IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an application for resource consent
BY	**ALBATROSS QT LIMITED**
	Applicant
TO	**QUEENSTOWN LAKES DISTRICT COUNCIL**
	Consent Authority
	RM050520

DECISION OF COMMISSIONERS

(Trevor J Shiels and Lyal Cocks)

20 May 2008

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A INTRODUCTION

1. We have been appointed as Commissioners to hear and determine a resource consent application on behalf of the Queenstown Lakes District Council.

2. The Applicant applies for subdivision consent to subdivide a property at 658A Frankton Road, Queenstown. The legal description of the site is Lot 2 Deposited Plan 305273. It has an area of 3.5105 hectares. The title reference is Computer Register Freehold 21293 (Otago).

3. The Applicant seeks to subdivide the property into 17 new residential allotments, ranging in size from 902m^2 to 8261m^2, with a balance of 7160m^2 being a private road within the subdivision.

4. The site is to the north of State Highway 6A (Frankton Road) between Queenstown and Frankton. It is on a steep south facing slope that rises above the highway. The site has views over Lake Wakatipu and surrounding mountains. Vegetation has recently been cleared. The site is now predominantly clear. There are rock outcrops on it. There is also a small creek running through it.

5. The site is approximately 2.4 km west of the Frankton Roundabout, where State Highway 6 and 6A meet. The site has road access by a Transit approved crossing point from Frankton Road. Three adjoining properties also share that access. Greenstone Terrace Apartments are to the west of the access (i.e. towards Frankton). Remarkables Apartments are to the east of the access (i.e. towards Queenstown). They are both immediately above the road. Each has a legal frontage to Frankton Road but no practical or lawful vehicular access to it, other than by way of the easement over the Applicant's property. Significantly further up the hill, and immediately to the east of the Applicant's site, is Pencarrow Lodge. It shares the same crossing point and has a long access way by way of an easement over the Applicant's property. To allow the proposed subdivision, that access would need to be altered. The easement document contemplates the possibility of altering the access and the easement to facilitate development of the Applicant's property.

6. On the opposite side of Frankton Road, there are several multi-unit residential developments. Greenstone Terrace Apartments and the Remarkables Apartments are effectively in front (to the south) of the main part of the Applicant's site. The sites to the west and north of the main part of the Applicant's site contain limited development, but share the same zoning. Pencarrow Lodge is immediately to the east of the main part of the Applicant's site.

7. The proposed subdivision requires approximately 12,000m^3 of

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earthworks, for access and site development.

8. The Applicant proposes that a private road be formed from Frankton Road through the subdivided site to give access to the subdivided lots. The road was referred to in the documentation and at the hearing as "Road 6", and has a proposed lot number in the subdivision of Lot 200. It follows the current access used by Pencarrow Lodge for approximately 100 metres, but then takes a different line which is less steep but includes a tight bend. It then goes in the direction of the east of the site, where there is currently no formed access. Road 6 is a cul-de-sac. It has a turning circle at its end. There are six smaller branches from it, for further internal access. Access "A" is on the western boundary, towards the rear of the site. The existence of Access "A" leaves open the possibility of a vehicle link to any future development on the adjoining land to the west. Access "P" provides access to Pencarrow Lodge. Originally it was intended that each of the six branches from Road 6 be private easements of right of way. By the time of the hearing, it was proposed that Access "P" also be a private road.

9. The proposed legal width of Road 6 is 15 metres, but reducing to 12 metres where restricted by legal boundaries. The Applicant proposes a formed carriageway width of 6 metres and a maximum gradient of 1:6.

10. At the hearing, the Applicant proposes a legal width of 12 metres for Access "P", with a 3 metre formation.

11. For Access "G", the Applicant proposes a legal width of 6 metres with a 3 metre formation.

12. Details of the other accesses were largely uncontroversial and we do not need to set them out.

13. The Application was notified on 24 October 2007. There were 39 submissions received within the statutory time limit. Of these, 37 were in opposition, one from the New Zealand Fire Service asked for a condition, and one from the Otago Regional Council sought further investigations. There were seven late submissions. All were in opposition.

14. The Applicant did not consent to us receiving the late submissions and required us to make a ruling on them. We decided to accept the late submissions of S K Cuthbert, S Russell, L C Chui, and "The Balancing Act". Each of these submissions was only one day late and we saw no particular prejudice to the Applicant. Submissions from K & S Cook, M Andrews, and J Sanderson & J Billingham were four days late. There was no explanation of the lateness and there was no appearance by these people at the hearing. We decided to reject

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these submissions. The submission of I Horrocks was four days late. Mr Horrocks is the Secretary of the Body Corporate for the neighbouring Greenstone Terrace Apartments. It was not clear whether the Body Corporate as such had been served with notice of the Application and it came to Mr Horrocks' attention quite late. The viewpoint of the Body Corporate of the neighbouring property is important. In those circumstances, we decided to accept that late submission.

15. An Affected Party Approval form was received from Transit New Zealand.

16. The hearing was held at Queenstown on 3 and 4 March 2008. We were assisted at the hearing by:

▪ Ms Rachel Beer	Committee Secretary, Lakes Environmental Ltd
▪ Mr Christian Martin	Planning Team Leader (Wanaka), Lakes Environmental Ltd
▪ Ms Malika Rose	Engineer, Lakes Environmental Ltd

17. At the hearing, appearances were entered as follows:

▪ Applicant	Mr M Garbett, Counsel
▪ B & K Moers (Pencarrow Lodge)	Mr R Makgill, Counsel
▪ S Wilde	Mr S Wilde
▪ I Horrocks (Secretary Greenstone Terrace Apartments Body Corporate)	Mr I Horrocks

18. A letter on behalf of the New Zealand Fire Service and an email from the Otago Regional Council were tabled at the hearing.

19. Prior to the hearing, we visited the site accompanied by Mr Martin, and Ms Rose. We also read and considered documents as follows:

- The Application and documents in support of it as appearing in the published Agenda for the meeting.
- The submissions of the submitters. (We have now disregarded the submissions of the late submitters whose submissions we did not accept).

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- The section 42A Report prepared by Mr Martin and accompanied by the Engineering Report by Ms Alice Hill, Engineer, Lakes Environmental Limited, and also the Infrastructure Report in relation to the Application prepared by Rationale Limited, another Council contractor.

B CONSENTS REQUIRED

20. There was no suggestion that we needed to refer to the Queenstown Lakes District Council Transitional District Plan. The only relevant District Plan document is the Queenstown Lakes District Council Partially Operative District Plan (hereafter 'the Plan'). Plan Change 6 to the Plan also needs to be considered.

21. Under the Plan, the site is zoned Low Density Residential, as are all the immediately adjacent properties.

22. Under Rule 15.2.3.2, the subdivision would be a controlled activity with Council's control limited. The matters over which Council reserves control are set out in various parts of Section 15, but the potentially relevant ones appear to be as follows:

    - Sizes and dimensions of lots for access, utilities, reserves and roads (Rule 15.2.6.1(ii)).

    - Various matters in relation to subdivision design (Rule 15.2.7.1).

    - Various matters relating to property access (Rule 15.2.8.1 – not yet operative). We note that this rule is primarily concerned with access to the subdivided lots but is wide enough to enable us to consider interference with access to neighbouring properties.

    - The effect of listed natural and other hazards on the land within the subdivision and the effect of the subdivision on the impact of the listed natural and other hazards on the site or on other land in the vicinity. The listed hazards are as follows:

        (a) Erosion
        (b) Flooding and Inundation
        (c) Landslip
        (d) Rockfall
        (e) Alluvion
        (f) Avulsion
        (g) Unconsolidated Fill
        (h) Soil Contamination
        (i) Subsidence

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(Rule 15.2.10.1)

- Various matters relating to water supply (Rule 15.2.11.1).
- Various matters relating to stormwater (Rule 15.2.12.1).
- Various matters relating to sewage treatment and disposal (Rule 15.2.13).
- Various matters relating to energy supply and telecommunications (Rule 15.2.15).
- Financial contributions to the provision of land and/or facilities for open space and recreation (Rule 15.2.16.1).
- Controls in respect of the creation or cancellation of easements for any purpose (Rule 15.2.18.1).

23. We reject the submission from Mr Makgill, supported to some extent by the planning witness for his clients, Mr Paul Whyte, that a separate land use consent is required for the proposed earthworks. His submission was that Rule 7.3.3.1(xv) imposed a relevant Site Standard for earthworks in the Residential Zones, and that compliance with that standard was a pre-condition for residential activity to be a permitted activity. But, as he acknowledged, that standard is qualified as follows:

> "except for earthworks associated with a subdivision that has both resource consent and engineering approval."

He argued that the proposed earthworks do not have resource consent or engineering approval at this time. That is correct, but irrelevant. There is no requirement for those consents to be in place before a subdivision consent is granted. The consents are only needed at the time when the earthworks are done.

24. We accept that the Assessment Matters for Earthworks in the Residential Zone are expressed more fully than those for earthworks associated with a subdivision. That is not sufficient to lead us to prefer a meaning of the rules other than the plain and obvious one. Further, while the Assessment Matters are more fully expressed in the Residential Zone, we are satisfied that there are no relevant matters that we cannot consider under the controls, and also Assessment Matters and Objectives and Policies, applicable to a subdivision consent application.

25. Mr Makgill also submitted that the Application was for a restricted discretionary activity because of non-compliance with a standard in the Transportation Section of the Plan. Under Rule 14.2.2.3, an activity that does not comply with a Site Standard in the

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Transportation Section is a discretionary activity with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

26. We then need to look at the potentially relevant standards in Section 14. We were particularly referred to Rule 14.2.4.1(iv) as follows:

> "**iv Parking Area and Access Design**
>
> All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with the standards contained in NZS4404:1981, including amendments adopted by Council and subsequent amendments and updates of this Standard. Off-street parking spaces shall be separated from footpaths or adjoining roads by a physical barrier."

27. Plan Change 6 is relevant to that rule. It was notified on 12 October 2005, which is after this Application was lodged in June 2005. In due course, decisions were made on submissions and cross-submissions lodged, and these were notified on 17 October 2007. The decision was to amend Rule 14.2.4.1(iv) to read as follows:

> "**(iv) Parking Area and Access Design**
>
> All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with the standards contained in NZS4404:2004, and
>
> All shared vehicular access serving residential and/or visitor accommodation units in the High and Low Density Residential Zones shall be in accordance with the standards set out in NZS 4404:2004 except for developments identified in the table below:

The Greater of the Actual Number of Units Serviced or; the Potential Number of Units served by the Access as a Permitted or Controlled Activity	**FORMED WIDTH (m)**	**LEGAL WIDTH (m)**
1 to 6	3.5	4
7 to 12	5	6

> Where the shared vehicle access adjoins a local distributor or higher road in the hierarchy, including a State Highway, it shall have a 5m formed width and a 6m legal width for a minimum length of 6m as measured from the legal road boundary.
>
> No private way or private vehicle access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.
>
> Private shared vehicle access shall have legally enforceable

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> arrangements for maintenance put in place at the time they are created.
>
> Formed access widths for 1 to 6 units shall provide passing bays at intervals no greater than 25 metres (end of one passing bay to the beginning of the next) along the length of the access way. Passing bays shall be at least 8 metres long and at least 2.5 metres wide, plus any tapers desired."

28. In the partially operative plan, the standard makes an express reference to off-street parking spaces, but otherwise what is required has to be ascertained from the documents referred to. In the Plan Change 6 version of the standard, rather more is expressly set out. It is a later edition of NZS 4404 that is referred to. There are also references to documents other than NZS 4404:2004 itself.

29. There are unresolved appeals to the Environment Court against Council's decision on Plan Change 6, including at least one against the whole Plan Change.

30. At this stage of the decision our concern is to establish the activity status. Under Section 88A the activity status of the Application is fixed at the time it is lodged. It follows that we need to consider whether the proposal does comply with the Site Standard in Rule 14.2.4.1(iv) of the partially operative plan.

31. That so-called Site Standard has some legal difficulties. It is certainly open to the drafters of the Plan to express a Site Standard by reference to some externally established standard (and in particular a New Zealand Standard). What they cannot legally do is have a Site Standard in the Plan that is automatically amended by amendment or replacement of the externally established standard, and without going through the plan change process. Nor can the Site Standard in the Plan be subsequently amended by some Council process other than a Plan Change under the Resource Management Act.

32. In June 1994 the Council adopted amendments to NZS 4404:1981. This was before the District Plan was even notified. We therefore read the Site Standard in the partially operative plan as referring to NZS 4404:1981 as modified by Council in June 1994. We disregard NZS 4404:2004 in interpreting and applying Rule 14.2.4.1(iv) of the partially operative plan.

33. In applying the Site Standard to the factual circumstances we are dealing with, the first question we have to decide is whether vehicular access is in accordance with the standards contained in NZS 4404:1981, including the amendments adopted by the Council in June 1994.

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34. NZS 4404:1981 (as modified) is not totally prescriptive. For example, Part 301.1.4 is as follows:

> "**301.1.4** Street design guidelines set out herein cannot be expressed entirely in performance terms nor can any single set of design standards be suitable for all local conditions. The following section of this Code is not intended to be a comprehensive design guide but to focus on a number of considerations which may be regarded as significant in meeting the design objectives." *(emphasis added)*

See also Part 301.1.6 as follows:

> "**301.1.6** The information presented should be appropriate for use as a general guide towards identification of functional, durable, cost effective urban street design and also to achieve residential streets in good living environments with long term public and private economies." *(emphasis added)*

35. We were particularly referred to Table 1 (as modified) of NZS 4404:1981. The status of Table 1 is set out in Part 30.2.2.2 of the New Zealand Standard as follows:

> "**301.2.2.2** ….. Table 1 suggests a relationship of street function to geometric structural design and is included as an indication of the type and range of streets and private streets that could be provided for in the proposed subdivision. It should however be noted that in terms of Section 325 and Section 347 of the Local Government Act 1974, the width of streets, access ways and service lanes must be in accord with the provisions of the district scheme or alternatively, in the case of streets only, in accord with the bylaws of the council." *(emphasis added)*

36. See also Part 301.2.2.5 as follows:

> "**301.2.2.5** Recommended carriageway widths are for acceptable practice. Where topography or other considerations make these dimensions technically difficult and uneconomical, they may be reduced."

37. In our view, it follows from the above quotations that Table 1 is not intended to be prescriptive, but is a "guideline" or "general guide", "suggests a relationship", and "is an indication of the type and range of streets and private streets that could be provided". Further, recommended carriageway widths are "for acceptable practice" but "may be reduced" where topography or other considerations make these dimensions technically difficult and uneconomic.

38. At most, what is proposed departs from guidelines. We cannot say that what is proposed is not "in accordance with the standards contained in NZS 4404:1981 (as amended)". Therefore, it complies

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with the Site Standard in Rule 14.2.4.1(iv) of the partially operative plan.

39. An alternative approach is to note that NZS 4404:1981 (as amended) contemplates that there will be departures from Table 1. In particular, the possibility of topography making Table 1 dimensions technically difficult and uneconomic is identified on the Standard as a possible reason for reducing them. The Applicant particularly relies on the topography as a reason for departing from Table 1. So the departure and reason for it are both contemplated by NZS 4404:1981 (as amended). In those circumstances, we do not think it can be right to say that the vehicle access is not in accordance with the standards contained in NZS 4404:1981 (including amendments adopted by Council). They may not be in accordance with the figures in Table 1, but that is a different question.

40. Ms Rose also drew our attention to Rule 14.2.4.2(iii) of the partially operative plan. Nothing in Plan Change 6 would affect it. That rule is a Site Standard for a maximum gradient of 1 in 6 for a "private way". Road 6 is a "private way". Mr Makgill argues that, by reference to one or both editions of NZS 4404, the gradient required is a maximum of 1 in 8, and any departure from that requires a restricted discretionary activity consent. We do not agree. The Site Standard expressly dealing with gradient must take priority over any general reference to NZS 4404. That Site Standard in the partially operative plan is complied with.

41. We conclude that all the Site Standards in Section 14 of the partially operative plan are complied with. Therefore, as far as Section 14 is concerned, the proposed activity is a permitted one.

42. Plan Change 6, the external documents, and possibly the amendments to them may well be relevant, but not to the activity status.

43. A further matter that Mr Makgill raised was Section 106. This was also raised in the Otago Regional Council submission. As far as is relevant, it provides that, notwithstanding controlled activity status, we can refuse consent or impose conditions if we consider either that the Applicant's site is likely to be subject to material damage by erosion, falling debris, or slippage, or that any likely subsequent use of the Applicant's site is likely to accelerate, worsen, or result in material damage to the site, to other land, or to a structure, by erosion, falling debris, or slippage.

44. Mr Makgill submitted that the Applicant had provided insufficient information on the underlying stability of the site and its ability to accommodate the earthworks without incurring significant destabilisation and erosion. He referred to the evidence of Mr Young,

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a geotechnical expert, and Mr Whyte and said that "by implication [they] contend that it is their view that the geotechnical information at hand indicates that there is a serious or real and substantial risk that the proposal will result in significant erosion, subsidence, or slippage". But their evidence did not say that, and Mr Makgill did not invite them to say that. We do not see that conclusion as implicit in their evidence. If that was their considered professional view (and assuming they were qualified, and had done the appropriate investigation to justify it), their professional duties required them to say so explicitly.

