought to undertake visitor accommodation from three existing residential units (2, 6 and 8 Woods Lane) located at The Tiers Apartments, Frankton. The application seeks approval for visitor accommodation for maximum of 365 days per year and six (6) guests per unit. As all three units are located on the same site, a combined AEE has been developed for this application.

The proposed visitor accommodation requires a **Restricted Discretionary** resource consent under the Operative District Plan for each property. Consent is not required under the Proposed District Plan (Stage 1 Decisions).

## Description of site:

The site is located at The Tiers Apartments at Woods Lane, Frankton. The application relates to 2, 6 and 8 Woods Lane (Units 1, 3 and 4 respectively), and the legal descriptions of each of these units are identified in the table above. The site was previously identified as Lot 10 DP 490069 Potters Hill Drive, Frankton. The figure below identifies the units subject to this application.



Source: QLDC GIS Mapping, accessed 17/12/18.



**Appendix A** contains the relevant title records. There are two consent notices attaching to each of the titles and these are also included in **Appendix A**. The proposal does not affect these consent notices and no variation to consent notice conditions is required.

Vehicle access to the site is via Potters Hill Drive, with an internal access road Woods Lane providing direct access to each of the units. Woods Lane is a public road and has been recently vested in Council.

The site contains approval for 13 residential units (described further below). The approved plans indicate the 13 units are arranged in two rows. Numbers 2, 6 and 8 Woods Lane (Units 1, 3 and 4) are located within 'Block A' of the development, situated on the downslope row of apartments, adjoining the southern side of the internal access road. These units (in addition to the adjoining 4 Woods Lane) have been constructed, with the northern row of units (1-17 Woods Lane) not yet under construction. Site plans are included within **Appendix B** and demonstrate the location of the units' subject to this application.

Parking for 2, 6 and 8 Woods Lane (Units 1, 3, and 4) is accessed from Woods Lane and located external to the units. Parking spaces are identified on the plans within **Appendix B**. Number 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single parking space. There are a further two shared spaces available in front of these units for visitors.

As detailed further below, six of the other units within this development have been previously consented for visitor accommodation (Units 6, 7, 8, 9, 11, and 14).

Surrounding the site are a number of other existing unit developments. It is understood that a number of these are also consented for short term visitor accommodation. Further east of the site is a large undeveloped site containing an existing residential dwelling.

### Relevant history

The site was previously described as Lot 10 DP 490069 and has an extensive consenting history. The most relevant to the current proposal are described below.

**RM180470** - approved a Comprehensive Residential Development with 12 residential units that breached maximum height, transportation standards and outdoor living space, and in addition consented the subdivision of the site into 12 allotments. S224c was issued for the subdivision consent on 8/11/2018 and resulted in the creation of the individual titles for each unit.

**RM170614** – variation to RM180470 to add two units and a residential flat to the Comprehensive Residential Development, increasing the development and subdivision to 14 allotments and associated units.

**RM180834** - Consent for a road boundary infringement via the vesting of an approved right of way as Council road, and removal of one unit from the approved plans of RM170614.

**RM180470** – approved visitor accommodation for Units 6 and 9.

**RM180782** – approved visitor accommodation for Unit 7.

**RM180800** - approved visitor accommodation for Unit 8.

**RM181535** - approved visitor accommodation for Unit 11 and 14.



## Zoning

The site is zoned Low Density Residential under the ODP, and Lower Density Suburban Residential under the PDP (Stage 1 Decisions). The PDP zoning has not been appealed.

## Description of proposal

Resource consent is sought to undertake visitor accommodation from 2 Woods Lane (Unit 1), 6 Woods Lane (Unit 3) and 8 Woods Lane (Unit 4) for up to 365 days/per. Each unit is three bedrooms and it is proposed to accommodate up to six (6) persons in each unit. Bookings would be limited to one group at a time.

Number 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space.

A Visitor Accommodation Management Plan (VAMP) has been developed for each property and these are included in **Appendix C**.

## Consents required

### Operative District Plan

Land use consent is required under the ODP for the following:

- **Restricted Discretionary** under Rule 7.5.3.4 (i) for Visitor accommodation in the low density residential zone, excluding the visitor accommodation sub-zone  
*It is noted that Rule 5.5.3.4(i) is listed as a Discretionary Activity, however with matters restricted to the specified listed matters. Therefore, it is understood Council regards this as a Restricted Discretionary status and this is reflected in the recent decision for RM180470.*
- **Restricted Discretionary** under Rule 7.5.3.4 (vi) as the proposal does not comply with Rule 7.5.6.2 (iii)(f) which requires visitor accommodation to be setback 4m from the boundary of adjacent residential zoned land.
- **Restricted Discretionary** under Rule 14.2.4 as the proposal breaches standard 14.2.4.2(iv) as the units do not achieve a minimum sight distance of 80m.
- **Restricted Discretionary** under Rule 14.2.4 as the proposal breaches standard 14.2.4.1(i) Minimum Parking Space Numbers, as 6 Woods Lane (Unit 3) only has a single car park.

### Proposed District Plan

Visitor accommodation was withdrawn from Stage 1 of the PDP and is addressed within the Stage 2 variation to the PDP. Therefore, there are no resource consents required for this proposal under the Stage 1 PDP. The Stage 2 Visitor Accommodation objectives and policies are addressed later in this report.

## Assessment against the Operative District Plan

### Section 7 – Residential Areas

#### Site standards

#### Site Standards – Residential Activities and Visitor Accommodation (Rule 7.5.5.2)

Standard	Comment
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<i>(i) Building Coverage</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(ii) Scale and Nature of Activities</i>	N/A this rule does not apply to visitor accommodation activities.
<i>(iii) Setback from Roads</i> <i>(a) In the Low Density Residential Zone The minimum setback from road boundaries of any building, other than garages, shall be 4.5m.</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building. Breaches to road boundary setbacks were considered under RM180834.
<i>(iv) Setback from Internal Boundaries/Neighbours</i> <i>(f) No part of any building which is to be used for visitor accommodation shall be permitted to locate within 4 metres of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.</i>	<b>Does not comply.</b> No setback is required from an internal boundary where buildings share a common wall. However, item (f) also specifies that buildings used for visitor accommodation must be located 4m from an adjoining residential zone boundary.
<i>(v) Access</i> <i>Each residential and/or visitor accommodation unit shall have legal access to a formed road.</i>	Complies. The site has access to Woods Lane and Potters Hill Drive.
<i>(vi) Continuous Building Length in LDR</i>	N/A
<i>(vii) Continuous Building Length in HDR</i> <i>Maximum unbroken building length of 16m.</i>	N/A
<i>(viii) Outdoor Living Space.</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(ix) Non-Reflective Buildings</i>	Complies.
<i>(x) Arrowtown Scenic Protection Area</i>	N/A
<i>(xi) Flood Risk</i>	N/A
<i>(xii) Building Height (Shotover Survey District)</i>	N/A
<i>(xiii) Boundary Planting (Wanaka)</i>	N/A no planting is proposed.
<i>(xiv) Building Height (Lift Towers)</i>	N/A
<i>(xv) Low Density Residential Zone – Frankton Corner</i>	N/A
<i>(xvi) Earthworks</i>	N/A no earthworks are proposed.
<i>(xvii) Landscape Coverage -30%</i>	N/A



<i>(xviii) Fence Heights in HDR</i>	N/A no changes to fencing is proposed.
<i>(xix) Height and Elevation Restrictions along Frankton Road and Frankton Track</i>	N/A

### *Zone standards*

#### *Zone Standards - Residential Activities and Visitor Accommodation (Rule 7.5.5.3)*

<b>Standard</b>	<b>Comment</b>
<i>(i) Building Line Restriction</i>	N/A
<i>(ii) Building Coverage (max 70%)</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(iii) Site Density in Low Density Residential</i>	N/A
<i>(iv) Site Density in the HDR Sub-Zone C</i>	N/A
<i>(v)(b) Building Height</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(vi) Airport Noise – Queenstown Airport</i>	N/A
<i>(vii) Glare</i>	N/A
<i>(viii) Building Platforms</i>	N/A
<i>(ix) Heavy Vehicle Storage</i>	N/A
<i>(x) Keeping of Animals</i>	N/A
<i>(ix) Roof Colours</i>	N/A
<i>(xii) Noise</i>	Will comply. The unit is proposed to be used for visitor accommodation and noise from visitor accommodation is likely to be comparable to its use for residential purposes. The proposal will comply with the identified noise standards. Noise is addressed in the VAMP (Appendix C) including prohibiting the use of outdoor areas between 10pm and 7am.
<i>(xiii) Low Density Residential Zone – Frankton Corner</i>	N/A
<i>(xiii) Outline Development Master Plan – Peninsula Bay</i>	N/A



### *Objectives and policies*

**Objective 1 - Availability of Land** *Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.*

*1.2 To enable new residential and visitor accommodation areas in the District.*

*1.3 To promote compact residential and visitor accommodation development.*

*1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

**Compliance:** The proposed visitor accommodation is to be located within existing residential units, that are located within convenient access to Frankton and the Queenstown Town Centre. Visitor accommodation has been previously approved for six of the other units within The Tiers development (refer history described above), and is also common within the surrounding area and along Frankton Road. The proposal provides for compact visitor accommodation development, in a location close to the centres which is best suited for this activity, and this will contribute to the preservation of other residential areas that are better suited for long term residential use. The proposal is therefore considered to be consistent with these provisions.

**Objective 3 - Residential Amenity.** *Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

*3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*

*3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*

*3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

**Compliance:** As discussed above, the site is located near to Frankton and the Queenstown Town Centre where visitor accommodation activity is common and demanded by visitors. Visitor accommodation has been previously approved for six of the other units within The Tiers development (refer history described above), and is also common within the surrounding area. It is therefore considered that the locality does not demonstrate a cohesive residential character. Noise will be managed by the proposed VAMP's applicable to each unit (Appendix C) and sufficient on-site parking is proposed to cater for the number of guests proposed. It is acknowledged that 6 Woods Lane (Unit 3) has only a single car parking space, however this has been previously consented is considered to be appropriate recognising the location and proximity to public transport services (bus and ferry).

The proposal is therefore considered to be consistent with these provisions.

### *Assessment matters*

As noted above (refer 'Consents Required') it is understood that the proposal is a Restricted Discretionary Activity. However, the below assessment matters are considered relevant to the proposal.



## vii Discretionary Activity - Visitor Accommodation

Assessment Matter	Comments
<p><i>(a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and</i></p> <p><i>(i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods</i></p> <p><i>(ii) The nature of the development in the context of the permitted future uses on nearby sites</i></p> <p><i>(iii) Loss of privacy</i></p> <p><i>(iv) The proximity of outdoor facilities to residential neighbours</i></p> <p><i>(v) Hours of operation</i></p> <p><i>(vi) The ability to landscape/plant to mitigate visual effects</i></p> <p><i>(vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.</i></p>	<p>The proposed visitor accommodation is to occur within three existing residential units whereby amenity effects associated with the buildings, unit design and landscaping were previously considered under RM160718.</p> <p>As noted above, six other units within The Tiers complex have been consented for visitor accommodation, and the activity is common within the surrounding area due to proximity to centres and the amenity of views of the lake. Therefore, the area is not consistent with a typical long term residential or rental character. It is acknowledged that Unit 2 (4 Woods Lane), adjacent to the subject units, has not sought consent for visitor accommodation and it is unknown if this unit is intended to accommodate residential or visitor accommodation activity. Nonetheless, amenity effects on Unit 2 are considered to be comparable to its use for residential activity, and the proximity of living and outdoor facilities of the units is anticipated by the design, and is unaffected by the proposal. Outdoor areas are offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. A solid privacy wall also exists between units.</p> <p>Potential noise and nuisance effects associated with the proposed visitor accommodation activity are to be managed by the proposed VAMP's included in Appendix C. The number of persons able to stay in each unit at any one time is limited to six (6) people, and the use of outdoor areas is prohibited after 10pm. Additionally, outdoor areas of these units face the lake, and directly adjoin road reserve. Therefore, adequate separation is provided to adjacent properties south of the site.</p>
<p><i>(b) Any adverse effects in terms of:</i></p> <p><i>(i) The adequacy and location of car parking for the site</i></p>	<p>Traffic generation will be comparable to that of the current residential use of the site. 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space. The</p>



<p><i>(ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.</i></p> <p><i>(iii) Loss of privacy.</i></p> <p><i>(iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.</i></p> <p><i>(v) Pedestrian safety in the vicinity of the activity.</i></p> <p><i>(vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.</i></p> <p><i>(vii) Provision for coaches to be parked off-site</i></p> <p><i>(viii) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.</i></p>	<p>parking provision for the overall unit development was assessed as part of the previous resource consent RM160718. The lack of provision of a second parking space for Unit 3 was assessed as being appropriate under RM160718, as the overall parking provision within the site was deemed adequate. As the site is located in close proximity to public transport services the lack of an additional parking space is considered appropriate in this instance, particularly as the conditions limit bookings to a maximum of one group at a time and guests staying within this unit are likely to travel together.</p> <p>A Visitor Accommodation Management Plan (VAMP) has been developed for each unit (Appendix C) to address noise, parking and waste management.</p> <p>Coach parking is not relevant. The applicants are happy to accept a condition ensuring coaches are not to be parked on the site.</p>
<p><i>(c) Mitigation of noise emissions beyond the property boundary considering:</i></p> <p><i>(i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.</i></p> <p><i>(ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.</i></p>	<p>As above, noise effects will be managed by the proposed Visitor Accommodation Management Plan's (VAMPs) which highlight the need to be conscious of residential neighbours and prohibit the use of outdoor areas between 10pm and 7am. Noise effects are comparable to the existing residential use of the site.</p>
<p><i>(d) The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with Regional Council requirements.</i></p> <p><i>(e) The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects.</i></p>	<p>The units are connected to all necessary services.</p>



*xviii(2) Setback from Internal Boundaries/Neighbours in the Low Density Residential Zone and Residential Arrowtown Historic Management Zone*

Assessment Matter	Comments
<p><i>(a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.</i></p> <p><i>(b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.</i></p> <p><i>(c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to and extent which is inconsistent with the suburban living environment.</i></p> <p><i>(d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.</i></p> <p><i>(e) The ability to provide adequate opportunities for landscaping around buildings.</i></p> <p><i>(f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.</i></p> <p><i>(g) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.</i></p> <p><i>(h) Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community or private recreation facilities in terms of noise, glare or vibration which is inconsistent with the suburban living environment.</i></p> <p><i>(i) The ability to mitigate adverse effects of the proposal on adjoining sites.</i></p>	<p>The proposal does not meet the minimum 4m separation from the boundary of adjoining residential zoned land. This is a consequence of the attached nature of the development, and there are no changes proposed to the existing buildings. Compliance with internal setbacks is in fact typically not required where boundaries share a common wall. The proximity of living and outdoor space is anticipated by the building design. Nonetheless, the additional effects associated with use of these units for visitor accommodation as opposed to residential, are considered to be less than minor. Noise and amenity effects will be managed by the proposed VAMP's which prohibit the use of outdoor areas after 10pm. Additionally, the design of units is such that outdoor areas are offset from each other by the staggered arrangement and therefore outdoor areas do not adjoin each other. A solid privacy wall also exists between units. Visitor accommodation is also common within this complex and is therefore consistent with existing character.</p>

## Section 14 - Transport

### *Site standards*

Rule 14.2.4.1(i) requires residential units in the Low Density Residential Zone to provide 2 parking spaces per unit. There is no additional parking standard which applies to the proposed residential form of visitor accommodation. The parking provision for the overall unit development was previously



assessed under RM160718 (and RM170614, RM180834) and determined to be adequate for the overall density proposed. It is noted that this results in 2 and 6 Woods Lane (Units 1 and 4) complying with this standard, however 6 Woods Lane (Unit 3) has only a single dedicated parking space and does not meet this standard.

### *Objectives and policies*

#### **Objective 5 - Parking and Loading – General**

***Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.***

*5.1 To set minimum parking requirements for each activity based on parking demand for each land use while not necessarily accommodating peak parking requirements.*

*5.3 To ensure car parking is available, convenient and accessible to users including people with disabilities.*

*5.4 To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.*

**Compliance:** As discussed above, 6 Woods Lane (Unit 3) has only a single parking space. The parking provision for Units 1, 3 and 4 and the overall unit development was previously assessed under RM160718 (and RM170614, RM180834) and determined to be adequate for the overall density proposed. The shortfall of one park is considered to remain consistent with the parking demand for visitor accommodation, particularly as bookings for 6 Woods Lane (Unit 3) will be limited to one group at a time and guests are likely to travel together. Additionally, the parking provision is considered appropriate given the proximity of the site to Queenstown, Frankton and public transport services. The parking spaces are easily accessible and convenient to each unit.

## Assessment against the Proposed District Plan

The zoning of the site under the Stage 1 Decisions Version of the PDP is 'Lower Density Suburban Residential'. Provisions relating to Visitor Accommodation were withdrawn from Stage 1 of the PDP and are otherwise included in Stage 2. Therefore, the rules of the Stage 1 Chapter 7 (Lower Density Suburban Residential) Chapter of the PDP are not relevant to the current application.

The objectives and policies of the following chapters of the Proposed District Plan are relevant to the application:

### Stage 1

- Strategic Direction (Chapter 3)
- Noise (Chapter 36)

### Stage 2

- Visitor Accommodation – Chapter 7 Lower Density Suburban Residential)
- Transport (Chapter 29)

The application has been assessed against the relevant provisions of these chapters of the PDP as demonstrated in the following tables.



## Strategic Direction – Chapter 3

Objective:	Policies:	Assessment:
<p><b>3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.</b></p> <p><b>3.2.1.2 The Queenstown and Wanaka town centres<sup>1</sup> are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.</b></p>	<p><i>3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)</i></p>	<p>The proposal is consistent with these provisions as it will provide visitor accommodation capacity within the Queenstown urban environment, close to centres, supporting a range of accommodation options to visitors and contributing to the local economy.</p>

## Noise – Chapter 36

Objective:	Policies:	Assessment:
<p><b>36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.</b></p>	<p><i>36.2.1.1 Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.</i></p> <p><i>36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.</i></p>	<p>Noise effects of the proposed visitor accommodation will be comparable to the existing residential use of the units. The Visitor Accommodation Management Plan's (VAMP's) also highlight the need to be conscious of residential neighbours and prohibit the use of outdoor areas between 10pm and 7am.</p>

## Visitor Accommodation Variation – Chapter 7 Lower Density Suburban Residential

Objective:	Policies:	Assessment:
<p><b>7.2.8 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.</b></p>	<p><i>7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Low Density Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of</i></p>	<p>The site is not located within a VA sub-zone. Visitor accommodation within close proximity to Frankton and the Queenstown town centre is efficient, enabling visitors with convenient access to town centre activities and contributing to positive visitor experiences. This activity is also demanded in locations with high amenity views of the lake. It is</p>



<p><b>7.2.9 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.</b></p>	<p><i>residential housing is achieved</i></p> <p>7.2.9.1 <i>Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains residential activities as the predominant use of the site.</i></p> <p>7.2.9.2 <i>Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing, while maintaining residential activities as the predominant use of the site.</i></p> <p>7.2.9.3 <i>Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.</i></p>	<p>therefore considered the proposal will support social and economic wellbeing.</p> <p>Visitor accommodation is common within such proximity to centres, and six of the existing units within this complex are consented for visitor accommodation. Therefore, this location does not demonstrate a typical residential character and is unlikely to realise predominant residential or rental use.</p> <p>VAMP's have been developed to manage potential adverse nuisance effects to residential amenity.</p>
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## Chapter 29 – Transport

Objective:	Policies:	Assessment:
<p><b>Objective 29.2.2 – Parking, loading, access, and on-site manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:</b></p>	<p>29.2.2.1 <i>Manage the number, location, type and design of parking spaces, queuing space, access, and loading space.</i></p>	<p>Numbers 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space. As discussed previously, the parking provision is appropriate for the number of guests proposed and for the location of these units. The proposed</p>



<ul style="list-style-type: none"> <li>• <i>Providing a safe and efficient transport network;</i></li> <li>• <i>Compact urban growth;</i></li> <li>• <i>Economic development;</i></li> <li>• <i>Facilitating an increase in walking and cycling; and achieving the level of residential amenity and quality of urban design anticipated in the zone.</i></li> </ul>	activity is considered to be consistent with these provisions.
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## Assessment of environmental effects

Potential environmental effects associated with the proposed visitor accommodation activity are considered to be associated with:

- Character and residential amenity:
- Traffic and parking
- Noise

These effects are discussed below.

### Character & Residential Amenity

Visitor Accommodation is common and demanded within close proximity to the centres and on properties with high amenity views of the lake. Six of the other units within the complex have been consented for visitor accommodation, and this activity is also common on adjacent properties. As a result, this particular location does not demonstrate a cohesive residential character that may be evident with a predominant residential or rental supply area.

The unit is existing and was previously approved under RM160718. There are no changes proposed to the building. The building design is such that outdoor living areas are offset from adjoining units and do not directly adjoin each other. Noise and privacy effects are therefore mitigated by the existing design.

VAMP's have been developed for each of the three units to further manage noise and amenity effects (Appendix C).

For these reasons effects on character and residential amenity are considered to be less than minor.

### Traffic and parking

Traffic generation is likely to be comparable to that of residential use, and parking demand for visitor accommodation is likely to be less than that of the needs of long term households or separate tenants. Additionally, as the site is located within convenient distance to Frankton and the Queenstown Town Centre visitors may also walk or cycle into the town centre; and the site is also close to the local bus route along Frankton Road, in addition to ferry services at the Frankton marina.

Although 6 Woods Lane (Unit 3) has only a single parking space, the parking provision is appropriate for the number of guests proposed and for the location of the unit. The parking provision for the overall complex was considered under RM160718 and deemed appropriate for the anticipated demand. It is also considered that guests within Unit 3 will likely travel together as bookings are limited to one group at a time. Parking spaces are located convenient to the dwelling and separate



to living space of each unit. Therefore, effects associated with traffic and parking are considered less than minor.

## Noise

Noise effects of the proposed visitor accommodation are likely to be comparable to the existing residential use of the site. The Visitor Accommodation Management Plan's (VAMP's) (Appendix C) also prohibit the use of outdoor areas between 10pm and 7am with proposed signage to be installed to inform guests to be conscious of the residential environment. Additionally, as discussed previously, the outdoor areas of each unit are oriented to the south, and offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. For these reasons, noise effects are considered to be less than minor and appropriately mitigated by the VAMP's.

## RMA other s104 matters

### National Environmental Standards

There are no National Environmental Standards relevant to the proposal.

### National Policy Statements

#### National Policy Statement on Urban Development Capacity (NPS-UDC)

The purpose of the National Policy Statement on Urban Development Capacity is to ensure regional and district plans provide adequately for the development of business and housing. Local authorities are required under section 31(1)(aa) of the RMA to *"ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district"*.

The proposal is considered consistent with the NPS-UDC as it provides for visitor accommodation within close proximity to Frankton and the Queenstown Town Centre where such activities are demanded.

#### Otago Regional Policy Statement

The Otago Regional Policy Statement is given effect to by the regional plans and the District Plan. An assessment of the application against the provisions of the District Plan is contained in previous sections, and the application does not require consent under the Regional Plan: Water.

#### Proposed Regional Policy Statement

The Regional Policy Statement is currently under review. The Proposed Regional Policy Statement was notified on 23 May 2015, and the Decisions version was released on the 1 October 2016.

The PRPS does not have legal effect until it is made operative, and no weight can be given to the objectives and policies until this time. The decisions version is subject to a number of outstanding appeals, and therefore cannot be relied upon for resource consent applications.

The PRPS is given effect to by the Proposed District Plan, and therefore has not been considered further. Overall, the proposal is not considered to be contrary to the PRPS.



## Notification and affected parties

### Public Notification (S95A)

The applicant has not requested that the application be publicly notified under Step 1 (s95A(3)(a)).

The application is for a Restricted Activity under the ODP. The application is not a residential or subdivision activity, and is therefore **not precluded** from public notification under Step 2 (s95A(5)) or Step 3 (s95A(8)).

There are no special circumstances requiring public notification under Step 4 (s95A(9)(b)).

The Council may notify the application if it is determined under s95D that the adverse effects are likely to be more than minor. The assessment of effects undertaken above considers the effects of the proposal to be less than minor and, therefore, below the threshold for public notification.

### Limited Notification ((S95B)

The application is for a Restricted Discretionary Activity under the ODP and PDP and as such is **not precluded** from limited notification under Step 2 (s95B(6)). The Council may notify the application if it is considered that adverse effects on persons are minor or more than minor.

The effects of the proposal are considered to be comparable to that of residential use. As discussed in this report, the three units the subject of this application are located on Block A, oriented south with views and outdoor areas facing the lake. They are separated in both elevation and horizontal distance from the (unconstructed) units located north of the site; and outdoor areas of the subject units face south to the lake. Additionally, a number of these unconstructed units to the north are also consented for visitor accommodation. The proposal is therefore not anticipated to result in adverse effects to the consented units north of the site.

Number 2 and 6 Woods Lane adjoin 4 Woods Lane (Unit 2), which is not part of this application. However, proximity and privacy matters of adjacent units were considered under the previous resource consent and addressed by the nature of the building design. The outdoor areas of each unit are oriented to the south, and offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. Noise and amenity effects associated with the change of use to visitor accommodation will be managed by the proposed VAMP's. As such, adverse effects on Unit 2 are considered to be less than minor.

To the south, the units adjoin road, and are well removed from adjacent residential properties to the south.

There are considered to be no persons adversely affected to a minor or more than minor degree. It is considered that the application can be processed on a non-notified basis.

## Conclusion

Resource consent is sought to undertake visitor accommodation for up to 365 days per year within three existing residential units located at The Tiers Apartments at Woods Lane, Frankton. The application relates to 2, 6 and 8 Woods Lane (Units 1, 3 and 4 respectively).

The units are located within convenient access to Frankton and the Queenstown town centre, and the location is considered to be appropriate for visitor accommodation activity. Visitor accommodation is



demanding in close proximity to the town centre and providing for this activity on the site will support efficient land use and economic growth associated with tourism.

The application is in accordance with the intention and purposes of the Objectives and Policies of both the ODP and PDP, and the environmental effects of the proposed development are less than minor. Therefore, it is considered that consent for the proposed development could be granted on a non-notified basis subject to appropriate conditions.



**APPENDIX 3 – MANAGEMENT PLAN**



## SITE MANAGEMENT PLAN – 8 Woods Lane, Frankton.

This Visitor Accommodation Management Plan applies to the use of an existing residential dwelling located at **Unit 4, 8 Woods Lane, Frankton** for visitor accommodation in accordance with resource consent **RM181922**.

### SECTION 1: PROPERTY MANAGER DETAILS

The Property Manager of this visitor accommodation is:	William Jin, Rent Smart Property Management Limited
Email:	rentsmartproperty@outlook.co.nz
She/he may be contacted 24 hours a day on the following phone numbers:	021 155 5718

### SECTION 2: PROPERTY MANAGER RESPONSIBILITIES

The Property Manager shall have the following responsibilities:

#### 2.1 Upon booking and prior to guest arrival

- To provide the tenants with a copy of the “House Rules” (Attachment A).
- To maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. Details of all tenancies for at least the preceding 5 years shall be continually maintained. This register shall be made available for inspection by the Council at all times.

#### 2.1 On check-in of tenants:

- To ensure tenants have read the “House Rules” (Attachment A) and that a copy is made available.
- To ensure the House Rules include any relevant conditions of resource consent **RM181922**.
- To ensure that guests park within the dedicated on-site parking spaces, shown on the plan included in the “House Rules”.

#### 2.2 On servicing:

- To ensure that rubbish bins are stored in the consented locations (under RM160718 and consent notice CONO 11234710.8) on non-collection days, and visitors are informed of the location of bins.
- To ensure rubbish bins are put out in the appropriate collection points (specified by consent notice CONO 11234710.8) on the day of collection or the night prior, and do not remain on the street for more than 24 hours following collection day.

#### 2.3 Ongoing:

- To ensure the use of the property for visitor accommodation complies with the conditions of resource consent **RM181922**.
- To ensure that the signs required by **RM181922** are erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.



## ATTACHMENT A: HOUSE RULES

### General

- Be courteous of residential neighbours. The use of outdoor areas is prohibited between 10 pm and 7am and ensure windows and doors are closed.

### Arrival and parking

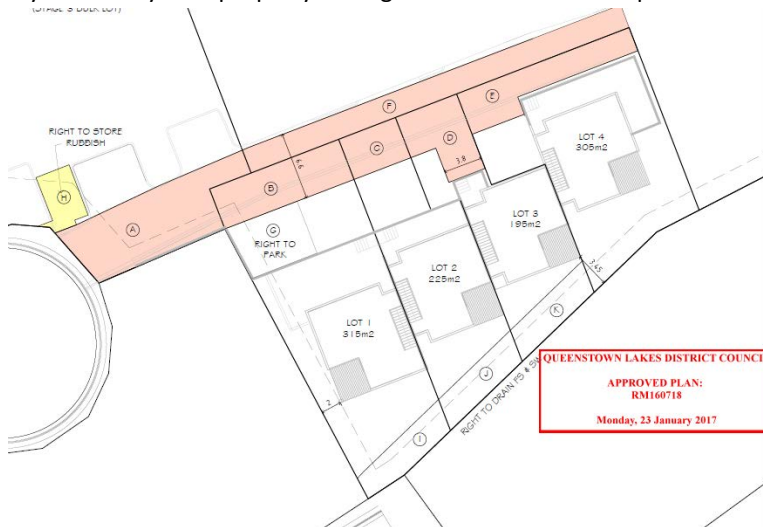
- Please park in the designated parking space identified for 8 Woods Lane (Unit 4), identified by the painted marking '8' on the spaces in front of the unit.
- All vehicles, including those used by visitors are to be parked within the designated parking space/s and not on the street or in any common areas.
- No coaches are to access the site.

### Guests

- The property shall be rented to a maximum of one (1) group at any one time.
- The maximum number of persons on site in association with the visitor accommodation use shall be restricted to a total of six (6) persons.

### Rubbish

- Non collection days – rubbish bins are stored in the location marked 'H' below and highlighted in yellow. Please place your rubbish in these bins.
- Collection day is Tuesday. The property manager will ensure bins are put out for collection.





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181921

08 May 2019

76



LEGAL DESCRIPTION

658a Frankton Road, Frankton

Lot 3&4 DP 490069

Site Area: 6891m<sup>2</sup>

Building Footprint: m<sup>2</sup>

Site Coverage: %

Wind Zone: VERY HIGH

Altitude: 450m (sub-alpine)

NOTE:

Drawings to be read in conjunction with Clark  
Fortune McDonald & Associates Engineering  
Design plans.  
Refer to CFM design plans for Foul Drainage  
layout, Stormwater Drainage layout, Water  
Reticulation Layout & Gas Reticulation layout.



Site Plan -

1 : 200



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : PH Date: 03/04/14  
AT Scales: As indicated AT Scales: 1:400

Sheet Title:  
**Site Plan**

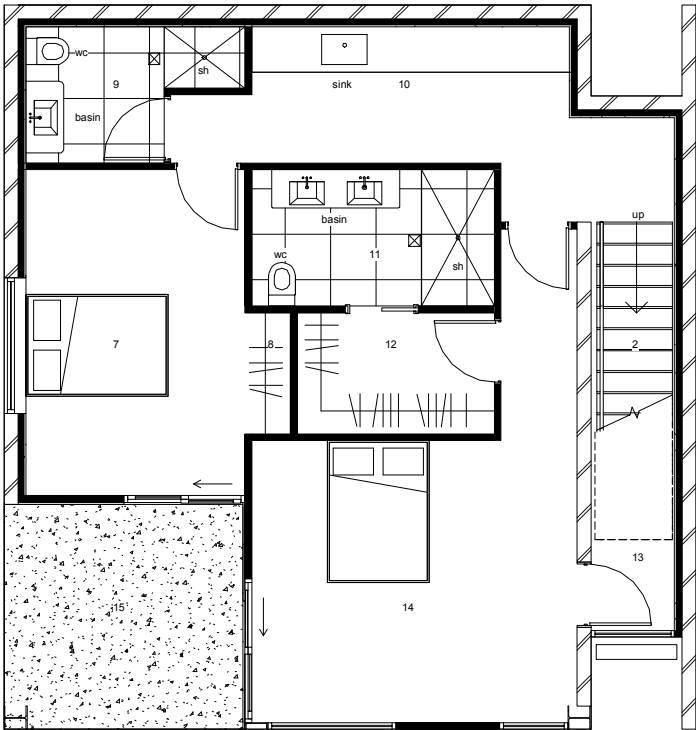
Contract: 16010 Sheet: **A-A1-01**  
CAD File Name: Or  
Revision: A1

For Approval

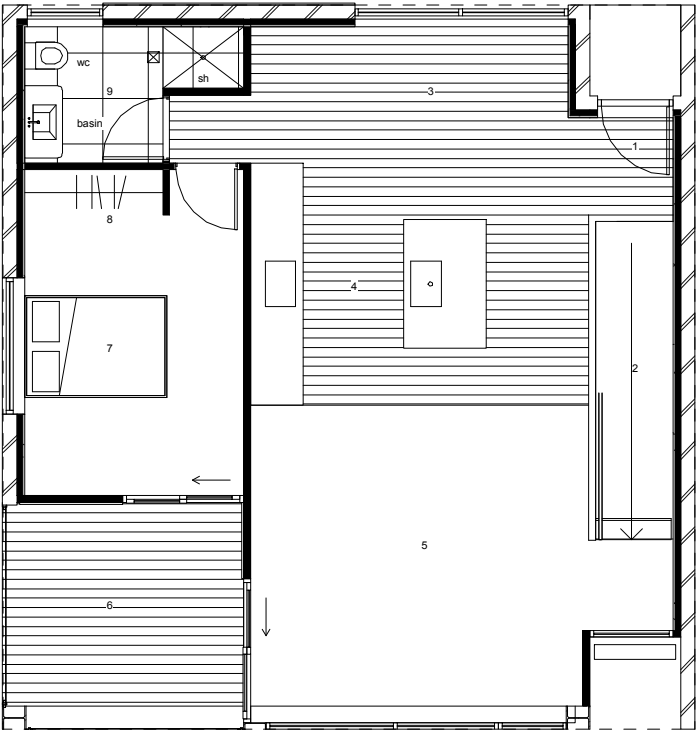
**PRELIMINARY  
RESOURCE CONSENT**







Ground Floor Plan  
1 : 50



First Floor Plan  
1 : 50

1. Entry
2. Internal Stairs
3. Dining
4. Kitchen
5. Living
6. Deck
7. Bedroom
8. Wardrobe
9. Bathroom
10. Laundry & Storage
11. Ensuite
12. Walk-in-Wardrobe
13. Store
14. Master Bedroom
15. Patio
16. Parking



Date	Revision Description	No.

Do Not Scale From These Drawings.  
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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

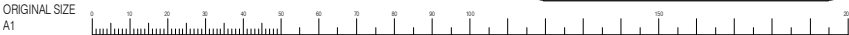
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Sheet Title :  
**Block A - Typical Plans**

Contract: **16010** Sheet: **A-A2-02**  
CAD File Name: Or  
Revision: A1

For Approval

**PRELIMINARY  
RESOURCE CONSENT**





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

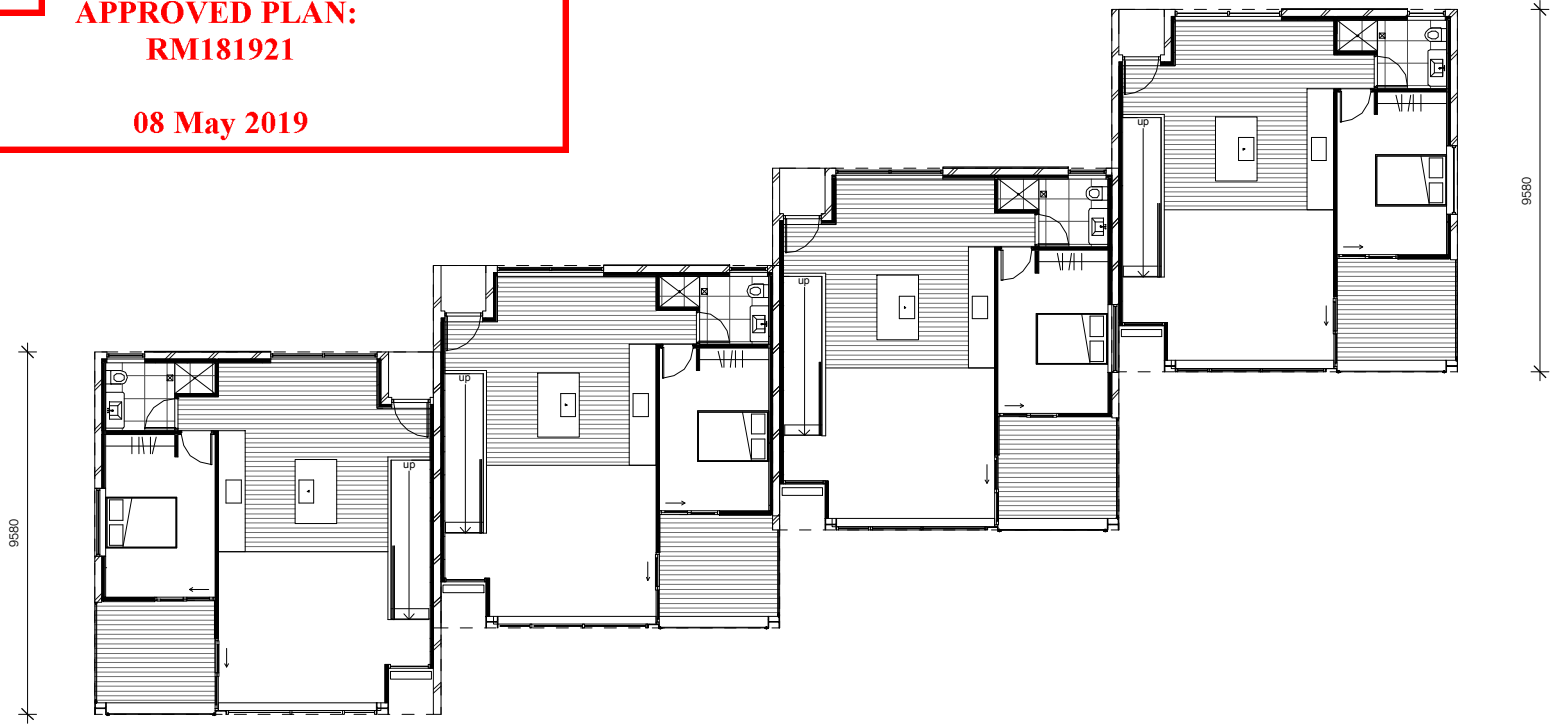
Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181921

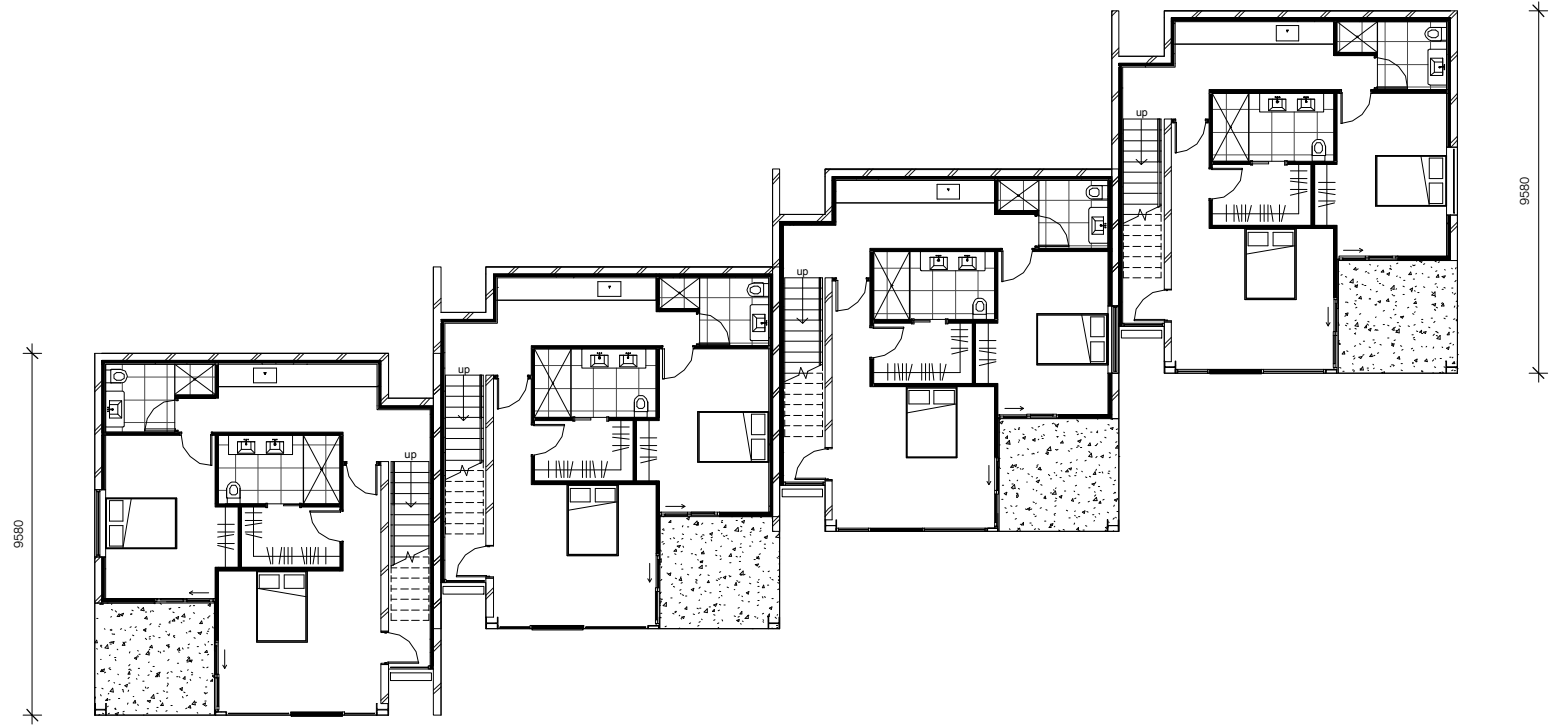
08 May 2019

72



First Floor Plan  
1 : 100

36070



Ground Floor Plan  
1 : 100

ORIGINAL SIZE  
A1

**PRELIMINARY  
RESOURCE CONSENT**



Date	Revision Description	No.

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Contract: THE PAVILION VILLAS

For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : PH Date: 06/26/14  
A1 Scales: 1 : 100 A1 Scales: 1:200

Sheet Title :  
Block A - Floor Plans

Contract: 16010 Sheet: RC-A-01  
CAD File Name: Or

Revision: For Approval A1



QUEENSTOWN LAKES DISTRICT COUNCIL

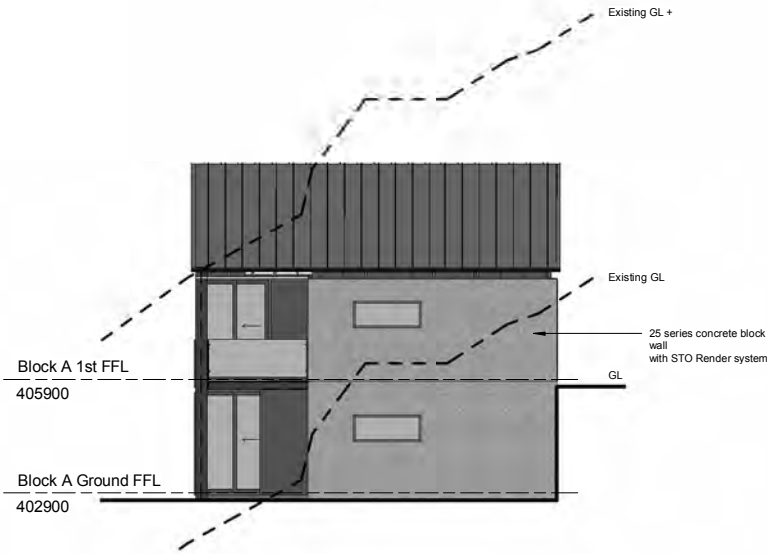
APPROVED PLAN:  
RM160718

Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181921

08 May 2019



Block A East Elevation

1 : 100



Block A North Elevation

1 : 100



Block A West Elevation

1 : 100



Block A South Elevation

1 : 100



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

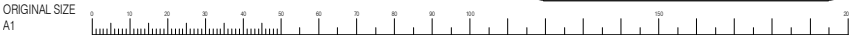
Contract: **THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : **PH** Date: 06/26/14  
A1 Scales: **1 : 100** A1 Scales: **1:200**

Sheet Title : **Block A - Elevations**

Contract: **16010** Sheet: **RC-A-03**  
CAD File Name: Or  
Revision: For Approval **A1**

**PRELIMINARY**  
**RESOURCE CONSENT**







**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**NOTIFICATION UNDER s95A AND S95B AND DETERMINATION UNDER s104**  
**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	X Wu
<b>RM reference:</b>	RM181920
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to undertake short-term Visitor Accommodation for up to six (6) persons for up to 365 nights per year within an existing residential unit.
<b>Location:</b>	2 Woods Lane, Potters Hill Drive
<b>Legal Description:</b>	Lot 1 Deposited Plan 528817 held in Record of Title 855645
<b>Operative District Plan Zoning:</b>	Low Density Residential
<b>Proposed District Plan (Stage 1 Decisions Version) Zoning:</b>	Low Density Suburban Residential
<b>Activity Status:</b>	<b>Restricted Discretionary</b>
<b>Date:</b>	<b>02 April 2019</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 3 of this report. This decision is made by Erin Stagg, Senior Planner, on 02 April 2019 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Erin Stagg, Senior Planner as delegate for the Council.



## 1.0 PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake short-term visitor accommodation within an existing residential unit for 365 days per year. The applicant has proposed no minimum stay, with no maximum length of stay at 2 Woods Lane, Potters Hill, Queenstown. The maximum number of guests at any one time is proposed to be six (6) people; and the application makes no physical changes to the building.

The residential unit which the application is proposed to operate within were consented under RM160718, which approved the construction of a Comprehensive Residential Development with 12 residential units that breached maximum height, transportation standards and outdoor living space, and in addition consented the subdivision of the site into 12 allotments. Resource Consent RM170614 later varied the original consent, and added an addition two units and a residential flat to the Comprehensive Residential Development, increasing the development and subdivision to 14 allotments and associated units. It is noted that these effects were appropriately assessed within RM160718 and RM170614.

It is further understood that a variation application (RM180834) has been granted in regards the amendment of the plans approved under RM170614 – whereby Unit 5 was removed, and various other land-use and subdivision conditions. It is further noted that RM160718, RM170614 and RM180834 also consented a subdivision, although only Stage 1 of this development has been completed as of yet (Lots 1-4).

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in the report entitled *Assessment of Environmental Effects: Application for Resource Consent to undertake Visitor Accommodation from Three Residential Units, The Tiers Villas – 2 Woods Lane (Unit 1), 6 Woods Lane (Unit 3) and 8 Woods Lane (Unit 4)*, prepared by Kim Banks, the applicant's agent, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following additions:

The subject site is situated on a land parcel which slopes down from North-West to South-East and is located at the top of Potters Hill, off Woods Lane (Figure 1). Existing residential units – mostly apartments – are present to the South-East and South, however these are located further down Potters Hill Drive. The site itself is zoned Lower Density Suburban Residential, along with the surrounding environment, although several sites are utilised for Visitor Accommodation purposes.

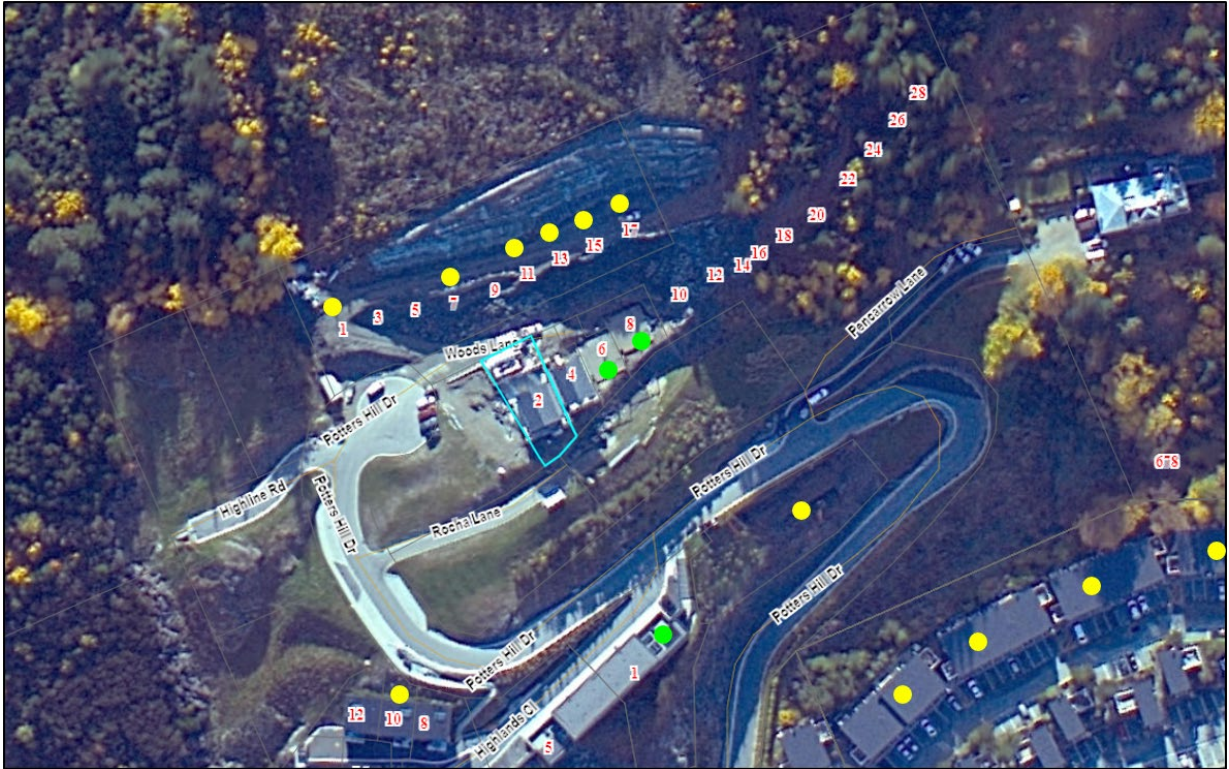
The applicant has also provided a Management Plan for 2 Woods Lane, which details the use of the site for guests with respect to the property manager's contact information, house rules and noise considerations (Appendix 3).

It is noted that there are a number of consented Visitor Accommodation activities which have been granted for neighbouring sites, to be used as short term commercial rentals. These properties are located in the same development as the application site, but is yet to be constructed, and includes future lots 6, 7, 8, 9, 11 and 14 (Stages 2 and 3). In addition to the above, there are a number of properties which are located further South of the application site which are consented for Visitor Accommodation – and include 9, 10, 14 and 16 Highlands Close, as well as Lot 16 DP 512588, 3 Tiers Lane, and Units 5, 8, 14, 21, 32, 33, 39 and Unit 51/716 Frankton Road.

In addition to the above, it is understood that there are currently three other applications which have been submitted for the operation of Visitor Accommodation for up to 365 nights in the vicinity of 2 Woods Lane. These applications are to be contained within 6 and 8 Woods Lane, and 1 and 3 Highlands Close. Although it is understood that these consents are currently being processed, the effects of these proposals cannot be considered due to the decision which is yet to be issued. These properties have been identified in relation to the application site on Figures 1 and 2 below.

To clarify the location of the application site and specifically that of 2 Woods Lane, and the neighbouring Visitor Accommodation activities, refer to the aerial image in Figures 1 and 2 below.





**Figure 1:** Aerial depicting the application site location  and the neighbouring consented Visitor Accommodation activities ●, and the current Visitor Accommodation applications ●



**Figure 2:** Southern elevation of the application site , 4 Woods Lane (who provided APA) , and 6 and 8 Woods Lane (who have current Visitor Accommodation applications lodged)

#### Relevant Site History

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history's in Section(s) 1.1 and 1.2 of the report entitled *Visitor Accommodation – The Tiers Villas*



*Limited – The Tiers, Potters Hill Drive, Queenstown*, prepared by Karen Page of Clark Fortune McDonald & Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

## 2.0 ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

#### OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4 (i) for the proposed operation of Visitor Accommodation in the Low Density Residential zone for up to 365 nights for up to a maximum of six (6) guests. Council has restricted its discretion in respect to:
  - a) The location, external appearance and design of buildings;
  - b) The location, nature and scale of activities on site;
  - c) The location of parking and buses and access;
  - d) Noise, and
  - e) Hours of operation
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.6.2 (iii)(f) for the proposed operation of Visitor Accommodation in the Low Density Residential zone, where no part of any building which is to be used for Visitor Accommodation shall be permitted to be located within 4 meters of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4 as the proposal breaches site standard 7.5.6.2(iii)(g) in regard to parking and outdoor areas associated with Visitor Accommodation activities. The proposal seeks to utilise parking and outdoor areas which are not adequately screened from adjoining properties. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 14.2.4 as the proposal breaches site standard 14.2.4.2 (iv) in regards to the sight distances which are required for a Visitor Accommodation activity. This is due to the proposal not obtaining a minimum sight distance of 80 metres for the operation of Visitor Accommodation.

#### PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 5 May 2018. The subject site is zoned as Lower Density Suburban Residential within the Stage 1 Appeals Version 2018, and therefore no rules are relevant to the proposal in this instance.

#### PROPOSED DISTRICT PLAN - STAGE 2 NOTIFIED VERSION

Council notified Stage 2 of the Proposed District Plan (Stage 2 Decisions Version 2017) on 23 November 2017. The subject site is zoned Lower Density Suburban Residential by the Stage 2 Decisions Version 2017, with consent required for this proposal by the following rules that have immediate legal effect:

- A **controlled** activity pursuant to Rule 7.4.5 as the proposal seeks to operate Residential Visitor Accommodation. Council's control is reserved to:
  - a) The scale of the activity, including the number of guests on site per night;
  - b) The management of noise, use of outdoor areas, rubbish and recycling;
  - c) The location, provision, use and screening of parking and access;
  - d) The compliance of the residential unit with the Building Code as at the date of the consent;
  - e) Health and safety provisions in relation to guests;



- f) Guest management and complaints procedures;
  - g) The keeping of records of RVA use, and availability of records for Council inspection; and
  - h) Monitoring requirements, including imposition of an annual monitoring charge.
- A **restricted discretionary** activity pursuant to Rule 29.5.18 as the proposal breaches site standard 14.2.4.2 (iv) in regards to the sight distances which are required for a Residential Visitor Accommodation activity. Council's discretion is restricted to:
    - a) Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling movement.
  - A **non-complying** activity pursuant to Rule 7.5.18 as the proposal seeks to operate Residential Visitor Accommodation which is to exceed 180 nights per year.

As the application was lodged prior to 21 March 2019, the activity status continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged.

## OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **restricted discretionary** activity under the Operative District Plan.

### 3.0 SECTION 95A NOTIFICATION

#### 3.1 STEP 1 – MANDATORY PUBLIC NOTIFICATION

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The applicant does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

#### 3.2 STEP 2 – PUBLIC NOTIFICATION PRECLUDED

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity, a restricted discretionary or discretionary subdivision or a residential activity, or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB and public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv)).

Therefore, public notification is not precluded by Step 2, and Step 3 applies.

#### 3.3 STEP 3 – IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION IS REQUIRED IN CERTAIN CIRCUMSTANCES

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect is therefore made in section 3.1 below:

##### 3.3.1 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (S95D)

##### 3.3.2 MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)



- a) *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- b) *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer section 3.3.3 below).*
- c) *The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95D(c)).*
- d) *Trade competition and the effects of trade competition (s95D(d)).*
- e) *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Craig and Joanne McGregor	4 Woods Lane (Lot 2 DP 528817)
Corey and Wanita Mahan	Lot 14 DP 490069

### 3.3.3 PERMITTED BASELINE (S95D(B))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline includes residential occupation of the residential unit, and associated effects such as car parking demand, traffic generation, noise and impact on privacy. Visitor Accommodation that could feasibly take place as a permitted activity are:

- A single annual let for one or two nights.
- Homestay accommodation for up to 5 guests in a Registered Homestay.

It is noted that the application site is not defined as a stand-alone or duplex residential unit, whereby Resource Consent would need to be obtained in order to operate Visitor Accommodation regardless of the zoning, and produces different and additional effects above those of a residential activity.

As such, the permitted baseline is of limited relevance in this instance.

### 3.3.4 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 3.3.2 and 3.3.3 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor. The Assessment of Effects provided in the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted in part for the purposes of this report with the following additions.

The relevant assessment matters are found in Section 7.7.2 (vii) *Discretionary Activity – Visitor Accommodation*, Section 14.3.2 (iii) *Parking and Loading* and Section 14.3.2 (v) *Access* of the District Plan and have been considered in the assessment below.

Further, Councils Land Development Engineer, Mr Michael Wardill has assessed the application documents, and provided comments in the relevant sections below. The following additional assessment is made:

The use of the site for short-term visitors has the potential to result in a loss of residential amenity and adverse effects on character, a loss of social cohesion and noise effects. To avoid adverse effects, Visitor Accommodation facilities are required to maintain an appropriate degree of amenity so that overall urban character is retained. The scale of a Visitor Accommodation activity can affect residential social cohesion, privacy and noise generation, parking and traffic generation. These are assessed in detail below.



## Character and Amenity

The proposal would allow for up to six (6) guests to stay within an existing residential unit, at 2 Woods Lane, Potters Hill. Given the potential number of guests, it is considered that the scale of the Visitor Accommodation proposed would not be significantly greater than a typical permitted residential activity.

The applicant has proposed a Management Plan (Appendix 3) as part of the application, which outlines various house rules, along with the responsibilities of the property manager. It is concluded that this Management Plan will ensure the Visitor Accommodation activity is appropriately managed, and any potential effects on the environment will be minimised.

Future Lots 6, 7, 8 9, 11 and 14 on Lot 10 DP 490069 (Stages 2 and 3), have recently been granted consent for the operation of year round Visitor Accommodation for up to six (6) guests. The location of these particular units in relation to the application site is depicted in Figure 2, whereby the physical separation between these units is made apparent. Stage 1 of RM160718 (as varied by RM170614 and RM180834) is comprised of Units 1-4, and is located to the South of the original bulk lot. Stages 2 and 3 are made up of the remaining 9 apartments – Unit 5 (Stage 4) was removed by RM180834 – and includes Units 6-14. These lots are situated to the North and North-West of Stage 1, and are rather separated from one another due to their location, orientation and topography of the site.

The use of these units collectively has the potential to cause cumulative effects in regards to the operation of Visitor Accommodation for the surrounding development, such as the degradation of the character and amenity of the area, noise effects, and visual effects such as the encroachment of privacy and the overlooking of residential units. However it is noted that, at this stage six (6) units have obtained Resource Consent for Visitor Accommodation, and therefore it is considered that the development complex is predominantly residential, and any effects in relation to cumulative degradation would not be perceivable from outside of what is considered to be the application site. The effects on the wider Tiers development are further discussed in section 4.3.4 below.

In addition to the above, it is noted that the current application seeks to breach rule 7.5.6.2(iii)(f), which requires any building which is to be utilised for Visitor Accommodation to be located at least 4 metres from an internal boundary, where the sites adjoining are zoned residential. The proposal is anticipating to breach this rule, however this is considered a technical breach, as the residential unit and surrounding units are existing.

Given the above assessment, it can be concluded that any differences between the use of the property for permitted activities compared to the proposed Visitor Accommodation would not be overly noticeable provided suitable mitigating conditions are applied to the consent. As such, any adverse effects on the environment in respect to character and amenity are anticipated to be less than minor.

## Noise

To mitigate amenity and nuisance effects the applicant has proposed that no more than six (6) persons could reside on site at any one time (two (2) persons per room), and that the apartment shall be professionally managed by a short-term letting agency. The Visitor Accommodation Management Plan (Appendix 3) restricts use of outdoor areas between 10.00 pm and 7.00 am, with all guests being made aware of noise restrictions between those times; and guests are to show consideration to neighbours at all times. The name and contact for the property manager is also to be provided. It is accepted that these measures will help to mitigate nuisance effects from noise and any associated loss of amenity thereby reducing adverse amenity effects. Conditions are recommended with respect to these matters.

In this regard adverse effects from noise and amenity on the surrounding environment are considered to be less than minor.



## Access and Parking

The proposal is a change of use associated within an existing residential unit, and on a property that will obtain established landscaping and car parking when the development is completed. It is noted that in the previous Resource Consent which granted the residential unit, shortfalls of car parking dimensions and aisle widths were approved. This is not relevant to this application, as there are two (2) compliant car parking spaces which measure 5.0 metres by 2.7 metres, and are available for the use of guests on the property that can accommodate parking by unfamiliar users, as confirmed by the applicant's agent. Therefore potential effects on the wider environment can be mitigated through the utilisation of these car parks, which will enable the transport used to be appropriate and located off common access ways.

Council's Resource Management Engineer, Mr Michael Wardill, has reviewed the application with regard to access, parking and manoeuvring and is satisfied that the existing parking quantity/demand remains unchanged from that consented and makes no engineering recommendations. Mr Wardill's comments are as follows:

*The subject applications propose to utilise residential units 1, 3 & 4 RM160718 for Visitor Accommodation use all year round. The subject lots are also described as Lots 1, 3 & 4 DP 528817 and were recently titled as part of Stage 1 RM180834. Each of the subject Units is currently accessed along a private ROW that will be surrendered and vested to QLDC as legal public road as part of Stage 2 RM180834.*

*Each of the units has allocated formed parking as illustrated on the below Stage 1 Scheme Plan with red parking outlines added for clarity (Figure 3). Each of the units have use of at least 2 onsite parking spaces. For unfamiliar visitor use the parking spaces should each be provided with dimensions no less than 2.7m width x 5m depth and 6m wide access aisle. Following a review it is evident that each of the parking spaces provided either meet or exceed the DP minimum requirements and I am therefore satisfied that VA use will be appropriate for units 1, 3 & 4. I make no further comments or recommendations in this regard.*

In addition to the above, Council's Land Development Engineer Mr Cameron Jones previously addressed the minimum sight distance breach with RM180800, and his comments are below:

*The 80 metre sight distance required by Rule 14.2.4.2(iv) is not achieved, but I am satisfied that this will not result in any adverse traffic outcomes, as traffic volumes and speeds will be very low at this location.*

As such, Mr Wardill is satisfied that the proposal will not result in any unsafe traffic outcomes and makes no recommendations.

No changes to the location, external appearance or design of the dwelling are proposed. Therefore, there will be no adverse effects on the environment that would affect the transport or visual amenity values of the locality.





**Figure 3: Site Plan illustrating the proposed parking arrangement for 2 Woods Lane (application site), 6 Woods Lane (RM181921) and 8 Woods Lane (RM181922).**

### Rubbish and Waste

The underlying consents for 2 Woods Lane – RM160718 and RM170614– obtain an easement marked as ‘H’ on the approved survey plan, which identifies a ‘right to store rubbish’ easement which is to be registered on all titles for the proposed development. As such, all owners/occupiers of any residential unit shall ensure that rubbish and recycling bins are located in immediate proximity to their residential units and on their own sites, or within this easement. This is to be monitored through a Consent Notice which has been registered on the Title for the application site.

As a result, the effects in regards to rubbish and recycling are anticipated to be less than minor.

### Summary

The proposed use is of a similar scale in terms of the number of guests as the permitted residential use. The same number of people could live on the property when in residential use and generate the same number of movements. As such, potential adverse effects associated with Visitor Accommodation activities such as noise and the use of outdoor areas can be appropriately mitigated and addressed through conditions of consent. In this regard, it is considered that the development has the capacity to absorb the some non-residential use, without creating a minor or more than minor adverse effect with respect to residential cohesion, character and amenity within the surrounding residential area.

Overall, and given recommended conditions, adverse effects of the nature and scale of the activity on residential amenity, character and cohesion in terms on the environment, are considered to be less than minor.

### 3.3.5 DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.



### 3.4 STEP 4 – PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES

There are no special circumstances in relation to this application.

#### 4.0 EFFECTS ON PERSONS (s95B)

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

#### 4.1 STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

#### 4.2 STEP 2: IF NOT REQUIRED BY STEP 1, LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity.

#### 4.3 STEP 3: IF NOT PRECLUDED BY STEP 2, CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity.

The effects of the proposal on owners of allotments with infringed boundaries are assessed in section 4.3.1 below and will be less than minor.

The proposal therefore falls into the 'any other activity' category and the effects of the proposal on any persons are assessed in accordance with section 95E in section 4.3.1 below to determine if limited notification is required.

##### 4.3.1 ASSESSMENT OF EFFECTS ON PERSONS (S95E)

##### 4.3.2 PERMITTED BASELINE (S95E(2)(A))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 3.3.3 above and in this case is not relevant.

##### 4.3.3 PERSONS WHO HAVE PROVIDED WRITTEN APPROVAL (s95E(3))

The following persons have provided written approval for the proposed activity and therefore are not an affected person:

Person (owner/occupier)	Address (location in respect of subject site)
Craig and Joanne McGregor	4 Woods Lane (Lot 2 DP 528817)
Corey and Wanita Mahan	Lot 14 DP 490069



#### 4.3.4 ASSESSMENT: EFFECTS ON PERSONS

Taking into account the exclusions in section 95E(2) and (3) and 4.3.2 (Permitted Baseline) above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

To clarify the location of the application site, and the neighbouring sites, refer to the aerial image in Figure 3 below.



**Figure 2:** Aerial depicting the application site location , and those who have provided approval

#### 6 and 8 Woods Lane

It is noted that both 6 and 8 Woods Lane currently have applications lodged with Council in respect of the operation of Visitor Accommodation. As these applications are yet to have a decision issued, the effects on owners/occupiers living in these units in a long term residential capacity have been assessed.

The properties at 6 and 8 Woods Lane are located to the North-East of the application site, and also make up Stage 1 of RM160718 (as varied by RM170614 and RM180834). The properties at 6 and 8 Woods Lane obtain on-site car parking, and separate entrances and outdoor areas to that of the proposed Visitor Accommodation activity. The entrances are located on each individual site, and can be accessed from the car parking area.

The properties at 6 and 8 Woods Lane are situated on the Eastern façade of 4 Woods Lane, and the outdoor living areas (balconies and patios) of the units have been designed to allow a reasonable degree of privacy between units while allowing users to take in the views to the South-East and South. The outdoor living areas at 2 Woods Lane (the application site) are located to the South-West of the unit, whereby there is no potential for overlooking or privacy effects, given the design and location of the units. In addition to the above, landscaping has been implemented on the embankment to the South of Lots 1-4 DP 528817, which prevents the use of this area for entertaining. Therefore, any potential effects in relation to amenity and privacy are considered to be less than minor.



The applicant has provided a Management Plan which details the use of the site for guests with respect to the property manager's contact information, house rules and noise considerations. The site will be actively managed via a professional letting agency and all adjoining neighbours will be notified of the restriction of both noise and outdoor use between 10.00 pm and 7.00 am, it is considered that adverse effects from noise can be suitably mitigated.

Given the location of the application site in relation to 6 and 8 Woods Lane, it is considered that any effects on these properties are considered to be less than minor.

### **The wider 'Tiers' development**

It is important to note the unique setup of the site. The development extends beyond the threshold of a normal residential development anticipated within the Low Density Residential zone, and is located at the top of Potters Hill Drive, which has relatively steep topography. The 13 units are situated in two main 'blocks' closely clustered together create a complex cul-de-sac environment separated from the public road (Potters Hill Drive) by one dedicated access – Woods Lane. Newly planted landscaping and walls are present on site, which help to provide privacy for the units within the site and to screen the site from public viewing places.

Stage 1 of the development (Units 1-4) is situated to the South of the original application site, and is contained within a single 'block'. These units overlook Potters Hill Drive, and obtain outdoor living areas which outlook to the South and South-East, and are sheltered from one another. Stages 2 and 3 of the 'Tiers' development are currently under construction, but are yet to be completed. These stages are made up of the remaining 9 apartments, and includes Units 6-14. These lots are situated to the North and North-West of Stage 1, and are rather separated from one another due to their location, orientation and topography of the site.

A number of the units within the rest of this development have obtained Resource Consent for Visitor Accommodation - within Units 6, 7, 8, 9, 11 and 14. The presence of a number of non-residential activities within the Lower Density Suburban Residential zone has the potential to create adverse effects on neighbouring sites in respect of social cohesion, amenity, noise and privacy. However, the use of this site for Visitor Accommodation would not impede significantly in relation to potential privacy and noise effects, given the orientation and location of the units, in addition to the physical separation of the site from the wider development.

It is further noted that there is potential for social cohesion and residential amenity to be affected, given the number of units which have obtained Resource Consent for Visitor Accommodation activities. However it is noted that, at this stage six (6) units have obtained Resource Consent for Visitor Accommodation, and therefore it is considered that the development complex is predominantly residential, and any effects in relation to cumulative degradation would not be perceivable from outside of what is considered to be the application site. It is not considered that the balance has tipped at this stage from residential to Visitor Accommodation, however it is noted that this application likely represent the threshold for the area's ability to absorb further Visitor Accommodation development without adverse effects on the other owners or occupiers of Tiers properties. Given Affected Party Approvals were provided from 4 Woods Lane and Lot 14 DP 490069, in addition to the proposed Site Management Plan and the location of other units on site are well separated, it is considered that the potential adverse effects can be appropriately mitigated in this instance. However, should additional applications be submitted in regards to the operation of Visitor Accommodation, it is likely that the cumulative effect of such non-residential activities will tip the balance from predominantly residential use.

As such, adverse effects arising from the Visitor Accommodation activity on the owners and occupiers of the wider Tiers development are considered to be less than minor.

### **Lot 12 and Lot 13 DP 490069**

Lots 12 and 13 DP 490069 are located to the South and West of the application site, and access off Rocha Lane, and Potters Hill Drive. Currently, Lots 12 and 13 are vacant, and there do not appear to be any applications lodged with Council in respect of any future development on either site. Although there are no approved consents on Lots 12 and 13, the sites are zoned Lower Density Suburban Residential and therefore residential development is anticipated.



Lot 12 is situated to the West of the application site. It is anticipated that any future development on Lot 15 DP 490069 would likely be constructed to look out to Lake Wakatipu, with the orientation of outdoor areas facing the South and South-West. There is potential for privacy, noise and loss of amenity effects associated with the current application to impede on future development on Lot 12. However, given the proposed house rules – that are to be enforced through conditions of consent – which restrict the use of outdoor areas, in addition to ensuring all windows and doors are closed, it can be considered that any potential effects in regards to noise and amenity are to be less than minor.

Lot 13 is located to the South of the application site, and is split by Rocha Lane, which provides a physical partition between the two sites, and allows for a degree of separation. Any future development on this site is anticipated to obtain an outlook towards the South-East and South, whereby privacy, noise and amenity effects of the proposed Visitor Accommodation use would be reduced significantly, given an appropriate orientation. In addition to the above, the outdoor areas associated with the current application for 2 Woods Lane, do not overlook Lots 12 and 13, and therefore any effects in relation to privacy are considered to be less than minor.

The most prominent adverse effects which would be anticipated with the change of use proposed by this consent, would be the degradation of social cohesion, as well as potential visual and noise effects from outdoor areas. However, any future development on Lot 12 and Lot 13 DP 490069 would likely be constructed to look out to Lake Wakatipu and the Remarkables, with the orientation of outdoor areas facing the South-East and South.

As such, adverse effects arising from the Visitor Accommodation activity on the owners and occupiers of Lot 12 DP490069 and Lot 13 DP 490069 are considered to be less than minor.

## **Summary**

Overall, and given the recommended conditions, it is that any adverse effects on persons with respect to overall amenity, loss of privacy and noise would be similar to a residential situation and therefore less than minor.

### **4.3.4 DECISION: EFFECTS ON PERSONS (S95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

## **4.4 STEP 4 – FURTHER LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES**

Special circumstances do not apply that require limited notification.

## **5.0 OVERALL NOTIFICATION DETERMINATION**

Given the decisions made above in sections 3 and 4 above, the application is to be processed on a non-notified basis.

## **6.0 S104 ASSESSMENT**

### **6.1 EFFECTS (s104(1)(a))**

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.