45. We should not overlook that Council has zoned this site for residential purposes. We will not readily assume that the area in general is in fact unsuitable for residential use. We would consider any site specific evidence, and would not close our minds to the possibility that the Council's zoning is fundamentally flawed. But there is no evidence, only speculative comments.

46. There is no jurisdiction for us to refuse consent under Section 106.

47. Overall, the proposal is a controlled activity.

C EVIDENCE AND SUBMISSIONS

48. We now summarise some of the key points of the submissions and evidence. This includes some comments and conclusions on the evidence.

- **Submissions of Michael Garbett**

49. Mr Garbett addressed us briefly and described the site and the relevant Plan provisions. He noted that while the Application had originally specified access to the subdivided lots by way of easements, the proposal had now changed so that access would be primarily by way of private road. We are satisfied that no jurisdictional issue arises from this change. He also explained the site layout, including a pedestrian easement and reticulation of services. He noted that the Applicant did not submit that there was any relevant permitted baseline.

50. Mr Garbett also submitted to us that the new private road proposed would in fact be a benefit for the neighbouring Pencarrow Lodge which we should take into account.

- **Evidence of Gary Huish**

51. Mr Huish is an experienced Traffic Engineer employed by Traffic Design Group Ltd. He gave evidence about the following issues:

    - The standard of the access road including the width, gradient

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and pedestrian facilities;

- Additional levels of vehicular traffic that are likely to be created by the proposed development and the resulting traffic effect on the surrounding road network.

52. He described the site location, particularly from a traffic perspective. As already noted, access to the lots within the proposed subdivision would be primarily by way of a private road. Mr Huish explained this, and the access ways from it, their dimensions, relevant standards, and the effects on the neighbours (Greenstone Terrace Apartments, Remarkables Apartments, and Pencarrow Lodge). He accepted (on behalf of the Applicant) a number of the suggestions made in the section 42A Report for minor design changes or conditions.

53. He also noted that Frankton Road, as well as being a State Highway under the control of Transit New Zealand, is identified in the Plan as a major arterial route. Mr Huish then went on to give relevant statistics about the traffic volumes on Frankton Road and also survey material about turning movements to and from the entrance to Greenstone Terrace Apartments and Remarkables Apartments. He then analysed the traffic likely to be generated by the proposal and the effects of this on the access way and on Frankton Road, the District Plan provisions, and the particular points made by the submitters.

- **Evidence of Graham Salt**

54. Mr Salt is a Senior Geotechnical Engineer with Tonkin & Taylor Ltd and had earlier prepared reports filed by the Applicant with the Application. He identified the geotechnical issues, with the site having relatively shallow schist bedrock and being steep. There are defects within the schist which are the key geotechnical considerations, both under normal conditions and in earthquake conditions. However, he explained that well-established and standard engineering solutions are available and that a conservative design approach had been followed. He confirmed acceptance of the conditions proposed by the section 42A Report.

55. Mr Salt's approach was to accept that there were areas of uncertainty about precise design solutions, and these would have to be developed as work proceeded. However, he was confident there were available solutions for both the formation of the access road and for subsequent buildings on the various lots.

56. Mr Salt referred to the "stability zones" which were explained in more detail in the reports accompanying the Application. He has divided the site into six zones, to assess the suitability of specific areas for residential development. Zones A to E have varying levels of suitability or potential suitability for residential buildings, and it is

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proposed that there be varying requirements for further geotechnical engineering investigation and reports before building takes place. Zone F is definitely unsuitable. The Applicant proposes that the subdivision consent prevent future building on Zone F. The mechanism for this is by way of identified building platforms on some of the lots and controls contained both in the subdivision consent conditions and in a consent notice.

57. He did not accept the view of one submitter that the work to be done would trigger a slip that would affect Greenstone Terrace Apartments and State Highway 6A. While that submitter has engineering qualifications he did not appear at the hearing and our inability to clarify matters with him limits the weight we can put on his submission. It is also relevant, as Mr Salt pointed out, that Transit New Zealand's geotechnical advisers did not share that concern. Mr Salt also gave a detailed response to a geotechnical report provided for Mr and Mrs Moers.

- **Evidence of Chris Ferguson**

58. Mr Ferguson is an experienced Planner, practising in Queenstown as Planning Manager with Clarke Fortune Macdonald & Associates.

59. He reviewed the District Plan provisions and noted the respects in which the subdivision was controlled. He then addressed the actual and potential effects of the environment and referenced these back to the criteria for controls.

60. He acknowledged the need to ensure that earthworks were appropriately retained and batters supported. He agreed with the section 42A Report recommendation for further conditions relating to the formation of a comprehensive site management plan to address effects of water runoff and dust.

61. Mr Ferguson also reviewed the issues relating to the private access road, its slope, and earthworks issues in relation to it. He noted that there is provision for access to future subdivisions and development on adjoining land through the linkages at Access A and Access P.

62. He also reviewed the geotechnical evidence and the zones with different levels of controls for future buildings. Mr Ferguson indicated that this could appropriately be secured by way of consent condition. Various issues had been raised in the section 42A Report about the precise terms of these conditions and additional conditions were suggested.

63. Mr Ferguson also explained the relationship of the identified Queenstown hill landslide (which is on the Hazards Register of the Council) with the site. He adopted the conclusions of Mr Salt that the

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active slide toe was more than 70 metres upslope of the subdivision and presented no significant risk to either the subdivision or the State Highway below.

64. The issue of maintaining access to Mr and Mrs Moers' property was then reviewed. A particular problem is that construction of the proposed private road will interfere with the existing access to Mr and Mrs Moers' property and business. The Applicant had consulted contractors and defined the construction methodology and timing so that these effects could be better understood. As a result of this, two options were identified at the hearing. We will not complicate this decision with an attempt to describe in words what is plainly apparent from the diagrams produced.

65. We return to comment on Mr and Mrs Moers' concerns about the easement rights later, but at this stage note that the Applicant has gone to considerable trouble to present what we consider to be feasible options for maintaining access to that property. In particular, while the originally identified Option A may have led to interruptions of access for up to 30 minutes, Option B avoids this. We accept as a fact that in the long term, and once a new road is formed, Mr and Mrs Moers' property would benefit from a higher standard of road formation than presently exists.

66. Mr Ferguson went on to review the relevant District Plan Objectives and Policies. We express our own conclusion of these later in this decision and have taken into account everything he said.

67. The section 42A Report had raised the issue of whether resource consent was required from the Otago Regional Council for activities including earthworks, culverting, and discharge of stormwater to the small unnamed watercourse located within the north-western corner of the site. While the Otago Regional Council has submitted on the Application, the concerns raised in its submission were geotechnical. From the analysis presented by Mr Ferguson, we consider that no Otago Regional Council consent is necessary. If we are wrong on that, no consent we grant could avoid the need to obtain Otago Regional Council consent.

68. Mr Ferguson's conclusion was that the Applicant had identified the issues and methods to ensure stability and avoid development on unsuitable land. The Applicant had an expectation from the zoning that the land could be developed in accordance with the zone subject to dealing with the stability issue. He acknowledges the issue for Mr and Mrs Moers and accepted its significance to them. He noted that two options were being developed and that the Applicant was prepared to maintain access to Mr and Mrs Moers' property during construction by whichever option Mr and Mrs Moers chose.

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- **Submissions of R Makgill for Mr and Mrs Moers**

69. Mr Makgill made submissions on a number of legal matters, which we deal with in this decision. He then introduced the evidence to be given by witnesses called for his clients.

- **Evidence of Richard Young**

70. Mr Young is a Senior Geotechnical Engineer with Beca Infrastructure in Christchurch and has provided advice to Mr and Mrs Moers based on information supplied by Tonkin & Taylor and Clarke Fortune Macdonald Associates with the Application.

71. Although he told us that he was familiar with the site, he does not appear to have done any significant site investigation work. We considered that his evidence was more a critique of possible ambiguities and uncertainties in the material provided for the Applicant rather than an independent assessment of the technical issues.

72. Mr Young referred us to published data indicating a high probability of an earthquake between 7.5 and 8 on the Richter scale along the South Island alpine fault within the next 50 years. However, as he acknowledged, if an earthquake of that magnitude were to directly affect the Applicant's site, instability of the surface material on the Applicant's site would not be the major concern for Mr and Mrs Moers.

- **Further Consultation between the Geotechnical Experts**

73. At the end of Mr Young's evidence, we were concerned that on very technical matters we were being presented with competing conclusions without the differences being clearly identified and analysed. We asked the geotechnical experts to confer further and report to us the next day and they agreed to do this. The next day, Mr Salt returned to the hearing and told us what he thought had been agreed with Mr Young and what he thought the differences were. Mr Young by this stage had returned to Christchurch. It transpired that Mr Young did not accept Mr Salt's report and, without objection from the Applicant, we later received from Mr Young his report on their discussions. We have taken into account what they both reported on their discussions, but in the end put little weight on it.

74. Overall, we were left very much with the initial differences between the two geotechnical experts unresolved. However, on reviewing the evidence, we consider Mr Salt had undertaken a careful and thorough analysis of the issues. He acknowledged uncertainty where there was uncertainty, and properly presented a professional opinion. We accept the point made by Mr Salt that the Applicant could not be expected to present fully-detailed plans at this stage and that in any

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event the plans would need to be flexible to reflect what was found as work progressed. Nothing in what Mr Young said caused us to doubt Mr Salt's opinion that all stability issues can be adequately managed. We were somewhat concerned that Mr Young's evidence seemed designed to find fault with how matters were expressed and did not seem to be based on any independent field work or review of published material. We prefer the evidence of Mr Salt. Insofar as Mr Young's criticisms raise any doubts about the time to be taken for the work, we have taken this into account when considering the issue of disruption to access to Mr and Mrs Moers' property.

- **Evidence of Paul Durdin**

75. Mr Durdin is an Engineer employed as a Senior Transport Engineer with Abley Transportation Engineers Limited. He provided transportation evidence on behalf of Mr and Mrs Moers. His evidence was mainly concerned with the suitability of suggested conditions for ongoing access to Pencarrow Lodge and also the development standards at the proposed "access" roads.

76. He referred to the District Plan and Plan Change 6, NZS 4004:2004, and the Council's amendments and modifications to that, dated September 2005. He noted that NZS 4004:2004 provided a maximum gradient of 1 in 8 (12.5%). He considered that any departure from this could lead to treacherous driving and walking conditions in winter, given that the slope is south facing. He acknowledged that achieving a slope of 1 in 6 rather than 1 in 8 would be difficult given topographical constraints.

77. The Application proposed that "Access P" be formed to a width of 3 metres but Mr Durdin noted that NZS 4004:2004 would require a minimum formed width of 3.5 metres and recommended a condition to this effect. He also noted that if NZS 4004:2004 standards were applied, "Access P" should have a passing bay on it.

78. Mr Durdin did not suggest that we should decline consent but rather suggested that amended conditions should be imposed. This is significant in that, on any view of the planning rules, the only ground on which we could decline the Application would be access and parking issues, but the submitter's traffic expert did not feel able to ask us to do that.

79. In summary, Mr Durdin sought clarification on three points which we note, along with the outcome he contended for:

    (a) Maximum gradient of the access road.

        He contended this should be 1:8, or perhaps a heated road of 1:6.

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(b) Minimum formed width of Access P.

He contended it should be 3.5 metres, not 3 metres.

(c) Requirements for passing bay(s) on Access P.

He considered there should be at least one.

- **Evidence of Paul Whyte**

80. Mr Whyte is an experienced Planner and a Senior Planner (Associate) in the Christchurch office of Beca Carter Hollings & Fermer. He is familiar with the Queenstown area and the site.

81. Mr Whyte noted the Low-Density Residential zoning and that Rule 15.2.3.2 stated that the subdivision shall be a controlled activity subject to compliance with all the Site and Zone Standards. He noted that some of the "standards" did not really justify that description and were more in the nature of Assessment Matters. Nevertheless, he accepted that in terms of the Subdivision Section the proposal is a controlled activity and complied with the Site and Zone Standards.

82. He then addressed the argument that a separate land use consent was required for the earthworks. We have dealt with and dismissed that argument.

83. He then referred to Rule 14.2.4.1(iv) in the Transport Section and Plan Change 6. His conclusion was that the Application was, in respect to access, a restricted discretionary activity. We deal with this particular issue elsewhere.

84. The actual and potential effects on the environment were then reviewed by Mr Whyte, with an emphasis on earthworks and stability, and the issue of access from Mr and Mrs Moers' property. We think it is fair to say that his criticism was not so much of the level of temporary access that the Applicant considered it would be able to provide but of a lack of guarantee that those expectations would be met.

85. Mr Whyte also reviewed the Objectives and Policies and we have taken everything he had to say on this and other matters in his evidence into account.

- **Evidence of Kari Moers**

86. Mrs Moers and her husband are the operators of Pencarrow Lodge, which had a Five Star rating. She described the activities on site and also the other activities that guests were involved in while staying at the Lodge. She listed various awards that the Lodge had received. She was concerned about any possible interruption to access to the

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site, in particular for emergency services.

87. She described surface water issues they have encountered in their time at Pencarrow Lodge and explained her fears of slippage. She was also concerned about construction noise. She presented additional notes in response to the evidence that had been presented by the Applicant.

88. We have no doubt about the sincerity of the views of Mr and Mrs Moers and their genuine concern for the effect on them and their business. However, some of their concerns, e.g. surface water and construction noise, were expressed rather generally and without any technical data or expert opinion. In those circumstances, we can put very little weight on them.

89. One of their major concerns was continuation of access during the subdivision work. They have chosen to create their business up a steep hill where their only access is by way of a non-standard easement whereby the Applicant has the right (as between it and Mr and Mrs Moers) to vary the access way and construct a new one. While they are entitled to a proper consideration under the Resource Management Act of their concerns, they cannot necessarily expect this to give them the same benefit they would have if their property had public road access, or even a standard easement.

- **Evidence of Ian Horrocks**

90. In addition to his original submission, Mr Horrocks had made some further comment when writing to Lakes Environment Ltd on 20 February 2008 and that was included in the materials for the hearing.

91. To the extent that Mr Horrocks was complaining about past discussions with Council and Transit, we put that to one side. We can understand his frustrations but they are not matters that we should express a view on and nor should they influence our decision on the resource consent application.

92. Mr Horrocks was concerned with the 1 in 6 gradient on the proposed access to the subdivision. There is a fairly straight steep stretch of the private way where it would intersect with the access from Greenstone Terrace Apartments. Mr Horrocks was concerned about potential loss of control by vehicles in winter conditions. While he accepted that there was a condition for the maintenance of the access road, he doubted that this would be implemented in practice.

93. Mr Horrocks also believed that the present design of the entrance on Frankton Road was a danger and wanted the Council to address this, regardless of the proposal. In our experience, Transit New Zealand is particularly vigilant in protecting the interests of the highway users

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when resource consent applications are made for adjoining properties. It has indicated its acceptance of the intersection of the access road and Frankton Road. That is notable.

94. Mr Horrocks also noted that Greenstone Terrace Apartments, Remarkables Apartments, and the proposed subdivision would share a common access on to the State Highway. He was concerned that the growth in traffic on the State Highway would mean that a right hand turn from this access would become impossible within five years. That concern was not expressed by any of the traffic experts but we accept that growth in traffic on the highway, even if not in the specified five years, could eventually make such a turn difficult. However, we consider that if this does happen it will be primarily because of growth of general traffic on the highway and will not be caused by this subdivision. For that reason, it is not really a relevant matter. It could only become significant if it caused on-site effects, e.g. queuing or excessive delays exiting. The evidence did not establish these effects were likely. Insofar as developments along Frankton Road are increasing the traffic on Frankton Road, this is a matter for the Council to keep in mind when making zoning decisions. The Applicant's land is zoned for residential use and it would not be appropriate to deny them their right to use it for residential purposes, even if Mr Horrocks' fears were borne out by expert evidence.

- **Evidence of Steve Wilde**

95. Mr Wilde owns an apartment at Greenstone Terrace Apartments. He said he was representing the Body Corporate Committee at the hearing. His originally filed submission is not expressed in that way but nothing turns on that. We accept his statement that the views he expressed were those of the Committee.

96. Mr Wilde was particularly concerned about the gradient of the road and its angle to Frankton Road, which he considered would prove hazardous in the winter months. He was critical of the way in which Mr Huish had dealt with this issue. He pointed out that as a private road the Council would have no obligation to provide gritting in winter. Partly as a result of this discussion, the Applicant proposed a condition for gritting of the road in winter conditions.

97. We accept that a relatively steep access road may present some problems in winter conditions. We note however that the subdivision site is zoned for residential use and not visitor accommodation. We think this increases the likelihood of drivers modifying their behaviour to the conditions. Driving difficulties in winter conditions are a factor common to a large number of Queenstown properties. This cannot now be a reason to prevent the owner from utilising the zoning given by the Plan.

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98. Traffic engineering experience indicates that a right angle intersection with the road (which this access has) is generally preferable.

99. Mr Wilde wanted any consent conditioned on access not being onto Frankton Road. We doubt that we would have jurisdiction to impose such a condition, but in any event, having considered all the relevant evidence, we do not think any such condition is justified on the facts.

- **Closing Statement from Michael Garbett**

100. As usual, we asked staff to make concluding comments before inviting the Applicant to close. Ms Rose noted a need for conditions additional to those originally proposed. Mr Martin's view was that the Low-Density Residential Zone created a development right subject to conditions. Here, earthworks and stability were particularly relevant. He considered the grant of consent subject to conditions was appropriate.

101. Mr Garbett then addressed us on various legal issues including activity status. His submissions were helpful in relation to the need for a separate earthworks consent and also the applicable Transport Standards. He also noted that the Partially Operative District Plan's acceptance of a 1:6 gradient for a private way must prevail over anything inconsistent in either version of NZS 4404.

102. He then addressed us on issues relating to land stability and urged us to prefer the evidence of Mr Salt, which we have done.

103. In response to the submissions that the access way should be public, he advised us that the Applicant had sought the surrender of easements over the access way to enable this but they were not forthcoming. He further noted that the status of the access way as a private road does not extinguish the existing easements and that in the circumstances the suggestion that the access way should be a public road was impractical.

104. Mr Garbett then also reviewed various suggestions made during the course of the hearing about amended conditions and we have taken all of that into account.

105. At the end of Mr Garbett's closing submissions, Mr Makgill was able to advise us that Mr and Mrs Moers did have a preference for Option B of the two proposals for alternative access.

D STATUTORY CONSIDERATION

106. Section 104 sets out the matters we are to consider. The relevant parts are as follows:

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"**104. Consideration of applications**

(1) When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of –
(i) a national policy statement:
(ii) a New Zealand coastal policy statement:
(iii) a regional policy statement or proposed regional policy statement:
(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect."

107. Section 104A is specific to controlled activities, which we have found this to be.

"**104A Determination of applications for controlled activities**

After considering an application for a resource consent for a controlled activity, a consent authority —

(a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and

(b) may impose conditions on the consent under section 108 for matters over which it has reserved control in its plan or proposed plan."

108. We have already referred to Section 106, which we do not consider is applicable.

Actual and Potential Effects

109. On the basis of the section 42A Report, we consider the actual and potential effects on the environment under the following headings:

- Land, Flora and Fauna
- Infrastructure
- Land Stability and Natural Hazards

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- Character and Amenity
- Transport
- Nuisance
- Positive Effects

★ Land, Flora and Fauna

110. The previous or on-going removal of trees from the site is not a matter we need to make a judgment on. It appears to be a permitted activity. We agree that the proposed earthworks will result in a site with an appearance similar to neighbouring properties and consistent with the expectations created by the zoning. On the evidence we heard, we do not consider that any Regional Council consents are needed in relation to watercourses but final responsibility for that remains with the Applicant.

★ Infrastructure

111. Appropriate arrangements have been made, or can be made, for water supply, wastewater, stormwater, power and telecommunications. These were not in contention and we accept the proposed conditions as adequately dealing with these.

★ Land Stability and Natural Hazards

112. Conclusions on this will be apparent from our discussion of the evidence. We were impressed by the careful analysis of Mr Salt and feel confident in accepting his evidence that, although more detailed investigation and design are necessary as matters progress, this will be attended to, and appropriate solutions are available. There has been a careful analysis of the site into stability zones following comprehensive work. Further, the result of this analysis is to be protected by the imposition of a Consent Notice so that any purchaser will be well aware of what can be done on any particular site.

113. We accept that no adverse geotechnical impacts of development are expected in general, nor on any particular neighbouring property. We note the concern about the Queenstown hill slip. We accept that it does not encroach on to this property. Nothing done on this site is likely to impact on that slip.

114. While we can understand the concerns of neighbours when a steep slope is being developed, we are confident that adverse effects will be avoided.

★ Character and Amenity

115. We comment under this heading in deference to the categorisation of effects in the section 42A Report. The scope for considerations of this

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nature is severely limited by the controlled activity status of the proposal. However, we consider that the site density is well within the expectations of the zone and location and dimensions of lots respond appropriately to topographical and geotechnical considerations. The appearance of the site will be anticipated and acceptable given the expectations created by the zoning and current and future developments on Queenstown Hill.

★ **Transport**

116. We consider here the effects, and elsewhere identify the relevant plan rules and how far transport issues are relevant.

117. We are satisfied that the proposed activity will have at most a minor effect on traffic patterns on Frankton Road. Any delays in executing turns into Frankton Road will be caused by traffic on that road rather than traffic accessing or exiting the site. We accept that January traffic counts may not be the best indicators for peak hour traffic, but we are still confident in our conclusions on these points.

118. We accept that there will be an inconvenient interference with access to Pencarrow Lodge. However, it does not have road frontage and the easement gives the Applicant certain rights to re-align the access. We are not certain that we should be considering the adverse effects on the user of the right of way by alterations to access authorised by the easement. But assuming we should, and putting some weight on the rights and obligations under the easement, we consider that Option B for temporary access creates no more than minor adverse effects. It is inherent in construction work of this nature that there can be no absolute certainty about the time it will take, and we have taken this into account.

119. We repeat that no resource consent can override the rights Mr and Mrs Moers have under the easement and if the proposed activity, including the proposals for maintaining access, is inconsistent with the easement then they have remedies elsewhere.

120. Whether the new proposed access will be better than the existing one is to some extent a matter of personal preference. We are satisfied that it is not materially worse, but do not regard it as appropriate or necessary to hold that the new access is a positive effect we should consider.

121. Mr and Mrs Moers were concerned about maintenance obligations on the private road. It was explained, and we accept, that they have no obligations for maintenance of either the private road or Access P.

122. It was not explored in evidence, and we put no weight on it, but first principle economics suggests that the disadvantages in having their

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access changed, including the need for a temporary access, would have been relevant to the price paid for their property.

123. We do not consider that there is anything more than a minor adverse effect on Mr and Mrs Moers.

124. Construction standards for roads require some flexibility. Leaving aside the status and relevance of various standards, we accept that a gradient of 1:8 is generally preferable to a gradient of 1:6 for a subdivision such as this. However, the various standards recognise that this is not always practicable. Queenstown is a mountain town. Large parts of it are built on steep slopes. We accept that the access road is on a southerly slope and that snow and ice conditions could be encountered in winter. However, this is not unusual, and is anticipated, in Queenstown. Mr Huish and Rationale Limited were both satisfied that the gradient was appropriate. Mr Durdin's evidence seemed more focussed on analysing rules and standards. Insofar as Mr Durdin's evidence is that a gradient of 1:6 is inappropriate, in all the circumstances we prefer the evidence of Mr Huish and the report of Rationale Limited.

125. The other transport issues relate to Access P and Access G.

126. The Applicant now proposes to form Access P to a width of 3.5 metres within a legal width of 12 metres. The traffic evidence is in agreement that 3.5 metres is an appropriate width. Mr Durdin recommended at least one passing bay. He did this on the basis that Plan Change 6 required it. Plan Change 6 as it currently stands introduces this requirement into Rule 14.2.4.1(iv), but it is a Site Standard, not an absolute requirement. We were not referred to NZS 4404:1981 or Council's amendments in this context. However, we note that paragraph 302.10.5.3 says "adequate turning and passing space shall be provided where length of the private way requires". Mr Durdin did not suggest that lack of a passing bay erected an unsafe situation. Neither Ms Rose nor Mr Huish considered that a passing bay was necessary. Given the totality of the traffic evidence and the current status of Plan Change 6, we do not consider that requiring a passing bay is justified. We do note that the width of Access P leaves open the possibility of either a widened carriageway in the creation of a passing bay in the future.

127. The other matter we need to decide is the width of Access G. Access G serves Lots 4 and 5. While it passes through Lot 3, there is no possibility of it being used for access to Lot 3. Mr Huish contends that a 3 metre formed width is appropriate. Council's amendments to NZS 4404:1981 indicate a 3 metre vehicle carriageway is appropriate for up to 3 dwelling units but a 4 metre vehicle carriageway for 4 or more dwelling units.. Ms Rose suggests it should be 4 metres. In particular, she notes that Lots 4 and 5 are each capable of having

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more than one unit. Even so, it would have at most four dwelling units using it. Clearly, a wider carriageway would be difficult. NZS 4404:2004, which is the document that Plan Change 6 refers to, indicates that a 2.75 metre vehicle carriageway is appropriate for up to 3 lots or 6 dwelling units. , We doubt that there will be much use of bicycles to access these lots, given the topography, but there is a pedestrian easement from the end of Access G which may well be used. Given the difficult terrain, and the relatively short length of Access G, and considering that the standards referred to in the operative plan would support 3 metres, we have decided that 3 metres is the appropriate width.

128. While various standards suggest that access for a subdivision of this size should be by public road rather than private road, we did not receive any evidence that having access by private road would lead to adverse effects. Mr Makgill ultimately advised us that his clients were concerned to achieve, if possible, public road standards, but were less concerned about status. They have no maintenance obligations to their boundary and we are satisfied that the access they will get is appropriate.

★ Nuisance

129. Inevitably, there is some nuisance to neighbours during development of this nature. It is inherent in the zoning that neighbours must accept at least the normal level of nuisance created by such developments subject to appropriate controls. The Lakes Environmental Engineer considered that all appropriate construction methodology and site management methods are available to control these effects. We concur. The adverse effects and the disruption of access to Mr and Mrs Moers have been fully canvassed elsewhere. Standard construction noise conditions can be imposed.

★ Positive Effects

130. There is a small positive effect in enabling further residential development adjoining existing development. However, we can reach our conclusion without putting weight on that.

Summary Of Effects

131. Overall, we find no significant adverse effects that have not been avoided or adequately mitigated. The development is consistent with the expectations created by the zoning. We do not consider that the fears of owners of the Remarkables Apartments or Greenstone Terrace Apartments are fully justified. At most, there will be a slightly increased level of inconvenience in sharing an access. In principle, it cannot be right that they can fully develop their sites and then veto a much less dense development of the site behind them because of the

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combined traffic level. Any inconvenience to Mr and Mrs Moers is no doubt to be regretted but the potential for this was always there given the zoning of the land and the fact that they do not have direct access on to a road. That cannot be allowed to be a significant factor preventing neighbouring land owners developing their sites in accordance with the expectations of the Plan.

Plan Provisions

132. The first matter to consider is that the Applicant's site is zoned Low Density Residential. The purpose of the Low Density Residential Zone is to provide for 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 and low rise development with the expectation that there will be minimal adverse effects experienced by residents.

133. We have carefully analysed the relevant provisions of the Plan and determined the activity status as a "controlled activity". Section 106 is not relevant. We therefore must grant the consent and our discretion is confined to the imposition of conditions.

134. We have identified the relevant areas of control under Section 15 of the Plan. Each of these identified areas of control has Assessment Matters specified and we have taken all of those into account in our discussion of effects and also our discussion of Objectives and Policies.

135. For the avoidance of doubt, we repeat that there is nothing we would have wanted to take into account if earthworks were discretionary that we have not been able to take into account under the Assessment Matters at Rule 15.2.10.2.

136. We have held that all standards in the operative Transportation Section are complied with so the proposed activity is a permitted one as far as the operative Section 14 is concerned.

137. We need, however, to consider Section 14 as it would stand under proposed Plan Change 6 following Council's decisions.

138. We were given a copy of Table 3.1 from NZS 4404:2004 and also Council's amendments to that standard. Given the current version of Plan Change 6, Council's amendments have no direct relevance, although they could still be evidence of what is generally regarded as appropriate in Queenstown.

139. We are unclear how far Table 3.1 is intended as a prescriptive requirement, or only as a guideline as the corresponding Table in NZS

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4404:1981 is. To be conservative, we will assume that it is prescriptive. Even so, we cannot give it full weight. Even if Plan Change 6 becomes operatives in its present form, Table 3.1 is at best part of a Site Standard triggering a consent requirement. But we cannot even give it that much weight because the appeal process could see the Plan Change amended or abandoned.

140. We do not overlook that the Plan Change also amends the Assessment Matters, but that amendment also has limited weight, given the current status of the Plan Change.

141. The Plan Change 6 Site Standard does say that no private way shall serve sites with a potential to accommodate more than 12 units. We take that into account. We also take into account that it is part of a Plan Change that is not yet finalised. We also take into account that, even if adopted, non-compliance would trigger a requirement for restricted discretionary consent which we would have discretion to grant. We heard no evidence that private status would lead to adverse effects and, weighing all matters as we must, that is more significant than the Site Standard in the Plan Change.

142. Although the Transportation Section of the partially operative plan does not trigger any consent requirement, we do not overlook the standards in it, including that for gradient, in exercising our overall discretion. The Assessment Matters in that section also help us apply the more broadly expressed Assessment Matters in the Subdivision Section.

143. We will assume that all Objectives and Policies are properly relevant notwithstanding that the proposal is for a controlled activity, and now comment on those we were specifically referred to and which we consider are relevant.

144. "**Part 4 – District Wide Issues**

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.

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.

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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."

145. Mr Salt's assessment, and review by Lakes Environmental staff, are an adequate assessment to identify any natural hazard and the methods used to avoid or mitigate the hazard risk. As noted earlier, we consider that this was professionally presented, acknowledged uncertainty where there was some, but left us satisfied that there were available solutions which would be developed as the work progress. The area of the site is not an area where there was a high probability but a natural hazard may destroy or damage human life, property, or other aspects of the environment.

146. "**4.9 Urban Growth**

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.

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."

147. The site is zoned Low Density Residential. To a considerable extent, these Objectives have been addressed in the zoning decision. Making the effort to build on sites such as this in a safe way helps maintain a compact town and limits some of the pressures for a further spreading of the town into new areas. The development will not appear inconsistent with the adjoining allotments and will contribute towards urban consolidation. Overall, we consider that there are two Objectives in the associated Policies set out above which support the Application.

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148. "**4.10 Earthworks**

Objectives

To avoid, remedy or mitigate the adverse effects from earthworks on:

(a) Water bodies.

(b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.

(c) Land stability and flood potential of the site and neighbouring properties.

(d) The amenity values of neighbourhoods.

(e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites.

(f) The water quality of the aquifers."

Detailed Policies follow the Objective.

149. This is an effects-based Objective and we have already concluded that there will be no significant adverse effect from the earthworks. In particular, the proposal avoids or mitigates adverse effects from earthworks on land stability and amenity values of neighbours.

150. "**<u>Part 15 – Subdivision and Financial Contributions</u>**

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 To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.

1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.

1.3 To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.

1.4 To avoid or mitigate any adverse visual and physical effects of

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subdivision and development roading on the environment.

1.7 To ensure the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

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 be met by subdividers."

151. Necessary services are provided to the subdivided lots. There is provision for future integrated subdivision roading having regard to future possible developments on adjoining sites. Particular provision is made for safe and convenient pedestrian access. We also consider that vehicular access is safe and efficient. The normal servicing requirements are met by the standard for conditions.

152. No issues arise as to the cost of services and development contributions will be levied in the normal way.

153. **"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.

5.2 To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.

5.3 To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads."

154. Lot sizes and dimensions are appropriate. The anticipated density is much lower than the zoning might allow. There are no significant trees or areas of vegetation on the site, whatever may have been the previous situation. Having regard to the expert traffic evidence, we do not consider that there would be more than minimal effects on the safe and efficient functioning of services and roads.

155. "**Part 14 – Transport**

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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 roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.

1.3 To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning."

156. Allowing development even on steep and challenging sites within the existing developed area does encourage efficiency in the use of motor vehicles. A Low Density Residential development here is compatible with the capacity and function of Frankton Road, and the access is of a size, location and type that ensures safety and efficiency of road function.

157. "**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 ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.

2.2 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."*

158. The nature of this activity is compatible with the road capacity and function and both vehicle and pedestrian safety have been ensured with careful attention to the roading design and in particular the intersection with Frankton Road and with accesses to neighbouring properties.

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159. "**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 discourage traffic in areas where it would have adverse environmental effects.

3.2 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."

160. There is a specifically designed pedestrian link within the subdivision which we think is useful. Road construction is consistent with what would be expected in the Low Density Zone, and the Objectives and Policies are generally supported.

161. Overall, we do not consider that there is anything in the Objectives and Policies that this proposal is inconsistent with and in general they are supportive of the proposal.

162. The activity status is controlled and we have reviewed all the relevant controls, the Assessment Matters relevant to them, and the effects. We accept that, if Plan Change 6 were adopted as it stands, the activity status would be restricted discretionary. Even if Plan Change 6 was operative now, we would grant this application, subject to conditions. The somewhat confused transport standards, and possible changes to them, do not affect the ultimate decision. In common with much of Queenstown, this site is steep and needs careful management. We are satisfied that the Applicant and its advisers have fully appreciated this and proper conditions to avoid or mitigate adverse effects are proposed.

Other Matters

163. The position in relation to the easement from Mr and Mrs Moers might have been considered under this heading but we had dealt with it elsewhere.