## 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

### Operative District Plan

The relevant operative objectives and policies are contained within Part(s) 7 *Residential Areas* and 14 *Transport* of the Operative District Plan. These seek to maintain and preserve the dominant Low Density Residential development and associated amenity values whilst recognising and providing for compatible non-residential activity within residential areas (Part 7), and to provide for sufficient parking facilities that cater to anticipated demands of specific activities (Part 14).

Having considered the actual and potential effects of the proposal against the objectives and policies of the District Plan, the proposed activity is considered compatible with the intent of the surrounding residential area, and the parking arrangements adequate for the intended use. Therefore it is considered the proposed development is consistent with the relevant objectives and policies in the Operative District Plan.

### Proposed District Plan (Stage 1 – Decisions Version 2018)

Council notified its 'Decisions' version of the Stage 1 of the PDP on 5 May 2018 which contains objectives and policies with immediate legal effect pursuant to section 86A(2) of the RMA. In this case, the site is zoned Lower Density Suburban Residential under Stage 1 of the Proposed District Plan. However the rules applicable to Visitor Accommodation within this zone, do not fall into Stage 1 of the Proposed District Plan.

### Proposed District Plan (Stage 2 Decisions Version)

Council notified the second stage of the District Plan on 23 November 2017 which contained new proposed Visitor Accommodation variation, in addition to Transport provisions. The objectives and policies contained within the Proposed District Plan must therefore be taken into consideration with this application. The relevant objectives and policies are found in Chapter 29 *Transport* and the Visitor Accommodation variation of the Proposed District Plan and have been considered and assessed below.

The relevant objectives and policies seek to manage Visitor Accommodation activity so that residential amenity is retained, and to ensure that residential units that are used for non-residential activities are commensurate with the anticipated development of the zone. Objective 7.2.8 seeks to provide for Visitor Accommodation, Residential Visitor Accommodation and Homestay activities, whereby they are enabled at locations, and at a scale, intensity and frequency that maintain the residential character and amenity values of the zone.

It is noted that although the proposal seeks to allow for Residential Visitor Accommodation within an existing residential unit, policies 7.2.8.3 and 7.2.8.5 do not appear to have been met. It is considered that although the application is for Visitor Accommodation within a Lower Density Suburban Residential area, it is determined that the proposed use would not be consistent with this objective and associated policies due to the nature and scale of non-residential activities on site. However, given the 'Tiers' development is predominantly residential at this stage, it is considered that any effects in relation to the non-residential activities can be appropriately managed in this instance, so that use is primarily residential. Should additional applications for Visitor Accommodation be granted, the 'tipping point' of the residential area will need to be reassessed; however it is considered that, the proposal does meet the objectives and policies of the Proposed District Plan.

In regards to the proposed Transport Chapter, the single parking space provided on site will meet the minimum number of parking spaces for residential Visitor Accommodation in the Lower Density Suburban Residential zone. It is therefore considered that the proposal is in accordance with objective 29.2.2 and policy 29.2.2.3. Therefore the proposal is consistent with the objectives and policies contained within Chapter 29 relating to parking, loading and access as this is in accordance with the character, scale and nature of the Lower Density Residential zoning.

From the assessment above it is apparent that the proposal is considered to be inconsistent with the objectives and policies of Proposed District Plan.



### Weighting between Operative District Plan and Proposed District Plan (Stage 1 Decisions Version 2018 and Stage 2 Decisions Version)

A weighting assessment in relation to the ODP and Proposed District Plan (Stage 1 Appeals Version 2018 and Stage 2 Decisions Version) is only required if the conclusions reached under either planning document are different.

Although contrary to the objectives and policies for Visitor Accommodation as notified as part of Stage 2 of the PDP, it is considered that due to the minimal testing that these provisions have been given and the fact Council has not ratified any decisions recommended by the Commissioners, limited weight can be afforded to the PDP and more significant weight is therefore afforded to the provisions of the ODP.

## **6.3 PART 2 OF THE RMA**

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

## **6.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** to operate year round Visitor Accommodation for up to six (6) guests at 2 Woods Lane subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## **7.0 OTHER MATTERS**

### **7.0 OTHER MATTERS**

#### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

Please contact the Council if you require a Development Contribution Estimate.

Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

#### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.



If you have any enquiries please contact Alex Jamieson on phone (03) 441 0499 or email alex.jamieson@qldc.govt.nz.

Report prepared by



Alex Jamieson  
**PLANNER**

Decision made by



Erin Stagg  
**SENIOR PLANNER**

**APPENDIX 1** – Consent Conditions

**APPENDIX 2** – Applicant's AEE

**APPENDIX 3** – Management Plan (2 Woods Lane)



## **APPENDIX 1 – CONSENT CONDITIONS**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - WJ Cadzow & Associates: The Pavillion Villas – *Site Plan* – Sheet: A-A1-01, Rev. A1, Dated: 03/04/2014,
  - WJ Cadzow & Associates: The Pavillion Villas – *Typical Plan* – Sheet: A-A2-02, Rev. A1, Dated: 07/06/2016,
  - WJ Cadzow & Associates: The Pavillion Villas – *Block A – Floor Plans* – Sheet: RC-A-01, Rev. A1, Dated: 06/26/2014,
  - WJ Cadzow & Associates: The Pavillion Villas – *Elevations* – Sheet: RC-A-03, Rev. A1, Dated: 06/26/2014,

### **re-stamped as approved on 02 April 2019**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

### **Operational Conditions**

4. The consent holder shall ensure the Visitor Accommodation activity is undertaken in accordance with the approved site management plan (RM181920, Appendix 3), and the following conditions (5 – 12).

*Advice Note: The management plan may be updated from time to time, this shall be certified by Council's Planning and Development department prior to implementation and shall demonstrate the management techniques that will be used to ensure conditions (5 – 12) are met, and shall include the contact details of the property manager available for any complaints.*

5. The property shall be rented to a maximum of one (1) group at any one time, for a maximum of 365 nights per year.
6. The maximum number of persons on site in association with the Visitor Accommodation use shall be restricted to six (6) persons at any one time.
7. Regarding the use of outdoor space:
  - a) The use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am.
  - b) Two (2) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am. One sign shall be installed in the kitchen of each unit and weatherproof signs (e.g. laminated) shall be installed within the outdoor area.
  - c) Upon installation, and prior to the use of the property for Visitor Accommodation, the consent holder shall submit photographs of these signs to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the Visitor Accommodation activity is undertaken.



8. The consent holder shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. This register shall be made available for inspection by the Council at all times.

*Please note: While the consent holder is responsible for there being an up to date register, the register may be completed by a letting agent / property manager.*

9. The consent holder shall ensure that all vehicles associated with the short term Visitor Accommodation use of the unit, shall be parked in the allocated parking spaces on site which meet the minimum dimensions for Class 2 users (2.7 metres wide x 5.0 metres deep). Specifically, the consent holder shall ensure guests only park in the car parks which are designated to the unit. The consent holder must advise all guests of this condition.
10. The consent holder shall ensure that no coaches are to service the authorised activity.
11. Prior to the operation of the residential unit for visitor accommodation, the consent holder shall provide to the Council the name and contact details of the Visitor Accommodation Manager. If these are to change, updated details shall be provided to the Council.
12. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection, rubbish and recycling shall only be placed on the street the day of or day prior to collection.

#### Review

13. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
  - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
  - d) The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
14. As part of the review clause stated in Condition 13 of this consent, the Council may have the Visitor Accommodation Management Plans / Noise Management Plans audited at the consent holder's expense.

#### Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for Visitor Accommodation. As of the time this consent was granted, increased rates from a residential use are generated for Visitor Accommodation use over 180 days in any one calendar year. For further information contact the Council Rates department.



2. An additional development contribution will be required for the change in use from residential to Visitor Accommodation. It is recommended the applicant contact the Council DCN officer for an estimate.
3. The consent holder is advised that there may be further requirements to using a residential unit for Visitor Accommodation, including but not limited to health and safety, income tax and GST.
4. No signs are permitted by this Resource Consent.

#### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to [engineeringacceptance@qldc.govt.nz](mailto:engineeringacceptance@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>



**APPENDIX 2 – APPLICANT’S AEE**



## Assessment of Environmental Effects

### Application for Resource Consent to undertake Visitor Accommodation from Three Residential Units

#### The Tiers Villas:

- 2 Woods Lane, Frankton; Unit 1
- 6 Woods Lane, Frankton; Unit 3
- 8 Woods Lane, Frankton; Unit 4



## Application details:

**Applicant:** Multiple – refer to application forms within Appendix A.

**Site Address:**

2 Woods Lane, Frankton	Unit 1	Lot 1 DP 528817
6 Woods Lane, Frankton	Unit 3	Lot 3 DP 528817
8 Woods Lane, Frankton	Unit 4	Lot 4 DP 528817

**Zoning (Operative District Plan):** Low Density Residential

**Zoning (Proposed District Plan):** Lower Density Suburban Residential

**Activity Status:** Restricted Discretionary Activity

## Summary

Resource consent is sought to undertake visitor accommodation from three existing residential units (2, 6 and 8 Woods Lane) located at The Tiers Apartments, Frankton. The application seeks approval for visitor accommodation for maximum of 365 days per year and six (6) guests per unit. As all three units are located on the same site, a combined AEE has been developed for this application.

The proposed visitor accommodation requires a **Restricted Discretionary** resource consent under the Operative District Plan for each property. Consent is not required under the Proposed District Plan (Stage 1 Decisions).

## Description of site:

The site is located at The Tiers Apartments at Woods Lane, Frankton. The application relates to 2, 6 and 8 Woods Lane (Units 1, 3 and 4 respectively), and the legal descriptions of each of these units are identified in the table above. The site was previously identified as Lot 10 DP 490069 Potters Hill Drive, Frankton. The figure below identifies the units subject to this application.



*Source: QLDC GIS Mapping, accessed 17/12/18.*



**Appendix A** contains the relevant title records. There are two consent notices attaching to each of the titles and these are also included in **Appendix A**. The proposal does not affect these consent notices and no variation to consent notice conditions is required.

Vehicle access to the site is via Potters Hill Drive, with an internal access road Woods Lane providing direct access to each of the units. Woods Lane is a public road and has been recently vested in Council.

The site contains approval for 13 residential units (described further below). The approved plans indicate the 13 units are arranged in two rows. Numbers 2, 6 and 8 Woods Lane (Units 1, 3 and 4) are located within 'Block A' of the development, situated on the downslope row of apartments, adjoining the southern side of the internal access road. These units (in addition to the adjoining 4 Woods Lane) have been constructed, with the northern row of units (1-17 Woods Lane) not yet under construction. Site plans are included within **Appendix B** and demonstrate the location of the units' subject to this application.

Parking for 2, 6 and 8 Woods Lane (Units 1, 3, and 4) is accessed from Woods Lane and located external to the units. Parking spaces are identified on the plans within **Appendix B**. Number 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single parking space. There are a further two shared spaces available in front of these units for visitors.

As detailed further below, six of the other units within this development have been previously consented for visitor accommodation (Units 6, 7, 8, 9, 11, and 14).

Surrounding the site are a number of other existing unit developments. It is understood that a number of these are also consented for short term visitor accommodation. Further east of the site is a large undeveloped site containing an existing residential dwelling.

### Relevant history

The site was previously described as Lot 10 DP 490069 and has an extensive consenting history. The most relevant to the current proposal are described below.

**RM180470** - approved a Comprehensive Residential Development with 12 residential units that breached maximum height, transportation standards and outdoor living space, and in addition consented the subdivision of the site into 12 allotments. S224c was issued for the subdivision consent on 8/11/2018 and resulted in the creation of the individual titles for each unit.

**RM170614** – variation to RM180470 to add two units and a residential flat to the Comprehensive Residential Development, increasing the development and subdivision to 14 allotments and associated units.

**RM180834** - Consent for a road boundary infringement via the vesting of an approved right of way as Council road, and removal of one unit from the approved plans of RM170614.

**RM180470** – approved visitor accommodation for Units 6 and 9.

**RM180782** – approved visitor accommodation for Unit 7.

**RM180800** - approved visitor accommodation for Unit 8.

**RM181535** - approved visitor accommodation for Unit 11 and 14.



## Zoning

The site is zoned Low Density Residential under the ODP, and Lower Density Suburban Residential under the PDP (Stage 1 Decisions). The PDP zoning has not been appealed.

## Description of proposal

Resource consent is sought to undertake visitor accommodation from 2 Woods Lane (Unit 1), 6 Woods Lane (Unit 3) and 8 Woods Lane (Unit 4) for up to 365 days/per. Each unit is three bedrooms and it is proposed to accommodate up to six (6) persons in each unit. Bookings would be limited to one group at a time.

Number 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space.

A Visitor Accommodation Management Plan (VAMP) has been developed for each property and these are included in **Appendix C**.

## Consents required

### Operative District Plan

Land use consent is required under the ODP for the following:

- **Restricted Discretionary** under Rule 7.5.3.4 (i) for Visitor accommodation in the low density residential zone, excluding the visitor accommodation sub-zone  
*It is noted that Rule 5.5.3.4(i) is listed as a Discretionary Activity, however with matters restricted to the specified listed matters. Therefore, it is understood Council regards this as a Restricted Discretionary status and this is reflected in the recent decision for RM180470.*
- **Restricted Discretionary** under Rule 7.5.3.4 (vi) as the proposal does not comply with Rule 7.5.6.2 (iii)(f) which requires visitor accommodation to be setback 4m from the boundary of adjacent residential zoned land.
- **Restricted Discretionary** under Rule 14.2.4 as the proposal breaches standard 14.2.4.2(iv) as the units do not achieve a minimum sight distance of 80m.
- **Restricted Discretionary** under Rule 14.2.4 as the proposal breaches standard 14.2.4.1(i) Minimum Parking Space Numbers, as 6 Woods Lane (Unit 3) only has a single car park.

### Proposed District Plan

Visitor accommodation was withdrawn from Stage 1 of the PDP and is addressed within the Stage 2 variation to the PDP. Therefore, there are no resource consents required for this proposal under the Stage 1 PDP. The Stage 2 Visitor Accommodation objectives and policies are addressed later in this report.

## Assessment against the Operative District Plan

### Section 7 – Residential Areas

#### Site standards

#### Site Standards – Residential Activities and Visitor Accommodation (Rule 7.5.5.2)

Standard	Comment
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<i>(i) Building Coverage</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(ii) Scale and Nature of Activities</i>	N/A this rule does not apply to visitor accommodation activities.
<i>(iii) Setback from Roads</i> <i>(a) In the Low Density Residential Zone The minimum setback from road boundaries of any building, other than garages, shall be 4.5m.</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building. Breaches to road boundary setbacks were considered under RM180834.
<i>(iv) Setback from Internal Boundaries/Neighbours</i> <i>(f) No part of any building which is to be used for visitor accommodation shall be permitted to locate within 4 metres of an internal boundary, where the site(s) adjoining that internal boundary is zoned residential.</i>	<b>Does not comply.</b> No setback is required from an internal boundary where buildings share a common wall. However, item (f) also specifies that buildings used for visitor accommodation must be located 4m from an adjoining residential zone boundary.
<i>(v) Access</i> <i>Each residential and/or visitor accommodation unit shall have legal access to a formed road.</i>	Complies. The site has access to Woods Lane and Potters Hill Drive.
<i>(vi) Continuous Building Length in LDR</i>	N/A
<i>(vii) Continuous Building Length in HDR</i> <i>Maximum unbroken building length of 16m.</i>	N/A
<i>(viii) Outdoor Living Space.</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(ix) Non-Reflective Buildings</i>	Complies.
<i>(x) Arrowtown Scenic Protection Area</i>	N/A
<i>(xi) Flood Risk</i>	N/A
<i>(xii) Building Height (Shotover Survey District)</i>	N/A
<i>(xiii) Boundary Planting (Wanaka)</i>	N/A no planting is proposed.
<i>(xiv) Building Height (Lift Towers)</i>	N/A
<i>(xv) Low Density Residential Zone – Frankton Corner</i>	N/A
<i>(xvi) Earthworks</i>	N/A no earthworks are proposed.
<i>(xvii) Landscape Coverage -30%</i>	N/A



<i>(xviii) Fence Heights in HDR</i>	N/A no changes to fencing is proposed.
<i>(xix) Height and Elevation Restrictions along Frankton Road and Frankton Track</i>	N/A

### *Zone standards*

#### *Zone Standards - Residential Activities and Visitor Accommodation (Rule 7.5.5.3)*

<b>Standard</b>	<b>Comment</b>
<i>(i) Building Line Restriction</i>	N/A
<i>(ii) Building Coverage (max 70%)</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(iii) Site Density in Low Density Residential</i>	N/A
<i>(iv) Site Density in the HDR Sub-Zone C</i>	N/A
<i>(v)(b) Building Height</i>	N/A the existing unit development has been previously approved and there are no changes proposed to the existing building.
<i>(vi) Airport Noise – Queenstown Airport</i>	N/A
<i>(vii) Glare</i>	N/A
<i>(viii) Building Platforms</i>	N/A
<i>(ix) Heavy Vehicle Storage</i>	N/A
<i>(x) Keeping of Animals</i>	N/A
<i>(ix) Roof Colours</i>	N/A
<i>(xii) Noise</i>	Will comply. The unit is proposed to be used for visitor accommodation and noise from visitor accommodation is likely to be comparable to its use for residential purposes. The proposal will comply with the identified noise standards. Noise is addressed in the VAMP (Appendix C) including prohibiting the use of outdoor areas between 10pm and 7am.
<i>(xiii) Low Density Residential Zone – Frankton Corner</i>	N/A
<i>(xiii) Outline Development Master Plan – Peninsula Bay</i>	N/A



### *Objectives and policies*

**Objective 1 - Availability of Land** *Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.*

*1.2 To enable new residential and visitor accommodation areas in the District.*

*1.3 To promote compact residential and visitor accommodation development.*

*1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

**Compliance:** The proposed visitor accommodation is to be located within existing residential units, that are located within convenient access to Frankton and the Queenstown Town Centre. Visitor accommodation has been previously approved for six of the other units within The Tiers development (refer history described above), and is also common within the surrounding area and along Frankton Road. The proposal provides for compact visitor accommodation development, in a location close to the centres which is best suited for this activity, and this will contribute to the preservation of other residential areas that are better suited for long term residential use. The proposal is therefore considered to be consistent with these provisions.

**Objective 3 - Residential Amenity.** *Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

*3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*

*3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*

*3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

**Compliance:** As discussed above, the site is located near to Frankton and the Queenstown Town Centre where visitor accommodation activity is common and demanded by visitors. Visitor accommodation has been previously approved for six of the other units within The Tiers development (refer history described above), and is also common within the surrounding area. It is therefore considered that the locality does not demonstrate a cohesive residential character. Noise will be managed by the proposed VAMP's applicable to each unit (Appendix C) and sufficient on-site parking is proposed to cater for the number of guests proposed. It is acknowledged that 6 Woods Lane (Unit 3) has only a single car parking space, however this has been previously consented is considered to be appropriate recognising the location and proximity to public transport services (bus and ferry).

The proposal is therefore considered to be consistent with these provisions.

### *Assessment matters*

As noted above (refer 'Consents Required') it is understood that the proposal is a Restricted Discretionary Activity. However, the below assessment matters are considered relevant to the proposal.



## vii Discretionary Activity - Visitor Accommodation

Assessment Matter	Comments
<p><i>(a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and</i></p> <p><i>(i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods</i></p> <p><i>(ii) The nature of the development in the context of the permitted future uses on nearby sites</i></p> <p><i>(iii) Loss of privacy</i></p> <p><i>(iv) The proximity of outdoor facilities to residential neighbours</i></p> <p><i>(v) Hours of operation</i></p> <p><i>(vi) The ability to landscape/plant to mitigate visual effects</i></p> <p><i>(vii) Whether the external appearance of the buildings complements the surrounding landscape and urban character, including when viewed from the lake.</i></p>	<p>The proposed visitor accommodation is to occur within three existing residential units whereby amenity effects associated with the buildings, unit design and landscaping were previously considered under RM160718.</p> <p>As noted above, six other units within The Tiers complex have been consented for visitor accommodation, and the activity is common within the surrounding area due to proximity to centres and the amenity of views of the lake. Therefore, the area is not consistent with a typical long term residential or rental character. It is acknowledged that Unit 2 (4 Woods Lane), adjacent to the subject units, has not sought consent for visitor accommodation and it is unknown if this unit is intended to accommodate residential or visitor accommodation activity. Nonetheless, amenity effects on Unit 2 are considered to be comparable to its use for residential activity, and the proximity of living and outdoor facilities of the units is anticipated by the design, and is unaffected by the proposal. Outdoor areas are offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. A solid privacy wall also exists between units.</p> <p>Potential noise and nuisance effects associated with the proposed visitor accommodation activity are to be managed by the proposed VAMP's included in Appendix C. The number of persons able to stay in each unit at any one time is limited to six (6) people, and the use of outdoor areas is prohibited after 10pm. Additionally, outdoor areas of these units face the lake, and directly adjoin road reserve. Therefore, adequate separation is provided to adjacent properties south of the site.</p>
<p><i>(b) Any adverse effects in terms of:</i></p> <p><i>(i) The adequacy and location of car parking for the site</i></p>	<p>Traffic generation will be comparable to that of the current residential use of the site. 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space. The</p>



<p><i>(ii) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.</i></p> <p><i>(iii) Loss of privacy.</i></p> <p><i>(iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.</i></p> <p><i>(v) Pedestrian safety in the vicinity of the activity.</i></p> <p><i>(vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.</i></p> <p><i>(vii) Provision for coaches to be parked off-site</i></p> <p><i>(viii) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.</i></p>	<p>parking provision for the overall unit development was assessed as part of the previous resource consent RM160718. The lack of provision of a second parking space for Unit 3 was assessed as being appropriate under RM160718, as the overall parking provision within the site was deemed adequate. As the site is located in close proximity to public transport services the lack of an additional parking space is considered appropriate in this instance, particularly as the conditions limit bookings to a maximum of one group at a time and guests staying within this unit are likely to travel together.</p> <p>A Visitor Accommodation Management Plan (VAMP) has been developed for each unit (Appendix C) to address noise, parking and waste management.</p> <p>Coach parking is not relevant. The applicants are happy to accept a condition ensuring coaches are not to be parked on the site.</p>
<p><i>(c) Mitigation of noise emissions beyond the property boundary considering:</i></p> <p><i>(i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.</i></p> <p><i>(ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.</i></p>	<p>As above, noise effects will be managed by the proposed Visitor Accommodation Management Plan's (VAMPs) which highlight the need to be conscious of residential neighbours and prohibit the use of outdoor areas between 10pm and 7am. Noise effects are comparable to the existing residential use of the site.</p>
<p><i>(d) The ability to supply water, and dispose of sewage, stormwater and other wastes consistent with Regional Council requirements.</i></p> <p><i>(e) The ability to provide adequate, potable water supply, adequate firefighting provisions, and to dispose of sewage, stormwater and other wastes so as to avoid potential adverse effects.</i></p>	<p>The units are connected to all necessary services.</p>



*xviii(2) Setback from Internal Boundaries/Neighbours in the Low Density Residential Zone and Residential Arrowtown Historic Management Zone*

Assessment Matter	Comments
<p><i>(a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.</i></p> <p><i>(b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.</i></p> <p><i>(c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to and extent which is inconsistent with the suburban living environment.</i></p> <p><i>(d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.</i></p> <p><i>(e) The ability to provide adequate opportunities for landscaping around buildings.</i></p> <p><i>(f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.</i></p> <p><i>(g) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.</i></p> <p><i>(h) Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community or private recreation facilities in terms of noise, glare or vibration which is inconsistent with the suburban living environment.</i></p> <p><i>(i) The ability to mitigate adverse effects of the proposal on adjoining sites.</i></p>	<p>The proposal does not meet the minimum 4m separation from the boundary of adjoining residential zoned land. This is a consequence of the attached nature of the development, and there are no changes proposed to the existing buildings. Compliance with internal setbacks is in fact typically not required where boundaries share a common wall. The proximity of living and outdoor space is anticipated by the building design. Nonetheless, the additional effects associated with use of these units for visitor accommodation as opposed to residential, are considered to be less than minor. Noise and amenity effects will be managed by the proposed VAMP's which prohibit the use of outdoor areas after 10pm. Additionally, the design of units is such that outdoor areas are offset from each other by the staggered arrangement and therefore outdoor areas do not adjoin each other. A solid privacy wall also exists between units. Visitor accommodation is also common within this complex and is therefore consistent with existing character.</p>

## Section 14 - Transport

### *Site standards*

Rule 14.2.4.1(i) requires residential units in the Low Density Residential Zone to provide 2 parking spaces per unit. There is no additional parking standard which applies to the proposed residential form of visitor accommodation. The parking provision for the overall unit development was previously



assessed under RM160718 (and RM170614, RM180834) and determined to be adequate for the overall density proposed. It is noted that this results in 2 and 6 Woods Lane (Units 1 and 4) complying with this standard, however 6 Woods Lane (Unit 3) has only a single dedicated parking space and does not meet this standard.

### *Objectives and policies*

#### **Objective 5 - Parking and Loading – General**

***Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.***

*5.1 To set minimum parking requirements for each activity based on parking demand for each land use while not necessarily accommodating peak parking requirements.*

*5.3 To ensure car parking is available, convenient and accessible to users including people with disabilities.*

*5.4 To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.*

**Compliance:** As discussed above, 6 Woods Lane (Unit 3) has only a single parking space. The parking provision for Units 1, 3 and 4 and the overall unit development was previously assessed under RM160718 (and RM170614, RM180834) and determined to be adequate for the overall density proposed. The shortfall of one park is considered to remain consistent with the parking demand for visitor accommodation, particularly as bookings for 6 Woods Lane (Unit 3) will be limited to one group at a time and guests are likely to travel together. Additionally, the parking provision is considered appropriate given the proximity of the site to Queenstown, Frankton and public transport services. The parking spaces are easily accessible and convenient to each unit.

## Assessment against the Proposed District Plan

The zoning of the site under the Stage 1 Decisions Version of the PDP is 'Lower Density Suburban Residential'. Provisions relating to Visitor Accommodation were withdrawn from Stage 1 of the PDP and are otherwise included in Stage 2. Therefore, the rules of the Stage 1 Chapter 7 (Lower Density Suburban Residential) Chapter of the PDP are not relevant to the current application.

The objectives and policies of the following chapters of the Proposed District Plan are relevant to the application:

### Stage 1

- Strategic Direction (Chapter 3)
- Noise (Chapter 36)

### Stage 2

- Visitor Accommodation – Chapter 7 Lower Density Suburban Residential)
- Transport (Chapter 29)

The application has been assessed against the relevant provisions of these chapters of the PDP as demonstrated in the following tables.



## Strategic Direction – Chapter 3

Objective:	Policies:	Assessment:
<p><b>3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.</b></p> <p><b>3.2.1.2 The Queenstown and Wanaka town centres<sup>1</sup> are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.</b></p>	<p><i>3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)</i></p>	<p>The proposal is consistent with these provisions as it will provide visitor accommodation capacity within the Queenstown urban environment, close to centres, supporting a range of accommodation options to visitors and contributing to the local economy.</p>

## Noise – Chapter 36

Objective:	Policies:	Assessment:
<p><b>36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.</b></p>	<p><i>36.2.1.1 Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.</i></p> <p><i>36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.</i></p>	<p>Noise effects of the proposed visitor accommodation will be comparable to the existing residential use of the units. The Visitor Accommodation Management Plan's (VAMP's) also highlight the need to be conscious of residential neighbours and prohibit the use of outdoor areas between 10pm and 7am.</p>

## Visitor Accommodation Variation – Chapter 7 Lower Density Suburban Residential

Objective:	Policies:	Assessment:
<p><b>7.2.8 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.</b></p>	<p><i>7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Low Density Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of</i></p>	<p>The site is not located within a VA sub-zone. Visitor accommodation within close proximity to Frankton and the Queenstown town centre is efficient, enabling visitors with convenient access to town centre activities and contributing to positive visitor experiences. This activity is also demanded in locations with high amenity views of the lake. It is</p>



<p><b>7.2.9 Objective - Manage the establishment of residential visitor accommodation and homestays to ensure that residential units and residential flats are predominantly used for residential activities, and the residential character of the zone is maintained.</b></p>	<p><i>residential housing is achieved</i></p> <p><i>7.2.9.1 Ensure that residential visitor accommodation and homestays are of a scale and character that is compatible with the surrounding residential context, and maintains residential activities as the predominant use of the site.</i></p> <p><i>7.2.9.2 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing, while maintaining residential activities as the predominant use of the site.</i></p> <p><i>7.2.9.3 Restrict the establishment of residential visitor accommodation and homestays that would result in a loss of housing supply and residential character of the zone.</i></p>	<p>therefore considered the proposal will support social and economic wellbeing.</p> <p>Visitor accommodation is common within such proximity to centres, and six of the existing units within this complex are consented for visitor accommodation. Therefore, this location does not demonstrate a typical residential character and is unlikely to realise predominant residential or rental use.</p> <p>VAMP's have been developed to manage potential adverse nuisance effects to residential amenity.</p>
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## Chapter 29 – Transport

Objective:	Policies:	Assessment:
<p><b>Objective 29.2.2 – Parking, loading, access, and on-site manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:</b></p>	<p><i>29.2.2.1 Manage the number, location, type and design of parking spaces, queuing space, access, and loading space.</i></p>	<p>Numbers 2 and 8 Woods Lane (Units 1 and 4) have two dedicated parking spaces each, and 6 Woods Lane (Unit 3) has a single dedicated parking space. As discussed previously, the parking provision is appropriate for the number of guests proposed and for the location of these units. The proposed</p>



<ul style="list-style-type: none"> <li>• <i>Providing a safe and efficient transport network;</i></li> <li>• <i>Compact urban growth;</i></li> <li>• <i>Economic development;</i></li> <li>• <i>Facilitating an increase in walking and cycling; and achieving the level of residential amenity and quality of urban design anticipated in the zone.</i></li> </ul>	activity is considered to be consistent with these provisions.
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## Assessment of environmental effects

Potential environmental effects associated with the proposed visitor accommodation activity are considered to be associated with:

- Character and residential amenity:
- Traffic and parking
- Noise

These effects are discussed below.

### Character & Residential Amenity

Visitor Accommodation is common and demanded within close proximity to the centres and on properties with high amenity views of the lake. Six of the other units within the complex have been consented for visitor accommodation, and this activity is also common on adjacent properties. As a result, this particular location does not demonstrate a cohesive residential character that may be evident with a predominant residential or rental supply area.

The unit is existing and was previously approved under RM160718. There are no changes proposed to the building. The building design is such that outdoor living areas are offset from adjoining units and do not directly adjoin each other. Noise and privacy effects are therefore mitigated by the existing design.

VAMP's have been developed for each of the three units to further manage noise and amenity effects (Appendix C).

For these reasons effects on character and residential amenity are considered to be less than minor.

### Traffic and parking

Traffic generation is likely to be comparable to that of residential use, and parking demand for visitor accommodation is likely to be less than that of the needs of long term households or separate tenants. Additionally, as the site is located within convenient distance to Frankton and the Queenstown Town Centre visitors may also walk or cycle into the town centre; and the site is also close to the local bus route along Frankton Road, in addition to ferry services at the Frankton marina.

Although 6 Woods Lane (Unit 3) has only a single parking space, the parking provision is appropriate for the number of guests proposed and for the location of the unit. The parking provision for the overall complex was considered under RM160718 and deemed appropriate for the anticipated demand. It is also considered that guests within Unit 3 will likely travel together as bookings are limited to one group at a time. Parking spaces are located convenient to the dwelling and separate



to living space of each unit. Therefore, effects associated with traffic and parking are considered less than minor.

## Noise

Noise effects of the proposed visitor accommodation are likely to be comparable to the existing residential use of the site. The Visitor Accommodation Management Plan's (VAMP's) (Appendix C) also prohibit the use of outdoor areas between 10pm and 7am with proposed signage to be installed to inform guests to be conscious of the residential environment. Additionally, as discussed previously, the outdoor areas of each unit are oriented to the south, and offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. For these reasons, noise effects are considered to be less than minor and appropriately mitigated by the VAMP's.

## RMA other s104 matters

### National Environmental Standards

There are no National Environmental Standards relevant to the proposal.

### National Policy Statements

#### National Policy Statement on Urban Development Capacity (NPS-UDC)

The purpose of the National Policy Statement on Urban Development Capacity is to ensure regional and district plans provide adequately for the development of business and housing. Local authorities are required under section 31(1)(aa) of the RMA to *"ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district"*.

The proposal is considered consistent with the NPS-UDC as it provides for visitor accommodation within close proximity to Frankton and the Queenstown Town Centre where such activities are demanded.

#### Otago Regional Policy Statement

The Otago Regional Policy Statement is given effect to by the regional plans and the District Plan. An assessment of the application against the provisions of the District Plan is contained in previous sections, and the application does not require consent under the Regional Plan: Water.

#### Proposed Regional Policy Statement

The Regional Policy Statement is currently under review. The Proposed Regional Policy Statement was notified on 23 May 2015, and the Decisions version was released on the 1 October 2016.

The PRPS does not have legal effect until it is made operative, and no weight can be given to the objectives and policies until this time. The decisions version is subject to a number of outstanding appeals, and therefore cannot be relied upon for resource consent applications.

The PRPS is given effect to by the Proposed District Plan, and therefore has not been considered further. Overall, the proposal is not considered to be contrary to the PRPS.



## Notification and affected parties

### Public Notification (S95A)

The applicant has not requested that the application be publicly notified under Step 1 (s95A(3)(a)).

The application is for a Restricted Activity under the ODP. The application is not a residential or subdivision activity, and is therefore **not precluded** from public notification under Step 2 (s95A(5)) or Step 3 (s95A(8)).

There are no special circumstances requiring public notification under Step 4 (s95A(9)(b)).

The Council may notify the application if it is determined under s95D that the adverse effects are likely to be more than minor. The assessment of effects undertaken above considers the effects of the proposal to be less than minor and, therefore, below the threshold for public notification.

### Limited Notification ((S95B)

The application is for a Restricted Discretionary Activity under the ODP and PDP and as such is **not precluded** from limited notification under Step 2 (s95B(6)). The Council may notify the application if it is considered that adverse effects on persons are minor or more than minor.

The effects of the proposal are considered to be comparable to that of residential use. As discussed in this report, the three units the subject of this application are located on Block A, oriented south with views and outdoor areas facing the lake. They are separated in both elevation and horizontal distance from the (unconstructed) units located north of the site; and outdoor areas of the subject units face south to the lake. Additionally, a number of these unconstructed units to the north are also consented for visitor accommodation. The proposal is therefore not anticipated to result in adverse effects to the consented units north of the site.

Number 2 and 6 Woods Lane adjoin 4 Woods Lane (Unit 2), which is not part of this application. However, proximity and privacy matters of adjacent units were considered under the previous resource consent and addressed by the nature of the building design. The outdoor areas of each unit are oriented to the south, and offset from each other by the staggered arrangement of units such that outdoor areas do not adjoin each other. Noise and amenity effects associated with the change of use to visitor accommodation will be managed by the proposed VAMP's. As such, adverse effects on Unit 2 are considered to be less than minor.

To the south, the units adjoin road, and are well removed from adjacent residential properties to the south.

There are considered to be no persons adversely affected to a minor or more than minor degree. It is considered that the application can be processed on a non-notified basis.

## Conclusion

Resource consent is sought to undertake visitor accommodation for up to 365 days per year within three existing residential units located at The Tiers Apartments at Woods Lane, Frankton. The application relates to 2, 6 and 8 Woods Lane (Units 1, 3 and 4 respectively).

The units are located within convenient access to Frankton and the Queenstown town centre, and the location is considered to be appropriate for visitor accommodation activity. Visitor accommodation is



demanding in close proximity to the town centre and providing for this activity on the site will support efficient land use and economic growth associated with tourism.

The application is in accordance with the intention and purposes of the Objectives and Policies of both the ODP and PDP, and the environmental effects of the proposed development are less than minor. Therefore, it is considered that consent for the proposed development could be granted on a non-notified basis subject to appropriate conditions.



### **APPENDIX 3 – MANAGEMENT PLAN**



## SITE MANAGEMENT PLAN – 2 Woods Lane, Frankton.

This Visitor Accommodation Management Plan applies to the use of an existing residential dwelling located at **Unit 1, 2 Woods Lane, Frankton** for visitor accommodation in accordance with resource consent **RM181920**.