Part 2

164. There is some ambiguity in Environment Court and High Court cases as to the role of Part 2 of the Act in considering a controlled activity application. We will assume it is to be applied with full force. Notwithstanding that, there is nothing in Part 2 that identifies new matters for us to consider, or changes the emphasis we would otherwise put on the matters already considered.

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E CONCLUSION

165. As will be apparent from what had gone before, we propose to grant the consent. On our analysis of the activity status and the application of Section 106, we are required to grant consent, but in any event would have no hesitation in doing so. We have considered everything that was raised by the submissions, in the reports of Lakes Environmental staff and other Council advisers, and at the hearing. We are satisfied that the grant of consent subject to the conditions that appear below is entirely appropriate and fully accords with the purpose of the Act.

166. The section 42A Report included draft conditions. The Applicant provided its own draft after the hearing. We have dealt with the differences in substance. The need to carefully consider the relationship between the District Plan and the New Zealand Standards possibly also has implications for the wording of conditions. However, where the Applicant and Lakes Environmental have agreed on the form of a condition and no other party would be affected by any difficulties with the wording, we have not attempted to re-draft the conditions.

F DECISION

CONSENT IS HEREBY GRANTED pursuant to sections 104 and 104A of the Resource Management Act 1991 to subdivide Lot 2 Deposited P305273, Computer Freehold Register 21293 (Otago)l **SUBJECT TO** the following conditions imposed pursuant to sections 108 and 220:

Conditions of Consent

1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 25 February 2008, titled *'Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273'* **(stamped as approved 20 May 2008)** and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.

2. 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.

3. The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in

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relation to this development.

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

   (a) The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.

   (b) The provision of a water supply to the boundary of Lots 1 through 17 in terms of Council's standards and connection policy. This shall include an Acuflow GM900 as the toby valve.

   (c) The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.

   (d) The provision of fire hydrants with adequate pressure and flow to service the development with a Class W3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.

   (e) The provision of a foul sewer connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy.

   (f) The provision for final engineering design for a reticulated stormwater system that will dispose of stormwater into the stream to the west of the site and to the existing 375mm main adjacent to Frankton Road. Final design shall address the capacity in the waterway and the sizing of the culvert under the access road.

   (g) The provision of a stormwater connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy to dispose of water from all impervious areas within the site to the reticulation described in part (f) above.

   (h) The final design of all earthworks associated with the access road by a suitably qualified engineer and geotechnical professional. Said design shall include the design of all retaining walls and slopes of all batters given consideration of Tonkin and Taylor's Geotechnical

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Investigation reports dated June 2005 and June 2007. The consent holder shall submit to Council a final plan of the proposed earthworks associated with the access road for approval. If considered necessary, Council may have the earthworks design independently peer reviewed.

(i) The provision for a comprehensive site management plan for all earthworks required in the establishment of this subdivision. The consent holder shall submit a site management plan to Council for approval and shall implement the approved site management plan prior to any works on site. The site management plan shall include provision for silt traps (in the form of fabric filter dams or straw bales) to be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into the creek on the western portion of the subject site. Site drainage paths shall be constructed and utilized to keep any silt laden materials on site and to direct the flows to the silt traps. Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose. The principle contractor shall take proactive measures in stopping all sediment laden stormwater from entering the creek. The principal contractor shall recognize that this may be above and beyond conditions delineated in this consent. 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.

(j) The provision of pilot cuts by a suitably qualified engineer and geotechnical professional for the full depth of proposed excavations associated with the access to understand necessity of rock anchors or additional retention (temporary or permanent). Following pilot cuts, any recommendations made by said professionals shall be implemented. Pilot cuts shall also inform the feasibility of the construction methodology for the main access. The consent holder is advised that a variation to this consent may be required if ground conditions encountered on site differ to the extent that substantially modified methods or design of excavation is required.

(k) The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

(l) "Access P" as shown on Clark Fortune McDonald's drawing 9074-22c

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shall be constructed according to NZS4404: 2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3.5 m and a legal width of 12m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(m) "Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(n) Road lighting shall be provided in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs 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 lighting network circuits.

(o) The provision of a temporary access during the construction period to Lot 2 DP 20473, generally in accordance with the 'Option B' temporary access plan prepared by Clark Fortune McDonald & Associates and as attached with Appendix [D] to the evidence of Mr Ferguson, but shall be modified to include:

(i) a maximum centreline gradient through both hair-pin bends of no more than 1 in 5.5;

(ii) Passing bays located at each bend and along the straight section between chainage 100 to 160.

(p) The pedestrian access easement between Access D and Access G shall ensure access is available to the public at all times.

5. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

(a) The submission of 'as-built' plans in accordance with Council's as-built standards and information required to detail all engineering works completed in relation to or in association with this subdivision.

(b) The completion of all works detailed in Condition (4) above.

(c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the lots. These connections shall be underground from any existing reticulation and in accordance

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with any requirements/standards of Aurora Energy/Delta and Telecom.

(d) A suitably qualified Registered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431: 1989, for all areas of fill within the site on which buildings may be founded.

(e) A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.

(f) Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.

(g) All signage, including road names, shall be installed and necessary road markings completed on all Public or Private Roads (if any), created by this subdivision.

(h) The consent holder shall provide evidence to the Council of a responsible body (management group) that has been created to undertake responsibility for the ongoing maintenance of the main internal access road (including any stormwater disposal), including provision for gritting and/or de-icing of the main access way, the pedestrian link between Access D and Access G, and the water supply system.

6. Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

(a) No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this

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consent notice.

(b) At the time that a dwelling is erected on Lots 1-17 the owner for the time being shall construct a vehicle crossing to Council Standards.

(c) Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.

(d) A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

(e) 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 for any additional residential units on the property greater than one.

(f) At such a time where a high level reticulated water pressure zone is provided by the QLDC that can serve the subdivision, the private water storage scheme shall be decommissioned and all lots shall connect to the high pressure reticulation.

(g) All the owners of Lots 1 – 17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link between Access D and Access G, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. The Queenstown Lakes District Council is not responsible for any part of the water infrastructure or roading to any lot within any stage of this subdivision.

7. The consent holder shall provide Council with the name of a suitably qualified and experienced Engineer who is to supervise all excavation procedures. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.

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8. If at any time Council, 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 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 acceptance and approval.

9. Within four weeks of completing the earthworks the consent holder shall submit to the Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".

10. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.

11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

12. Upon completion of the earthworks, the consent holder shall complete the following:

    a) Any damage to all existing road surfaces and berms that result from work carried out for this consent shall be remedied.

    b) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.

    c) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining systems on site and forwarded to Council.

13. All necessary easements shall be granted or reserved.

Advice Notes

(i) In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified

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that a Development Contribution is required. A Development Contribution Notice, detailing how contributions were calculated, will be forwarded under separate cover.

(ii) The Council may elect to exercise its duties and functions through the employment of independent consultants.

(iii) The consent holder is advised they may also be required to obtain any necessary resource consent from the Otago Regional Council to construct the subdivision.

Dated this 20th day of May 2008

_____

Trevor J Shiels
for Commissioners

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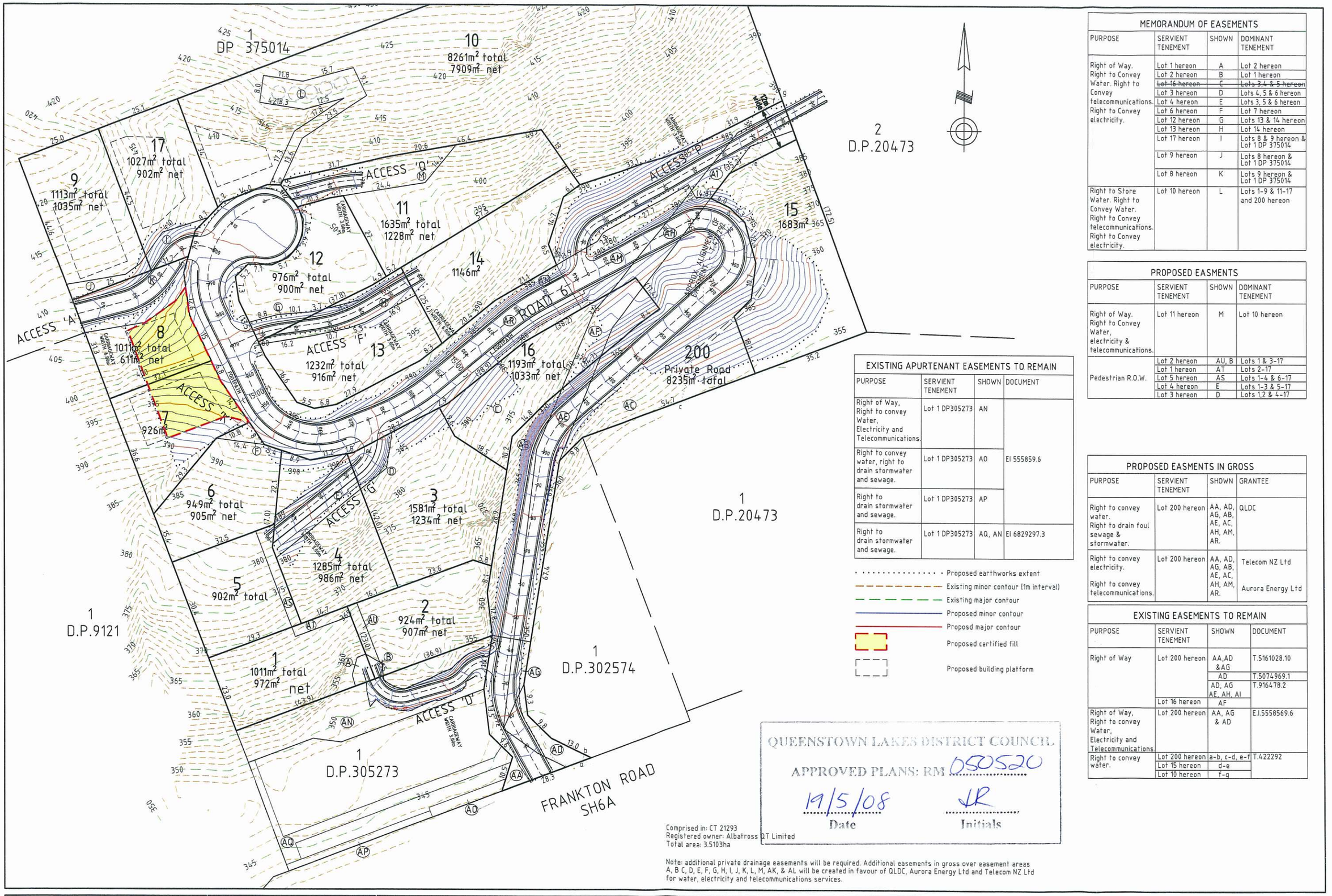

MEMORANDUM OF EASEMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
Right of Way. Right to Convey Water. Right to Convey telecommunications. Right to Convey electricity.	Lot 1 hereon	A	Lot 2 hereon
	Lot 2 hereon	B	Lot 1 hereon
	~~Lot 16 hereon~~	~~C~~	~~Lots 3, 4 & 5 hereon~~
	Lot 3 hereon	D	Lots 4, 5 & 6 hereon
	Lot 4 hereon	E	Lots 3, 5 & 6 hereon
	Lot 6 hereon	F	Lot 7 hereon
	Lot 12 hereon	G	Lots 13 & 14 hereon
	Lot 13 hereon	H	Lot 14 hereon
	Lot 17 hereon	I	Lots 8 & 9 hereon & Lot 1 DP 375014
	Lot 9 hereon	J	Lots 8 hereon & Lot 1 DP 375014
	Lot 8 hereon	K	Lots 9 hereon & Lot 1 DP 375014
Right to Store Water. Right to Convey Water. Right to Convey telecommunications. Right to Convey electricity.	Lot 10 hereon	L	Lots 1-9 & 11-17 and 200 hereon

PROPOSED EASMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
Right of Way. Right to Convey Water, electricity & telecommunications.	Lot 11 hereon	M	Lot 10 hereon
Pedestrian R.O.W.	Lot 2 hereon	AU, B	Lots 1 & 3-17
	Lot 1 hereon	AT	Lots 2-17
	Lot 5 hereon	AS	Lots 1-4 & 6-17
	Lot 4 hereon	E	Lots 1-3 & 5-17
	Lot 3 hereon	D	Lots 1,2 & 4-17

EXISTING APURTENANT EASEMENTS TO REMAIN			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way, Right to convey Water, Electricity and Telecommunications.	Lot 1 DP305273	AN	EI 555859.6
Right to convey water, right to drain stormwater and sewage.	Lot 1 DP305273	AO	
Right to drain stormwater and sewage.	Lot 1 DP305273	AP	
Right to drain stormwater and sewage.	Lot 1 DP305273	AQ, AN	EI 6829297.3

PROPOSED EASMENTS IN GROSS			
PURPOSE	SERVIENT TENEMENT	SHOWN	GRANTEE
Right to convey water. Right to drain foul sewage & stormwater.	Lot 200 hereon	AA, AD, AG, AB, AE, AC, AH, AM, AR.	QLDC
Right to convey electricity. Right to convey telecommunications.	Lot 200 hereon	AA, AD, AG, AB, AE, AC, AH, AM, AR.	Telecom NZ Ltd Aurora Energy Ltd

EXISTING EASEMENTS TO REMAIN			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way	Lot 200 hereon	AA,AD &AG	T.5161028.10
		AD	T.5074969.1
		AD, AG AE, AH, AI	T.916478.2
	Lot 16 hereon	AF	
Right of Way, Right to convey Water, Electricity and Telecommunications	Lot 200 hereon	AA, AG & AD	E.I.5558569.6
Right to convey water.	Lot 200 hereon	a-b, c-d, e-f	T.422292
	Lot 15 hereon	d-e	
	Lot 10 hereon	f-g	

- Proposed earthworks extent
- Existing minor contour (1m interval)
- Existing major contour
- Proposed minor contour
- Proposd major contour
- Proposed certified fill
- Proposed building platform

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLANS: RM 050520
19/5/08 Date
KR Initials

Comprised in: CT 21293
Registered owner: Albatross QT Limited
Total area: 3.5103ha

Note: additional private drainage easements will be required. Additional easements in gross over easement areas A, B C, D, E, F, G, H, I, J, K, L, M, AK, & AL will be created in favour of QLDC, Aurora Energy Ltd and Telecom NZ Ltd for water, electricity and telecommunications services.

CLARK FORTUNE McDONALD & ASSOCIATES
REGISTERED LAND SURVEYORS LAND DEVELOPMENT & RESOURCE MANAGEMENT CONSULTANTS
309 Lower Shotover Road, P.O.Box 553 Queenstown
Tel. (03)442-0990, Fax (03)442-1066, Email q.t.surv@xtra.co.nz

ISSUE	COMMENTS	BY	DATE
1	RC applin CivicCorp	PJF	10-6-05

LOTS 1-17 & 200 BEING A PROPOSED SUBDIVISION OF LOT 2 D.P.305273

PROJECT: POTTERS HILL
PRINCIPAL: ALBATROSS QT LTD.
APPROVED: DESIGN:
CHECKED: DRAWN: EJD

REVISION	COMMENTS	BY	DATE
D	Area Lot 17	TS	07-02-07
E	Lots 10, 11 & 12	TS	22-02-07
F	Building platforms Lots 7, 8, 9, 10 & 17	TS	13-06-07
G	Roadways etc	TS	30-07-07
H	Private Road and easements	CCH	25-02-08

SURVEY: FB
LEVEL: LB
SCALE: 1:1000 @A3
DATUM: M.S.L.
JOB No.: 9074
DRAWING: 9074-21
Revision: H

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IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an application for resource consent
BY	**ALBATROSS QT LIMITED**
	Applicant
TO	**QUEENSTOWN LAKES DISTRICT COUNCIL**
	Consent Authority
	RM050520

DECISION OF COMMISSIONERS

(Trevor J Shiels and Lyal Cocks)

20 May 2008

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A INTRODUCTION

1. We have been appointed as Commissioners to hear and determine a resource consent application on behalf of the Queenstown Lakes District Council.

2. The Applicant applies for subdivision consent to subdivide a property at 658A Frankton Road, Queenstown. The legal description of the site is Lot 2 Deposited Plan 305273. It has an area of 3.5105 hectares. The title reference is Computer Register Freehold 21293 (Otago).

3. The Applicant seeks to subdivide the property into 17 new residential allotments, ranging in size from 902m^2 to 8261m^2, with a balance of 7160m^2 being a private road within the subdivision.

4. The site is to the north of State Highway 6A (Frankton Road) between Queenstown and Frankton. It is on a steep south facing slope that rises above the highway. The site has views over Lake Wakatipu and surrounding mountains. Vegetation has recently been cleared. The site is now predominantly clear. There are rock outcrops on it. There is also a small creek running through it.

5. The site is approximately 2.4 km west of the Frankton Roundabout, where State Highway 6 and 6A meet. The site has road access by a Transit approved crossing point from Frankton Road. Three adjoining properties also share that access. Greenstone Terrace Apartments are to the west of the access (i.e. towards Frankton). Remarkables Apartments are to the east of the access (i.e. towards Queenstown). They are both immediately above the road. Each has a legal frontage to Frankton Road but no practical or lawful vehicular access to it, other than by way of the easement over the Applicant's property. Significantly further up the hill, and immediately to the east of the Applicant's site, is Pencarrow Lodge. It shares the same crossing point and has a long access way by way of an easement over the Applicant's property. To allow the proposed subdivision, that access would need to be altered. The easement document contemplates the possibility of altering the access and the easement to facilitate development of the Applicant's property.

6. On the opposite side of Frankton Road, there are several multi-unit residential developments. Greenstone Terrace Apartments and the Remarkables Apartments are effectively in front (to the south) of the main part of the Applicant's site. The sites to the west and north of the main part of the Applicant's site contain limited development, but share the same zoning. Pencarrow Lodge is immediately to the east of the main part of the Applicant's site.

7. The proposed subdivision requires approximately 12,000m^3 of

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earthworks, for access and site development.

8. The Applicant proposes that a private road be formed from Frankton Road through the subdivided site to give access to the subdivided lots. The road was referred to in the documentation and at the hearing as "Road 6", and has a proposed lot number in the subdivision of Lot 200. It follows the current access used by Pencarrow Lodge for approximately 100 metres, but then takes a different line which is less steep but includes a tight bend. It then goes in the direction of the east of the site, where there is currently no formed access. Road 6 is a cul-de-sac. It has a turning circle at its end. There are six smaller branches from it, for further internal access. Access "A" is on the western boundary, towards the rear of the site. The existence of Access "A" leaves open the possibility of a vehicle link to any future development on the adjoining land to the west. Access "P" provides access to Pencarrow Lodge. Originally it was intended that each of the six branches from Road 6 be private easements of right of way. By the time of the hearing, it was proposed that Access "P" also be a private road.

9. The proposed legal width of Road 6 is 15 metres, but reducing to 12 metres where restricted by legal boundaries. The Applicant proposes a formed carriageway width of 6 metres and a maximum gradient of 1:6.

10. At the hearing, the Applicant proposes a legal width of 12 metres for Access "P", with a 3 metre formation.

11. For Access "G", the Applicant proposes a legal width of 6 metres with a 3 metre formation.

12. Details of the other accesses were largely uncontroversial and we do not need to set them out.

13. The Application was notified on 24 October 2007. There were 39 submissions received within the statutory time limit. Of these, 37 were in opposition, one from the New Zealand Fire Service asked for a condition, and one from the Otago Regional Council sought further investigations. There were seven late submissions. All were in opposition.

14. The Applicant did not consent to us receiving the late submissions and required us to make a ruling on them. We decided to accept the late submissions of S K Cuthbert, S Russell, L C Chui, and "The Balancing Act". Each of these submissions was only one day late and we saw no particular prejudice to the Applicant. Submissions from K & S Cook, M Andrews, and J Sanderson & J Billingham were four days late. There was no explanation of the lateness and there was no appearance by these people at the hearing. We decided to reject

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these submissions. The submission of I Horrocks was four days late. Mr Horrocks is the Secretary of the Body Corporate for the neighbouring Greenstone Terrace Apartments. It was not clear whether the Body Corporate as such had been served with notice of the Application and it came to Mr Horrocks' attention quite late. The viewpoint of the Body Corporate of the neighbouring property is important. In those circumstances, we decided to accept that late submission.

15. An Affected Party Approval form was received from Transit New Zealand.

16. The hearing was held at Queenstown on 3 and 4 March 2008. We were assisted at the hearing by:

▪ Ms Rachel Beer	Committee Secretary, Lakes Environmental Ltd
▪ Mr Christian Martin	Planning Team Leader (Wanaka), Lakes Environmental Ltd
▪ Ms Malika Rose	Engineer, Lakes Environmental Ltd

17. At the hearing, appearances were entered as follows:

▪ Applicant	Mr M Garbett, Counsel
▪ B & K Moers (Pencarrow Lodge)	Mr R Makgill, Counsel
▪ S Wilde	Mr S Wilde
▪ I Horrocks (Secretary Greenstone Terrace Apartments Body Corporate)	Mr I Horrocks

18. A letter on behalf of the New Zealand Fire Service and an email from the Otago Regional Council were tabled at the hearing.

19. Prior to the hearing, we visited the site accompanied by Mr Martin, and Ms Rose. We also read and considered documents as follows:

- The Application and documents in support of it as appearing in the published Agenda for the meeting.
- The submissions of the submitters. (We have now disregarded the submissions of the late submitters whose submissions we did not accept).

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- The section 42A Report prepared by Mr Martin and accompanied by the Engineering Report by Ms Alice Hill, Engineer, Lakes Environmental Limited, and also the Infrastructure Report in relation to the Application prepared by Rationale Limited, another Council contractor.

B CONSENTS REQUIRED

20. There was no suggestion that we needed to refer to the Queenstown Lakes District Council Transitional District Plan. The only relevant District Plan document is the Queenstown Lakes District Council Partially Operative District Plan (hereafter 'the Plan'). Plan Change 6 to the Plan also needs to be considered.

21. Under the Plan, the site is zoned Low Density Residential, as are all the immediately adjacent properties.

22. Under Rule 15.2.3.2, the subdivision would be a controlled activity with Council's control limited. The matters over which Council reserves control are set out in various parts of Section 15, but the potentially relevant ones appear to be as follows:

    - Sizes and dimensions of lots for access, utilities, reserves and roads (Rule 15.2.6.1(ii)).

    - Various matters in relation to subdivision design (Rule 15.2.7.1).

    - Various matters relating to property access (Rule 15.2.8.1 – not yet operative). We note that this rule is primarily concerned with access to the subdivided lots but is wide enough to enable us to consider interference with access to neighbouring properties.

    - The effect of listed natural and other hazards on the land within the subdivision and the effect of the subdivision on the impact of the listed natural and other hazards on the site or on other land in the vicinity. The listed hazards are as follows:

        (a) Erosion
        (b) Flooding and Inundation
        (c) Landslip
        (d) Rockfall
        (e) Alluvion
        (f) Avulsion
        (g) Unconsolidated Fill
        (h) Soil Contamination
        (i) Subsidence

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(Rule 15.2.10.1)

- Various matters relating to water supply (Rule 15.2.11.1).
- Various matters relating to stormwater (Rule 15.2.12.1).
- Various matters relating to sewage treatment and disposal (Rule 15.2.13).
- Various matters relating to energy supply and telecommunications (Rule 15.2.15).
- Financial contributions to the provision of land and/or facilities for open space and recreation (Rule 15.2.16.1).
- Controls in respect of the creation or cancellation of easements for any purpose (Rule 15.2.18.1).

23. We reject the submission from Mr Makgill, supported to some extent by the planning witness for his clients, Mr Paul Whyte, that a separate land use consent is required for the proposed earthworks. His submission was that Rule 7.3.3.1(xv) imposed a relevant Site Standard for earthworks in the Residential Zones, and that compliance with that standard was a pre-condition for residential activity to be a permitted activity. But, as he acknowledged, that standard is qualified as follows:

> "except for earthworks associated with a subdivision that has both resource consent and engineering approval."

He argued that the proposed earthworks do not have resource consent or engineering approval at this time. That is correct, but irrelevant. There is no requirement for those consents to be in place before a subdivision consent is granted. The consents are only needed at the time when the earthworks are done.

24. We accept that the Assessment Matters for Earthworks in the Residential Zone are expressed more fully than those for earthworks associated with a subdivision. That is not sufficient to lead us to prefer a meaning of the rules other than the plain and obvious one. Further, while the Assessment Matters are more fully expressed in the Residential Zone, we are satisfied that there are no relevant matters that we cannot consider under the controls, and also Assessment Matters and Objectives and Policies, applicable to a subdivision consent application.

25. Mr Makgill also submitted that the Application was for a restricted discretionary activity because of non-compliance with a standard in the Transportation Section of the Plan. Under Rule 14.2.2.3, an activity that does not comply with a Site Standard in the

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Transportation Section is a discretionary activity with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

26. We then need to look at the potentially relevant standards in Section 14. We were particularly referred to Rule 14.2.4.1(iv) as follows:

> "**iv Parking Area and Access Design**
>
> All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with the standards contained in NZS4404:1981, including amendments adopted by Council and subsequent amendments and updates of this Standard. Off-street parking spaces shall be separated from footpaths or adjoining roads by a physical barrier."

27. Plan Change 6 is relevant to that rule. It was notified on 12 October 2005, which is after this Application was lodged in June 2005. In due course, decisions were made on submissions and cross-submissions lodged, and these were notified on 17 October 2007. The decision was to amend Rule 14.2.4.1(iv) to read as follows:

> "**(iv) Parking Area and Access Design**
>
> All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with the standards contained in NZS4404:2004, and
>
> All shared vehicular access serving residential and/or visitor accommodation units in the High and Low Density Residential Zones shall be in accordance with the standards set out in NZS 4404:2004 except for developments identified in the table below:

The Greater of the Actual Number of Units Serviced or; the Potential Number of Units served by the Access as a Permitted or Controlled Activity	**FORMED WIDTH (m)**	**LEGAL WIDTH (m)**
1 to 6	3.5	4
7 to 12	5	6

> Where the shared vehicle access adjoins a local distributor or higher road in the hierarchy, including a State Highway, it shall have a 5m formed width and a 6m legal width for a minimum length of 6m as measured from the legal road boundary.
>
> No private way or private vehicle access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.
>
> Private shared vehicle access shall have legally enforceable

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> arrangements for maintenance put in place at the time they are created.
>
> Formed access widths for 1 to 6 units shall provide passing bays at intervals no greater than 25 metres (end of one passing bay to the beginning of the next) along the length of the access way. Passing bays shall be at least 8 metres long and at least 2.5 metres wide, plus any tapers desired."

28. In the partially operative plan, the standard makes an express reference to off-street parking spaces, but otherwise what is required has to be ascertained from the documents referred to. In the Plan Change 6 version of the standard, rather more is expressly set out. It is a later edition of NZS 4404 that is referred to. There are also references to documents other than NZS 4404:2004 itself.

29. There are unresolved appeals to the Environment Court against Council's decision on Plan Change 6, including at least one against the whole Plan Change.

30. At this stage of the decision our concern is to establish the activity status. Under Section 88A the activity status of the Application is fixed at the time it is lodged. It follows that we need to consider whether the proposal does comply with the Site Standard in Rule 14.2.4.1(iv) of the partially operative plan.

31. That so-called Site Standard has some legal difficulties. It is certainly open to the drafters of the Plan to express a Site Standard by reference to some externally established standard (and in particular a New Zealand Standard). What they cannot legally do is have a Site Standard in the Plan that is automatically amended by amendment or replacement of the externally established standard, and without going through the plan change process. Nor can the Site Standard in the Plan be subsequently amended by some Council process other than a Plan Change under the Resource Management Act.

32. In June 1994 the Council adopted amendments to NZS 4404:1981. This was before the District Plan was even notified. We therefore read the Site Standard in the partially operative plan as referring to NZS 4404:1981 as modified by Council in June 1994. We disregard NZS 4404:2004 in interpreting and applying Rule 14.2.4.1(iv) of the partially operative plan.

33. In applying the Site Standard to the factual circumstances we are dealing with, the first question we have to decide is whether vehicular access is in accordance with the standards contained in NZS 4404:1981, including the amendments adopted by the Council in June 1994.

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34. NZS 4404:1981 (as modified) is not totally prescriptive. For example, Part 301.1.4 is as follows:

> "**301.1.4** Street design guidelines set out herein cannot be expressed entirely in performance terms nor can any single set of design standards be suitable for all local conditions. The following section of this Code is not intended to be a comprehensive design guide but to focus on a number of considerations which may be regarded as significant in meeting the design objectives." *(emphasis added)*

See also Part 301.1.6 as follows:

> "**301.1.6** The information presented should be appropriate for use as a general guide towards identification of functional, durable, cost effective urban street design and also to achieve residential streets in good living environments with long term public and private economies." *(emphasis added)*

35. We were particularly referred to Table 1 (as modified) of NZS 4404:1981. The status of Table 1 is set out in Part 30.2.2.2 of the New Zealand Standard as follows:

> "**301.2.2.2** ….. Table 1 suggests a relationship of street function to geometric structural design and is included as an indication of the type and range of streets and private streets that could be provided for in the proposed subdivision. It should however be noted that in terms of Section 325 and Section 347 of the Local Government Act 1974, the width of streets, access ways and service lanes must be in accord with the provisions of the district scheme or alternatively, in the case of streets only, in accord with the bylaws of the council." *(emphasis added)*

36. See also Part 301.2.2.5 as follows:

> "**301.2.2.5** Recommended carriageway widths are for acceptable practice. Where topography or other considerations make these dimensions technically difficult and uneconomical, they may be reduced."

37. In our view, it follows from the above quotations that Table 1 is not intended to be prescriptive, but is a "guideline" or "general guide", "suggests a relationship", and "is an indication of the type and range of streets and private streets that could be provided". Further, recommended carriageway widths are "for acceptable practice" but "may be reduced" where topography or other considerations make these dimensions technically difficult and uneconomic.

38. At most, what is proposed departs from guidelines. We cannot say that what is proposed is not "in accordance with the standards contained in NZS 4404:1981 (as amended)". Therefore, it complies

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with the Site Standard in Rule 14.2.4.1(iv) of the partially operative plan.

39. An alternative approach is to note that NZS 4404:1981 (as amended) contemplates that there will be departures from Table 1. In particular, the possibility of topography making Table 1 dimensions technically difficult and uneconomic is identified on the Standard as a possible reason for reducing them. The Applicant particularly relies on the topography as a reason for departing from Table 1. So the departure and reason for it are both contemplated by NZS 4404:1981 (as amended). In those circumstances, we do not think it can be right to say that the vehicle access is not in accordance with the standards contained in NZS 4404:1981 (including amendments adopted by Council). They may not be in accordance with the figures in Table 1, but that is a different question.

40. Ms Rose also drew our attention to Rule 14.2.4.2(iii) of the partially operative plan. Nothing in Plan Change 6 would affect it. That rule is a Site Standard for a maximum gradient of 1 in 6 for a "private way". Road 6 is a "private way". Mr Makgill argues that, by reference to one or both editions of NZS 4404, the gradient required is a maximum of 1 in 8, and any departure from that requires a restricted discretionary activity consent. We do not agree. The Site Standard expressly dealing with gradient must take priority over any general reference to NZS 4404. That Site Standard in the partially operative plan is complied with.

41. We conclude that all the Site Standards in Section 14 of the partially operative plan are complied with. Therefore, as far as Section 14 is concerned, the proposed activity is a permitted one.

42. Plan Change 6, the external documents, and possibly the amendments to them may well be relevant, but not to the activity status.

43. A further matter that Mr Makgill raised was Section 106. This was also raised in the Otago Regional Council submission. As far as is relevant, it provides that, notwithstanding controlled activity status, we can refuse consent or impose conditions if we consider either that the Applicant's site is likely to be subject to material damage by erosion, falling debris, or slippage, or that any likely subsequent use of the Applicant's site is likely to accelerate, worsen, or result in material damage to the site, to other land, or to a structure, by erosion, falling debris, or slippage.

44. Mr Makgill submitted that the Applicant had provided insufficient information on the underlying stability of the site and its ability to accommodate the earthworks without incurring significant destabilisation and erosion. He referred to the evidence of Mr Young,

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a geotechnical expert, and Mr Whyte and said that "by implication [they] contend that it is their view that the geotechnical information at hand indicates that there is a serious or real and substantial risk that the proposal will result in significant erosion, subsidence, or slippage". But their evidence did not say that, and Mr Makgill did not invite them to say that. We do not see that conclusion as implicit in their evidence. If that was their considered professional view (and assuming they were qualified, and had done the appropriate investigation to justify it), their professional duties required them to say so explicitly.

45. We should not overlook that Council has zoned this site for residential purposes. We will not readily assume that the area in general is in fact unsuitable for residential use. We would consider any site specific evidence, and would not close our minds to the possibility that the Council's zoning is fundamentally flawed. But there is no evidence, only speculative comments.

46. There is no jurisdiction for us to refuse consent under Section 106.

47. Overall, the proposal is a controlled activity.

C EVIDENCE AND SUBMISSIONS

48. We now summarise some of the key points of the submissions and evidence. This includes some comments and conclusions on the evidence.

- **Submissions of Michael Garbett**

49. Mr Garbett addressed us briefly and described the site and the relevant Plan provisions. He noted that while the Application had originally specified access to the subdivided lots by way of easements, the proposal had now changed so that access would be primarily by way of private road. We are satisfied that no jurisdictional issue arises from this change. He also explained the site layout, including a pedestrian easement and reticulation of services. He noted that the Applicant did not submit that there was any relevant permitted baseline.

50. Mr Garbett also submitted to us that the new private road proposed would in fact be a benefit for the neighbouring Pencarrow Lodge which we should take into account.

- **Evidence of Gary Huish**

51. Mr Huish is an experienced Traffic Engineer employed by Traffic Design Group Ltd. He gave evidence about the following issues:

    - The standard of the access road including the width, gradient

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and pedestrian facilities;

- Additional levels of vehicular traffic that are likely to be created by the proposed development and the resulting traffic effect on the surrounding road network.