### SECTION 1: PROPERTY MANAGER DETAILS

The Property Manager of this visitor accommodation is:	William Jin, Rent Smart Property Management Limited
Email:	rentsmartproperty@outlook.co.nz
She/he may be contacted 24 hours a day on the following phone numbers:	021 155 5718

### SECTION 2: PROPERTY MANAGER RESPONSIBILITIES

The Property Manager shall have the following responsibilities:

#### 2.1 Upon booking and prior to guest arrival

- To provide the tenants with a copy of the “House Rules” (Attachment A).
- To maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. Details of all tenancies for at least the preceding 5 years shall be continually maintained. This register shall be made available for inspection by the Council at all times.

#### 2.1 On check-in of tenants:

- To ensure tenants have read the “House Rules” (Attachment A) and that a copy is made available.
- To ensure the House Rules include any relevant conditions of resource consent **RM181920**.
- To ensure that guests park within the dedicated on-site parking spaces, shown on the plan included in the “House Rules”.

#### 2.2 On servicing:

- To ensure that rubbish bins are stored in the consented locations (under RM160718 and consent notice CONO 11234710.8) on non-collection days, and visitors are informed of the location of bins.
- To ensure rubbish bins are put out in the appropriate collection points (specified by consent notice CONO 11234710.8) on the day of collection or the night prior, and do not remain on the street for more than 24 hours following collection day.

#### 2.3 Ongoing:

- To ensure the use of the property for visitor accommodation complies with the conditions of resource consent **RM181920**.
- To ensure that the signs required by **RM181920** are erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.



## ATTACHMENT A: HOUSE RULES

### General

- Be courteous of residential neighbours. The use of outdoor areas is prohibited between 10 pm and 7am and ensure windows and doors are closed.

### Arrival and parking

- Please park in the designated parking spaces identified for 2 Woods Lane, identified by the painted markings.
- All vehicles, including those used by visitors are to be parked within the designated parking space/s and not on the street or in any common areas.
- No coaches are to access the site.

### Guests

- The property shall be rented to a maximum of one (1) group at any one time.
- The maximum number of persons on site in association with the visitor accommodation use shall be restricted to a total of six (6) persons.

### Rubbish

- Non collection days – rubbish bins are stored in the location marked 'H' below and highlighted in yellow. Please place your rubbish in these bins.
- Collection day is Tuesday. The property manager will ensure bins are put out for collection.





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181920

Tuesday, 2 April 2019

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**LEGAL DESCRIPTION**

658a Frankton Road, Frankton  
Lot 3&4 DP 490069  
Site Area: 6891m<sup>2</sup>  
Building Footprint: m<sup>2</sup>  
Site Coverage: %  
Wind Zone: VERY HIGH  
Altitude: 450m (sub-alpine)

**NOTE:**  
Drawings to be read in conjunction with Clark  
Fortune McDonald & Associates Engineering  
Design plans.  
Refer to CFM design plans for Foul Drainage  
layout, Stormwater Drainage layout, Water  
Reticulation Layout & Gas Reticulation layout.



Site Plan -  
1 : 200



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : PH Date: 03/04/14  
AT Scales: As indicated AT Scales: 1:400

Sheet Title:  
**Site Plan**

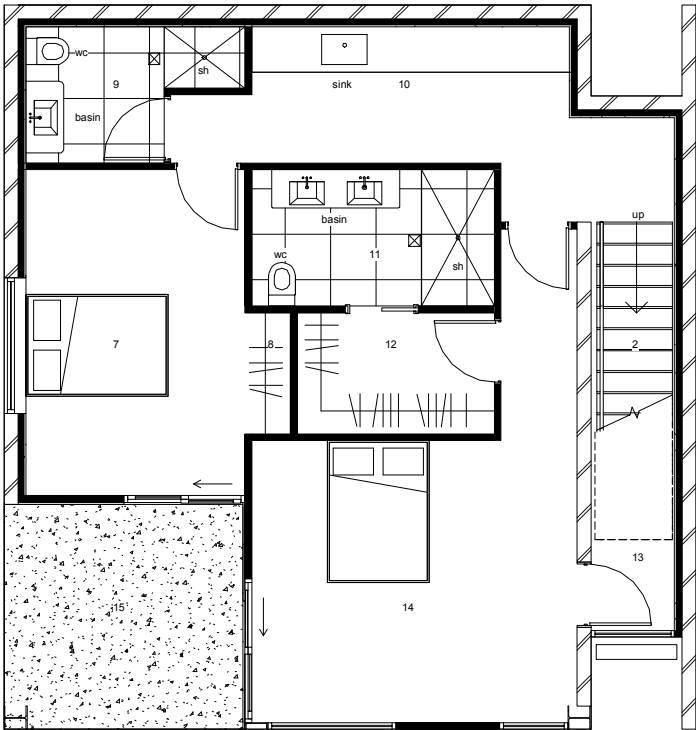
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CAD File Name: Or  
Revision: A1

For Approval

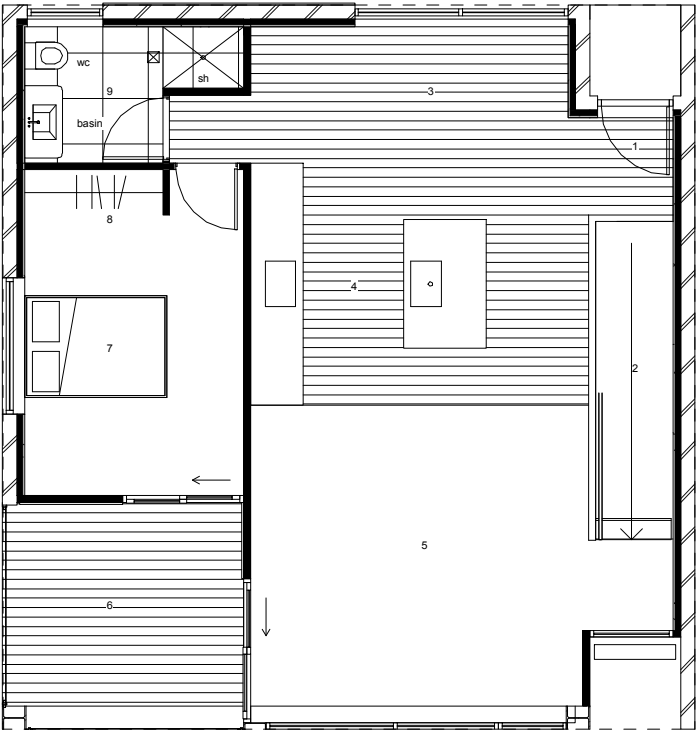
**PRELIMINARY  
RESOURCE CONSENT**







Ground Floor Plan  
1 : 50



First Floor Plan  
1 : 50

1. Entry
2. Internal Stairs
3. Dining
4. Kitchen
5. Living
6. Deck
7. Bedroom
8. Wardrobe
9. Bathroom
10. Laundry & Storage
11. Ensuite
12. Walk-in-Wardrobe
13. Store
14. Master Bedroom
15. Patio
16. Parking



Date	Revision Description	No.

Do Not Scale From These Drawings.  
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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

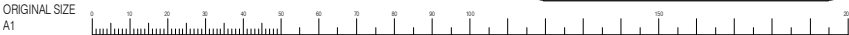
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A1 Scales: **1 : 50** A3 Scales: **1:100**

Sheet Title:  
**Block A - Typical Plans**

Contract: **16010** Sheet: **A-A2-02**  
CAD File Name: Revision: Or

For Approval **A1**

**PRELIMINARY  
RESOURCE CONSENT**





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

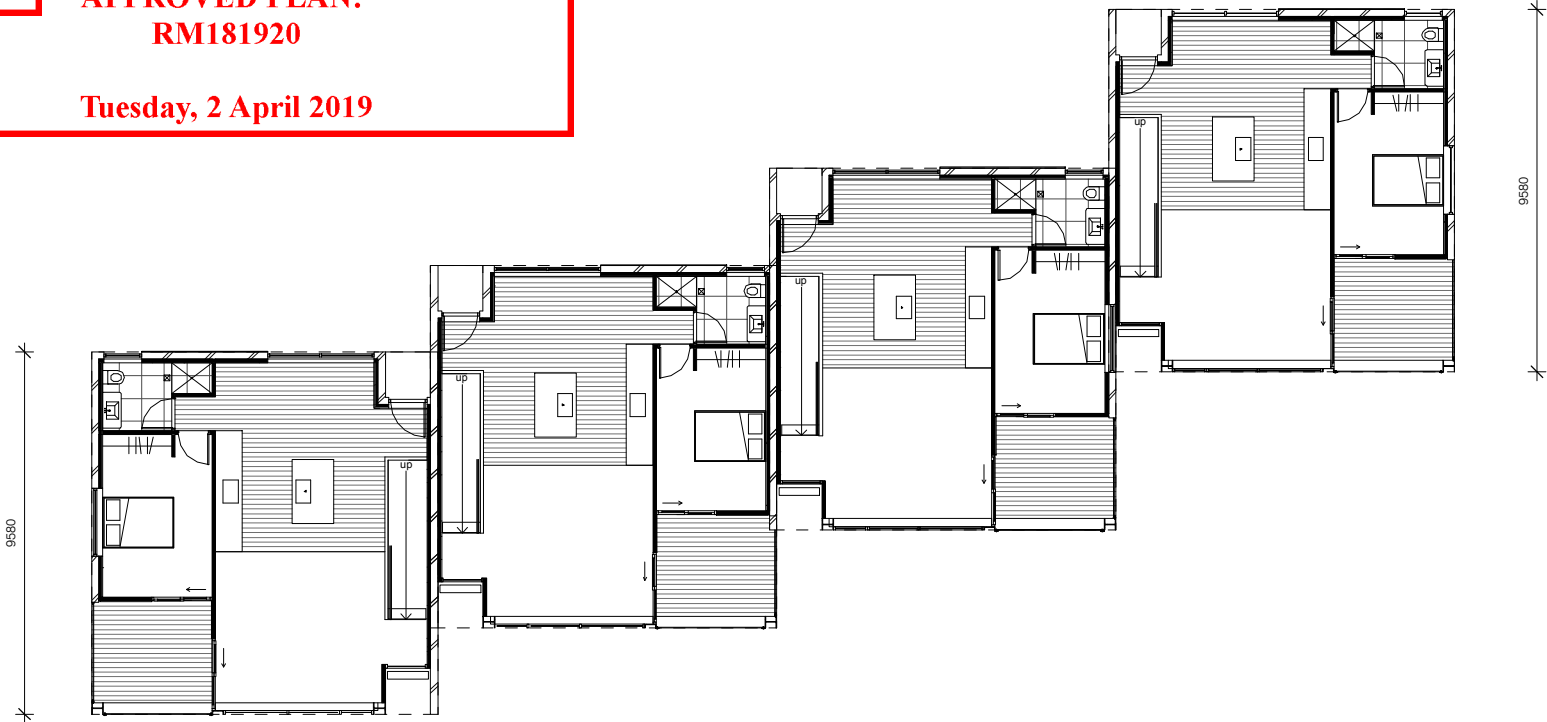
Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181920

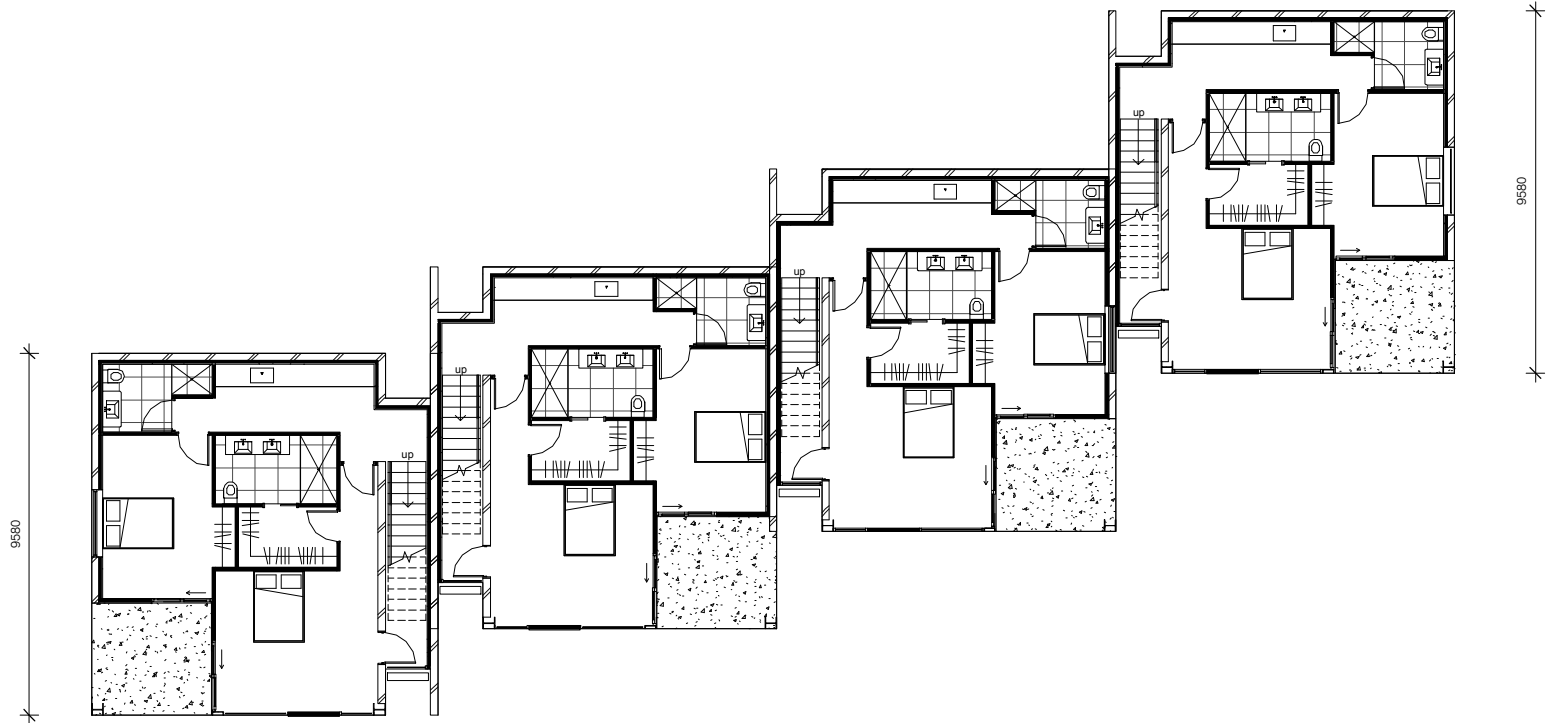
Tuesday, 2 April 2019

78



First Floor Plan  
1 : 100

36070



Ground Floor Plan  
1 : 100

**PRELIMINARY  
RESOURCE CONSENT**



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : **PH** Date: 06/26/14  
A1 Scales: **1 : 100** A1 Scales: **1:200**

Sheet Title :  
**Block A - Floor Plans**

Contract: **16010** Sheet: **RC-A-01**  
CAD File Name:                      Or  
Revision:                      A1

For Approval



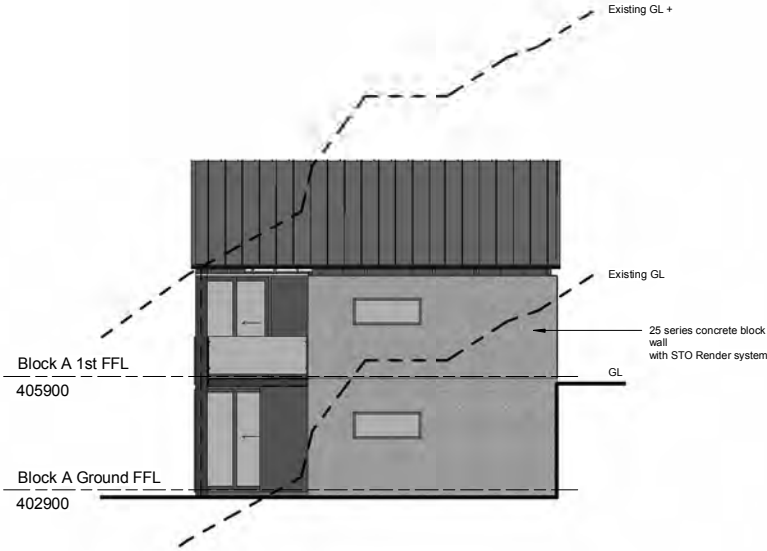
APPROVED PLAN:  
RM160718

Monday, 23 January 2017

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181920

Tuesday, 2 April 2019



Block A East Elevation  
1 : 100



Block A North Elevation  
1 : 100



Block A West Elevation  
1 : 100



Block A South Elevation  
1 : 100



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

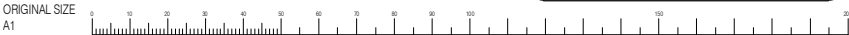
Contract:  
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658a Frankton Road  
Queenstown

Drawn : **PH** Date: 06/26/14  
A1 Scales: **1 : 100** A1 Scales: **1:200**

Sheet Title :  
**Block A - Elevations**

Contract: **16010** Sheet: **RC-A-03**  
CAD File Name: Or  
Revision: For Approval **A1**

**PRELIMINARY  
RESOURCE CONSENT**







**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Alpha Properties NZ Ltd
<b>RM reference:</b>	RM160718
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct a comprehensive residential development with 12 residential units that will breach maximum height and outdoor living space, including subdivision of the site into 12 allotments, each to contain a residential unit. Consent is also sought to breach transportation standards.
<b>Location:</b>	Lot 10, Potters Hill Drive
<b>Legal Description:</b>	Lot 10 Deposited Plan 490069 held in Computer Freehold Register 706713
<b>Zoning:</b>	Low Density Residential
<b>Activity Status:</b>	<b>Non-Complying</b>
<b>Date</b>	<b>24 January 2017</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Paula Costello, Senior Planner, on 24 January 2017 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Paula Costello, Senior Planner as delegate for the Council.



## 1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake a comprehensive development that includes the construction of 12 units and 4 residential flats, some of which will breach the maximum height for the zone and outdoor living space requirements, and to subdivide the site into 12 allotments, each to contain a residential unit.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section 1 of the report entitled 'Alpha Properties Ltd Comprehensive Development Height Outdoor Living Space Vehicle Crossing Subdivision', prepared by Nick Geddes of Clark Fortune McDonald & Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted in part for the purpose of this report with the following additions:

In relation to breaches to the outdoor living space requirements, the outdoor living space requirements will also be breached by units 9, 10, 11 and 12 in relation to the provision of required outdoor living space for residential flats.

Subdivision consent is sought to undertake a twelve lot fee simple subdivision of Lot 10 DP 490069. The subdivision will progress in three stages. Further to the applicant's description of the proposed activity, the stages are as follows:

Stage 1:	Lots 1 - 4
Stage 2:	Lots 5 - 8
Stage 3:	Lots 9 - 12

The overall subdivision will create twelve residential lots within a size range of 205m<sup>2</sup> and 1431m<sup>2</sup>. Whilst each lot will contain a Residential Unit, proposed Lots 9 - 12 will also include Residential Flats. Each lot will be dimensioned to incorporate onsite parking for its associated Residential Unit, with the exception of Unit 3.

The design of an access will result in an area of the access having a legal width of 20 metres, as opposed to 6 metres as required by the District Plan.

Rubbish & recycling for the entire complex of units will be collected from a rubbish storage area located in front of Units 10 and 11, which will be protected by an easement.

The parent site has an extensive planning history with the following resource consents of relevance:

- Resource consent RM050520 was publically notified and subsequently granted on 20 May 2008, this consent related to the subdivision of the parent site into 17 residential allotments with associated earthworks.
- RM090646 was granted on 7 October 2009 to vary Condition 1 of resource consent RM050520, to include a staging condition to enable the subdivision to proceed in three stages.
- RM050520.125 was granted 21 December 2012 to allow an extension to the lapse date of RM050520 to 20 May 2016 pursuant to section 125 of the RMA
- RM130069 was granted 24 March 2014 for a variation of conditions 1 and 6(g) of RM050520, and the additional of new conditions 1A and 4(q). Condition 14 was also varied.
- RM050520.01 was granted on 12 September 2014 to vary conditions 1, 13 and 14 of resource consent RM050520 to amend the subdivision design, reference to easements and staging.
- Resource consent RM150928 was granted 18 December 2015 to vary condition 1 of RM050520.01 to make changes to easements and realign boundaries.
- Resource consent RM140714 was granted 12 September 2014 to undertake earthworks to create building platforms for future residential dwellings.



- RM150087 was granted August 2015 for a comprehensive residential development on a lower lot from the site subject to this application, comprising 13 units with associated breaches to maximum height outdoor living spaces and access standards. Consent was also sought to subdivide the lot containing the 13 units into 15 lots.
- Resource consent RM150615 was granted 18 January 2016 to change land use condition 1 and subdivision condition 4 of RM150087 relating to changes to the external appearance, design of the building and changes to the staging condition of the development approved by RM150087.
- Resource consent RM160038 was granted to vary condition 1 of RM050520 as amended by RM150520.01, RM130069 and RM150928, and to change conditions 4a, 4c, 4k and 4m, 5e, 6a, 6c and 6d of resource consent RM050520 as amended by RM050520.01. In addition land use consent was also granted to breach the required minimum site distances for accesses F and P of the subdivision.
- Resource Consent RM160181 was granted on 16 May 2016 to undertake 7850m<sup>3</sup> earthworks with a maximum depth of cut of 9.5m.

## 2. ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

#### Land Use

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(viii) in regard to outdoor living. It is proposed that units 2, 3, 9, 10, 11 and 12 will not be provided with the required 36m<sup>2</sup> of outdoor living space. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 14.2.2.3(ii) as the proposal breaches site standard 14.2.4.1(x)(a) in regard to the size of residential car parking spaces, which are required to be 3.1m by 5.5m. It is proposed to provide car parking spaces with dimensions of 5m by 2.6m. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 14.2.2.3(ii) as the proposal breaches site standard 14.2.4.1(xi)(a) in regard to required queuing space, which is 12m. It is not proposed to provide sufficient queuing space onsite. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 14.2.2.3(ii) as the proposal breaches site standard 14.2.4.2(i)(a) in regard to the width of vehicle crossings, which are required to be between 3m and 6m. It is proposed to construct an access that is approximately 20m in width. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 7.5.3.4(v) for the proposed Comprehensive Residential Development.
- A **non-complying** activity pursuant to Rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3(v)(b) in regard to maximum building height, which is 7m for sloping sites. It is proposed that 10 of the units will exceed the height limit for the zone and will have a maximum height of 9.95m above original ground level.



### Subdivision

- A **controlled** subdivision activity pursuant to Rule 15.2.6.1 (lot sizes and dimensions), Rule 15.2.7.1 (subdivision design), Rule 15.2.8.1 (property access) Rule 15.2.10.1 (natural and other hazards), Rule 15.2.11.1 (water supply), Rule 15.2.12.1 (storm water disposal), Rule 15.2.13.1 (sewerage treatment and disposal), Rule 15.2.15.1 (energy supply and telecommunications), Rule 15.2.16.1 (open space and recreation), Rule 15.2.17.1 (vegetation and landscaping), Rule 15.2.18.1 (easements), Rule 15.2.21 (earthworks). Council's control is with respect to these matters.

Overall, the application is considered to be a **non-complying** activity.

## **2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH**

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### **3. SECTION 95A NOTIFICATION**

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

### **4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)**

#### **4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)**

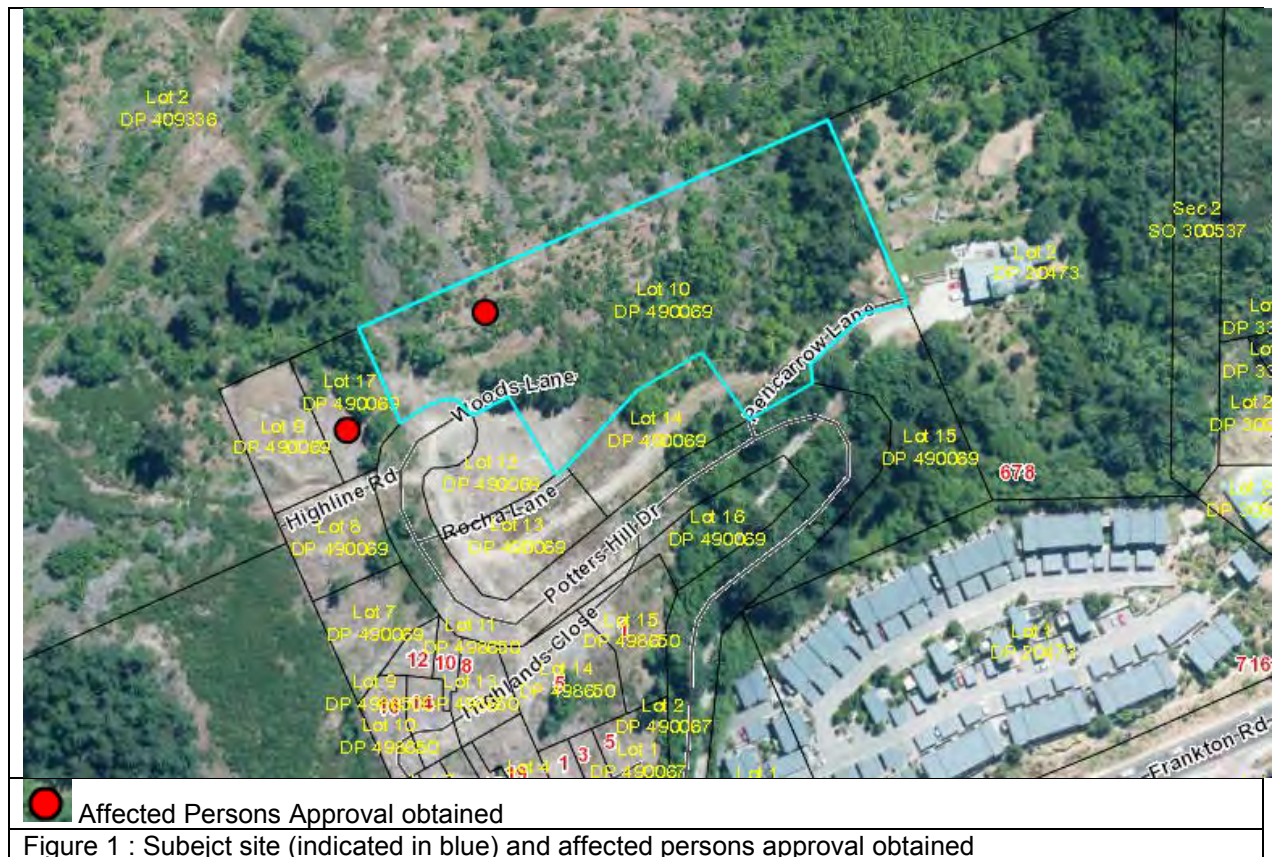
A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*

B: *Trade competition and the effects of trade competition (s95D(d)).*

C: *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Albatross QT Limited	Owner of the Subject Site
Lot 17 DP 490069	Property to the West of the subject site





#### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the development is non-complying and all subdivision is a controlled activity, and no baseline has been applied.

It is noted that given the approximate site area is 9886m<sup>2</sup>, a residential density of one residential unit per 450m<sup>2</sup> would allow for 21 residential units to be constructed as a permitted activity, providing all site and zone standards could be met.

The relevant Site and Zone Standards in the Low Density Residential Zone are as follows:

- A maximum height above original ground level of 7m
- One internal setback of 4.5m and all other internal setbacks of 2m

This outlines the permitted baseline in relation to the subject site.

#### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Section 7, 14 and 15 of the District Plan and have been taken into considered in the assessment below.



Assessment Matter 7.7.2(vi)(Comprehensive Development) directs Council to have regard to adverse effects in relation to noise, vibration and lighting, loss of privacy, dominance, shading, outlook, traffic congestion, pedestrian safety, and cumulative traffic effects, the ability to mitigate adverse traffic effects, the extent to which there is land available for landscaping, compatibility with development in the surrounding area, the ability to provide adequate parking, the ability to provide adequate outdoor living space, and whether the proposal will facilitate a range of residential activity that actively contributes to housing affordability.

Assessment Matter 7.7.2(xii) (Building Height) directs Council to have regard to whether earthworks have been carried out on the site prior to 1995, whether there are rules requiring the site be built up, and whether the proposal will facilitate a range of residential activity that actively contributes to housing affordability.

Assessment Matter 7.7.2(xxii) (Outdoor Living Space) directs Council to have regard to whether the reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of future residents, proximity to alternative outdoor living areas, and the extent to which the reduction in outdoor living area is compensated for within the building.

Assessment Matter 14.3.2(iii) (Parking and Loading) directs Council to have regard to the physical practicability of providing parking, alternative supply, whether there will be demonstrably less parking demand, whether there would be adverse effects in relation to character in the surrounding area, effects in relation to safety and efficiency of the road network, cumulative effects, and the availability of public transport.

Assessment Matter 14.3.2(v) (Access) directs Council to have regard to effects on the safe and efficient functioning of the road network, the geometry of the road, and the speed and volume of vehicles.

The Assessment of Effects provided at section 2 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted in part for the purposes of this report, with the following additional assessment:

#### **Infrastructure:**

Council's Consultant Resource Management Engineer, Mr. Anthony White, has assessed the proposal in relation to infrastructure and servicing. Mr White's assessment is comprehensive and adopted for the purpose of this report (attached as Appendix 3).

Mr White has assessed the proposal in relation to servicing and has noted that water flows may be insufficient. However, Mr White is satisfied that water servicing of the proposed development is feasible and has recommended conditions requiring that adequate water supply be provided prior to the completion of the subdivision. Further, Mr White notes that RM160181 requires that the existing water main be relocated and has included conditions requiring this occur prior to 224c approval.

Mr White is also satisfied that stormwater, electricity and telecommunication servicing are feasible and has recommended appropriate conditions.

Overall it is considered that adverse effects in relation to infrastructure and servicing will be less than minor.

#### **Earthworks:**

Land use consent RM160181 granted approval for the earthworks required in association with creating the access way, parking areas and level building platforms for the proposed comprehensive development. The engineer advises conditions of RM160181 remain applicable, but notes that further geotechnical investigations will be necessary given the complexity of the site. Mr White has recommended a condition to this effect.

Overall, it is considered that any effects associated with earthworks will be less than minor.



### **Natural Hazards:**

The QLDC Hazard Register Maps show the site falls within the LIC1 liquefaction hazard category, with an assessed liquefaction risk being “Nil to Low”. Based upon this hazard category, and the site being founded on schist rock, the Mr White is satisfied that the proposed buildings are unlikely to be at risk of liquefaction in a seismic event, and that standard foundations as required under NZS 3604:2011 for timber framed buildings are appropriate. Because foundation requirements for the buildings will be addressed under the related building consent, no further conditions are determined to be necessary.

The site is also identified as being subject to potential landslides. Mr White has assessed the proposal in relation to this hazard and determined that the input of a geotechnical engineer will continue to be required, and has recommended a condition to this effect. This is considered sufficient to mitigate any adverse effects in relation to land stability.

Overall, it is considered that any adverse effects in relation to natural hazards will be less than minor.

### **Traffic Generation and Vehicle Movements:**

Mr White has assessed the proposal in relation to access and determined that vehicle and pedestrian access onto the proposed site is feasible. Mr White has recommended that the road design be submitted to Council for engineering assessment and acceptance. Mr White has also recommended conditions requiring the erection of safety barriers where required.

Overall it is considered that potential effects associated with access on the wider environment will be less than minor.

#### *Parking and Manoeuvring*

It is proposed to provide 27 car parks for the 12 units and four associated residential flats. This relates to the provision of 5 more parks than required by the District Plan. Mr White is satisfied that parking and manoeuvring can be safely carried out on site and has recommended associated conditions. This is considered sufficient to mitigate any potential adverse effects in relation to parking and manoeuvring.

Overall, it is considered that adverse effects in relation to parking will be less than minor.

#### *Traffic Generation*

The proposed activity will result in an increase of approximately 28 vehicles accessing the site from Potter's Hill Drive. However, as is noted in Section 4.2 above, 21 residential units could be constructed on the site with associated residential flats provided sufficient parking and outdoor living space were provided. While this level of development on the site is unlikely to be feasible, the subject site could likely be developed to a higher density than what is proposed. Therefore it is considered that any increase in traffic generation would be similar to or less than what is permitted as of right on the subject site. In addition it is noted that this level of traffic generation was assessed at the time the underlying subdivision was processed.

Mr White has also assessed the proposal in relation to traffic generation and determined that the proposed development would not result in traffic generation beyond what is anticipated in this location.

Overall, it is considered that adverse effects in relation to traffic generation would be less than minor.

In summary, it is considered that any potential adverse effects in relation to access, parking, manoeuvring, and traffic generation will be less than minor.

### **People and Built Form:**

It is acknowledged that the site is located on a steep slope, and that this presents challenges for residential development. Given the steepness and need to accommodate adequate access and parking, it is accepted that the creation of outdoor living areas at ground floor level is a significant challenge.



The approach of the applicant to create balcony areas is a realistic approach given the characteristics of the site, and the 'apartment living' type development will contribute to the housing supply in the district.

The proposed development would be visible from Frankton Road at a distance of approximately 160m and from the end of Potters Hill Drive. It is considered that, given the distance of the subject site from Frankton Road and the steep topography of the site and surrounding area, the proposed development will not be highly visible from Frankton Road.

When viewed from the end of Potters Hill Drive, the proposed development will be highly visible. However, as the proposed development is located at the end of a cul-de-sac, it is considered unlikely that this road will be used by one other than those individuals wishing to access the proposed development or one of the three neighbouring sites. Further it is considered that the steepness of the site will result in the proposed height breaches being difficult to notice. Given the low traffic volumes, therefore, it is considered that any adverse effect on the amenity of the road will be less than minor.

It is determined that owing to the steepness of the topography and elevation, the development will appear dominant to some degree. The elements of built form beyond the height plane will contribute to this dominance, but will not materially exacerbate the presence of built form, or increase perceived dominance effects on the environment beyond an unacceptable threshold. Overall, it is considered that effects will not be more than minor.

The applicant has provided a landscaping plan which identifies sufficient opportunities to provide garden or tree plantings around buildings that would provide particular amenity for residents or users of the site. Conditions of consent can ensure the landscaping is implemented, and this will provide for the amenity of residents.

Having regard to the applicant's assessment, it is determined that any effects upon the environment that are associated with character, amenity and built form will be less than minor.

#### **4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

### **5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

#### **5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)**

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

#### **5.2 PERMITTED BASELINE (s95E(2)(a))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above and includes one dwelling pre 450m<sup>2</sup> provided site and zone standards are complied with.

#### **5.3 ASSESSMENT: EFFECTS ON PERSONS**

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Written approval for the proposed development has been obtained from Lot 17 DP 490069. Therefore adverse effects on the owners or occupiers of this property have been disregarded.



Lots 8, 9, 12, 13, 14 and 15 DP 490069, Lot 2 DP 409336 and 678 Frankton Road are located adjacent to the subject site (Figure 1).

#### *Lot 2 DP409336*

Lot 2 DP409336 is located to the north of the subject uphill from the proposed development. Views from this site are of the Lake and Remarkables to the south. While the proposed development will be visible from this property, the southern boundary of this property is approximately 11m higher in elevation than the apex of the roof for the proposed units. Therefore it is considered that the proposed height breach will not be noticeable to any persons who own or occupy this site.

The proposed development will be visible from this vantage, but set substantially down the slope from the subject site and viewed in the context of neighbouring unit developments similar to that proposed.

Given these factors, it is considered that any adverse effects on the owners or occupiers of Lot 2 DP 409336 will be less than minor.

#### *678 Frankton Road*

The property located at 378 Frankton Road is located to the east of the subject site. Views from this site are of the lake and mountains to the south. The proposed development is slightly higher in elevation than this property. Views of the subject site are characterised by the steep upward sloping south face of Queenstown Hill.

The closest unit to this property will be located 22m from the boundary. Unit 4, the unit closest to this property is proposed to breach height by 1.43m. However, given the topography of the subject site and this property, in combination with the distance of the proposed units from the boundary with this site, it is considered that the proposed height breach will not be noticeable to persons from this vantage.

As is discussed in Section 5.2, the proposed development provide for a less dense development than what could be constructed on the site as of right.

Overall, it is considered that any adverse effect on the owners of occupiers of 678 Frankton Road will be less than minor.

#### *Lot 15 DP 490069*

Lot 15 is located to the south of the subject site. Views from this property are of the lake and mountains to the south. Views of the subject site are of the upward sloping south face of Queenstown Hill. This property is lower in elevation than the subject site.