52. He described the site location, particularly from a traffic perspective. As already noted, access to the lots within the proposed subdivision would be primarily by way of a private road. Mr Huish explained this, and the access ways from it, their dimensions, relevant standards, and the effects on the neighbours (Greenstone Terrace Apartments, Remarkables Apartments, and Pencarrow Lodge). He accepted (on behalf of the Applicant) a number of the suggestions made in the section 42A Report for minor design changes or conditions.

53. He also noted that Frankton Road, as well as being a State Highway under the control of Transit New Zealand, is identified in the Plan as a major arterial route. Mr Huish then went on to give relevant statistics about the traffic volumes on Frankton Road and also survey material about turning movements to and from the entrance to Greenstone Terrace Apartments and Remarkables Apartments. He then analysed the traffic likely to be generated by the proposal and the effects of this on the access way and on Frankton Road, the District Plan provisions, and the particular points made by the submitters.

- **Evidence of Graham Salt**

54. Mr Salt is a Senior Geotechnical Engineer with Tonkin & Taylor Ltd and had earlier prepared reports filed by the Applicant with the Application. He identified the geotechnical issues, with the site having relatively shallow schist bedrock and being steep. There are defects within the schist which are the key geotechnical considerations, both under normal conditions and in earthquake conditions. However, he explained that well-established and standard engineering solutions are available and that a conservative design approach had been followed. He confirmed acceptance of the conditions proposed by the section 42A Report.

55. Mr Salt's approach was to accept that there were areas of uncertainty about precise design solutions, and these would have to be developed as work proceeded. However, he was confident there were available solutions for both the formation of the access road and for subsequent buildings on the various lots.

56. Mr Salt referred to the "stability zones" which were explained in more detail in the reports accompanying the Application. He has divided the site into six zones, to assess the suitability of specific areas for residential development. Zones A to E have varying levels of suitability or potential suitability for residential buildings, and it is

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proposed that there be varying requirements for further geotechnical engineering investigation and reports before building takes place. Zone F is definitely unsuitable. The Applicant proposes that the subdivision consent prevent future building on Zone F. The mechanism for this is by way of identified building platforms on some of the lots and controls contained both in the subdivision consent conditions and in a consent notice.

57. He did not accept the view of one submitter that the work to be done would trigger a slip that would affect Greenstone Terrace Apartments and State Highway 6A. While that submitter has engineering qualifications he did not appear at the hearing and our inability to clarify matters with him limits the weight we can put on his submission. It is also relevant, as Mr Salt pointed out, that Transit New Zealand's geotechnical advisers did not share that concern. Mr Salt also gave a detailed response to a geotechnical report provided for Mr and Mrs Moers.

- **Evidence of Chris Ferguson**

58. Mr Ferguson is an experienced Planner, practising in Queenstown as Planning Manager with Clarke Fortune Macdonald & Associates.

59. He reviewed the District Plan provisions and noted the respects in which the subdivision was controlled. He then addressed the actual and potential effects of the environment and referenced these back to the criteria for controls.

60. He acknowledged the need to ensure that earthworks were appropriately retained and batters supported. He agreed with the section 42A Report recommendation for further conditions relating to the formation of a comprehensive site management plan to address effects of water runoff and dust.

61. Mr Ferguson also reviewed the issues relating to the private access road, its slope, and earthworks issues in relation to it. He noted that there is provision for access to future subdivisions and development on adjoining land through the linkages at Access A and Access P.

62. He also reviewed the geotechnical evidence and the zones with different levels of controls for future buildings. Mr Ferguson indicated that this could appropriately be secured by way of consent condition. Various issues had been raised in the section 42A Report about the precise terms of these conditions and additional conditions were suggested.

63. Mr Ferguson also explained the relationship of the identified Queenstown hill landslide (which is on the Hazards Register of the Council) with the site. He adopted the conclusions of Mr Salt that the

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active slide toe was more than 70 metres upslope of the subdivision and presented no significant risk to either the subdivision or the State Highway below.

64. The issue of maintaining access to Mr and Mrs Moers' property was then reviewed. A particular problem is that construction of the proposed private road will interfere with the existing access to Mr and Mrs Moers' property and business. The Applicant had consulted contractors and defined the construction methodology and timing so that these effects could be better understood. As a result of this, two options were identified at the hearing. We will not complicate this decision with an attempt to describe in words what is plainly apparent from the diagrams produced.

65. We return to comment on Mr and Mrs Moers' concerns about the easement rights later, but at this stage note that the Applicant has gone to considerable trouble to present what we consider to be feasible options for maintaining access to that property. In particular, while the originally identified Option A may have led to interruptions of access for up to 30 minutes, Option B avoids this. We accept as a fact that in the long term, and once a new road is formed, Mr and Mrs Moers' property would benefit from a higher standard of road formation than presently exists.

66. Mr Ferguson went on to review the relevant District Plan Objectives and Policies. We express our own conclusion of these later in this decision and have taken into account everything he said.

67. The section 42A Report had raised the issue of whether resource consent was required from the Otago Regional Council for activities including earthworks, culverting, and discharge of stormwater to the small unnamed watercourse located within the north-western corner of the site. While the Otago Regional Council has submitted on the Application, the concerns raised in its submission were geotechnical. From the analysis presented by Mr Ferguson, we consider that no Otago Regional Council consent is necessary. If we are wrong on that, no consent we grant could avoid the need to obtain Otago Regional Council consent.

68. Mr Ferguson's conclusion was that the Applicant had identified the issues and methods to ensure stability and avoid development on unsuitable land. The Applicant had an expectation from the zoning that the land could be developed in accordance with the zone subject to dealing with the stability issue. He acknowledges the issue for Mr and Mrs Moers and accepted its significance to them. He noted that two options were being developed and that the Applicant was prepared to maintain access to Mr and Mrs Moers' property during construction by whichever option Mr and Mrs Moers chose.

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- **Submissions of R Makgill for Mr and Mrs Moers**

69. Mr Makgill made submissions on a number of legal matters, which we deal with in this decision. He then introduced the evidence to be given by witnesses called for his clients.

- **Evidence of Richard Young**

70. Mr Young is a Senior Geotechnical Engineer with Beca Infrastructure in Christchurch and has provided advice to Mr and Mrs Moers based on information supplied by Tonkin & Taylor and Clarke Fortune Macdonald Associates with the Application.

71. Although he told us that he was familiar with the site, he does not appear to have done any significant site investigation work. We considered that his evidence was more a critique of possible ambiguities and uncertainties in the material provided for the Applicant rather than an independent assessment of the technical issues.

72. Mr Young referred us to published data indicating a high probability of an earthquake between 7.5 and 8 on the Richter scale along the South Island alpine fault within the next 50 years. However, as he acknowledged, if an earthquake of that magnitude were to directly affect the Applicant's site, instability of the surface material on the Applicant's site would not be the major concern for Mr and Mrs Moers.

- **Further Consultation between the Geotechnical Experts**

73. At the end of Mr Young's evidence, we were concerned that on very technical matters we were being presented with competing conclusions without the differences being clearly identified and analysed. We asked the geotechnical experts to confer further and report to us the next day and they agreed to do this. The next day, Mr Salt returned to the hearing and told us what he thought had been agreed with Mr Young and what he thought the differences were. Mr Young by this stage had returned to Christchurch. It transpired that Mr Young did not accept Mr Salt's report and, without objection from the Applicant, we later received from Mr Young his report on their discussions. We have taken into account what they both reported on their discussions, but in the end put little weight on it.

74. Overall, we were left very much with the initial differences between the two geotechnical experts unresolved. However, on reviewing the evidence, we consider Mr Salt had undertaken a careful and thorough analysis of the issues. He acknowledged uncertainty where there was uncertainty, and properly presented a professional opinion. We accept the point made by Mr Salt that the Applicant could not be expected to present fully-detailed plans at this stage and that in any

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event the plans would need to be flexible to reflect what was found as work progressed. Nothing in what Mr Young said caused us to doubt Mr Salt's opinion that all stability issues can be adequately managed. We were somewhat concerned that Mr Young's evidence seemed designed to find fault with how matters were expressed and did not seem to be based on any independent field work or review of published material. We prefer the evidence of Mr Salt. Insofar as Mr Young's criticisms raise any doubts about the time to be taken for the work, we have taken this into account when considering the issue of disruption to access to Mr and Mrs Moers' property.

- **Evidence of Paul Durdin**

75. Mr Durdin is an Engineer employed as a Senior Transport Engineer with Abley Transportation Engineers Limited. He provided transportation evidence on behalf of Mr and Mrs Moers. His evidence was mainly concerned with the suitability of suggested conditions for ongoing access to Pencarrow Lodge and also the development standards at the proposed "access" roads.

76. He referred to the District Plan and Plan Change 6, NZS 4004:2004, and the Council's amendments and modifications to that, dated September 2005. He noted that NZS 4004:2004 provided a maximum gradient of 1 in 8 (12.5%). He considered that any departure from this could lead to treacherous driving and walking conditions in winter, given that the slope is south facing. He acknowledged that achieving a slope of 1 in 6 rather than 1 in 8 would be difficult given topographical constraints.

77. The Application proposed that "Access P" be formed to a width of 3 metres but Mr Durdin noted that NZS 4004:2004 would require a minimum formed width of 3.5 metres and recommended a condition to this effect. He also noted that if NZS 4004:2004 standards were applied, "Access P" should have a passing bay on it.

78. Mr Durdin did not suggest that we should decline consent but rather suggested that amended conditions should be imposed. This is significant in that, on any view of the planning rules, the only ground on which we could decline the Application would be access and parking issues, but the submitter's traffic expert did not feel able to ask us to do that.

79. In summary, Mr Durdin sought clarification on three points which we note, along with the outcome he contended for:

    (a) Maximum gradient of the access road.

        He contended this should be 1:8, or perhaps a heated road of 1:6.

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(b) Minimum formed width of Access P.

He contended it should be 3.5 metres, not 3 metres.

(c) Requirements for passing bay(s) on Access P.

He considered there should be at least one.

- **Evidence of Paul Whyte**

80. Mr Whyte is an experienced Planner and a Senior Planner (Associate) in the Christchurch office of Beca Carter Hollings & Fermer. He is familiar with the Queenstown area and the site.

81. Mr Whyte noted the Low-Density Residential zoning and that Rule 15.2.3.2 stated that the subdivision shall be a controlled activity subject to compliance with all the Site and Zone Standards. He noted that some of the "standards" did not really justify that description and were more in the nature of Assessment Matters. Nevertheless, he accepted that in terms of the Subdivision Section the proposal is a controlled activity and complied with the Site and Zone Standards.

82. He then addressed the argument that a separate land use consent was required for the earthworks. We have dealt with and dismissed that argument.

83. He then referred to Rule 14.2.4.1(iv) in the Transport Section and Plan Change 6. His conclusion was that the Application was, in respect to access, a restricted discretionary activity. We deal with this particular issue elsewhere.

84. The actual and potential effects on the environment were then reviewed by Mr Whyte, with an emphasis on earthworks and stability, and the issue of access from Mr and Mrs Moers' property. We think it is fair to say that his criticism was not so much of the level of temporary access that the Applicant considered it would be able to provide but of a lack of guarantee that those expectations would be met.

85. Mr Whyte also reviewed the Objectives and Policies and we have taken everything he had to say on this and other matters in his evidence into account.

- **Evidence of Kari Moers**

86. Mrs Moers and her husband are the operators of Pencarrow Lodge, which had a Five Star rating. She described the activities on site and also the other activities that guests were involved in while staying at the Lodge. She listed various awards that the Lodge had received. She was concerned about any possible interruption to access to the

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site, in particular for emergency services.

87. She described surface water issues they have encountered in their time at Pencarrow Lodge and explained her fears of slippage. She was also concerned about construction noise. She presented additional notes in response to the evidence that had been presented by the Applicant.

88. We have no doubt about the sincerity of the views of Mr and Mrs Moers and their genuine concern for the effect on them and their business. However, some of their concerns, e.g. surface water and construction noise, were expressed rather generally and without any technical data or expert opinion. In those circumstances, we can put very little weight on them.

89. One of their major concerns was continuation of access during the subdivision work. They have chosen to create their business up a steep hill where their only access is by way of a non-standard easement whereby the Applicant has the right (as between it and Mr and Mrs Moers) to vary the access way and construct a new one. While they are entitled to a proper consideration under the Resource Management Act of their concerns, they cannot necessarily expect this to give them the same benefit they would have if their property had public road access, or even a standard easement.

- **Evidence of Ian Horrocks**

90. In addition to his original submission, Mr Horrocks had made some further comment when writing to Lakes Environment Ltd on 20 February 2008 and that was included in the materials for the hearing.

91. To the extent that Mr Horrocks was complaining about past discussions with Council and Transit, we put that to one side. We can understand his frustrations but they are not matters that we should express a view on and nor should they influence our decision on the resource consent application.

92. Mr Horrocks was concerned with the 1 in 6 gradient on the proposed access to the subdivision. There is a fairly straight steep stretch of the private way where it would intersect with the access from Greenstone Terrace Apartments. Mr Horrocks was concerned about potential loss of control by vehicles in winter conditions. While he accepted that there was a condition for the maintenance of the access road, he doubted that this would be implemented in practice.

93. Mr Horrocks also believed that the present design of the entrance on Frankton Road was a danger and wanted the Council to address this, regardless of the proposal. In our experience, Transit New Zealand is particularly vigilant in protecting the interests of the highway users

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when resource consent applications are made for adjoining properties. It has indicated its acceptance of the intersection of the access road and Frankton Road. That is notable.

94. Mr Horrocks also noted that Greenstone Terrace Apartments, Remarkables Apartments, and the proposed subdivision would share a common access on to the State Highway. He was concerned that the growth in traffic on the State Highway would mean that a right hand turn from this access would become impossible within five years. That concern was not expressed by any of the traffic experts but we accept that growth in traffic on the highway, even if not in the specified five years, could eventually make such a turn difficult. However, we consider that if this does happen it will be primarily because of growth of general traffic on the highway and will not be caused by this subdivision. For that reason, it is not really a relevant matter. It could only become significant if it caused on-site effects, e.g. queuing or excessive delays exiting. The evidence did not establish these effects were likely. Insofar as developments along Frankton Road are increasing the traffic on Frankton Road, this is a matter for the Council to keep in mind when making zoning decisions. The Applicant's land is zoned for residential use and it would not be appropriate to deny them their right to use it for residential purposes, even if Mr Horrocks' fears were borne out by expert evidence.

- **Evidence of Steve Wilde**

95. Mr Wilde owns an apartment at Greenstone Terrace Apartments. He said he was representing the Body Corporate Committee at the hearing. His originally filed submission is not expressed in that way but nothing turns on that. We accept his statement that the views he expressed were those of the Committee.

96. Mr Wilde was particularly concerned about the gradient of the road and its angle to Frankton Road, which he considered would prove hazardous in the winter months. He was critical of the way in which Mr Huish had dealt with this issue. He pointed out that as a private road the Council would have no obligation to provide gritting in winter. Partly as a result of this discussion, the Applicant proposed a condition for gritting of the road in winter conditions.

97. We accept that a relatively steep access road may present some problems in winter conditions. We note however that the subdivision site is zoned for residential use and not visitor accommodation. We think this increases the likelihood of drivers modifying their behaviour to the conditions. Driving difficulties in winter conditions are a factor common to a large number of Queenstown properties. This cannot now be a reason to prevent the owner from utilising the zoning given by the Plan.

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98. Traffic engineering experience indicates that a right angle intersection with the road (which this access has) is generally preferable.

99. Mr Wilde wanted any consent conditioned on access not being onto Frankton Road. We doubt that we would have jurisdiction to impose such a condition, but in any event, having considered all the relevant evidence, we do not think any such condition is justified on the facts.

- **Closing Statement from Michael Garbett**

100. As usual, we asked staff to make concluding comments before inviting the Applicant to close. Ms Rose noted a need for conditions additional to those originally proposed. Mr Martin's view was that the Low-Density Residential Zone created a development right subject to conditions. Here, earthworks and stability were particularly relevant. He considered the grant of consent subject to conditions was appropriate.

101. Mr Garbett then addressed us on various legal issues including activity status. His submissions were helpful in relation to the need for a separate earthworks consent and also the applicable Transport Standards. He also noted that the Partially Operative District Plan's acceptance of a 1:6 gradient for a private way must prevail over anything inconsistent in either version of NZS 4404.

102. He then addressed us on issues relating to land stability and urged us to prefer the evidence of Mr Salt, which we have done.

103. In response to the submissions that the access way should be public, he advised us that the Applicant had sought the surrender of easements over the access way to enable this but they were not forthcoming. He further noted that the status of the access way as a private road does not extinguish the existing easements and that in the circumstances the suggestion that the access way should be a public road was impractical.

104. Mr Garbett then also reviewed various suggestions made during the course of the hearing about amended conditions and we have taken all of that into account.

105. At the end of Mr Garbett's closing submissions, Mr Makgill was able to advise us that Mr and Mrs Moers did have a preference for Option B of the two proposals for alternative access.