The south elevation of Block A will be visible from this property. These units are proposed to breach the height limit by 1.56m. The units are proposed to be located at least 60.7m from the northern boundary of this property.

Given this distance and the topography of this property and the subject site, it is considered that any breaches to height will not be perceivable to any occupier or owner of Lot 15. Further it is considered that the proposed units will be slightly visible at most from this property and will not affect residential amenity to anyone living on site.

Overall it is considered that any adverse effects on the owners or occupiers of Lot 15 DP 490069 will be less than minor.

#### *Lot 14 DP 490069*

Lot 14 is located directly south of the subject site. Views from this property are of the lake and mountains to the south. Views of the subject site are of the upward sloping south face of Queenstown Hill. This property is lower in elevation than the subject site.



The south elevation of Block A will be visible from this property. These units are proposed to breach the height limit by 1.6m. The units are proposed to be located at least 5m from the northern boundary of this property. The height breach adjacent to this property will be a maximum of 1.6m above the 7m height limit.

A shading analysis has been provided with the application. Due to the steep slope of the site on which the proposed development would be located, the shading analysis shows that the proposed height breach along the southern elevation of the buildings would not result in increased shading on this property when the shading caused by the slope is taken into account.

The proposed breach relates to the gable of the roof, and would not therefore result in increased overlooking into Lot 14. Therefore it is considered that the proposed development would have less than minor effects on the privacy of the owners or occupiers of Lot 14.

In addition, it is noted that four units could be constructed in this location as of right located 2m from the boundary with this property and reaching a maximum height of 7m. Such a set of units would be more dominant when viewed by the owners or occupiers of Lot 14 than the proposed development.

Therefore, given the steepness of the subject site in relation to Lot 14, as well as the above mentioned factors, it is considered that any adverse effect on the owners or occupiers of Lot 14 would be less than minor.

#### *Lot 12 DP 490069*

Lot 12 is located directly south-west of the subject site. Views from this property are of the lake and mountains to the south. Views of the subject site are of the upward sloping south face of Queenstown Hill. This property is lower in elevation than the subject site.

The access area and western elevation of Block A and the southern elevations of Units 10 and 11, Block C are visible from this property. In relation to Block A the proposed height breach visible from this vantage would be 0.31m above the 7m limit. The proposed unit would be located 2m from the boundary with this site. It is considered, however, given the steep nature of the sites and the small scale of the breach, the proposed height breach will not be noticeable from this vantage.

The height breach in relation to Unit 10 visible from this vantage would be 0.95m above the 7m height limit. The height breach in relation to Unit 11 visible from this vantage would be 1.2m above the 7m height limit. Unit 10 would be located approximately 11.5m and Unit 11 9m from the northern boundary of this site.

An analysis of the shading effect has been undertaken for 21 June (shortest day) and 20 September (Equinox). During the shortest day, the subject site and adjoining residences are already in shadow as a result of Queenstown Hill. The increase in height will therefore not materially exacerbate any potential shading of adjoining properties.

Given the distance of the proposed development from the boundary with this site, the steepness of the hillside, and the views being in the opposite direction, it is considered that the proposed height breach would not result in the development being dominant when viewed by the owners or occupiers of Lot 12.

In relation to density, while the proposed development would be highly visible from this vantage, it is noted that 21 residential units could be constructed on this site in a similar configuration provided they complied with all site and zone standards. It is considered that any adverse effect beyond what is included in the permitted baseline would be less than minor on the owners or occupiers of Lot 12 in relation to amenity and residential character.

Overall, it is considered that any adverse effect on the owners or occupiers of Lot 12 DP 490069 would be less than minor.



#### *Lot 9 DP 490069*

Lot 9 is located to the west of the subject site, on the opposite side of the cul-de-sac. Views from this site are of the lake and mountains to the south-east. Views of the subject site are characterised by the upward sloping south face of Queenstown Hill. Lot 9 is higher in elevation than the subject site.

The development will be visible from this vantage at a distance of approximately 27m. The proposed development will be slightly visible beyond whatever development occurs on Lot 17. The western elevation of Block C will also be visible from this vantage, including the proposed height breach of 2.95m over the 7m height limit.

An analysis of the shading effect has been undertaken for 21 June (shortest day) and 20 September (Equinox). During the shortest day, the subject site and adjoining residences are already in shadow as a result of Queenstown Hill. The increase in height will therefore not materially exacerbate any potential shading of adjoining properties.

Given the distance of the proposed development from this site, and the likelihood a dwelling will be constructed between this site and the subject site in the future, it is considered that the height breach will not be noticeable from this vantage, or have an effect in relation to outlook, dominance, residential amenity or access to sunlight.

In relation to density, while the proposed development would be highly visible from this vantage, it is noted that 21 residential units could be constructed on this site in a similar configuration provided they complied with all site and zone standards. It is considered that any adverse effect beyond what is included in the permitted baseline would be less than minor on the owners or occupiers of Lot 12 in relation to amenity and residential character.

Overall, it is considered that adverse effects on any owners or occupiers of Lot 9 DP 490069 will be less than minor.

#### *Lot 8 DP 490069*

Lot 8 is located to the west of the subject site, on the opposite side of the cul-de-sac. Views from this site are of the lake and mountains to the south-east. Views of the subject site are characterised by the upward sloping south face of Queenstown Hill. Lot 8 is similar in elevation to the subject site.

The development will be visible from this vantage at a distance of approximately 25m. The proposed development will be slightly visible on the other side of the cul-de-sac. The western elevation of Block A will also be visible from this vantage, including the proposed height breach of 0.31m over the 7m height limit.

Given the distance of the proposed development from this site, and the small scale of the breach, it is considered that the height breach will not be noticeable from this vantage, or have an effect in relation to outlook, dominance, residential amenity or access to sunlight.

In relation to density, while the proposed development would be highly visible from this vantage, it is noted that 21 residential units could be constructed on this site in a similar configuration provided they complied with all site and zone standards. It is considered that any adverse effect beyond what is included in the permitted baseline would be less than minor on the owners or occupiers of Lot 12 in relation to amenity and residential character.

Overall, it is considered that adverse effects on any owners or occupiers of Lot 8 DP 490069 will be less than minor.

No other property is considered to be potentially affected by the proposed development.

#### **5.4 DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.



## 6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## 7.0 S104 ASSESSMENT

### 7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

The policies and objectives contained in Part 7 (Residential Areas), Part 14 (Transport) and Part 15 (Subdivision, Development and Financial Contributions) of the District Plan are relevant to this consent.

#### Part 7 - Residential Areas

##### Objective 2 - Residential Form

***A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.***

*2.4 In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*

The development provides for twelve residential units, at a density of less than one unit per 450m<sup>2</sup>. The topography is steep, and the development takes into consideration the constraints of topography and provides for a residential density that is appropriate to the greater site area.

##### Objective 3 - Residential Amenity

***Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.***

##### **Policies:**

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*
- 3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*
- 3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*
- 3.7 To ensure residential developments are not unduly shaded by structures on surrounding properties.*
- 3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*
- 3.12 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*



- 3.13 *To require an urban design review to ensure that new developments satisfy the principles of good design.*

The development sites will afford an adequate level of space for outdoor living, and planting, and the dwellings will not cause undue shading of surrounding properties. It is determined that there will be no loss of residential amenity associated with the development. The proposal is not contrary to the objective and policies above.

### **7.2.3 Objectives and Policies - Queenstown Residential and Visitor Accommodation Areas**

#### **Objectives –**

1. ***Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.***
2. ***Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.***

#### **Policies:**

- 3 *To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.*
- 5 *To encourage additional consolidated residential activity in the District.*

Overall, the proposed development is not contrary to these policies and objectives.

Part 14 objectives seek to maintain and improve access, ease and safety of vehicle movement. Associated policies illustrate the need to ensure that access ways are designed and located so that good visibility is provided and that they can accommodate vehicle manoeuvres.

The formation of the access will ensure that vehicles can safely enter and exit the site and there will be no adverse effects to the users of the road.

### **Part 15 – Subdivision**

#### **Objective 1 – Servicing**

*The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots within the developments.*

The application and engineering assessment confirm that all the lots can be appropriately serviced subject to conditions and requirements of consent. Development contributions may be levied to account for additional demand placed on Council's infrastructure.

#### **Objective 5 – Amenity Protection**

*The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.*

#### **Policies:**

- 5.1: *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*



The lot sizes and dimensions are appropriate for residential development and when viewed in the context of the site as a whole, consistent with the density anticipated of the Low Density Residential zone. Whilst the subdivision will result in lots that are less than 600m<sup>2</sup>, the residential development meets the required density of one dwelling per 450m<sup>2</sup>, and no lot will be created without first containing a fully measurable residential unit. The proposal is considered to meet this objective and policy of the District Plan.

### Proposed District Plan

As this application is being considered and a decision made on it following the notification of the Proposed District Plan (PDP), the relevant objectives and policies of that Plan must also be considered. The PDP proposes to retain the zoning in this area as Low Density Residential, the relevant objectives of which relate to providing for low density residential living; ensuring the protection of amenity values while providing for subtle and low impact change; encouraging higher housing densities than typical in the zone provided it retains a low rise built form; and encouraging efficient development that utilises existing services and infrastructure.

The objectives and policies in the proposed subdivision chapter also apply to the proposed development, the relevant objectives of which relate to ensuring the creation of quality environments; ensuring subdivision design achieves benefits for the subdivider, residents and the community by providing a high level of amenity; recognising the potential of small scale and infill subdivision; and to ensuring the costs of services are met by the subdivider.

It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage. Notwithstanding, it is considered the proposal will not be contrary to the relevant objectives and policies of Parts 7, 14 and 15 of the Operative District Plan or Chapters 7 and 27 of the Proposed District Plan.

### **7.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))**

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

### **7.5 OTHER MATTERS – SUBDIVISION (s106)**

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. In this case it is considered that the development has been designed and engineered in a manner that mitigates risk from the natural hazards on site. Therefore the proposed subdivision is considered to be appropriate.

### **7.6 PART 2 OF THE RMA**

The proposal promotes the sustainable management of natural and physical resources and as such is consistent with the purposes and principles of the Act.

Under Part 2 of the Act, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*



The proposal constitutes an efficient use of natural resources, maintains amenity values and the quality of the environment.

It is determined that the application meets the purpose and principles of sustainable management set out in Part 2 of the Act.

## **7.7 DECISION A: LANDUSE PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** for land use consent subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the Act.

## **7.6 DECISION B: SUBDIVISION PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the Act.

## **8.0 OTHER MATTERS**

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

Please contact the Council if you require a Development Contribution Estimate.

### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

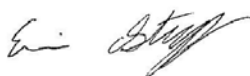
This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Erin Stagg on phone (03) 441 0499 or email [erin.stagg@qldc.govt.nz](mailto:erin.stagg@qldc.govt.nz).

Report prepared by

Decision made by



Erin Stagg  
**PLANNER**



Paula Costello  
**SENIOR PLANNER**

**APPENDIX 1 - Consent Conditions**

**APPENDIX 2 - Applicant's AEE**

**APPENDIX 3 - Engineering Report**



## **APPENDIX 1 – CONSENT CONDITIONS**

### **Land Use**

#### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:

#### **WJ Cadzow & Associates Ltd**

- 'Site Plan' Contract 16010 Sheet A-A1-01 Date 03/04/14
- 'Block A – Typical Plans' Contract 16010 Sheet A-A2-02 Date 07/06/16
- 'Block A – Floor Plans' Contract 16010 RC-A-01 Date 06/26/14
- 'Block A – Elevations Contract 16010 RC-A-03 Date 06/26/14
- 'Block B – Floor Plans' Contract 16010 RC-B-01 Date 07/07/16
- 'Block B – Typical Plans' Contract 16010 Sheet RC-B-02 Date 07/07/16
- 'Block B – Elevations Contract 16010 RC-B-03 date 07/07/16
- 'Block C – Floor Plans' Contract 16010 RC-C-01 Date 07/07/16
- 'Block C – Typical Plans' Contract 16010 Sheet RC-C-02 Date 07/07/16
- 'Block C – Elevations Contract 16010 RC-C-03 Date 07/07/16

#### **Clark Fortune McDonald & Associates**

- 'Proposed Units on Lot 10 DP 490069' Job No 12377 Dwg 8 Sheet 001 Rev B
- 'Proposed Units on Lot 10 DP 490069 Height Infringements' Job No 12377 Dwg 8 Sheet 002 Rev A
- 'Proposed Units on Lot 10 DP 490069 Section Views' Job No 12377 Dwg 8 Sheet 003 Rev A
- 'Proposed Units on Lot 10 DP 490069 Shading Diagrams' Job No 12377 Dwg 8 Sheet 004 Rev A
- 'The Tiers Villas Car Parking Layout' Job No 12377 Dwg 10 Sheet 001 Rev B
- 'The Tiers Villas Landscaping and Outdoor Living Spaces' Job No 12377 Dwg 09 Sheet 01 Rev B
- 'Wheelie Bin Plan'
- 'Wheelie Bin Collection Plan'

**stamped as approved on 23 January 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.

### ***General***

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.



*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

**To be completed prior to the commencement of any works on-site**

4. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
6. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
  - a) The provision of a water supply to the 12 residential units and 4 residential flats in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 12 residential units and 4 residential flats to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.
  - f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.



- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev B, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

**Prior to construction of any dwelling/unit**

- 7. The consent holder shall complete any identified geotechnical work from condition 7(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

***To be completed when works finish and before occupation of any dwelling/unit***

- 8. Prior to the occupation of any dwelling/unit, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all certified works detailed in Condition 7 above.
  - c) Any power supply connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.



- d) Any wired telecommunications connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
- e) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- g) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to occupation.

#### **Prior to construction of any dwelling/unit**

- 9. The consent holder shall complete any identified geotechnical work from condition 5(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

#### **Accidental Discovery Protocol**

- 10. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
  - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
  - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:



- (i) stop work within the immediate vicinity of the discovery or disturbance and;
- (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

#### Surveyor's Certificate

11. In order to ensure that the proposed buildings are located exactly as proposed in the application and comply with the maximum height control of the Queenstown Lakes District Plan, or the degree of infringement applied for (as it relates to Block 2 and Block 5), the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
- a) Certify to Council in writing that the foundations of each building subject to this consent (comprising 12 Residential Units) have been set out in accordance with the approved consent in terms of levels and position; and
  - b) Confirm to Council in writing upon completion of each building that it has been built in accordance with the approved plans, and complies with the maximum height control/degree of infringement applied for.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

#### Advice Note:

- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
- 2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
- 3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.



## **Subdivision**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:

#### **Clark Fortune McDonald & Associates**

- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069' Job No 12377 Dwg 07 Sheet 01 Rev B
- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069 – Stage 1' Job No 12377 Dwg 07 Sheet 01 Rev D
- 'Lots 1- 12 & 100 Being a subdivision of Lot 10 DP 490069 – Stage 2 & 3' Job No 12377 Dwg 07 Sheet 01 Rev D

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and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

### **General**

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

4. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 1 - 4

Stage 2: Lots 5 - 8

Stage 3: Lots 9 - 12

Stage 1 shall precede all other stages. Stages 2 - 3 thereafter may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.



***To be completed prior to the commencement of any works on-site***

5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
  - a) The provision of a water supply to the 12 residential units in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 12 residential units to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.
  - f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.



- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev B, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

***To be completed before Council approval of the Survey Plan***

- 8. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

*Note: No service easements in gross shall be created without prior written approval from Council.*

- b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

*Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]*

***To be completed before issue of the s224(c) certificate***

- 9. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on each lot shall be confirmed. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed).



- b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- c) The completion and implementation of all works detailed in Condition 8 above.
- d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
- i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 6 for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
- j) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
- k) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- l) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- m) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.



- n) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and service infrastructure associated with the subdivision. The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

### **Ongoing Conditions/Consent Notices**

10. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a) All lot owners are required to be part of a management entity. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
  - b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
  - c) All owners/occupiers of any Residential Unit shall ensure that rubbish and recycling bins are located in immediate proximity to their residential units and on their own sites, or within the 'right to store rubbish' easement identified on the scheme plan, on all days except for those when refuse/recycling by Council is scheduled. Bins may however be taken to the collection points on the evening of the day preceding the scheduled collection.
  - d) In the event that the Schedule 2A certificate issued under Condition (8) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*

### **Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.



### For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Approval Application form](#) and submit this completed form and an electronic set of documents to [engineeringapprovals@qldc.govt.nz](mailto:engineeringapprovals@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>



**APPENDIX 2 – APPLICANT’S AEE**



**ATTACHMENT [A]**

**Assessment of Effects on the Environment**

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**Alpha Properties Ltd**

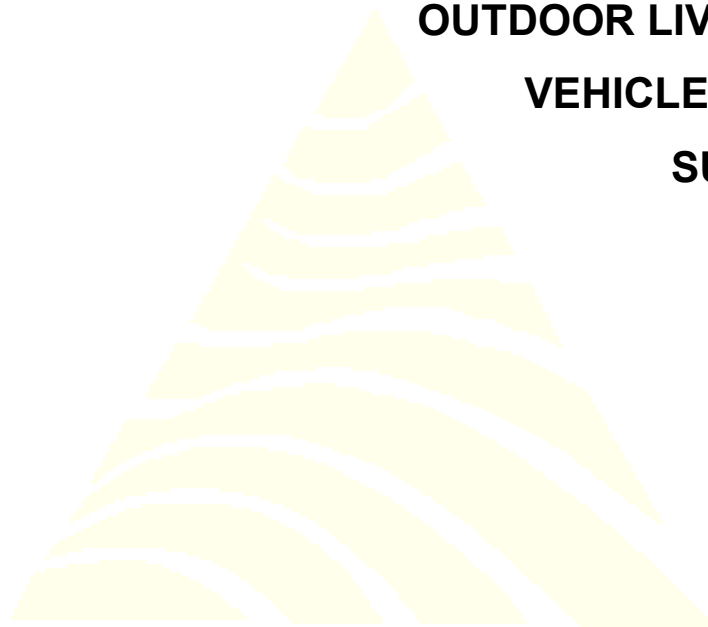
**COMPREHENSIVE DEVELOPMENT**

**HEIGHT**

**OUTDOOR LIVING SPACE**

**VEHICLE CROSSING**

**SUBDIVISION**



**August 2016**

**Prepared by:** Nick Geddes

**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS





## **1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:**

### **1.1 Site Description**

The subject site is located on the northern side of Frankton Road (State Highway 6A), between Queenstown and Frankton. The site is legally described as Lot 10 DP 490069, being 0.9886 hectares in area and contained within computer freehold register identifier 706713. A recent search copy of computer freehold register is contained within Attachment [B].

The topography of the site rises up from the southern boundary to the northern and has been recently felled of wilding Douglas Firs and Sycamore.

An internal access Potters Hill Drive has been constructed in accordance with the original subdivision consent RM050520.01. This Road provides access to the subject site via a formed intersection with Frankton Road.

A location plan is contained in Attachment [C] to this application.

### **1.3 Site History**

- |                     |   |
|---------------------|---|
| <b>RM050520</b>     | Approved on 20 May 2008, by Commissioners Mr Trevor Shields and Mr Lyall Cocks. This granted consent to subdivide Lot 2 Deposited Plan 305273 into 17 fee simple residential allotments with associated earthworks.       |
| <b>RM090646</b>     | Approved 7 October 2009, by Commissioner Clarke. This granted consent to vary condition 1 of resource consent RM050520, and include an additional staging condition to enable the subdivision to proceed in three stages. |
| <b>RM050520.125</b> | Approved 21 December 2012, by Commissioner Sinclair. This granted consent to increase lapse date of RM050520 by three years.  |
| <b>RM130069</b>     | Granted in part, subject to the imposition of additional conditions to application sought variation of conditions of consent to enable road to vest. 24th March 2014, by Commissioners Taylor and Kelly.                  |
| <b>RM050520.01</b>  | Granted 12 <sup>th</sup> September 2014 to change Conditions 1, 13 and 14 of RM050520 to amend the subdivision design, reference to easements and staging.  |





- RM140714**      Granted 12<sup>th</sup> September 2014 to undertake earthworks to create building platforms for future dwellings.
- RM150087**      Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to undertake a development comprising 13 residential units, incorporating a comprehensive residential development; breach outdoor living space, maximum height and access standards. Consent is also sought to subdivide the site into 15 lots to each contain a residential unit. Approved 3 August RE ISSUE.
- RM150928**      Application under section 127 of the Resource Management Act 1991 (RMA) to change Condition 1 of resource consent RM050520.01 to amend various subdivision boundaries and easements. Approved 21 December 2015.
- RM150615**      Application under section 127 of the Resource Management Act 1991 (RMA) to change Land Use Condition 1 of Decision A and Subdivision Condition 4 of Decision B of resource consent RM150087 relating to changes to the external appearance, design of the building and changes to the staging condition. Approved 18 January 2016.
- RM160038**      Application under section 127 of the Resource Management Act 1991 (RMA) to change Condition 1 of RM050520 as amended by resource consents RM050520.01, RM130069 and RM150928, and to change conditions 4a, 4c, 4k and 4m, 5e, 6a, 6c, and 6d of resource consent RM050520 as amended by RM050520.01. Application under section 88 of the RMA for a land use consent to breach the required minimum site distances for Accesses F and P. Granted 8 April 2016.
- RM160181**      Application to carry out earthworks on Lots 10 and 11 of approved subdivision RM050520 as amended by RM050520.01 involving 7200m<sup>3</sup> of earthworks at Frankton Road, Frankton.

A full copy of the relevant decisions listed above are contained in Attachment [D] to this application.

#### **Summary;**

RM050520 approved the subdivision of Lot 2 DP 305273 into 17 separate fee simple lots and was staged by RM090646. Staging and lot configurations were amended to provide the first stage of the original subdivision in one lot that resulted in Lot 1 & 2 DP 485139. Lot 2 DP 485139 being stage 1 and the remainder of the land held as a balance parcel being Lot 1 DP 485139. Lot 2 was then subject to further subdivision and development under RM 140714 and RM150087.





The configuration of proposed lots within Lot 1 DP 485139 was amended by RM150928 and RM160038 as variations to RM050520.01.

RM160181 approved earthworks on the subject site which has enabled the design of the proposed development.

#### **1.4 The Proposal**

For the purposes of the current application the subject site is Lot 10 DP 490069 which is denoted on the approved scheme plan contained in Attachment [E] to this application. The applicant has designed apartments on Lot 10 which are detailed on the plans contained in Attachment [F]. In addition to the construction of the proposed buildings the applicant seeks consent to subdivide the proposed residential units as detailed on the proposed scheme plan contained in Attachment [G].

Therefore, the current application requires assessment as a landuse and subdivision which has been set out as Part A (landuse) and Part B (subdivision):

##### **Part A: Landuse**

##### 1.4.1 Earthworks

All earthworks associated with the establishment of foundations for the proposed buildings and access to and from the proposed residential units which has been approved under RM160181.

##### 1.4.2 Buildings

Blocks A and B provide three bedroom two bathroom apartments with open plan kitchen and living areas as depicted on the plans contained in Attachment [F]. Block C provides four apartments which contain a residential flat within the residential unit. The residential flats are:

- Retained in the same ownership as the units;
- Contained within the ground floor of the residential unit;
- Contain no more than one kitchen and laundry;
- A gross floor area (GFA) of 62m<sup>2</sup> within a residential unit which affords a total GFA of 212m<sup>2</sup>. This equates to the flat being 29% of the total GFA of the building containing the residential unit and the flat (212m<sup>2</sup>).

Selected materials have been chosen as they appear recessive and incongruous with the site and surrounding area. These materials have been carried over each of the apartment blocks in order to complete this recessive appearance across the subject site. Materials include:

- Selected double glazed aluminium joinery;
- Glass Balustrade;
- Stone veneer;
- Vertical Shiplap Cedar Weatherboards;





- Charcoal 20 series concrete block wall;

#### 1.4.3 Outdoor Living Areas

A mixture of outdoor living areas are provided for each unit as set out on the plan contained in Attachment [H]. These areas are dependent on the existing topography and the ability to provide readily accessible level and useable spaces.

#### 1.4.4 Access and Parking

Access to the subject site is from Potters Hill Drive via a 19.5m wide vehicle crossing as measured along the boundary of the property. However, upon the completion of the subdivision this crossing will be split into three crossings where Lot 12 measures 7m, Lot 11 measures 7.5m and Lot 10 measures 5.0m.

While two of these crossings are wider than would normally be anticipated It should be noted that the crossing widths are measured around the geometry of the cul-de-sac.

Lots 10 to 12 contain one residential unit and a residential flat where adequate parking has been provided.

All car parking spaces have been designed in accordance with the minimum dimensions within the District Plan and sufficient manoeuvring to facilitate all parking spaces has been provided and depicted on the plan contained in Attachment [I] to this application.

Potters Hill Drive was designed, approved and constructed in accordance with the original subdivision consent RM050520.01. This consent anticipated a maximum of 51 residential units based upon the yield of the subdivision which is detailed in Para 22 of the Traffic Engineers evidence contained in Attachment [J] to this application. The original subdivision had the support of NZTA (Transit) which is contained in Attachment [J] along with subsequent approvals from NZTA.

NZTA are settled that Potters Hill Drive and its intersection with Frankton Road can afford up to 51 residential units without upgrade. As such, the plan contained in Attachment [J] denotes the current (at the time of lodgement) count as follows: 17 units have been constructed (or soon to be) within the RM050520.01 subdivision and the remaining Lots 7, 8, 9, 12, 13, 14 & 15 represent a potential yield of 18 units should these be constructed up to the maximum density of each allotment. This leaves 16 potential units for the subject site before the threshold of 51 units is reached. The proposed development includes 12 units.

### **Part B: Subdivision**

#### 1.4.5 Subdivision / Staging





Part 15.2.6.3 of the District Plan stipulates:

*"No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit".*

Should consent be granted: Part A of this consent application would authorise building works. Upon completion of external cladding (roofing) the applicant then seeks consent in Part B of this application to undertake a subdivision pursuant to Part 15.2.6.3 of the District Plan.

The buildings have not yet been constructed so any consent approval must be conditional on the roofs being complete. As such, the following condition is offered:

*"Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed)".*

The timing of subdivision follows the construction of the five residential blocks. Therefore, a staged approach to the subdivision of the units is anticipated:

Stage 1: Block A contains four residential units where upon the physical completion of works to a fully measurable state completion certificates will be applied for Lots 1-4. Lots 101 and 102 are intended to be created as part of this stage of works when servicing has been installed in easements A-G. This stage of works also includes access which services Lots 1 - 8.

Stage 2: Pertains to the four residential units within Block B (Lot 101). Upon the physical completion of works to a fully measurable state completion certificates will be applied for Lots 5-8. Access to Block B will have been formalised as part of Stage 1.

Stage 3: Pertains to the four residential units within Block C (Lot 102). Upon the physical completion of works to a fully measurable state completion certificates will be applied for Lots 9-12. Access to Lot 9-12 will be formed as part of Stage 1 while access to Lots 11 and 12 will be completed in this final Stage.

The above has been detailed on the staging plan contained in Attachment [G] to this application.

#### 1.4.6 Services

The completion of the RM050520.01 subdivision Lot 10 was fully serviced with water, power, telecom and effluent disposal. The provision of these services to the subject site anticipated that accommodation of 12 units.





## 1.5 Statutory Provisions

### 1.5.1 Queenstown Lakes District Council Operative District Plan

The subject sites are located within the Low Density Residential Zone of the District Plan. The site contains no known protected items or areas of significant vegetation.

## Part A: Landuse

### 7.5.3.4 Discretionary Activities

The following shall be Discretionary Activities provided they are not listed as a Prohibited or Non-Complying Activity and they comply with all the relevant Zone Standards:

#### (v) Comprehensive Residential Developments located in the Low Density Residential Zone.

Comprehensive Residential Development by definition means a comprehensively planned and designed collection of two or more Residential units where:

- (a) the building and subdivision consents are submitted concurrently
- (b) the net area for a residential unit is less than 450m<sup>2</sup>
- (c) the net area of the site containing all residential units is 2000m<sup>2</sup> or larger.

The current application includes both landuse and subdivision, while building consents for the proposed units are currently being finalised for lodgement. The range in lot sizes is detailed in Part B below. The subject site is 9886m<sup>2</sup> prior to the proposed subdivision.

#### (viii) Outdoor Living Space

- (a) The minimum provision of outdoor living space for each residential unit and residential flat contained within the net area of the site within the Low Density Residential Zone shall be:

36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m<sup>2</sup> contained in one area with a minimum dimension of 2m at any above ground floor level.

Three breaches have been identified:

- 1 Unit 2 achieves two outdoor living areas (20m<sup>2</sup> and 23m<sup>2</sup>) being 13m<sup>2</sup> below the minimum required;
- 2 Unit 3 achieves two outdoor living areas (6m<sup>2</sup> and 13m<sup>2</sup>) being 23m<sup>2</sup> below the minimum required and;
- 3 Unit 12 achieves two outdoor living areas (26m<sup>2</sup> and 30m<sup>2</sup>) being 6m<sup>2</sup> below the minimum required and;





#### 14.2.2.3(ii) Discretionary Activities

Any activity which does not comply with the following **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

#### Length of Vehicle Crossings [Part 14.2.4.2(i)]

The maximum crossing length shall be 6 metres per residential allotment.

A 19.5m wide vehicle crossing is measured along the boundary of the subject site.

Upon completion of the subdivision the vehicle crossing for Lot 12 measures 7m and Lot 11 measures 7.5m.

#### 7.5.3.5 Non-Complying Activities

Any activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone** standards, shall be a **Non-Complying Activity**.

#### 7.5.5.3 Zone Standards - Residential Activities and Visitor Accommodation

##### (v) Building Height

- (b) Sloping sites where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5)

The maximum height for buildings shall be 7.0m.

In relation to the above, the following breaches are identified:

- Block A presents four triangular breaches which measure;
  - 1 A vertical non-compliance of 0.31m on Unit 1 which extends 0.8m horizontally as viewed on an southern elevation.
  - 2 A vertical non-compliance of 1.05m on Unit 2 which extends 2.6m horizontally as viewed on an southern elevation.
  - 3 A vertical non-compliance of 1.56m on Unit 3 which extends 5.4m horizontally as viewed on an southern elevation.
  - 4 A vertical non-compliance of 1.43m on Unit 4 which extends 4.6m horizontally as viewed on an southern elevation.
- Block B presents two triangular breaches which measure;





- 1 A vertical non-compliance of 1.31m on Unit 7 which extends 4.2m horizontally as viewed on an southern elevation.
  - 2 A vertical non-compliance of 2.95m on Unit 8 which extends 6.8m horizontally as viewed on an southern elevation.
- Block C presents four triangular breaches which measure;
    - 1 A vertical non-compliance of 0.31m on Unit 9 which extends 2.7m horizontally as viewed on an southern elevation.
    - 2 A vertical non-compliance of 1.05m on Unit 10 which extends 2.4m horizontally as viewed on an southern elevation.
    - 3 A vertical non-compliance of 1.56m on Unit 11 which extends 4.0m horizontally as viewed on an southern elevation.
    - 4 A vertical non-compliance of 1.43m on Unit 12 which extends 6.4m horizontally as viewed on an southern elevation.

## Part B: Subdivision

### 15.2.3.4 Non-complying Activities

Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a Non-Complying Subdivision Activity.

Pursuant to Part 15.2.6.3 no lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone where the minimum for Low Density Residential Zone is 600m<sup>2</sup>. Lots which comply with this Zone Standard are underlined below:

#### STAGE 1

Lot 1	320m <sup>2</sup>	Lot 2	225m <sup>2</sup>	Lot 3	205m <sup>2</sup>	Lot 4	<u>715m<sup>2</sup></u>
Lot 101	<u>2430m<sup>2</sup></u>	Lot 102	<u>1520m<sup>2</sup></u>				

#### STAGE 2

Lot 5	<u>1431m<sup>2</sup></u>	Lot 6	320m <sup>2</sup>	Lot 7	320m <sup>2</sup>	Lot 8	345m <sup>2</sup>
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#### STAGE 3

Lot 9	380m <sup>2</sup>	Lot 10	435m <sup>2</sup>	Lot 11	295m <sup>2</sup>	Lot 12	400m <sup>2</sup>
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The relevant assessment criteria specified for the above are discussed in detail in Part 4.0 of this application.





### 1.5.2 Proposed Queenstown Lakes District Council District Plan

The subject site is located within the Low Density Zone of the Proposed District Plan and contains no known protected items or areas of significant vegetation. Submissions on the Proposed District Plan are being heard.

It is considered unnecessary to undertake a weighting exercise. However, it is worthy to note what direction Council policy makers intend for the Proposed Zone. This has been considered further in Part 3.0 of this application.

### 1.5.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

Detailed site reviews have been undertaken and no records have been found that would suggest an activity on the HAIL has been carried out in the past. Details of the NES assessment is included as Attachment [K] to this application.

## **1.6 Classes of Activities**

A number of instruments are registered on the titles for the subject property:

**Land Covenant 10097957.3**, requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must authorized by Albatross QT Ltd and not deviated from without further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.

**Encumbrance 10154387.2**, relates to the management of the company The Tiers Management Limited in its duties to monitor and maintain roading, stormwater disposal, pedestrian access and water supply.

**Land Covenant 10449745.28**, requires all buildings to be new and signed off by Albatross QT Ltd, building design and materials must authorized by Albatross QT Ltd and not deviated from without further permission from Albatross QT Ltd, restrictions on landscaping, restrictions on fencing, timing of building works, surfacing of driveways, restrictions on clotheslines, letterboxes and liability of damage to roading, keeping of animals, restriction on further subdivision, non-objection clauses, restrictions on signage, must permit access by Albatross QT Ltd, consequences of breach of covenant, arbitration and conflict resolution.





**Consent Notice 10097957.4**, requires the construction of a vehicle crossing to Council standard and payment of additional head works fees where applicable. This consent notice includes conditions (c) and (d) which are subject to this consent application.

**Consent Notice 10449745.29**, requires to geotechnical constraints on the subject site and payment of additional head works fees where applicable. This consent notice includes conditions (7) and (8) which are subject to this consent application.

**Consent Notice 10154387.11**, requires lot owners to locate rubbish and recycling bins within their lots on certain days.

**Land Covenant 10449745.28**, relates to buildings, use of land, no further subdivision, insurance, consequences of breach and conflict.

Copies of the above are contained in Attachment [B] to this application.

Affected Party Approval from Albatross QT is contained in Attachment [P] to this application.

Overall, with Parts 1.5 and 1.6 fully considered the current application is a **non-complying** activity.

## **2.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:**

### **2.1 It is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

### **2.2 An assessment of actual or potential effects on the environment of the proposed activity:**

#### **2.2.1 Permitted Baseline**

Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. A number of activities are permitted on the site and therefore form part of the permitted baseline for the site:

- Residential buildings are a permitted activity in the Low Density Residential Zone up to a maximum height of 8m above ground level.
- Earthworks up to 100m<sup>3</sup> of over an area of 200m<sup>2</sup>.
- 40% of the net site area or 3739.2m<sup>2</sup> of building coverage is anticipated on the subject site.
- 1 residential unit per 450m<sup>2</sup> is anticipated or 20 units on the subject site.





### 2.2.2 Any physical effect on the locality, including any landscape and visual effects

The subject site is located in a low density residential zone. The proposed development has been constructed with materials have been detailed in Part 1.4 above and are considered to be appropriate and consistent without the materials that furnish existing built form in the area.

Due to the existing topography and development on the lower slopes of the site and surrounding properties the proposed residential blocks will not be visible when travelling along Frankton Road.

The proposed development will be visible from Peninsula Road and some roads throughout Frankton. However, when viewed from this distance the proposal must be considered in the context of all residential development along the southern slopes of Queenstown Hill. In this context the proposal is considered to be acceptable.

The eastern boundary of the site is located on the eastern side of a gully system which runs north / south down the subject site. A number of mature Douglas Fir and other exotic species stand within this gully, along boundary and parts of the adjoining Lot 2 DP 20473. Any view of the proposed development will be considerably diminished by these trees coupled with excavation which limits the amount of built form to the upper levels of the proposed development. As discussed, the material appearance of the proposal is considered acceptable. Any adverse effects from the proposed development upon the visual amenity currently afforded on Lot 2 DP 20473 will be de minimis.

The western boundary is shared with Lot 17 DP 490069 where proposed Unit 12 is setback 3m from the common boundary. Due to the level of excavation the built form of the proposed units has been setback into the hillside distanced to the north sufficiently to confirm that it will not appear to the south of any future development on Lot 17. Given the horizontal displacement from the boundary coupled with the proposed materials any adverse effects from the proposed development upon the level of visual amenity currently afforded on Lot 17 will be less than minor.

Overall, the appearance of the proposed residential blocks is considered consistent with the established buildings on adjoining properties and the surrounding area and anticipated in Low Density Residential Zone. As a result, any adverse physical effects including any landscape and visual effects are considered to be less than minor.

### 2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

#### *Views / Outlook*

The topography of the site and surrounding area rises steeply to the north. As such, the northern neighbour Lot 2 DP 409336 affords an elevated ground level above the subject site. The proposed





buildings will be constructed within the earthworks approved under RM160181 which enables the overall height of the proposed buildings to stand below the existing ground level at the common boundary with Lot 2 DP 409336. This ensures that the views and outlook currently afforded from the neighbouring property to the north will not be compromised by the proposed development.

Block A stands a maximum of 8.56m above original ground level as depicted on the cross sections contained in Attachment [L] while the footprint is some 122 metres from the common boundary with Lot 2 DP 20473 to the east. The bulk and location of the proposal is considered to be sufficiently removed from the eastern boundary to confirm that any adverse effects upon any views and/or outlook from Lot 2 DP 20473 will be de minimis.

The western boundary is shared with Lot 17 DP 490069. As discussed, the location of proposed Unit 12 is sufficiently northwards to confirm that the building will not compromise any views or outlook afforded from Lot 17 DP 490069. Any adverse effects from the proposed development upon any views and/or outlook from Lot 17 DP 490069 will be less than minor.

Lots 12, 13 & 14 DP 490069 are located to the south of the subject site. It must be acknowledged that views are generally directed from the proposed allotments south over Frankton Arm and the Kelvin Peninsula. Due to the sloping topography of the site there is limited (if any) view to be enjoyed to the north from Lot 12 DP 490069 due to the existing landform of Queenstown Hill. In addition, any permitted construction of buildings up to 7m setback 2m from property boundaries will further reduce views and outlook northwards from Lots 12, 13 & 14 DP 490069.

By virtue of the existing landform coupled with the permitted development building envelope over the subject site any adverse effects upon views / outlook afforded from Lots 12, 13 & 14 DP 490069 which are above or beyond the baseline in the existing environment are considered to be de minimis.

A number of residential units have been constructed on the lower slopes of the subdivision approved under RM050520.01 and Greenstone / Remarkables Apartments adjoin Frankton Road to the south. However, due to the steeply sloping topography of the site and surrounding area views north from these properties are obstructed by the existing landform.

Overall, any adverse effects from the proposed development upon the views or outlook afforded from any surrounding property will be less than minor.

#### *Privacy*

The eastern neighbouring property Lot 2 DP 20473 contains a residential dwelling. The outdoor living amenity areas associated with this residence are screened by a tall stand of Douglas Fir. Notwithstanding, the proposal is not considered to represent a development which enables a visual perspective from any point over this site. Coupled with the distance (130m) between the proposal





and the existing residence any adverse effects associated with the proposal upon Lot 2 DP 20473 will be de minimis.

The proposal will afford a visual perspective into Lots 12, 13, 14 & 17 DP 490069. Due to the underlying topography and the requirement to construct buildings on a formed and level platform Units 1-4 appear above the maximum height limit of 7m as detailed on the elevations and the digital illustrations (Figure 1) contained in Attachment [L]. However, the nature of the building which stands through the maximum height is limited to roof space and does not enable any occupant to obtain a view point which could not already be achieved with a complying building height

Therefore, the visual perspective afforded from Units 1-4 over Lots 12, 13 & 14 DP 490069 is one attributed to that of a development which would otherwise comply with the height limit. Any adverse effects upon the privacy afforded on Lots 12, 13 & 14 DP 490069 which is above or beyond that of permitted development is considered to be less than minor.

A number of residential units have been constructed on the lower slopes of the subdivision approved under RM050520.01 and Greenstone / Remarkables Apartments adjoin Frankton Road to the south. Again, the visual perspective afforded from Units 1-4 over these properties is one attributed to that of a development which would otherwise comply with the height limit. Coupled with the distance from the subject site to these properties any adverse effects upon the privacy afforded which is above or beyond that of permitted development is considered to be de minimis.

The maximum height of the proposed buildings is below the elevation at the common boundary with the northern neighbour Lot 2 DP 409336. Coupled with the southern orientation of the proposed development no adverse effects in terms of privacy upon Lot 2 DP 409336 are anticipated.

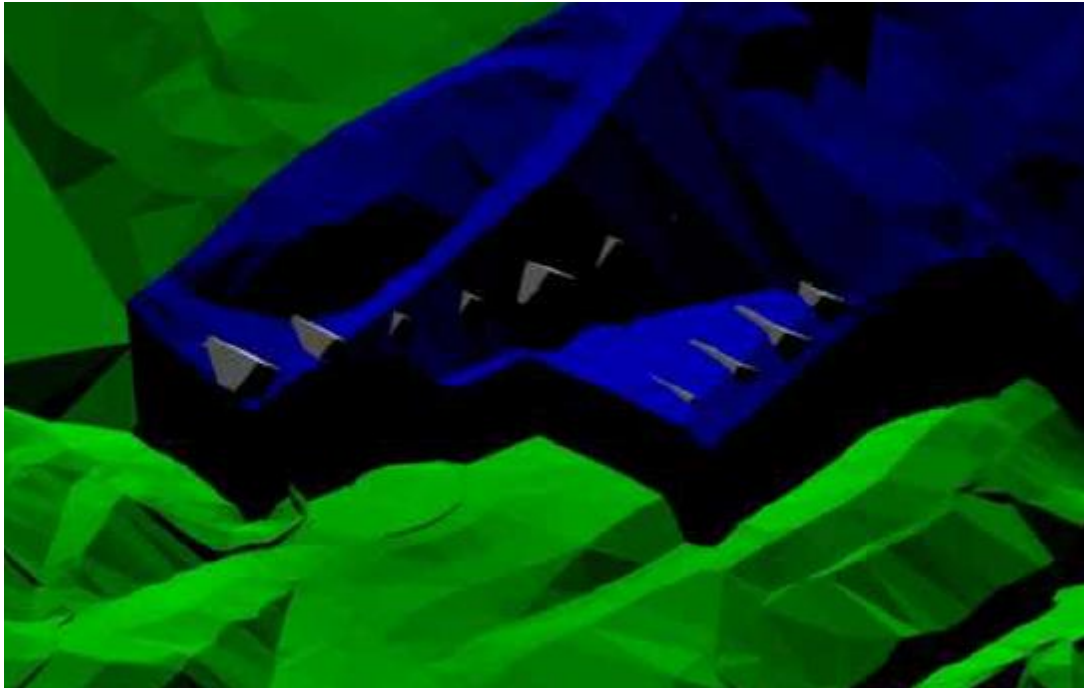
Overall, any adverse effects upon the level of privacy enjoyed on adjoining properties and those in the surrounding area is considered to be less than minor.

#### *Dominance*

Due to the underlying topography and the requirement to construct buildings on a formed and level platform the maximum height of a number of Units appears above the maximum height limit of 7m. However, Units within Blocks B and C are situated within the site where any adverse effects associated with dominance are largely confined to the subject site and any adverse effect of dominance beyond the boundary of the site from these units is considered to be de minimis.

Units 1-4 appear above the maximum height limit of 7m as detailed on the elevations and the digital illustrations contained in Attachment [L]. The digital illustrations clearly depict the amount of building bulk which appears above the maximum height for the zone.





**Fig 1: Proposed bulk above max height, Attachment [L]**

Due to the existing topography of the subject site and surrounding area any permitted building upon this property will inevitably appear at an elevation above that of surrounding properties to the south.

The level of adverse effect attributed to any permitted building on the subject site is considered sufficient to result in the level of effect between the permitted baseline and the proposed development being less than minor.

#### *Sunlight / Daylight*

Due to the underlying topography and the requirement to construct buildings on a formed and level platform the maximum height of a number of Units appears above the maximum height limit of 7m. However, Units within Blocks B and C are situated within the site where any adverse effects associated with dominance are largely confined to the subject site and any adverse effect of dominance beyond the boundary of the site from these units is considered to be de minimis.

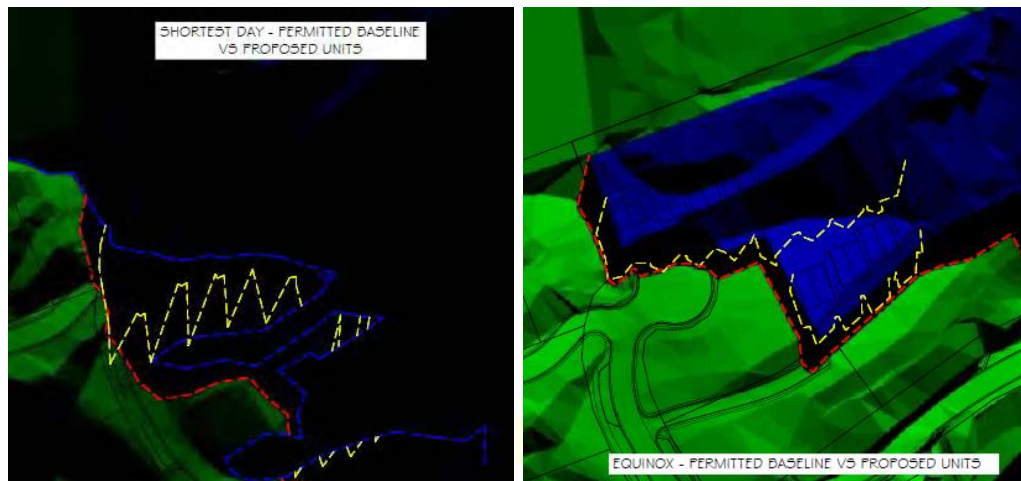
Unit 12 stands 2.25 m above the permitted height plane. Shading analysis from the proposal has been completed and is contained in Attachment [L]. The level of sunlight admission into neighbouring Lot 17 DP 490069 is significantly diminished by the existing landform of Queenstown Hill. The extent of shading from the proposed development is coloured in yellow on the shading analysis while the permitted baseline on the site is depicted in red. Where the yellow line is within the red the permitted baseline has a greater effect than the proposed development.

The extent of shading from the proposed development only extends beyond that of the permitted baseline at one point on the shortest day and this area is located on the road. This reduction in





sunlight is considered to represent a level of adverse effect upon Lot 17 DP 490069 which is de minimis.



**Fig 2 & 3: Shading Analysis, Attachment [L]**

Units 1-4 appear above the maximum height limit of 7m as detailed on the elevations and shading analysis is contained in Attachment [L]. The level of sunlight admission into neighbouring Lots 12, 13 & 14 DP 490069 is significantly diminished by the existing landform of Queenstown Hill (blue line Fig 1 above). The extent of shading from the proposed development is coloured in yellow on the shading analysis while the permitted baseline on the site is depicted in red.

The yellow line (proposed) is entirely contained within the red (permitted), or the shading associated with the permitted baseline exceeds that of the proposed development. As such, any adverse effects from shading on Lots 12, 13 & 14 DP 490069 will be de minimis.

The eastern neighbouring property Lot 2 DP 20473 contains a residential dwelling. The outdoor living amenity areas associated with this residence are screened by a tall stand of Douglas Fir and is distanced 130m from the proposed development. As such, no adverse effects upon sunlight admission into Lot 2 DP 20473 are anticipated.

Overall, any adverse effects upon the level of sunlight admission into adjoining properties and those in the surrounding area is considered to be less than minor.

#### *Traffic / Access: Residential*

The proposed development contains a sufficient number of parking spaces for the demand created from the proposed residential units and flats. The amount of traffic generated from these units has been anticipated in the design and construction of Potters Hill Drive as discussed in Part 1.4.4 above.





The proposal includes a large vehicle crossing where access from parking spaces associated with Units 11 and 12 is required to reverse manoeuvre onto Potters Hill Drive. From the crossing point vehicles afford clear lines of site to all road users. The nature of Potters Hill Drive at the point of crossing is a cul-de-sac. As such, the level of safety for all road users is considered to be undiminished as part of the proposal and any adverse effects associated with the same will be minimised.

All remaining parking spaces afford sufficient manoeuvring on the site for vehicles to exit the site where any reversing vehicles from Units 11-12 will be in full view. No conflict between is anticipated.

*Traffic / Access: Construction*

A staged approach to building construction limits the number of construction vehicles and provides for sufficient room within the site to accommodate these vehicles. Stage 1 includes the establishment of access points and the internal manoeuvring.

2.2.4 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity

The site has already been modified from its natural state due to the earthworks undertaken in accordance with RM160181, therefore if any habitats were to be disturbed it would have already occurred.

2.2.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:

The subject site is not recognised as a site containing any significant aesthetic, recreational, scientific, historical, spiritual or cultural values.

2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants.

2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

An assessment of potential geotechnical constraints was undertaken at the time of the original subdivision consent by Tonkin Taylor Ltd which set the parameters for building design within the subdivision. Further, a detailed inspection of the site has been undertaken by Geosolve Ltd and it confirmed the sites suitability for the proposed building work through investigations which lead to





the approval of the earthworks consent RM160181. The Geosolve Ltd report is contained in Attachment [M] while conditions applicable to the proposal from RM160181 appear in Attachment [N].

**2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Please see section 2.2.7 above.

**2.4 If the activity includes the discharge of any contaminant, a description of...**

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) any possible alternative methods of discharge, including into any other receiving environment

Please refer to section 2.2.6

**2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Actual and potential adverse effects of the proposal have been considered in Part 2.2. No mitigation measures are considered necessary.

**2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

No persons are considered affected by the activity.

**2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

It is not expected that any monitoring will be required as part of this application.

**2.8 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

There are no known customary rights that the site is subject to therefore this is not applicable to this application.





### 3.0 OPERATIVE DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT

#### 3.1 District Wide Objectives and Policies

##### 3.1.1 Natural Environment

###### Objective 1 - Nature Conservation Values:

- The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.
- Improved opportunity for linkages between the habitat communities.
- The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.
- The protection of outstanding natural features and natural landscapes.
- The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.
- The protection of the habitat of trout and salmon.

Policies relevant to the above Objective being 1.1 – 1.20 have been considered. Due to the site not containing any significant indigenous ecosystems, plants, animals or extensive areas of natural character a majority of these policies are not considered relevant.

###### Objective 2: Air Quality

- Maintenance and improvement of air quality.

###### Policies:

- 2.1 *To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.*

The proposal will not result in any noxious, dangerous, offensive or objectionable emissions to air.

##### 3.1.2 Landscape and Visual Amenity

###### Objective:

- Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

1. Future Development





- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.
- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

The proposal is considered to be consistent with Policies 1(a) to 1(c) above for the following reasons:

- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.

#### 6. Urban Development

- (a) To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.
- (b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.
- (c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:
  - maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;
  - ensuring that the subdivision and development does not sprawl along roads.
- (d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

The proposal is considered to be consistent with Policies 6(a) to 6(d) above for the following reasons:

- The subject site is not within an outstanding natural landscape or visual amenity landscape.

Policies 2 – 5 & 7 – 17 have been assessed and are not considered to be relevant to the proposal.

#### **3.1.3 Tangata Whenua**

#### **3.1.4 Open Space and Recreation**

#### **3.1.5 Energy**

#### **3.1.6 Surface of Lakes and Rivers**

#### **3.1.7 Solid and Hazardous Waste Management**





Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

### **3.1.8 Natural Hazards**

Natural hazards have been considered above in 2.2.7.

### **3.1.9 Urban Growth**

#### **3.1.10 Affordable and Community Housing**

#### **3.1.11 Earthworks**

#### **3.1.12 Monitoring, Review and Enforcement**

Objectives and Policies listed above have been considered and deemed not to be relevant due to the location of the subject site and/or nature of the proposed development.

## **3.2 Residential - Objectives and Policies**

### **3.2.1 District Wide Residential Objectives and Policies**

#### **Objective 1 - Availability of Land**

***Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.***

#### **Policies:**

- 1.1 *To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.*
- 1.2 *To enable new residential and visitor accommodation areas in the District.*
- 1.3 *To promote compact residential and visitor accommodation development.*
- 1.4 *To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.*
- 1.5 *To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.*
- 1.6 *To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.*

The proposal is considered to be consistent with 1.1 – 1.6 above for the following reasons:

- The proposal provides 12 residential units within an existing residential zone.





- The subject site is zoned residential and not considered to be within an area where the visual amenity values are vulnerable to degradation.
- The proposal does not promote any distinction between urban and rural areas but it is not considered to compromise any distinction.
- The proposal does not include any visitor accommodation.

## **Objective 2 - Residential Form**

**A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.**

### **Policies:**

- 2.1 *To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.*
- 2.2 *To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.*
- 2.3 *To provide for rural living activity in identified localities.*
- 2.4 *In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*
- 2.5 *To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.*

The proposal is considered to be consistent with 2.1 – 2.5 above for the following reasons:

- The subject site is within existing residentially zoned land and is not considered to represent urban expansion.
- The proposal does not include rural living or a new residential area
- The proposal is significantly below the density anticipated within the zone.
- The proposal is considered to represent a careful use of the topography by facilitating residential buildings upon a site which has a steep topographical incline.

## **Objective 3 - Residential Amenity.**

**Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.**

### **Policies:**

- 3.1 *To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*





The proposal is within the density anticipated within the zone and provides 12 further residential units into a developing area in the residential zone. This is considered to promote residential cohesion. The protection and enhancement of 'sense of community and well being' through residential neighbours is not understood.

*3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*

The proposal is within the density anticipated within the zone.

*3.3 To provide for and encourage high density residential development within the high density residential zones.*

The subject site is not within a high density residential zone.

*3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*

The subject site is zoned residential and does not constitute a landscape value which is considered significant. There is not a sufficient level of residential building in the immediate area to establish a level of coherent urban character.

*3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.*

Attachment [N] contains a suite of conditions which includes a condition limiting the hours of construction.

*3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*

Outdoor living areas are depicted on the plan contained in Attachment [H] along with proposed landscaping. While the underlying topography does not facilitate extensive flat outdoor living areas the areas provided are considered to sufficient to service the indented occupancy of the residential units.

*3.7 To ensure residential developments are not unduly shaded by structures on surrounding properties.*

Any effect upon those in the neighbourhood and the wider community in terms of visual amenity, views, outlook, privacy, dominance and sunlight / daylight have been discussed in





detail above in Part 2.2.2 and 2.2.3. Any adverse effects associated with the proposal are considered to be less than minor.

- 3.8 *To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*

Discussed in Policy 3.5 above.

- 3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

The proposed development includes two car parking spaces for each proposed residential unit and one for each residential flat. Due to the topography of the site there is insufficient space to avoid reverse manoeuvring onto Potters Hill Drive for Units 11-12. This has been discussed in detail in Part 2.2.3 where any adverse effects from the proposed access and parking is considered to be de minimis.

- 3.10 *To provide for and encourage new and imaginative residential development forms within the major new residential areas.*

'New and imaginative residential development forms' is not understood.

- 3.11 *To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments.*

The subject site is not considered to be within a critical listening environment.

- 3.12 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*

The proposal is within the density anticipated within the zone.

- 3.13 *To require an urban design review to ensure that new developments satisfy the principles of good design.*

An urban design review is not required.

- 3.14 *To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.*





These areas are distinguished by zones.

#### **Objective 4 - Non-Residential Activities**

The proposal does not include any non-residential activities.

### **3.3 Subdivision, Development and Financial Contributions - Objectives and Policies**

#### 3.3.1 Objective 1 – Servicing

*The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.*

Policies 1.1 – 1.12 have been considered and the proposal is deemed to be consistent with these for the following reasons:

- Each proposed residential allotment / unit has a connection to Council effluent, stormwater and water reticulation.
- Telecommunications and Power have been confirmed to the boundary of the subject site through the issue of completion certification of RM050520.01. Connections to these existing services can be provided and a condition of consent is offered in Attachment [K] which ensures the same.

#### 3.3.2 Objective 2 - Cost of Services to be Met by Subdividers

*The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.*

Policies 2.1 and 2.2 have been considered and the proposal is deemed to be consistent with these as the cost of the provision of services will be met by the applicant in order to obtain completion certificates.

#### 3.3.3 Objective 3 - Reserve Contributions (Hydro Generation Zone only)

Not applicable.

#### 3.3.4 Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values

*The recognition and protection of outstanding natural features, landscapes and nature conservation values.*





Policies 4.1 – 4.4 have been considered and the proposal is deemed to be consistent with these as discussed in Part 2.2.2 of this application.

### 3.3.5 Objective 5 - Amenity Protection

*The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.*

Policies 5.1 – 5.8 have been considered and the proposal is deemed to be consistent with these as discussed in Part 2.2.2 of this application.

### 3.3.6 Objective 6 - 21

These Objectives and their respective policies have been considered deemed not to be relevant to the current proposal.

## **4.0 PROPOSED DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT**

Relevant Objectives and Policies of the Proposed District Plan are contained within Attachment [O] to this application. Submissions towards the Proposed District Plan closed on the 23<sup>rd</sup> of October and it is considered unnecessary to undertake a weighting exercise. While assessment cannot be made under the Proposed District Plan consideration of the Proposed District Plan can be made with a view to the direction Council policy makers intend for the Proposed Zone.

It is considered that the Proposed District Plan is more permissive in relation to the current proposal than the Operative District Plan.

## **5.0 OPERATIVE DISTRICT PLAN: RULES AND ASSESSMENT CRITERIA**

### Part A: Landuse

#### **5.1 Comprehensive Residential Development [Rule 7.7.2(vi)]**

- (a) *Any adverse effects of the activity in terms of:*
  - (i) *Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density residential environment.*

Pursuant to Rule 7.5.5.3(iii) site density in the zone specifies the minimum net area for a residential unit is 450m<sup>2</sup>. The subject site is 9348m<sup>2</sup> which could accommodate a maximum of 20 units. 12 units are currently proposed within the subject site.





The access arrangements within have been designed and will be constructed in accordance with QLDC standards. The scale and nature of vehicle movements associated with the proposed development is considered directly compatible with the zoning of the site.

*(ii) Loss of privacy*

Discussed in Part 2.2.3 above.

*(iii) Level of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.*

Traffic generation and access has been discussed in detail in Part 2.2.3 where any adverse effects from the proposed access and parking is considered to be de minimis.

*(iv) Pedestrian safety in the vicinity of the activity.*

Pedestrian access is provided around the cul-de-sac of Potters Hill Drive and vehicle access and parking has been discussed in Part 2.2.3 where any adverse effects are considered to be de minimis.

*(v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*

*(b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.*

Vehicle access and parking has been discussed in Part 2.2.3 where any adverse effects are considered to be de minimis.

*(c) Any adverse effects of the proximity or bulk of the buildings, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.*

Discussed in Part 2.2.2 and 2.2.3.





- (d) *Any adverse effects of the proximity or bulk of the buildings, in terms of loss of access to daylight on adjoining sites.*

Discussed in Part 2.2.2 and 2.2.3.

- (e) *The ability to provide adequate opportunities for garden and tree plantings around buildings.*

Outdoor living areas are depicted on the plan contained in Attachment [H] along with proposed landscaping. While the underlying topography does not facilitate extensive flat outdoor living areas the areas provided are considered to sufficient to service the indented occupancy of the residential units.

- (f) *The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.*

The proposed development does not result in any breach of the maximum building coverage over the subject site. The appearance of the proposed buildings and any adverse effects of dominance have been considered in Part 2.2.2 and 2.2.3.

- (g) *The ability to provide adequate vehicle parking and manoeuvring space on site.*

The number and dimensions of parking spaces have been designed in accordance with District Plan standards. Units 11-12 are required to reverse manoeuvre onto Potters Hill Drive and this has already been considered where it is concluded any adverse effects will be de minimis. All remaining residential units are not required to reverse manoeuvre from the subject site.

- (h) *The extent to which the increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight and loss of opportunities for views.*

The proposed development does not result in any breach of the maximum building coverage over the subject site. Any adverse effects of dominance, privacy, views, sunlight / daylight admission have been considered in Part 2.2.2 and 2.2.3.

- (i) *The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.*





Refer to Part (e) above.

- (j) *The ability to mitigate any adverse effects of increased coverage.*

The proposed development does not result in any breach of the maximum building coverage over the subject site.

- (k) *Whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.*

The proposed development results in a range in apartment styles and lot sizes. This range results in a range in price reaching the market which increases affordability.

## 5.2 Outdoor Living Space [Rule xxii]

- (a) *The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site.*

The proposed development has been intended to be apartment style living where the onus is on providing sufficient internal spaces and adjoining decking to ensure a healthy living environment.

Each of the proposed Units afford a modest decking space. While this space is limited it will enable peoples to congregate outside.

- (b) *Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.*

Frankton Road is not furnished with reserves in the immediate vicinity. However, decking spaces are considered to provide some level of outdoor amenity for apartment style living.

- (c) *The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.*

The decking spaces provided on the southern elevation of the Units are readily accessible and sliding doors on the southern elevation enables occupants to leave doors open and enjoy an outdoor aspect from the open plan living space.





- (d) *Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site.*

The proposed units are not specifically seeking to provide for elderly housing as intended in the assessment criteria.

### **5.3 Access – Length, Number and Location of Vehicle Crossings [Parts 14.2.4.2 (i), (v) & (vi)]**

Assessment matters contained in Part 14.3.2(v)(a)-(t) have been considered and where relevant addressed below:

- (a) *Whether adequate sightlines are available from alternative access points.*

There are no alternative access points.

- (b) *The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection or with lesser unobstructed site distances, than is permitted by the Plan.*
- (c) *The extent to which conflicts between vehicles could be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.*

In relation to (b) and (c) above, any adverse effects from the proposed development in terms of effects on the safety of road users has been considered in Part 2.2.3 where it is considered that any adverse effects will be less than minor.

- (d) *Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.*

The subject site contains residential activities which are not generally associated with 'hours of operation' as it depends on what type of employment and individual circumstances of each household / unit.

- (e) *Whether the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.*





Potters Hill Drive is recognised as a 'local road' under the District Plan and a low operating speed environment. As such, it is not anticipated that the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.

(f) *Whether the geometry of the road could mitigate the adverse effects of the access.*

Potters Hill Drive is steep over its entire length with a number of tight turns which reduces the speed of vehicles. The road has no thoroughfare and carries only 'resident' traffic and any associated visitors. As such, the speed and volume of vehicles is considered to be restricted by way of topography, road geometry and the lack of connectivity the road affords.

(n) *The likelihood of future development which could result in increased traffic generation.*

As discussed in Part 1.4.4 the capacity of the road is limited but the threshold has not been reached as part of the current application. As such, the road has been designed to accommodate the demand created by the proposal.

#### **5.4 Building Height**

(a) Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.

(b) Whether there are rules requiring the site to be built up.

(c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

With reference to the above;

- No earthworks have been undertaken on the site prior to 10<sup>th</sup> October 1995.
- There are no rules requiring the site to be built up.
- The proposed development results in two apartments which will create a range in price / affordability.

#### **Part B: Subdivision**

#### **5.5 Lot Size, Average and Dimension**

Proposed lot sizes and dimensions have been accurately represented on the subdivision plan contained in Attachment [G] of this application.





Lot sizes which do not meet the required fee simple standard have been identified in Part 1.4 above. Most of these do not meet the minimum density requirement specified in the District Plan for the Low Density Residential Zone. However, all lot sizes are a direct reflection of apartment style living intended for this development where the onus is placed upon a quality internal living environment.

Notwithstanding the above, Part 15.2.6.3 of the District Plan stipulates:

*"No minimum allotment size shall apply in the Low and High Density Residential Zones and the Shotover Country Special Zone where each allotment to be created, and the original allotment, all contain at least one residential unit".*

At the time of lodgement no buildings have been constructed on the site. It is not intended to proceed with subdivision consent until these have been constructed. To afford the benefit of Part 15.2.6.3 it must be conditioned that an subdivision consent cannot be progressed until the roofs have been erected on the buildings which occupy the site intended for completion by the subdivision consent. As such, the following condition is offered:

*"Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed)".*

## **5.6 Property Access**

Access to each proposed allotment is confirmed through the schedule of easements which appears on the subdivision plan contained in Attachment [G]. Car parking and access has been discussed in Part 2.2.3 where it was concluded any adverse effects associated with the development in this regard will be de minimis.

## **5.7 Landscaping**

There is no landscaping requirement contained in the District Plan and no requirement imposed by previous consenting on the property. Notwithstanding, a landscape plan is contained in Attachment [H] of this application.

## **5.8 Hazards**

An assessment of potential geotechnical constraints was undertaken at the time of the original subdivision consent by Tonkin Taylor Ltd which set the parameters for building design within the subdivision. Further, a detailed inspection of the site has been undertaken by Geosolve Ltd and it confirmed the sites suitability for the proposed building work through investigations which lead to the approval of the earthworks consent RM160181. The Geosolve Ltd report is contained in





Attachment [M] while conditions applicable to the proposal from RM160181 appear in Attachment [N].

## **5.9 Water Supply**

The subject site has been supplied with water as a requirement of the completion of certification towards the issue of title for the subject site. From the boundary of the subject site the division of water supply is allocated to each proposed allotment via easements. These easements are detailed in the schedule on the proposed scheme plan contained in Attachment [G].

Connections to this existing service can be provided and a condition of consent is offered in Attachment [N] which ensures the same.

## **5.10 Stormwater**

The design of stormwater disposal within the site has been detailed on the proposed Scheme Plan and its schedule of easements.

Connections to this existing service can be provided and a condition of consent is offered in Attachment [N] which ensures the same.

## **5.11 Effluent Disposal**

The subject site has been supplied with effluent disposal as a requirement of the completion of certification towards the issue of title for the subject site. From each proposed unit effluent disposal collectively appears to the connection point at the boundary via easements which are detailed in the schedule on the proposed scheme plan contained in Attachment [G].

## **5.12 Energy Supply and Telecommunications**

Telecommunications and Power have been confirmed to the boundary of the subject site through the issue of completion certification of RM050520.01. From the boundary of the subject site the division of water supply is allocated to each proposed allotment via easements. These easements are detailed in the schedule on the proposed scheme plan contained in Attachment [G].

Connections to these existing services can be provided and a condition of consent is offered in Attachment [N] which ensures the same.

## **6.0 RESOURCE MANAGEMENT ACT 1991: PART 2**





The proposal aligns with the Objectives and Policies of the Low Density Residential Zone. Future development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy, and mitigate adverse effects of activities on the environment.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

AEE prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD & ASSOCIATES

05<sup>th</sup> August 2016





### **APPENDIX 3 – ENGINEERING REPORT**



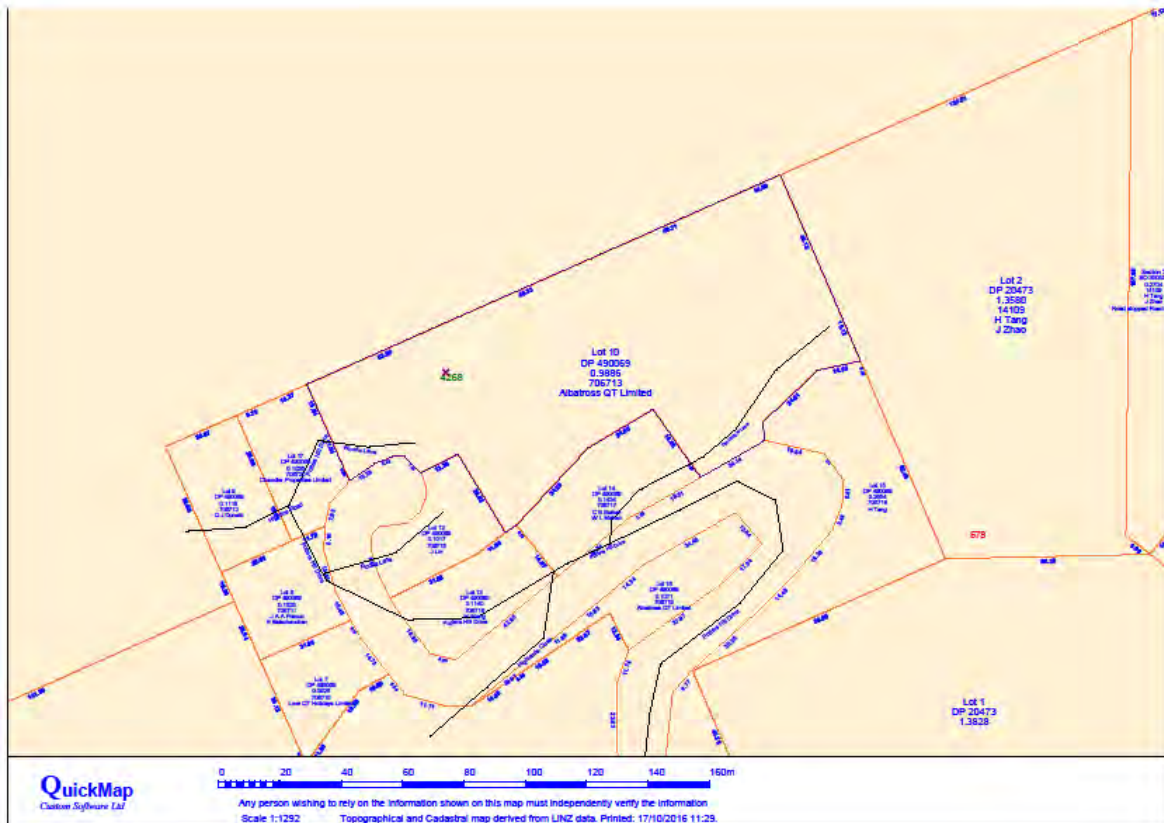
# ENGINEERING REPORT

**TO:** Erin Stagg

**FROM:** Antony White

**DATE:** 17/01/2017

APPLICATION DETAILS	
REFERENCE	RM160718
APPLICANT	ALPHA PROPERTIES NZ LTD
APPLICATION TYPE & DESCRIPTION	To construct a comprehensive residential development that consists of 12 units that breach height and outdoor living space requirements and to subdivide the site into 12 allotments each to contain a unit
ADDRESS	658A Frankton Rd
ZONING	Low Density Residential
LEGAL DESCRIPTION	Lot 10 DP 490069
SITE AREA	9886m <sup>2</sup> approximately.
ACTIVITY STATUS	Discretionary



*Location Diagram - Lot 10 DP 490069 outlined purple for clarity*



Application	Reference Documents	QLDC engineering approvals for RM150087, dated 3 <sup>rd</sup> August 2015.
	Previous Relevant Consents	RM050520 Underlying subdivision consent. RM050520.01 Variation to underlying subdivision consent. RM130069 Variation to RM050520 to enable vesting of the access road. RM140714 Undertake earthworks for access and future dwellings. RM150087 15 Lot subdivision and comprehensive development RM150928 Variation to RM050520.01 RM150615 Variation RM160038 Variation RM160181 Earthworks on Lot 10 and 11
	Date of site visit	31-08-2016

## 1.0 SUBDIVISION

A 12 lot fee simple subdivision is proposed to be created from Lot 10 DP 490069 held in freehold computer register 706713.

The proposed lots range in size between 205m<sup>2</sup> and 1431m<sup>2</sup> and each lot is proposed to contain a residential unit with Lots 9 - 12 also proposed to contain a residential flat. The lot configurations are shaped to contain parking associated with each lot onsite. Some lot sizes do not meet Council District Plan requirements without a residential unit, therefore the applicant volunteers a condition of consent to ensure that subdivision occurs under Rule 15.2.6.3, where no minimum lot size is provided for lots containing a residential unit. I recommend acceptance of same as a condition of consent.

*"Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on-each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed)".*

The subdivision is proposed to be complete within 3 stages and is shown on the below Staging Plan. The staging sequence is proposed as follows:

- Stage 1: Block A contains four residential units where upon the physical completion of works to a fully measurable state, completion certificates will be applied for Lots 1-4. Lots 101 and 102 are intended to be created as part of this stage of works when servicing has been installed in easements A-G. This stage of works also includes access which services Lots 1 - 8.
- Stage 2: Pertains to the four residential units within Block B (Lot 101). Upon the physical completion of works to a fully measurable state completion certificates will be applied for Lots 5-8. Access to Block B will be have been formalised as part of Stage 1.
- Stage 3: Pertains to the four residential units within Block C (Lot 102). Upon the physical completion of the works to a fully measurable state completion certificates will be applied for Lots 9-12. Access to Lot 9-10 (note error in application as stated 9-12) will be formed as part of Stage 1 while access to Lots 11 and 12 will be completed in this final Stage.