D STATUTORY CONSIDERATION

106. Section 104 sets out the matters we are to consider. The relevant parts are as follows:

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"**104. Consideration of applications**

(1) When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of –
(i) a national policy statement:
(ii) a New Zealand coastal policy statement:
(iii) a regional policy statement or proposed regional policy statement:
(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect."

107. Section 104A is specific to controlled activities, which we have found this to be.

"**104A Determination of applications for controlled activities**

After considering an application for a resource consent for a controlled activity, a consent authority —

(a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and

(b) may impose conditions on the consent under section 108 for matters over which it has reserved control in its plan or proposed plan."

108. We have already referred to Section 106, which we do not consider is applicable.

Actual and Potential Effects

109. On the basis of the section 42A Report, we consider the actual and potential effects on the environment under the following headings:

- Land, Flora and Fauna
- Infrastructure
- Land Stability and Natural Hazards

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- Character and Amenity
- Transport
- Nuisance
- Positive Effects

★ Land, Flora and Fauna

110. The previous or on-going removal of trees from the site is not a matter we need to make a judgment on. It appears to be a permitted activity. We agree that the proposed earthworks will result in a site with an appearance similar to neighbouring properties and consistent with the expectations created by the zoning. On the evidence we heard, we do not consider that any Regional Council consents are needed in relation to watercourses but final responsibility for that remains with the Applicant.

★ Infrastructure

111. Appropriate arrangements have been made, or can be made, for water supply, wastewater, stormwater, power and telecommunications. These were not in contention and we accept the proposed conditions as adequately dealing with these.

★ Land Stability and Natural Hazards

112. Conclusions on this will be apparent from our discussion of the evidence. We were impressed by the careful analysis of Mr Salt and feel confident in accepting his evidence that, although more detailed investigation and design are necessary as matters progress, this will be attended to, and appropriate solutions are available. There has been a careful analysis of the site into stability zones following comprehensive work. Further, the result of this analysis is to be protected by the imposition of a Consent Notice so that any purchaser will be well aware of what can be done on any particular site.

113. We accept that no adverse geotechnical impacts of development are expected in general, nor on any particular neighbouring property. We note the concern about the Queenstown hill slip. We accept that it does not encroach on to this property. Nothing done on this site is likely to impact on that slip.

114. While we can understand the concerns of neighbours when a steep slope is being developed, we are confident that adverse effects will be avoided.

★ Character and Amenity

115. We comment under this heading in deference to the categorisation of effects in the section 42A Report. The scope for considerations of this

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nature is severely limited by the controlled activity status of the proposal. However, we consider that the site density is well within the expectations of the zone and location and dimensions of lots respond appropriately to topographical and geotechnical considerations. The appearance of the site will be anticipated and acceptable given the expectations created by the zoning and current and future developments on Queenstown Hill.

★ **Transport**

116. We consider here the effects, and elsewhere identify the relevant plan rules and how far transport issues are relevant.

117. We are satisfied that the proposed activity will have at most a minor effect on traffic patterns on Frankton Road. Any delays in executing turns into Frankton Road will be caused by traffic on that road rather than traffic accessing or exiting the site. We accept that January traffic counts may not be the best indicators for peak hour traffic, but we are still confident in our conclusions on these points.

118. We accept that there will be an inconvenient interference with access to Pencarrow Lodge. However, it does not have road frontage and the easement gives the Applicant certain rights to re-align the access. We are not certain that we should be considering the adverse effects on the user of the right of way by alterations to access authorised by the easement. But assuming we should, and putting some weight on the rights and obligations under the easement, we consider that Option B for temporary access creates no more than minor adverse effects. It is inherent in construction work of this nature that there can be no absolute certainty about the time it will take, and we have taken this into account.

119. We repeat that no resource consent can override the rights Mr and Mrs Moers have under the easement and if the proposed activity, including the proposals for maintaining access, is inconsistent with the easement then they have remedies elsewhere.

120. Whether the new proposed access will be better than the existing one is to some extent a matter of personal preference. We are satisfied that it is not materially worse, but do not regard it as appropriate or necessary to hold that the new access is a positive effect we should consider.

121. Mr and Mrs Moers were concerned about maintenance obligations on the private road. It was explained, and we accept, that they have no obligations for maintenance of either the private road or Access P.

122. It was not explored in evidence, and we put no weight on it, but first principle economics suggests that the disadvantages in having their

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access changed, including the need for a temporary access, would have been relevant to the price paid for their property.

123. We do not consider that there is anything more than a minor adverse effect on Mr and Mrs Moers.

124. Construction standards for roads require some flexibility. Leaving aside the status and relevance of various standards, we accept that a gradient of 1:8 is generally preferable to a gradient of 1:6 for a subdivision such as this. However, the various standards recognise that this is not always practicable. Queenstown is a mountain town. Large parts of it are built on steep slopes. We accept that the access road is on a southerly slope and that snow and ice conditions could be encountered in winter. However, this is not unusual, and is anticipated, in Queenstown. Mr Huish and Rationale Limited were both satisfied that the gradient was appropriate. Mr Durdin's evidence seemed more focussed on analysing rules and standards. Insofar as Mr Durdin's evidence is that a gradient of 1:6 is inappropriate, in all the circumstances we prefer the evidence of Mr Huish and the report of Rationale Limited.

125. The other transport issues relate to Access P and Access G.

126. The Applicant now proposes to form Access P to a width of 3.5 metres within a legal width of 12 metres. The traffic evidence is in agreement that 3.5 metres is an appropriate width. Mr Durdin recommended at least one passing bay. He did this on the basis that Plan Change 6 required it. Plan Change 6 as it currently stands introduces this requirement into Rule 14.2.4.1(iv), but it is a Site Standard, not an absolute requirement. We were not referred to NZS 4404:1981 or Council's amendments in this context. However, we note that paragraph 302.10.5.3 says "adequate turning and passing space shall be provided where length of the private way requires". Mr Durdin did not suggest that lack of a passing bay erected an unsafe situation. Neither Ms Rose nor Mr Huish considered that a passing bay was necessary. Given the totality of the traffic evidence and the current status of Plan Change 6, we do not consider that requiring a passing bay is justified. We do note that the width of Access P leaves open the possibility of either a widened carriageway in the creation of a passing bay in the future.

127. The other matter we need to decide is the width of Access G. Access G serves Lots 4 and 5. While it passes through Lot 3, there is no possibility of it being used for access to Lot 3. Mr Huish contends that a 3 metre formed width is appropriate. Council's amendments to NZS 4404:1981 indicate a 3 metre vehicle carriageway is appropriate for up to 3 dwelling units but a 4 metre vehicle carriageway for 4 or more dwelling units.. Ms Rose suggests it should be 4 metres. In particular, she notes that Lots 4 and 5 are each capable of having

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more than one unit. Even so, it would have at most four dwelling units using it. Clearly, a wider carriageway would be difficult. NZS 4404:2004, which is the document that Plan Change 6 refers to, indicates that a 2.75 metre vehicle carriageway is appropriate for up to 3 lots or 6 dwelling units. , We doubt that there will be much use of bicycles to access these lots, given the topography, but there is a pedestrian easement from the end of Access G which may well be used. Given the difficult terrain, and the relatively short length of Access G, and considering that the standards referred to in the operative plan would support 3 metres, we have decided that 3 metres is the appropriate width.

128. While various standards suggest that access for a subdivision of this size should be by public road rather than private road, we did not receive any evidence that having access by private road would lead to adverse effects. Mr Makgill ultimately advised us that his clients were concerned to achieve, if possible, public road standards, but were less concerned about status. They have no maintenance obligations to their boundary and we are satisfied that the access they will get is appropriate.

★ Nuisance

129. Inevitably, there is some nuisance to neighbours during development of this nature. It is inherent in the zoning that neighbours must accept at least the normal level of nuisance created by such developments subject to appropriate controls. The Lakes Environmental Engineer considered that all appropriate construction methodology and site management methods are available to control these effects. We concur. The adverse effects and the disruption of access to Mr and Mrs Moers have been fully canvassed elsewhere. Standard construction noise conditions can be imposed.

★ Positive Effects

130. There is a small positive effect in enabling further residential development adjoining existing development. However, we can reach our conclusion without putting weight on that.

Summary Of Effects

131. Overall, we find no significant adverse effects that have not been avoided or adequately mitigated. The development is consistent with the expectations created by the zoning. We do not consider that the fears of owners of the Remarkables Apartments or Greenstone Terrace Apartments are fully justified. At most, there will be a slightly increased level of inconvenience in sharing an access. In principle, it cannot be right that they can fully develop their sites and then veto a much less dense development of the site behind them because of the

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combined traffic level. Any inconvenience to Mr and Mrs Moers is no doubt to be regretted but the potential for this was always there given the zoning of the land and the fact that they do not have direct access on to a road. That cannot be allowed to be a significant factor preventing neighbouring land owners developing their sites in accordance with the expectations of the Plan.

Plan Provisions

132. The first matter to consider is that the Applicant's site is zoned Low Density Residential. The purpose of the Low Density Residential Zone is to provide for 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 and low rise development with the expectation that there will be minimal adverse effects experienced by residents.

133. We have carefully analysed the relevant provisions of the Plan and determined the activity status as a "controlled activity". Section 106 is not relevant. We therefore must grant the consent and our discretion is confined to the imposition of conditions.

134. We have identified the relevant areas of control under Section 15 of the Plan. Each of these identified areas of control has Assessment Matters specified and we have taken all of those into account in our discussion of effects and also our discussion of Objectives and Policies.

135. For the avoidance of doubt, we repeat that there is nothing we would have wanted to take into account if earthworks were discretionary that we have not been able to take into account under the Assessment Matters at Rule 15.2.10.2.

136. We have held that all standards in the operative Transportation Section are complied with so the proposed activity is a permitted one as far as the operative Section 14 is concerned.

137. We need, however, to consider Section 14 as it would stand under proposed Plan Change 6 following Council's decisions.

138. We were given a copy of Table 3.1 from NZS 4404:2004 and also Council's amendments to that standard. Given the current version of Plan Change 6, Council's amendments have no direct relevance, although they could still be evidence of what is generally regarded as appropriate in Queenstown.

139. We are unclear how far Table 3.1 is intended as a prescriptive requirement, or only as a guideline as the corresponding Table in NZS

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4404:1981 is. To be conservative, we will assume that it is prescriptive. Even so, we cannot give it full weight. Even if Plan Change 6 becomes operatives in its present form, Table 3.1 is at best part of a Site Standard triggering a consent requirement. But we cannot even give it that much weight because the appeal process could see the Plan Change amended or abandoned.

140. We do not overlook that the Plan Change also amends the Assessment Matters, but that amendment also has limited weight, given the current status of the Plan Change.

141. The Plan Change 6 Site Standard does say that no private way shall serve sites with a potential to accommodate more than 12 units. We take that into account. We also take into account that it is part of a Plan Change that is not yet finalised. We also take into account that, even if adopted, non-compliance would trigger a requirement for restricted discretionary consent which we would have discretion to grant. We heard no evidence that private status would lead to adverse effects and, weighing all matters as we must, that is more significant than the Site Standard in the Plan Change.

142. Although the Transportation Section of the partially operative plan does not trigger any consent requirement, we do not overlook the standards in it, including that for gradient, in exercising our overall discretion. The Assessment Matters in that section also help us apply the more broadly expressed Assessment Matters in the Subdivision Section.

143. We will assume that all Objectives and Policies are properly relevant notwithstanding that the proposal is for a controlled activity, and now comment on those we were specifically referred to and which we consider are relevant.

144. "**Part 4 – District Wide Issues**

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.

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.

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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."

145. Mr Salt's assessment, and review by Lakes Environmental staff, are an adequate assessment to identify any natural hazard and the methods used to avoid or mitigate the hazard risk. As noted earlier, we consider that this was professionally presented, acknowledged uncertainty where there was some, but left us satisfied that there were available solutions which would be developed as the work progress. The area of the site is not an area where there was a high probability but a natural hazard may destroy or damage human life, property, or other aspects of the environment.

146. "**4.9 Urban Growth**

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.

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."

147. The site is zoned Low Density Residential. To a considerable extent, these Objectives have been addressed in the zoning decision. Making the effort to build on sites such as this in a safe way helps maintain a compact town and limits some of the pressures for a further spreading of the town into new areas. The development will not appear inconsistent with the adjoining allotments and will contribute towards urban consolidation. Overall, we consider that there are two Objectives in the associated Policies set out above which support the Application.

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148. "**4.10 Earthworks**

Objectives

To avoid, remedy or mitigate the adverse effects from earthworks on:

(a) Water bodies.

(b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.

(c) Land stability and flood potential of the site and neighbouring properties.

(d) The amenity values of neighbourhoods.

(e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites.

(f) The water quality of the aquifers."

Detailed Policies follow the Objective.

149. This is an effects-based Objective and we have already concluded that there will be no significant adverse effect from the earthworks. In particular, the proposal avoids or mitigates adverse effects from earthworks on land stability and amenity values of neighbours.

150. "**<u>Part 15 – Subdivision and Financial Contributions</u>**

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 To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.

1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.

1.3 To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.

1.4 To avoid or mitigate any adverse visual and physical effects of

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subdivision and development roading on the environment.

1.7 To ensure the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

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 be met by subdividers."

151. Necessary services are provided to the subdivided lots. There is provision for future integrated subdivision roading having regard to future possible developments on adjoining sites. Particular provision is made for safe and convenient pedestrian access. We also consider that vehicular access is safe and efficient. The normal servicing requirements are met by the standard for conditions.

152. No issues arise as to the cost of services and development contributions will be levied in the normal way.

153. **"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.

5.2 To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.

5.3 To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads."

154. Lot sizes and dimensions are appropriate. The anticipated density is much lower than the zoning might allow. There are no significant trees or areas of vegetation on the site, whatever may have been the previous situation. Having regard to the expert traffic evidence, we do not consider that there would be more than minimal effects on the safe and efficient functioning of services and roads.

155. "**Part 14 – Transport**

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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 roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.

1.3 To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning."

156. Allowing development even on steep and challenging sites within the existing developed area does encourage efficiency in the use of motor vehicles. A Low Density Residential development here is compatible with the capacity and function of Frankton Road, and the access is of a size, location and type that ensures safety and efficiency of road function.

157. "**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 ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.

2.2 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."*

158. The nature of this activity is compatible with the road capacity and function and both vehicle and pedestrian safety have been ensured with careful attention to the roading design and in particular the intersection with Frankton Road and with accesses to neighbouring properties.

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159. "**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 discourage traffic in areas where it would have adverse environmental effects.

3.2 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."

160. There is a specifically designed pedestrian link within the subdivision which we think is useful. Road construction is consistent with what would be expected in the Low Density Zone, and the Objectives and Policies are generally supported.

161. Overall, we do not consider that there is anything in the Objectives and Policies that this proposal is inconsistent with and in general they are supportive of the proposal.

162. The activity status is controlled and we have reviewed all the relevant controls, the Assessment Matters relevant to them, and the effects. We accept that, if Plan Change 6 were adopted as it stands, the activity status would be restricted discretionary. Even if Plan Change 6 was operative now, we would grant this application, subject to conditions. The somewhat confused transport standards, and possible changes to them, do not affect the ultimate decision. In common with much of Queenstown, this site is steep and needs careful management. We are satisfied that the Applicant and its advisers have fully appreciated this and proper conditions to avoid or mitigate adverse effects are proposed.

Other Matters

163. The position in relation to the easement from Mr and Mrs Moers might have been considered under this heading but we had dealt with it elsewhere.

Part 2

164. There is some ambiguity in Environment Court and High Court cases as to the role of Part 2 of the Act in considering a controlled activity application. We will assume it is to be applied with full force. Notwithstanding that, there is nothing in Part 2 that identifies new matters for us to consider, or changes the emphasis we would otherwise put on the matters already considered.

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E CONCLUSION

165. As will be apparent from what had gone before, we propose to grant the consent. On our analysis of the activity status and the application of Section 106, we are required to grant consent, but in any event would have no hesitation in doing so. We have considered everything that was raised by the submissions, in the reports of Lakes Environmental staff and other Council advisers, and at the hearing. We are satisfied that the grant of consent subject to the conditions that appear below is entirely appropriate and fully accords with the purpose of the Act.

166. The section 42A Report included draft conditions. The Applicant provided its own draft after the hearing. We have dealt with the differences in substance. The need to carefully consider the relationship between the District Plan and the New Zealand Standards possibly also has implications for the wording of conditions. However, where the Applicant and Lakes Environmental have agreed on the form of a condition and no other party would be affected by any difficulties with the wording, we have not attempted to re-draft the conditions.

F DECISION

CONSENT IS HEREBY GRANTED pursuant to sections 104 and 104A of the Resource Management Act 1991 to subdivide Lot 2 Deposited P305273, Computer Freehold Register 21293 (Otago)l **SUBJECT TO** the following conditions imposed pursuant to sections 108 and 220:

Conditions of Consent

1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 25 February 2008, titled *'Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273'* **(stamped as approved 20 May 2008)** and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.

2. 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.

3. The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in

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relation to this development.

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

   (a) The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.

   (b) The provision of a water supply to the boundary of Lots 1 through 17 in terms of Council's standards and connection policy. This shall include an Acuflow GM900 as the toby valve.