To prevent occupancy of non-serviced or non-accessible residential units I recommend conditions are provided prior to land use occupancy.

The proposed order of the stages is provided in order of anticipated completion and it is recommended that Stage 1 herein shall precede all other stages with Stages 2-3 herein in any order.



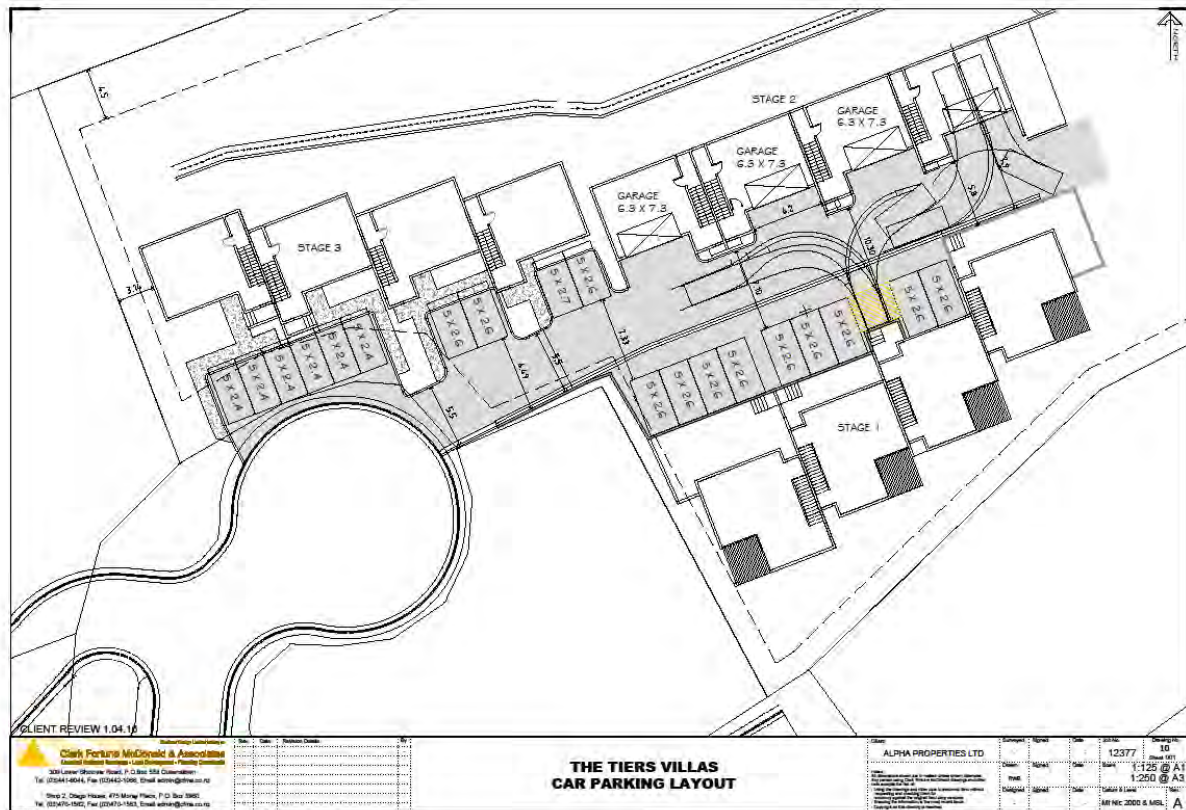
## 2.0 TRANSPORT

Frankton Road is managed by the New Zealand Transport Authority and they have provided written affected party approval for the increased traffic resultant from this development. The Main Access Road has been constructed in stages as part of RM050520 and the subsequent variations. The main access is now vested as legal road and is known as Potters Hill Drive. This proposal will obtain access directly off the cul-de-sac head at the top.

Traffic swept path details (tracking curves) have been provided that demonstrate access and manoeuvring can be achieved for a 90<sup>th</sup> percentile car.

I am satisfied that the road can provide safe transport throughout the site and I recommend full details of road and intersection designs are provided for further Council assessment. I also recommend supporting conditions requiring safety barriers for vehicles and pedestrians.





*Proposed Rooding Layout*

### **Streetlights**

Details of proposed street lighting are required during Council review of detailed engineering designs and a condition is recommended.

### **Pedestrian**

Included as part of the RM050520 was a pedestrian access through the lower part of the site, by way of easement instrument, in favour of all development uphill. The physical formation links pedestrian access from/to the lower section of Potters Hill Drive.

Within this development pedestrians will share the main access. Paths are then provided to each individual dwelling. Provisions for pedestrian safety rails maybe required. I recommend a supporting condition of consent requiring pedestrian hand rails where necessary.

### **Parking and Manoeuvring**

The lot configurations are shaped to contain parking associated with each lot onsite. The parking demand for a comprehensive development is 1.5 spaces per unit with 1 space for a residential flat. Overall this is calculated at 22 required parking spaces. The drawings indicate 27 parking spaces will be provided. The proposed spaces have been allocated to each of the 12 lots. Lots 9-12 have been allocated an average of 2.5 carparks as they also contain a residential flat. Overall 4 general visitor parks have been provided.

The proposed parking numbers will meet the minimum overall requirements of Table 1, Rule 14.2.4.1 and I am therefore satisfied that sufficient parking will be provided.

The external parking stalls are generally described as 2.6m wide x 5m depth with 6.2m aisles, carparks in front of units 11 and 12 are 2.4m wide x 5m deep and an aisle width of greater than 7m. Drawings for the units show the carparks meeting gradient requirements (less than 1:20). Wheel stops may be required to limit travel and this should be conditioned and details provided during the engineering approval. This meets the dimensional and manoeuvring requirements of Appendix 7 of



the District Plan for Class 1 users<sup>1</sup>. Based on this compliance I am satisfied that parking and manoeuvring can be safely carried out. I recommend a condition requiring all parking stalls to be clearly marked in accordance with Council standards and installed in accordance with the Carparking Layout plan submitted with the application. Visitor parking spaces should be clearly signed to avoid any confusion.

### **3.0 SERVICES**

All services are proposed to remain privately owned. Easements are required for the private infrastructure. A condition is provided that no easements in gross shall be provided without prior Council approval.

#### ***Water***

The provision of potable water to the site was assessed and certified by the Council engineering approval for Stage 1 RM050520 in June 2015. Essentially this is supplied from Council reticulation with flows and pressures suitable for this development only up to the 370m contour level. The upper domestic and fire fighting water supply for Stage 1 RM050520 are approved subject to bonded works being provided as shown on Clark Fortune McDonald & Associates Stage 1 Water Supply Works plan (Job No. 9074, Drawing No. 53, Sheet 001). It has been identified that there is insufficient flows and pressures to service lots above 370m, ie within Stages 1, 2 & 3 herein, until completion of the bonded works. I am satisfied that water servicing is feasible and recommend conditions of consent that adequate water supply shall be provided prior to subdivision completion and dwelling occupation. I also recommend an advice note regarding the bonded works to make the consent holder aware of obligations under this consent.

The earthworks consent (RM160181) required the relocation of an existing water main to account for the earthworks being undertaken on Lot 10. This relocation needs to be completed to allow servicing of this site (and nearby sites).

I also note that the boosting of the pressures to adequately service the entire site (Lot 10) will be achieved when the new reservoir on the nearby Remarkables View site is constructed and commissioned. This will be required prior to occupation of any dwellings erected that need this works completed to allow sufficient pressures.

#### ***Sewer and Stormwater***

The provision of sewer and stormwater services to/from Lot 10 DP490069 were assessed and certified by the Council engineering approval for RM050520.01. This approval anticipated up to 12 units on Lot 10. I am satisfied that servicing is feasible for the proposed development and recommend conditions that full details of proposed sewer and stormwater connections are provided for further Council assessment during detailed design.

#### ***Power and Telecommunications***

Feasibility of connection to existing power and telecommunications infrastructure has been confirmed. I recommend conditions of consent requiring evidence of supply prior to subdivision completion.

### **4.0 EARTHWORKS**

Approval was provided by Council under RM050520, RM140714 and RM160181 for earthworks on this site to allow the construction of building platforms and vehicle access to the platforms within the site. This is provided for a combined cut and fill and is unchanged by the subject development.

Given the extent of the development proposed by the current consent, geotechnical reporting has been undertaken. A Geotechnical report from Geosolve(dated February 2016) has been included with the application. This is the same report that was included with the application for the earthworks consent (RM160181) and addresses the proposed earthworks and not the specific development proposal that is the subject of this consent application. The Geosolve report confirms that further investigation and assessment will be required during detailed design. This will need to include details for the appropriate methodology for completing the south facing cuts due to the presence of adverse foliation orientations, foliation shears, and displacement of surface schist.

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<sup>1</sup> *Class 1 User: long term parking, including tenant and employee parking but not visitor parking, where regular use gives the motorist a familiarity with the building or parking area*



The most recent geotechnical report for the site is contained in the Geosolve report for Schedule 2A certification for the completion of the underlying earthworks consented by RM160181 (dated April 2016). This certification report shows the presence of uncertified fill within Lot 10 and the following geotechnical requirements for future developments:

*“Lot 10 upper areas: Detailed geotechnical assessment is required to determine the stability of all future excavations, and if appropriate confirm the requirement for artificial support, e.g. rock anchors or re-grading or retaining.*

*Lot 10 lower areas: Specific engineering assessment and foundation design will be required for all foundations constructed in close proximity to the slope crest, see attached CFMA cross-sections, Appendix A, for building set-backs. Outside the identified zone standard foundations as per NZS3604 can be constructed.”*

Given the identified difficulties associated with developing the site, it is essential that there is ongoing involvement of a suitably qualified geotechnical professional engineer familiar with the site. There should be further detailed geotechnical reporting provided during the engineering approval stage. Supporting conditions are recommended within both land use and subdivision conditions.

## **5.0 HAZARDS**

The QLDC Hazard Register Maps show the site falls within the LIC1 liquefaction hazard category, with an assessed liquefaction risk being “Nil to Low”. Based on this hazard category and the site being founded on schist rock, I am satisfied that the proposed buildings are unlikely to be at risk of liquefaction in a seismic event and that standard foundations as required under NZS 3604:2011 for timber framed buildings are sufficient. Foundation requirements for the buildings will be addressed under the related building consent and no conditions are necessary.

*Recommended Conditions follow*

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## **DECISION A - RECOMMENDED LAND USE CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

### ***To be completed prior to the commencement of any works on-site***

2. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
3. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
4. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a water supply to the 12 residential units in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 12 residential units to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.



- f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev B, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

#### **Prior to construction of any dwelling/unit**

- 5. The consent holder shall complete any identified geotechnical work from condition 4(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

#### **To be completed when works finish and before occupation of any dwelling/unit**

- 6. Prior to the occupation of any dwelling/unit, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all certified works detailed in Condition (4) above.
  - c) Any power supply connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
  - d) Any wired telecommunications connection to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.
  - e) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
  - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.



- g) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to occupation.

**Advice Note:**

- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
- 2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
- 3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

*Further decisions follow*

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## **DECISION B - RECOMMENDED SUBDIVISION CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

2. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 1 - 4

Stage 2: Lots 5 - 8

Stage 3: Lots 9 - 12

Stage 1 shall precede all other stages. Stages 2 - 3 thereafter may be progressed in any order, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

### ***To be completed prior to the commencement of any works on-site***

3. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
4. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
5. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a water supply to the 12 residential units in the development in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from the 12 residential units to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include an inspection chamber/rodding eye at the junction of the laterals for each of the units. The costs of the connections shall be borne by the consent holder.



- c) The provision of a connection from all potential impervious areas within the site to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the lot.
- d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- e) The approval in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service for the suitability of the access by a fire appliance to all hydrants to be constructed on site.
- f) The provision of road lighting in accordance with Council's road lighting policies and standards, including the Southern Light lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking shall be clearly and permanently marked out in accordance with the Clark Fortune McDonald & Associates Carparking Layout plan, Job No. 12377, Drawing No. 10, Sheet 001, Rev B, with visitor parking areas clearly signposted and include wheel stops and vehicle barriers where appropriate. Provision shall be made for stormwater disposal.
- h) The design and formation of the internal Access Road in accordance with QLDC's Land Development and Subdivision Code of Practice. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.
- i) The provision of barriers for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from QLDC's Land Development and Subdivision Code of Practice shall be provided following construction and prior to the occupation of the dwelling/building.
- j) All earthworks and water mains relocation for the site shall be carried out under the conditions of RM160181.
- k) The consent holder shall provide a geotechnical report addressing the specific proposed development and identifying all geotechnical works required to be completed to ensure suitable foundations for the proposed buildings and associated works, and to ensure the stability of the overall site is maintained.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

#### **Prior to construction of any dwelling/unit**

- 6. The consent holder shall complete any identified geotechnical work from condition 5(k) above. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

#### ***To be completed before Council approval of the Survey Plan***

- 7. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.



*Note: No service easements in gross shall be created without prior written approval from Council.*

- b) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

*[Note: the road naming application should be submitted to Council prior to the application for the section 223 certificate]*

**To be completed before issue of the s224(c) certificate**

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on-each lot shall be created. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed).
  - b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - c) The completion and implementation of all works detailed in Condition (5) above.
  - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
  - f) A 1.1m high non-climbable fence/barrier shall be constructed on all retaining walls higher than 1m for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.
  - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - h) The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms/lots are suitable for the building development. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
  - i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (3) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - j) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
  - k) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.



- l) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- m) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- n) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of all internal roading and service infrastructure associated with the subdivision. The legal documents that are used to set up or that are used to engage the management company are to be checked and approved by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

### ***Ongoing Conditions/Consent Notices***

9. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a) All lot owners are required to be part of a management entity. This management entity shall be established and maintained at all times and ensure implementation and maintenance of all internal roading, service infrastructure and facilities associated with the development.
  - b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
  - c) In the event that the Schedule 2A certificate issued under Condition (8) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*

### **Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that the proposed upper level dwellings lots are close to the existing reservoir level and are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. The bonded works will need to be complete prior to occupation.
3. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

Prepared by:



**Ant White**  
**CONSULTANT**

Reviewed by:



**Michael Wardill**  
**RESOURCE MANAGEMENT ENGINEER**



APPROVED PLAN:  
RM160718

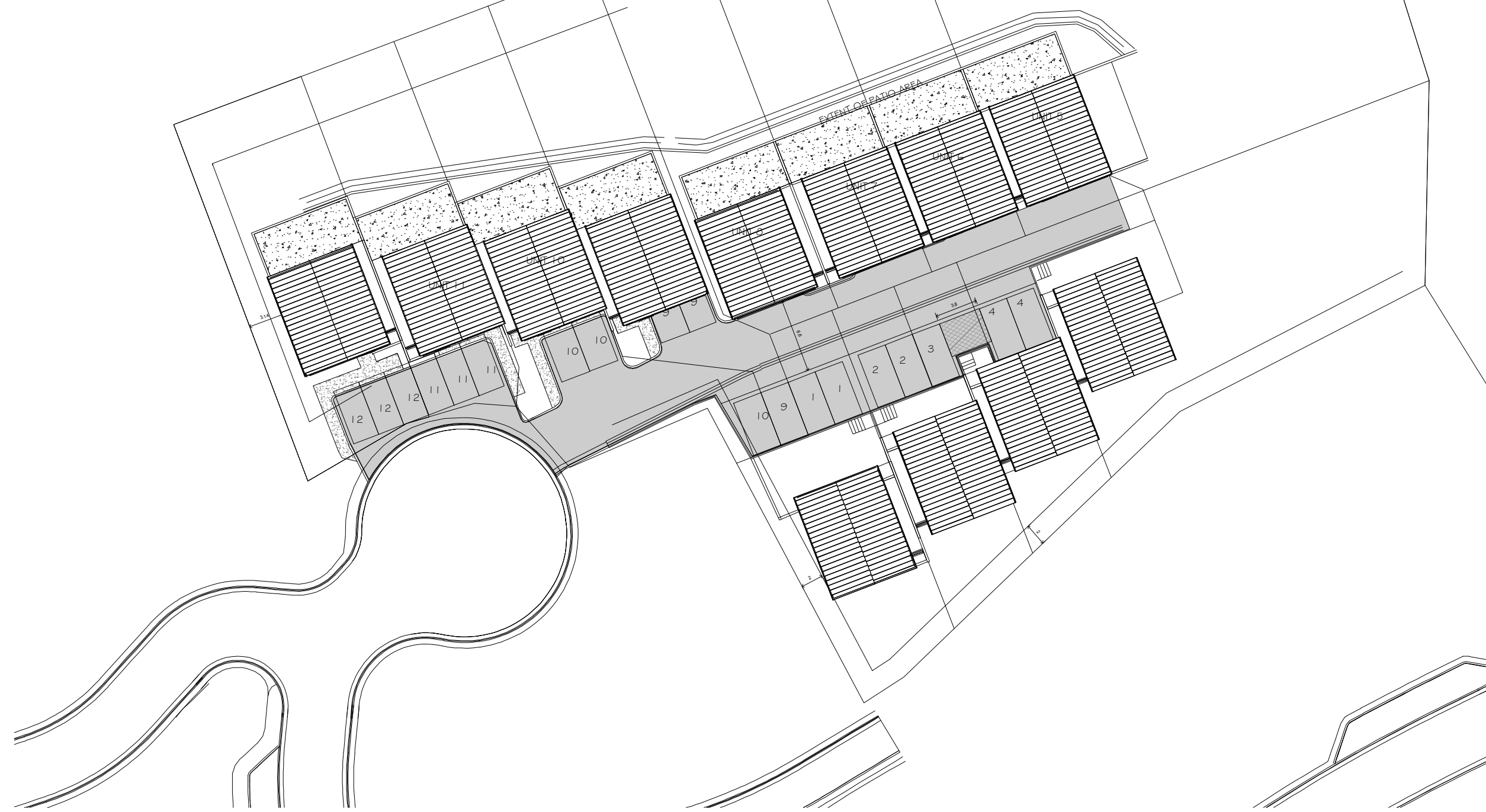
Monday, 23 January 2017



LEGAL DESCRIPTION

658a Frankton Road, Frankton  
Lot 3&4 DP 490069  
Site Area: 6891m<sup>2</sup>  
Building Footprint: m<sup>2</sup>  
Site Coverage: %  
Wind Zone: VERY HIGH  
Altitude: 450m (sub-alpine)

**NOTE:**  
Drawings to be read in conjunction with Clark  
Fortune McDonald & Associates Engineering  
Design plans.  
Refer to CFM design plans for Foul Drainage  
layout, Stormwater Drainage layout, Water  
Reticulation Layout & Gas Reticulation layout.



Site Plan -  
1 : 200



Date	Revision Description	No.

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : PH Date: 03/04/14  
AT Scales: As indicated AT Scales: 1:400  
Sheet Title:  
**Site Plan**

Contract: 16010 Sheet: **A-A1-01**  
CAD File Name: Or  
Revision: A1

For Approval

**PRELIMINARY  
RESOURCE CONSENT**

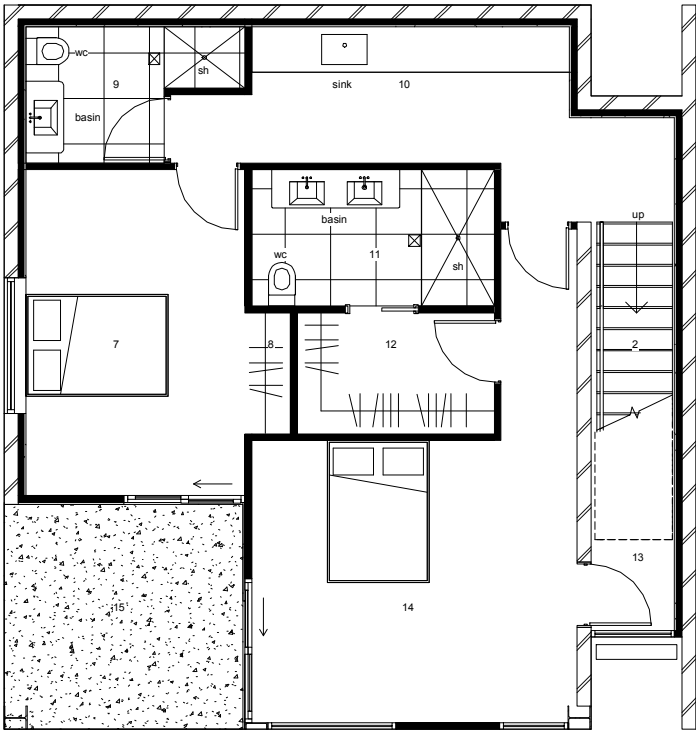




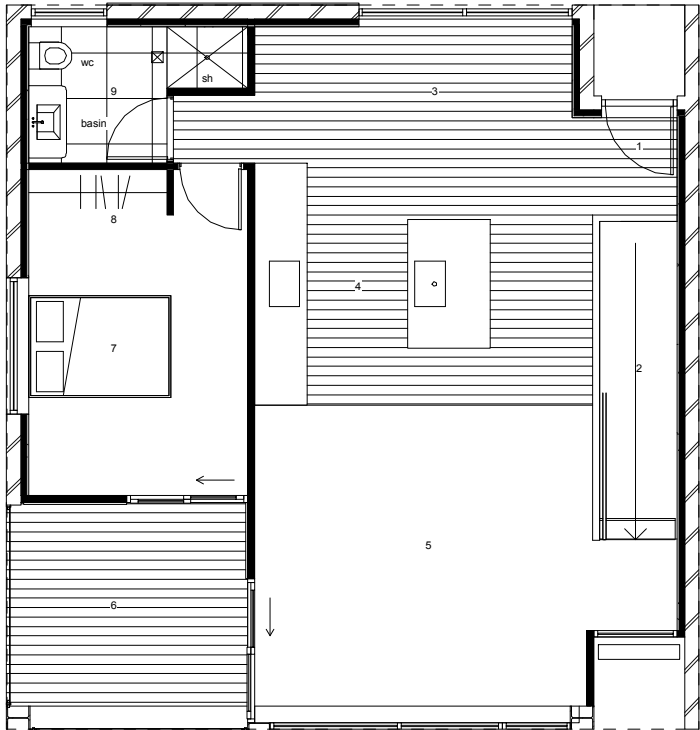
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

Monday, 23 January 2017



Ground Floor Plan  
1 : 50



First Floor Plan  
1 : 50

1. Entry
2. Internal Stairs
3. Dining
4. Kitchen
5. Living
6. Deck
7. Bedroom
8. Wardrobe
9. Bathroom
10. Laundry & Storage
11. Ensuite
12. Walk-in-Wardrobe
13. Store
14. Master Bedroom
15. Patio
16. Parking



Date	Revision Description	No.

Do Not Scale From These Drawings.  
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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn :  
**PH**  
AT Scales:  
**1 : 50**

Date:  
07/06/16  
AT Scales:  
**1:100**

Sheet Title:  
**Block A - Typical Plans**

Contract:  
**16010**  
CAD File Name:

Sheet:  
**A-A2-02**  
Revision:  
or

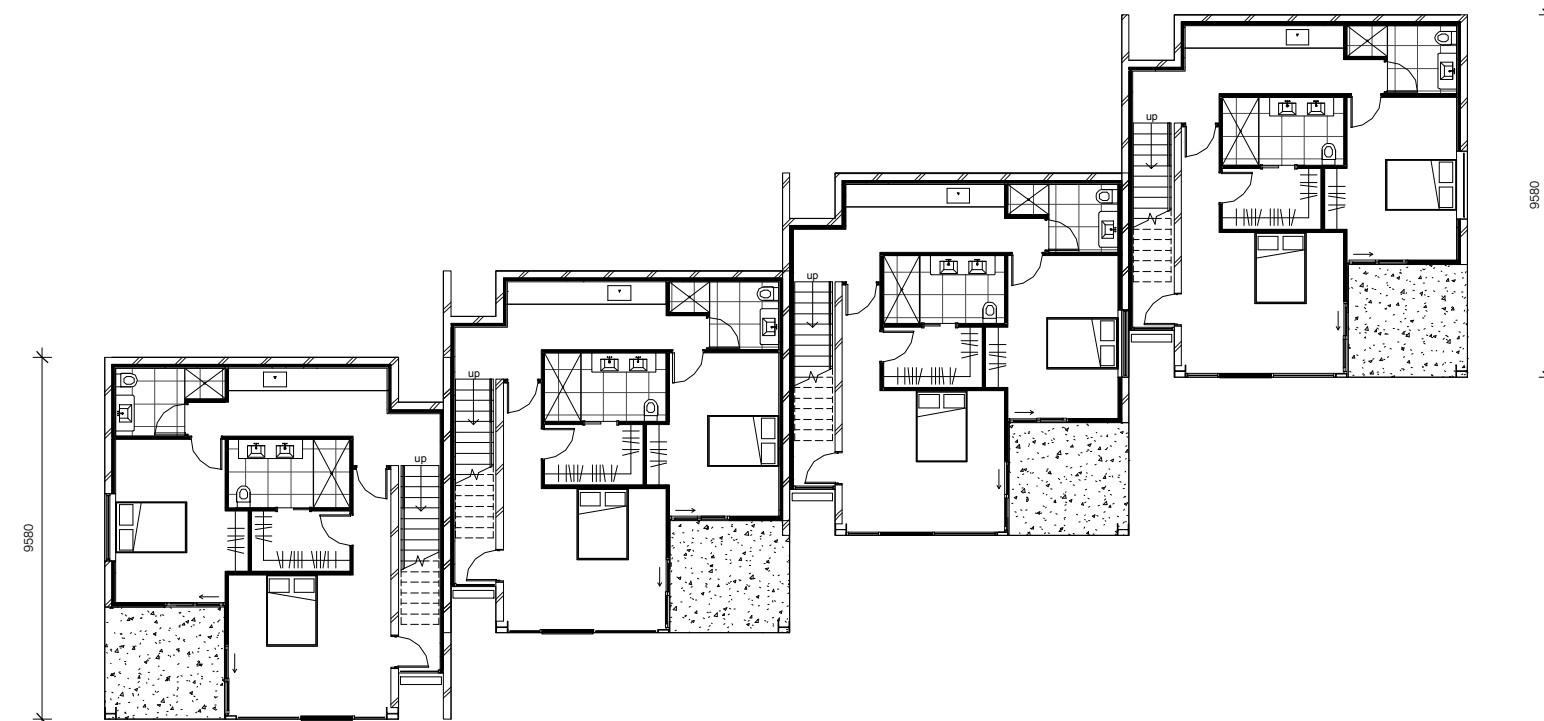
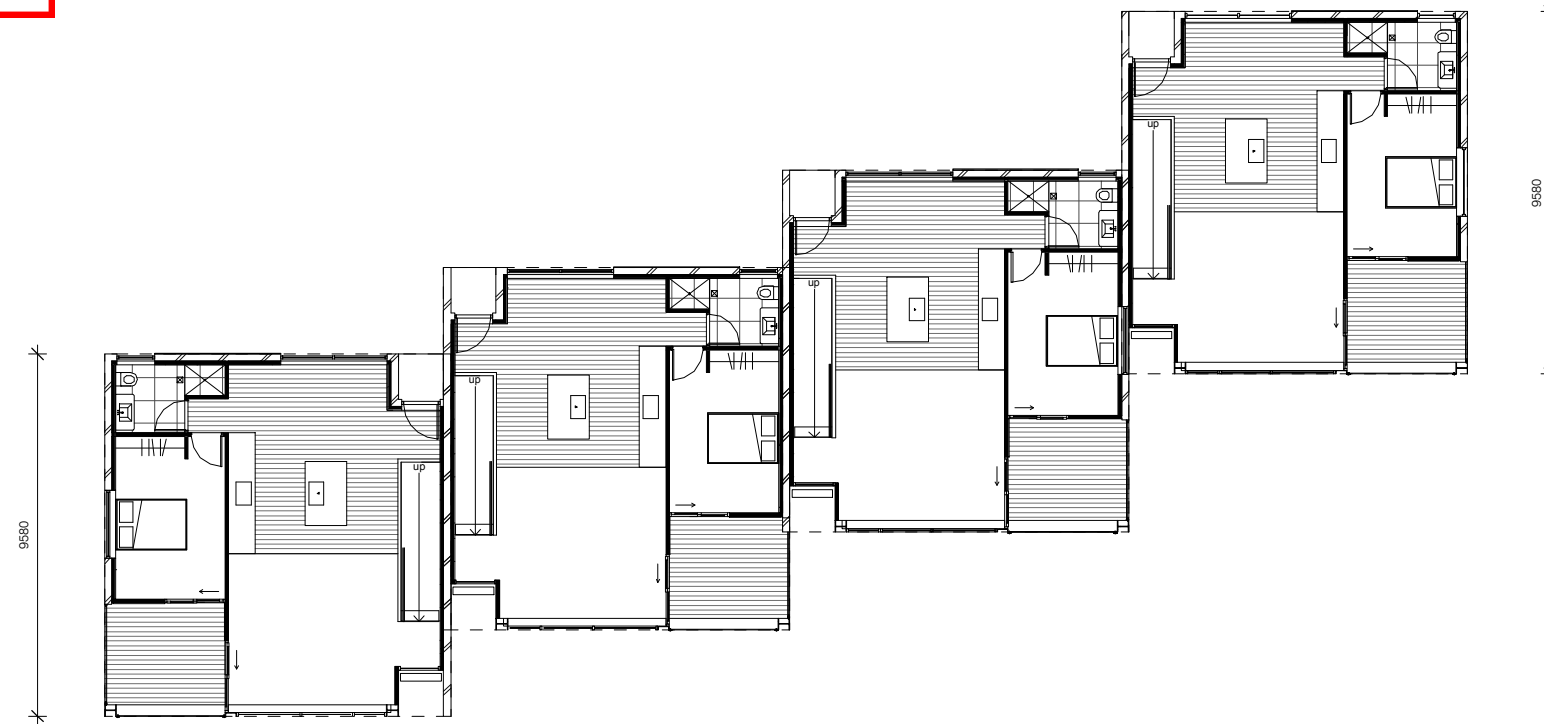
For Approval

**A1**

**PRELIMINARY  
RESOURCE CONSENT**







ORIGINAL SIZE  
A1

Phone: (03) 489 4191  
Fax: (03) 469 6078  
12 Thomas Street  
Mosgiel 9024  
New Zealand

**WJ**  
CADZOW  
& Associates  
Ltd

Building Design and Draughting Services

Date	Revision Description	No.

Do Not Scale From These Drawings.  
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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

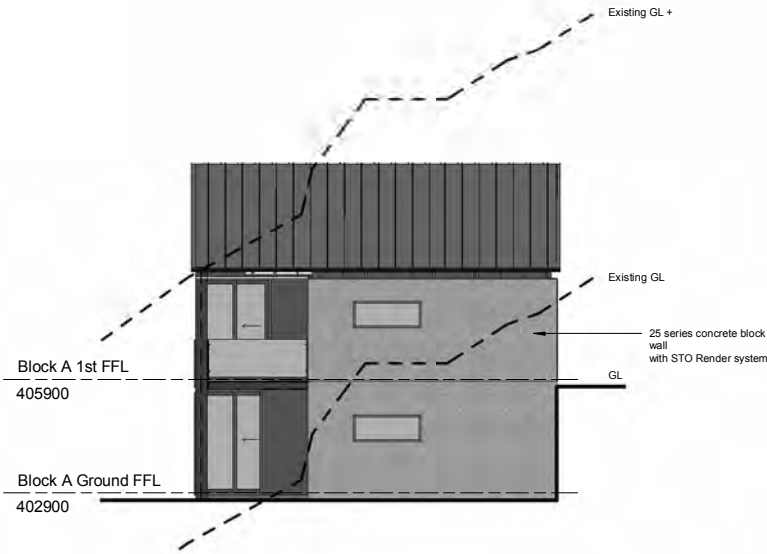
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Sheet Title : **Block A - Floor Plans**

Contract:	Sheet#
<b>16010</b>	<b>RC-A-01</b>
CAD File Name:	Of
	Revision:

For Approval A1





Block A East Elevation  
1 : 100



Block A North Elevation  
1 : 100



Block A West Elevation  
1 : 100



Block A South Elevation  
1 : 100



Date	Revision Description	No.

Do Not Scale From These Drawings.  
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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn :  
**PH**  
AT Scales:  
**1 : 100**

Date:  
06/26/14  
AT Scales:  
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Sheet Title :  
**Block A - Elevations**

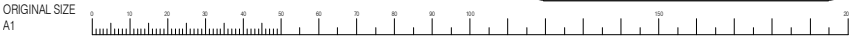
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CAD File Name:

Sheet:  
**RC-A-03**  
Or  
Revision:

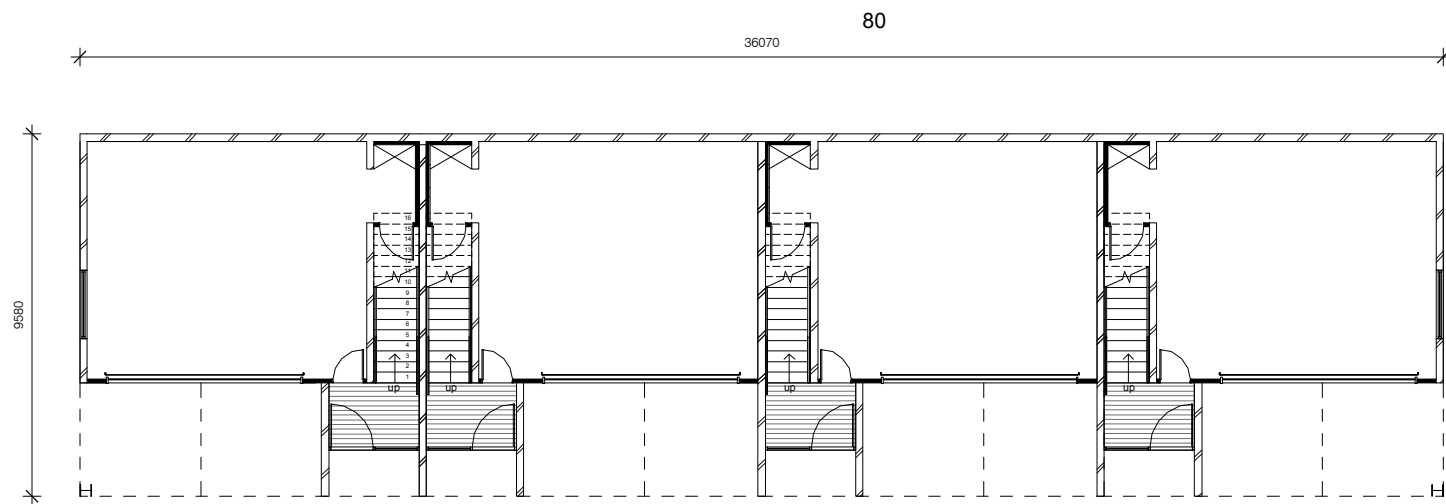
For Approval

**A1**

**PRELIMINARY  
RESOURCE CONSENT**



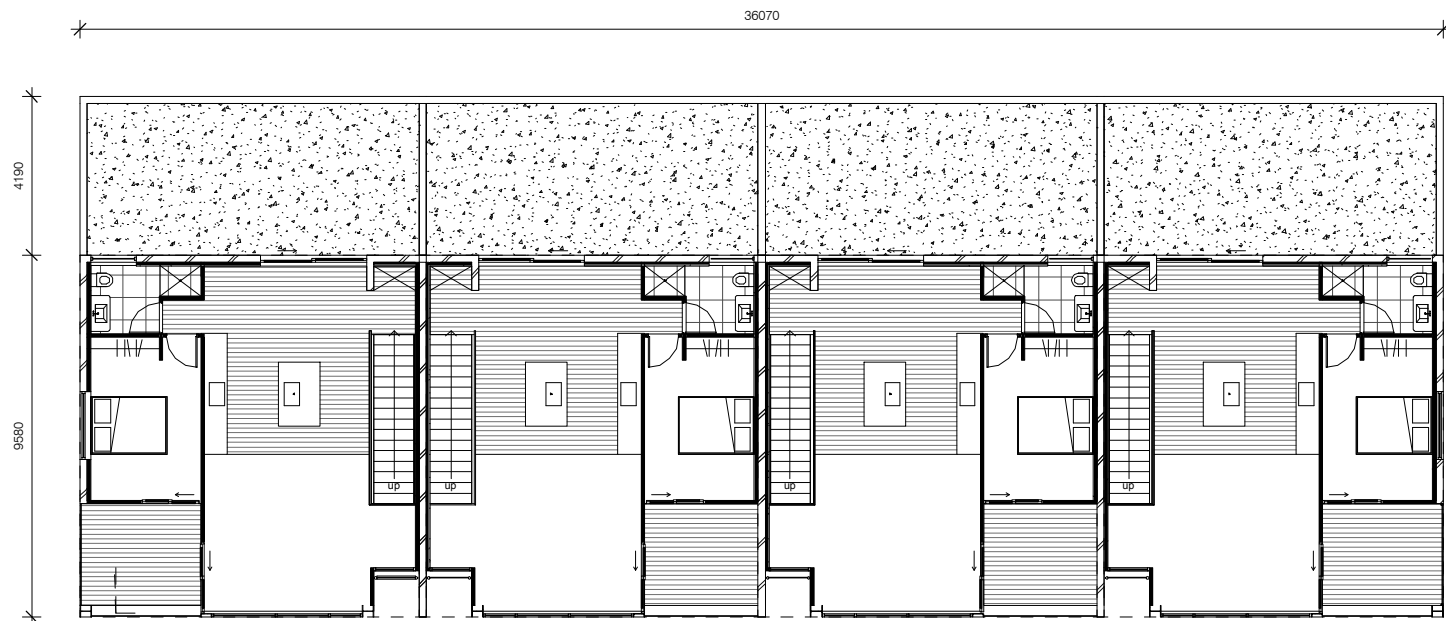




Block B Ground FFL  
1 : 100



Block B 1st FFL  
1 : 100



Block B 2nd FFL  
1 : 100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

Monday, 23 January 2017



Date	Revision Description	No.

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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : PH Date: 07/07/16  
AT Scales: 1 : 100 A3 Scales: 1:200

Sheet Title :  
**Block B - Floor Plans**

Contract: 16010 Sheet: **RC-B-01**  
CAD File Name: Revision: Or

For Approval A1

**PRELIMINARY  
RESOURCE CONSENT**

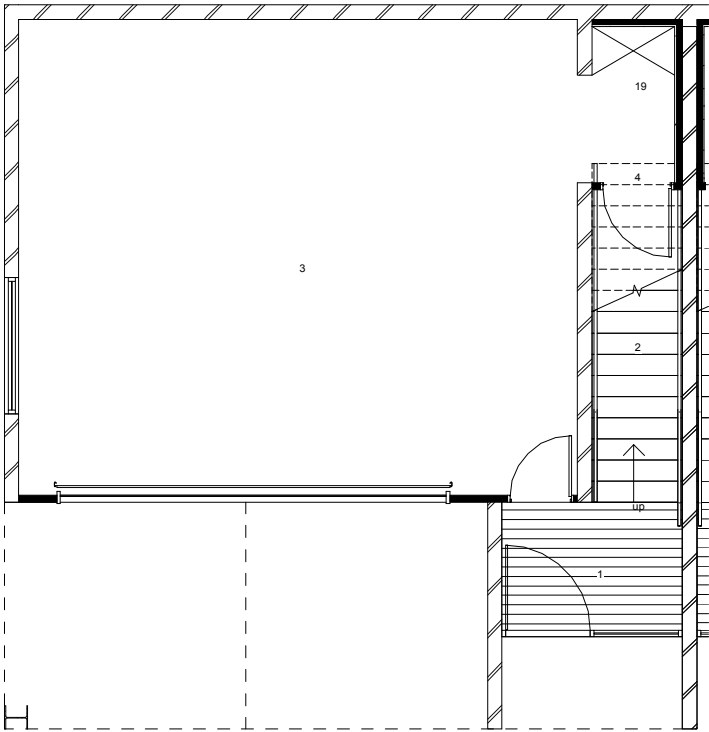




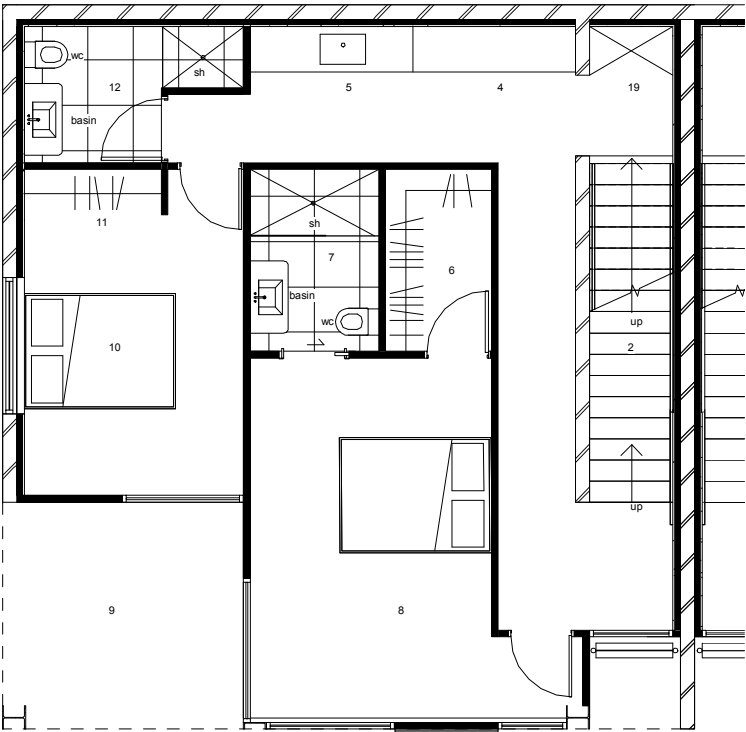
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160718

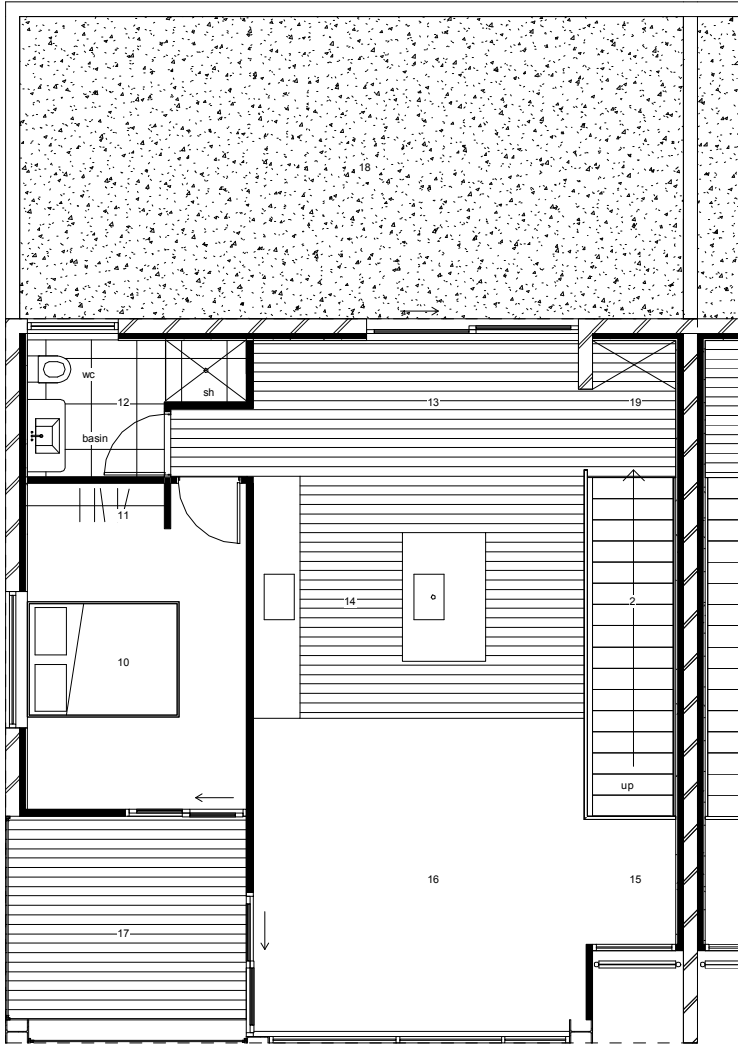
Monday, 23 January 2017



Typical Block B Ground Floor Plan  
1 : 50



Typical Block B 1st Floor Plan  
1 : 50



Typical Block B 2nd Floor Plan  
1 : 50

LOWER LEVEL	62m <sup>2</sup>
MID LEVEL	75m <sup>2</sup>
UPPER LEVEL	75m <sup>2</sup>
DECK	10m <sup>2</sup>
PATIO	38m <sup>2</sup>
TOTAL	

1. Entry
2. Internal Stairs
3. Double Garage
4. Storage
5. Laundry & Storage
6. Walk-in-Wardrobe
7. Ensuite
8. Master Bedroom
9. Void
10. Bedroom
11. Wardrobe
12. Bathroom
13. Dining
14. Kitchen
15. Office Nook
16. Living
17. Deck
18. Patio



Date	Revision Description	No.

Do Not Scale From These Drawings.  
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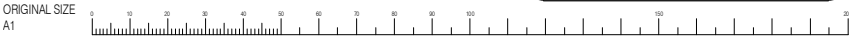
Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn : **PH** Date: 07/07/16  
A1 Scales: **1 : 50** A1 Scales: **1:100**

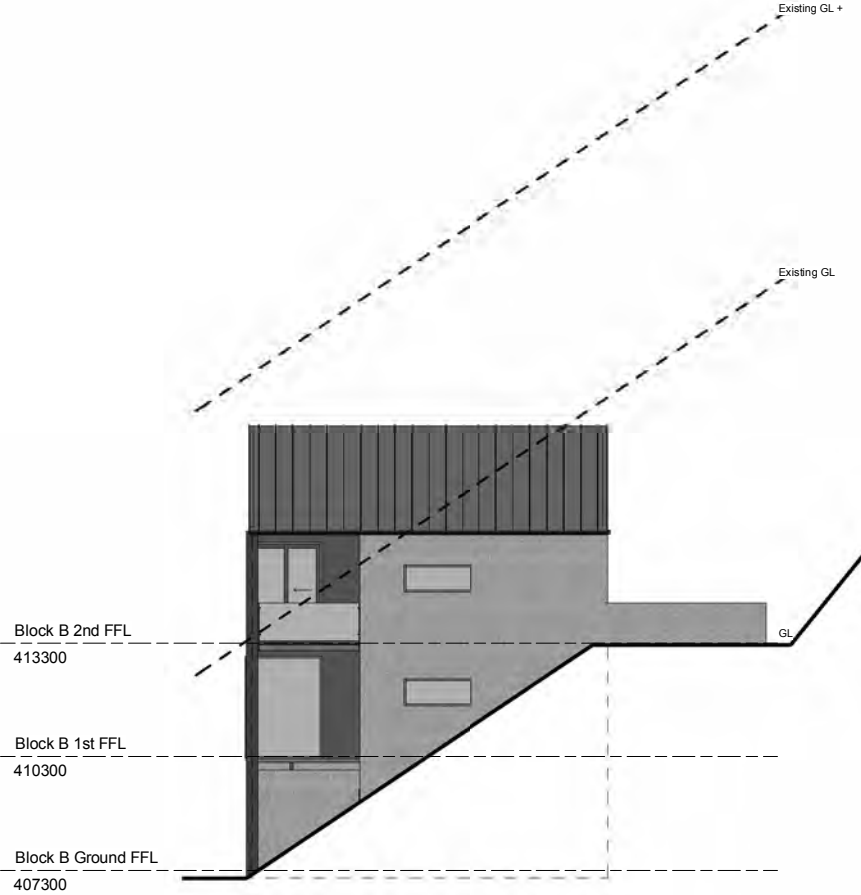
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**Block B - Typical Plans**

Contract: **16010** Sheet: **RC-B-02**  
CAD File Name: Or  
Revision: For Approval **A1**

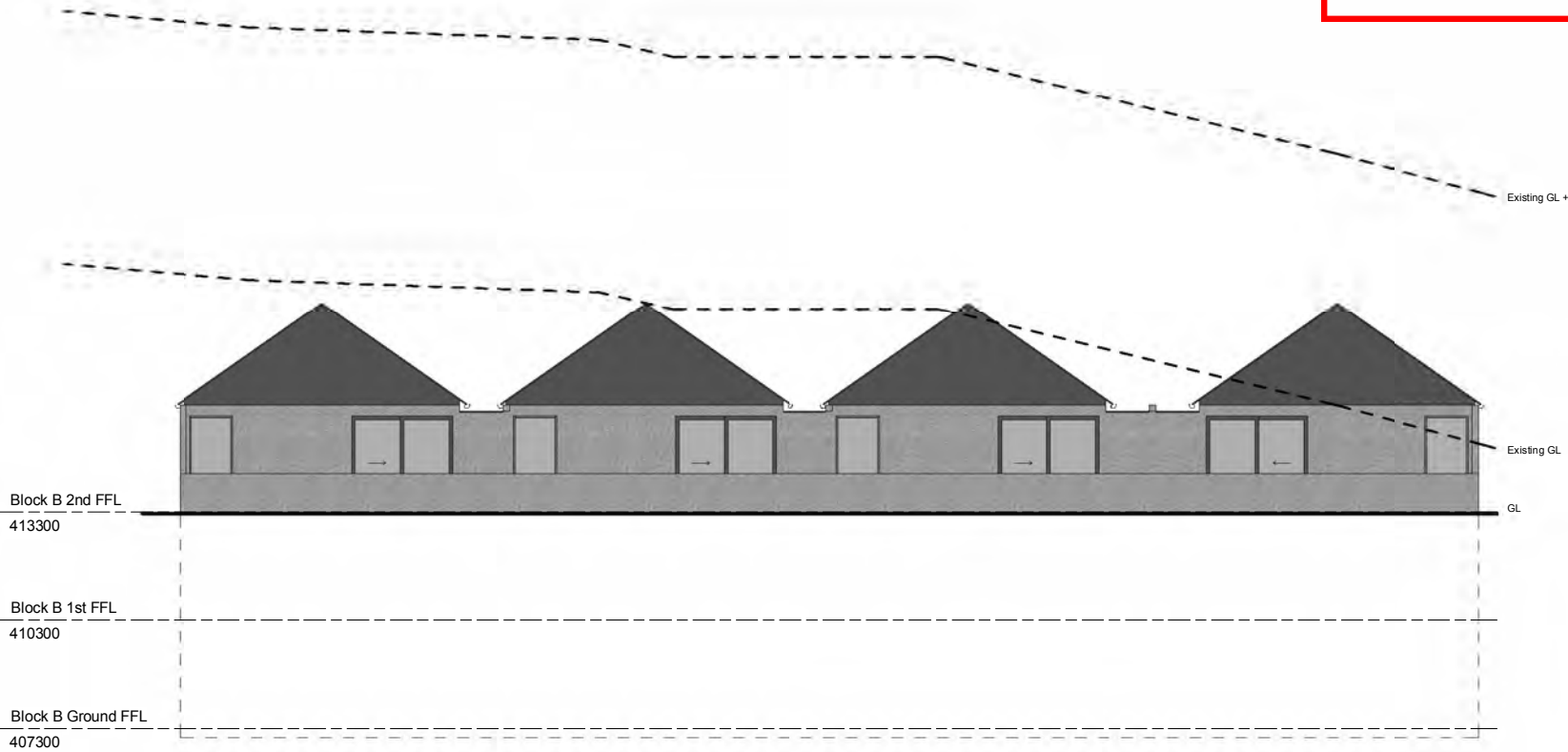
**PRELIMINARY  
RESOURCE CONSENT**



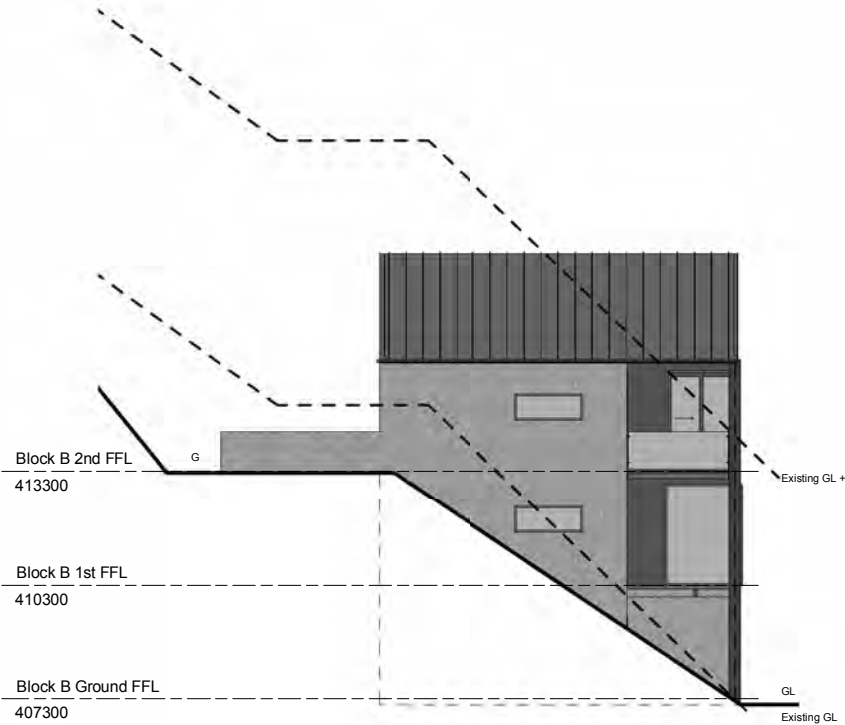




Block B East Elevation  
1 : 100



Block B North Elevation  
1 : 100



Block B West Elevation  
1 : 100



Block B South Elevation  
1 : 100



Date	Revision Description	No.

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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn :  
**PH**  
AT Scales:  
**1 : 100**

Date:  
07/07/16  
AT Scales:  
**1:200**

Sheet Title:  
**Block B - Elevations**

Contract:  
**16010**  
CAD File Name:

Sheet:  
**RC-B-03**  
Or  
Revision:

For Approval

**A1**

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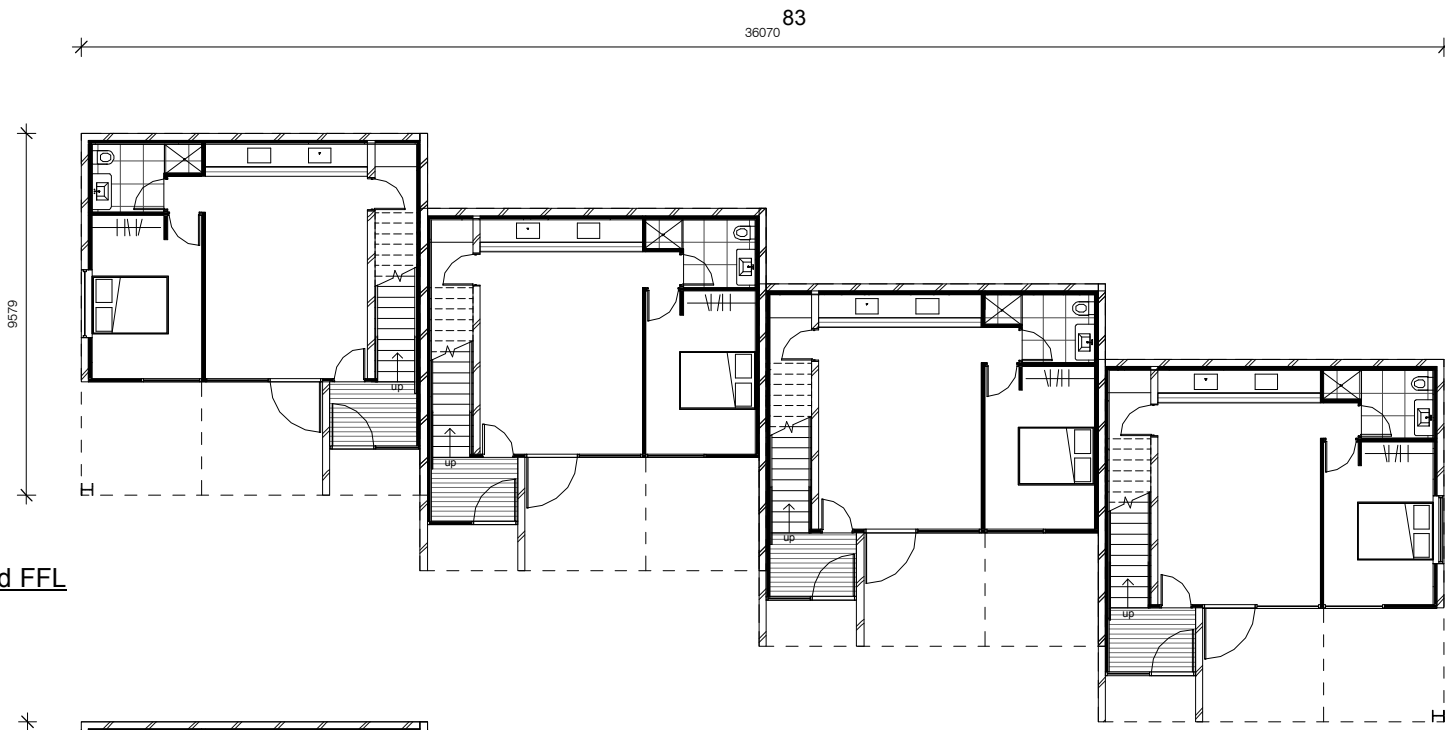




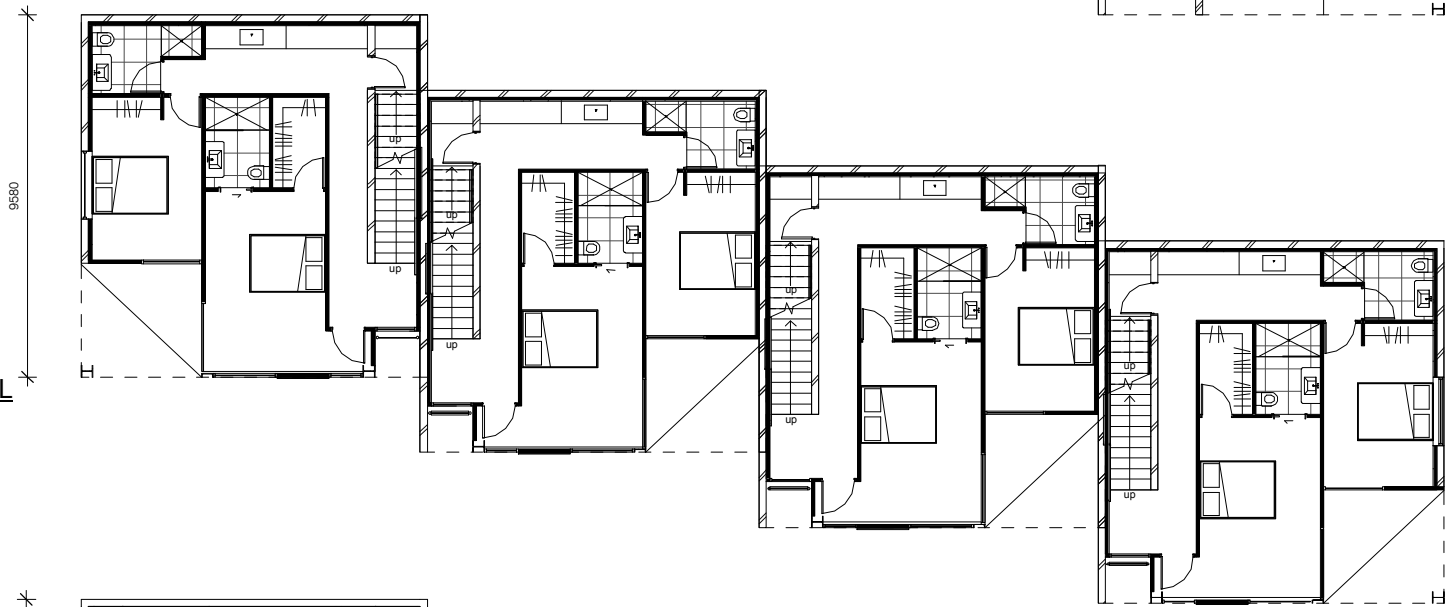
APPROVED PLAN:  
RM160718

Monday, 23 January 2017

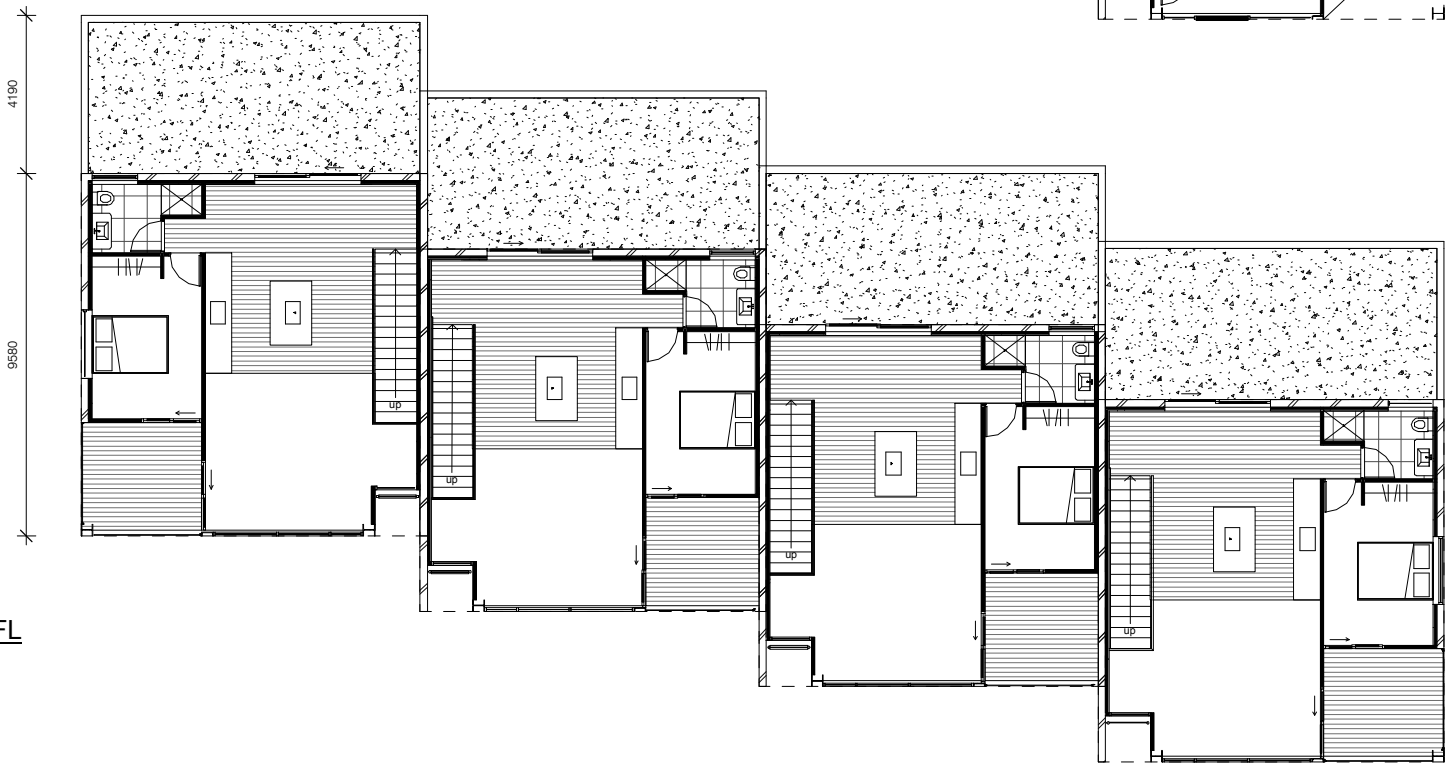
Block C Ground FFL  
1 : 100



Block C 1st FFL  
1 : 100



Block C 2nd FFL  
1 : 100



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Date	Revision Description	No.

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658a Frankton Road  
Queenstown

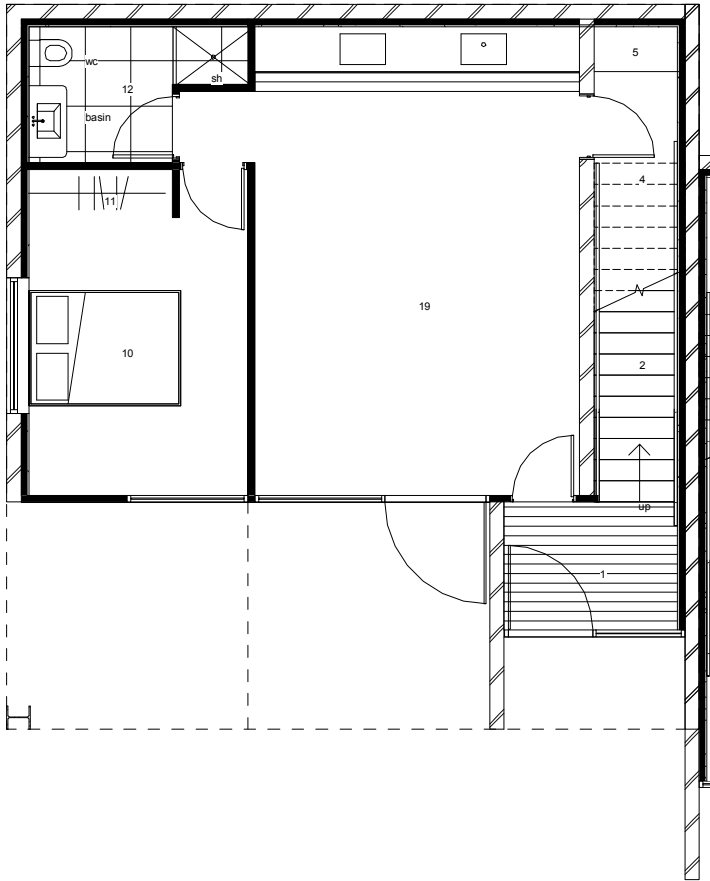
Drawn : **PH** Date: 07/07/16  
A1 Scales: **1 : 100** A3 Scales: **1:200**

Sheet Title :  
**Block C - Floor Plans**

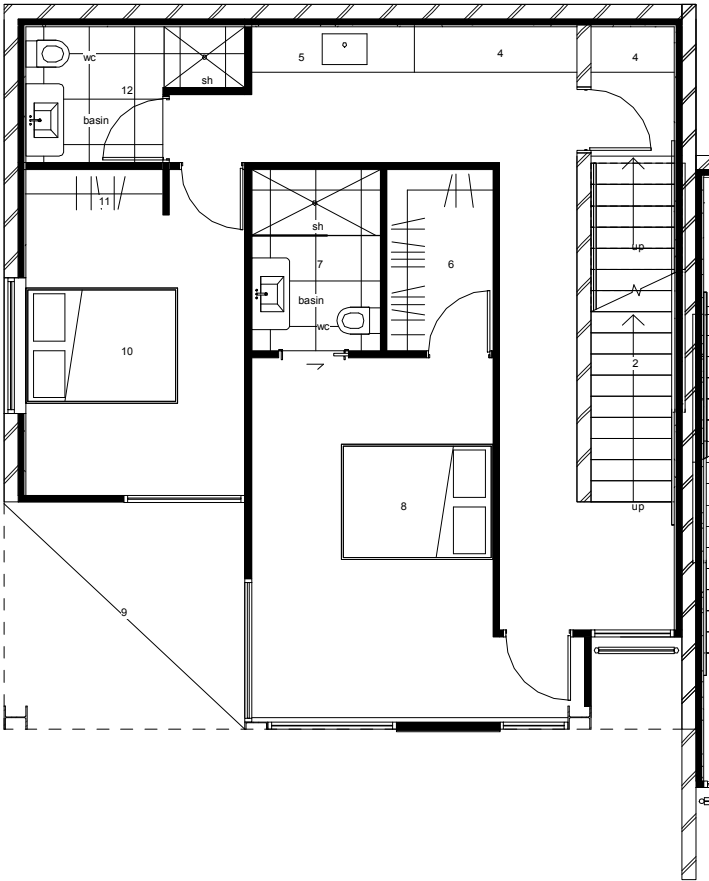
Contract: **16010** Sheet: **RC-C-01**  
CAD File Name:                      Or  
Revision:                                  A1

For Approval

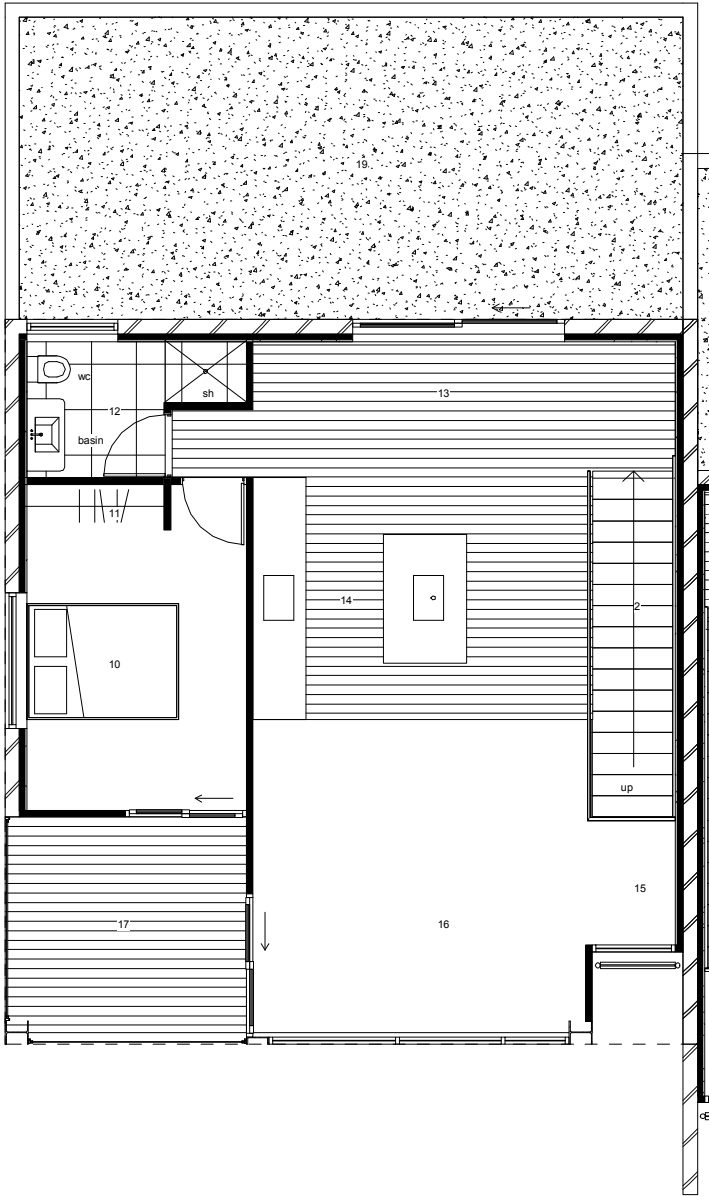




Typical Block C Ground Floor Plan  
1 : 50



Typical Block C 1st Floor Plan  
1 : 50



Typical Block C 2nd Floor Plan  
1 : 50

LOWER LEVEL	62m <sup>2</sup>
MID LEVEL	75m <sup>2</sup>
UPPER LEVEL	75m <sup>2</sup>
DECK	10m <sup>2</sup>
PATIO	38m <sup>2</sup>
TOTAL	

- 1. Entry
- 2. Internal Stairs
- 3. Optional Lift
- 4. Storage
- 5. Laundry
- 6. Walk-in-Wardrobe
- 7. Ensuite
- 8. Master Bedroom
- 9. Void
- 10. Bedroom
- 11. Wardrobe
- 12. Bathroom
- 13. Dining
- 14. Kitchen
- 15. Office Nook
- 16. Living
- 17. Deck
- 18. Self-contained Apartment



Date	Revision Description	No.

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Contract:  
**THE PAVILION VILLAS**  
For : ALPHA PROPERTIES NZ LTD  
658a Frankton Road  
Queenstown

Drawn :  
**PH**  
AT Scales:  
**1 : 50**

Date:  
07/07/16  
AT Scales:  
**1:100**

Sheet Title:  
**Block C - Typical Plans**

Contract:  
**16010**  
CAD File Name:

Sheet:  
**RC-C-02**  
Revision:

For Approval

A1

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RESOURCE CONSENT**