   (c) The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.

   (d) The provision of fire hydrants with adequate pressure and flow to service the development with a Class W3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.

   (e) The provision of a foul sewer connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy.

   (f) The provision for final engineering design for a reticulated stormwater system that will dispose of stormwater into the stream to the west of the site and to the existing 375mm main adjacent to Frankton Road. Final design shall address the capacity in the waterway and the sizing of the culvert under the access road.

   (g) The provision of a stormwater connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy to dispose of water from all impervious areas within the site to the reticulation described in part (f) above.

   (h) The final design of all earthworks associated with the access road by a suitably qualified engineer and geotechnical professional. Said design shall include the design of all retaining walls and slopes of all batters given consideration of Tonkin and Taylor's Geotechnical

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Investigation reports dated June 2005 and June 2007. The consent holder shall submit to Council a final plan of the proposed earthworks associated with the access road for approval. If considered necessary, Council may have the earthworks design independently peer reviewed.

(i) The provision for a comprehensive site management plan for all earthworks required in the establishment of this subdivision. The consent holder shall submit a site management plan to Council for approval and shall implement the approved site management plan prior to any works on site. The site management plan shall include provision for silt traps (in the form of fabric filter dams or straw bales) to be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into the creek on the western portion of the subject site. Site drainage paths shall be constructed and utilized to keep any silt laden materials on site and to direct the flows to the silt traps. Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose. The principle contractor shall take proactive measures in stopping all sediment laden stormwater from entering the creek. The principal contractor shall recognize that this may be above and beyond conditions delineated in this consent. 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.

(j) The provision of pilot cuts by a suitably qualified engineer and geotechnical professional for the full depth of proposed excavations associated with the access to understand necessity of rock anchors or additional retention (temporary or permanent). Following pilot cuts, any recommendations made by said professionals shall be implemented. Pilot cuts shall also inform the feasibility of the construction methodology for the main access. The consent holder is advised that a variation to this consent may be required if ground conditions encountered on site differ to the extent that substantially modified methods or design of excavation is required.

(k) The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

(l) "Access P" as shown on Clark Fortune McDonald's drawing 9074-22c

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shall be constructed according to NZS4404: 2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3.5 m and a legal width of 12m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(m) "Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(n) Road lighting shall be provided in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs 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 lighting network circuits.

(o) The provision of a temporary access during the construction period to Lot 2 DP 20473, generally in accordance with the 'Option B' temporary access plan prepared by Clark Fortune McDonald & Associates and as attached with Appendix [D] to the evidence of Mr Ferguson, but shall be modified to include:

(i) a maximum centreline gradient through both hair-pin bends of no more than 1 in 5.5;

(ii) Passing bays located at each bend and along the straight section between chainage 100 to 160.

(p) The pedestrian access easement between Access D and Access G shall ensure access is available to the public at all times.

5. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

(a) The submission of 'as-built' plans in accordance with Council's as-built standards and information required to detail all engineering works completed in relation to or in association with this subdivision.

(b) The completion of all works detailed in Condition (4) above.

(c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the lots. These connections shall be underground from any existing reticulation and in accordance

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with any requirements/standards of Aurora Energy/Delta and Telecom.

(d) A suitably qualified Registered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431: 1989, for all areas of fill within the site on which buildings may be founded.

(e) A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.

(f) Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.

(g) All signage, including road names, shall be installed and necessary road markings completed on all Public or Private Roads (if any), created by this subdivision.

(h) The consent holder shall provide evidence to the Council of a responsible body (management group) that has been created to undertake responsibility for the ongoing maintenance of the main internal access road (including any stormwater disposal), including provision for gritting and/or de-icing of the main access way, the pedestrian link between Access D and Access G, and the water supply system.

6. Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

(a) No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this

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consent notice.

(b) At the time that a dwelling is erected on Lots 1-17 the owner for the time being shall construct a vehicle crossing to Council Standards.

(c) Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.

(d) A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

(e) 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 for any additional residential units on the property greater than one.

(f) At such a time where a high level reticulated water pressure zone is provided by the QLDC that can serve the subdivision, the private water storage scheme shall be decommissioned and all lots shall connect to the high pressure reticulation.

(g) All the owners of Lots 1 – 17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link between Access D and Access G, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. The Queenstown Lakes District Council is not responsible for any part of the water infrastructure or roading to any lot within any stage of this subdivision.

7. The consent holder shall provide Council with the name of a suitably qualified and experienced Engineer who is to supervise all excavation procedures. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.

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8. If at any time Council, 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 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 acceptance and approval.

9. Within four weeks of completing the earthworks the consent holder shall submit to the Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".

10. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.

11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

12. Upon completion of the earthworks, the consent holder shall complete the following:

    a) Any damage to all existing road surfaces and berms that result from work carried out for this consent shall be remedied.

    b) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.

    c) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining systems on site and forwarded to Council.

13. All necessary easements shall be granted or reserved.

Advice Notes

(i) In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified

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that a Development Contribution is required. A Development Contribution Notice, detailing how contributions were calculated, will be forwarded under separate cover.

(ii) The Council may elect to exercise its duties and functions through the employment of independent consultants.

(iii) The consent holder is advised they may also be required to obtain any necessary resource consent from the Otago Regional Council to construct the subdivision.

Dated this 20th day of May 2008

_____

Trevor J Shiels
for Commissioners

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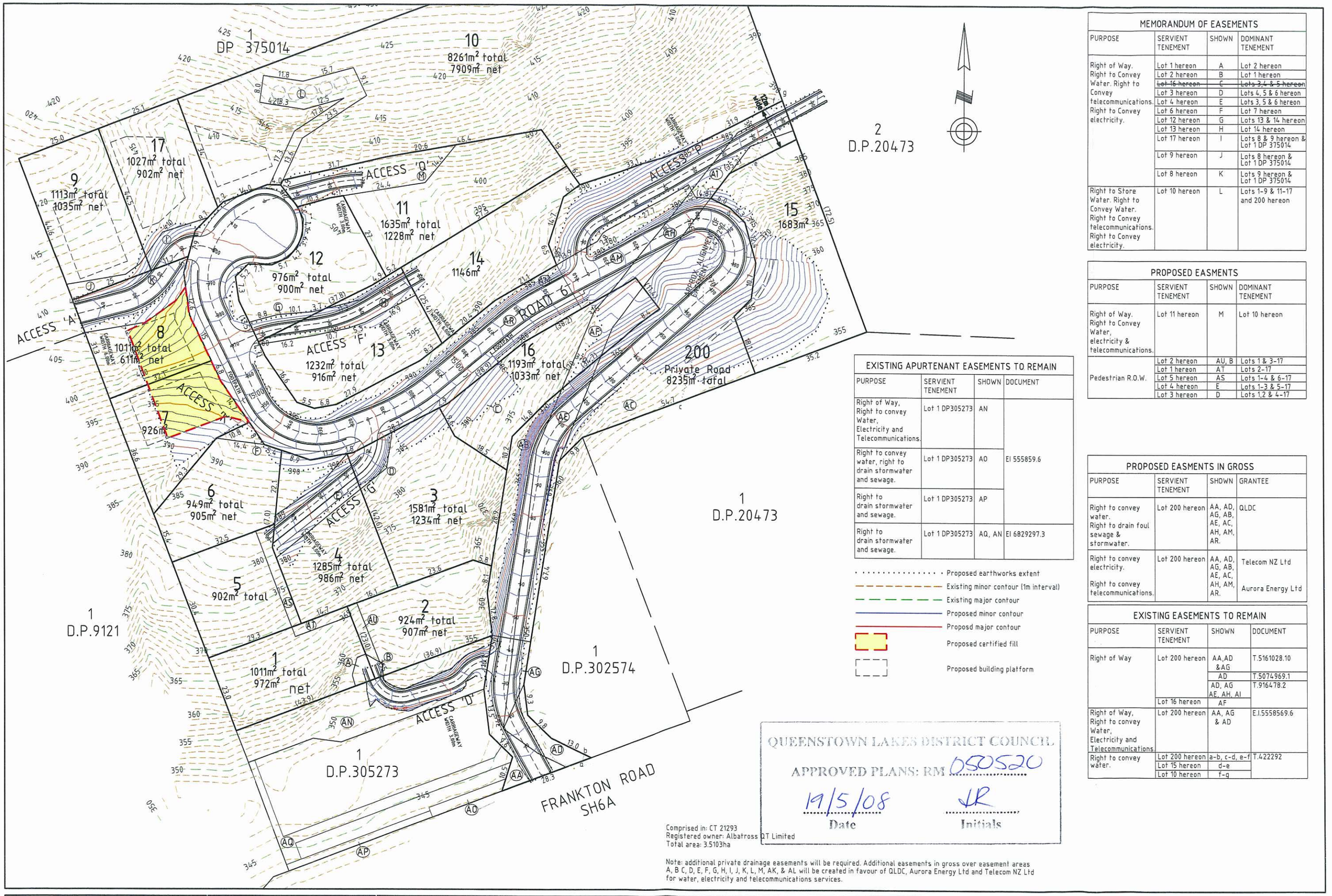

MEMORANDUM OF EASEMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
Right of Way. Right to Convey Water. Right to Convey telecommunications. Right to Convey electricity.	Lot 1 hereon	A	Lot 2 hereon
	Lot 2 hereon	B	Lot 1 hereon
	~~Lot 16 hereon~~	~~C~~	~~Lots 3, 4 & 5 hereon~~
	Lot 3 hereon	D	Lots 4, 5 & 6 hereon
	Lot 4 hereon	E	Lots 3, 5 & 6 hereon
	Lot 6 hereon	F	Lot 7 hereon
	Lot 12 hereon	G	Lots 13 & 14 hereon
	Lot 13 hereon	H	Lot 14 hereon
	Lot 17 hereon	I	Lots 8 & 9 hereon & Lot 1 DP 375014
	Lot 9 hereon	J	Lots 8 hereon & Lot 1 DP 375014
	Lot 8 hereon	K	Lots 9 hereon & Lot 1 DP 375014
Right to Store Water. Right to Convey Water. Right to Convey telecommunications. Right to Convey electricity.	Lot 10 hereon	L	Lots 1-9 & 11-17 and 200 hereon

PROPOSED EASMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
Right of Way. Right to Convey Water, electricity & telecommunications.	Lot 11 hereon	M	Lot 10 hereon
Pedestrian R.O.W.	Lot 2 hereon	AU, B	Lots 1 & 3-17
	Lot 1 hereon	AT	Lots 2-17
	Lot 5 hereon	AS	Lots 1-4 & 6-17
	Lot 4 hereon	E	Lots 1-3 & 5-17
	Lot 3 hereon	D	Lots 1,2 & 4-17

EXISTING APURTENANT EASEMENTS TO REMAIN			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way, Right to convey Water, Electricity and Telecommunications.	Lot 1 DP305273	AN	EI 555859.6
Right to convey water, right to drain stormwater and sewage.	Lot 1 DP305273	AO	
Right to drain stormwater and sewage.	Lot 1 DP305273	AP	
Right to drain stormwater and sewage.	Lot 1 DP305273	AQ, AN	EI 6829297.3

PROPOSED EASMENTS IN GROSS			
PURPOSE	SERVIENT TENEMENT	SHOWN	GRANTEE
Right to convey water. Right to drain foul sewage & stormwater.	Lot 200 hereon	AA, AD, AG, AB, AE, AC, AH, AM, AR.	QLDC
Right to convey electricity. Right to convey telecommunications.	Lot 200 hereon	AA, AD, AG, AB, AE, AC, AH, AM, AR.	Telecom NZ Ltd Aurora Energy Ltd

EXISTING EASEMENTS TO REMAIN			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way	Lot 200 hereon	AA,AD &AG	T.5161028.10
		AD	T.5074969.1
		AD, AG AE, AH, AI	T.9164178.2
	Lot 16 hereon	AF	
Right of Way, Right to convey Water, Electricity and Telecommunications	Lot 200 hereon	AA, AG & AD	E.I.5558569.6
Right to convey water.	Lot 200 hereon	a-b, c-d, e-f	T.422292
	Lot 15 hereon	d-e	
	Lot 10 hereon	f-g	

- Proposed earthworks extent
- Existing minor contour (1m interval)
- Existing major contour
- Proposed minor contour
- Proposd major contour
- Proposed certified fill
- Proposed building platform

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLANS: RM 050520
19/5/08 Date
KR Initials

Comprised in: CT 21293
Registered owner: Albatross QT Limited
Total area: 3.5103ha

Note: additional private drainage easements will be required. Additional easements in gross over easement areas A, B C, D, E, F, G, H, I, J, K, L, M, AK, & AL will be created in favour of QLDC, Aurora Energy Ltd and Telecom NZ Ltd for water, electricity and telecommunications services.

CLARK FORTUNE McDONALD & ASSOCIATES
REGISTERED LAND SURVEYORS LAND DEVELOPMENT & RESOURCE MANAGEMENT CONSULTANTS
309 Lower Shotover Road, P.O.Box 553 Queenstown
Tel. (03)442-0990, Fax (03)442-1066, Email q.t.surv@xtra.co.nz

ISSUE	COMMENTS	BY	DATE
1	RC applin CivicCorp	PJF	10-6-05

LOTS 1-17 & 200 BEING A PROPOSED SUBDIVISION OF LOT 2 D.P.305273

PROJECT: POTTERS HILL
PRINCIPAL: ALBATROSS QT LTD.
APPROVED: DESIGN:
CHECKED: DRAWN: EJD

REVISION	COMMENTS	BY	DATE
D	Area Lot 17	TS	07-02-07
E	Lots 10, 11 & 12	TS	22-02-07
F	Building platforms Lots 7, 8, 9, 10 & 17	TS	13-06-07
G	Roadways etc	TS	30-07-07
H	Private Road and easements	CCH	25-02-08

SURVEY: FB
LEVEL: LB
SCALE: 1:1000 @A3
DATUM: M.S.L.
JOB No.: 9074
DRAWING: 9074-21
Revision: H

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QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Albatross QT Limited
RM reference:	RM130069
Location:	658A Frankton Road, Queenstown
Proposal:	Variation under section 127 of the Resource Management Act 1991 to resource consent RM050520 to vary conditions 1 and 6(g) to enable the transfer of the road to Council.
Type of Consent:	Variation of existing consent conditions under section 127 of the Act.
Legal Description:	Lot 2 DP 305773 held in Computer Freehold Register 21293.
Valuation Number:	2910321103
Zoning:	Low Density Residential
Notification:	Limited notification
Commissioners:	Commissioners D J Taylor and C Kelly
Date:	24 March 2014
Decision:	**The variation to the conditions in RM050520 is granted in part, subject to the imposition of additional conditions**

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BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an application by Albatross QT Limited to vary Conditions 1 and 6(g) of RM 050520 to provide for a private road to be dedicated in Council as a public road
Council file:	RM 130069

DECISION OF COMMISSIONERS APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL

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24 March 2014

Commissioners:

D Jane Taylor (Queenstown)
Christine Kelly (Glenorchy)

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The Hearing and Appearances

Hearing Date	Monday 27 January 2014, at Queenstown
Appearances for Albatross QT Limited:	Mr M R Garbett, Counsel
	Mr A T Coster, a Director of Albatross QT Limited
	Mr N K Geddes, a Resource Management Practitioner with Clark Fortune McDonald & Associates Limited
Submitters Appearing in Person:	Mr D Mander for the Queenstown Lakes District Council
In Attendance:	Mr A Burt, Reporting Planner, Queenstown Lakes District Council
	Mr S Hewland, Engineer, Queenstown Lakes District Council
	Ms L Ryan, Committee Secretary

Introduction

1. Albatross QT Limited ("the Applicant") has applied for consent in accordance with section 127(3)(a) of the Resource Management Act 1991 ("the RMA") to vary conditions 1 and 6(g) of resource consent RM050520[1] to enable the transfer of a private road currently under construction to the ownership of the Queenstown Lakes District Council ("Council").

2. The legal description of the property is Lot 2 DP 305773 held in Computer Freehold Register 21293. The site is zoned Low Density Residential and comprises 3.5103 hectares.

3. The site is located on the northern side of Frankton Road (State Highway 6A) between Queenstown and Frankton. The topography of the site rises from Frankton Road (approximately 345 metres) to 430 metres above sea level and the terrain consists of moderate to steeply sloping land. Access to the site is from Frankton Road, which also serves as access for the adjoining developments currently secured by four right of way easements over the Applicant's land. This private road will eventually service 75 apartments to the east (known as the

[1] Granted on 20 May 2008.

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Greenstone Apartments), 15 apartments to the west (Remarkable Apartments) and a further property to the northeast (Pencarrow Lodge). The Applicant has submitted that, in total, the road over the Applicant's land will provide access to 108 individually owned properties, although it is acknowledged that the accesses to the Greenstone and Remarkable Apartments (90 apartments) are located very close to the intersection with Frankton Road.

4. Resource consent RM050520, which was approved on 20 May 2008, granted consent to subdivide the property into 17 fee simple residential allotments with associated earthworks. The application was processed as a controlled activity on the basis that the maximum gradient of 1:6 for a *private* road (as opposed to a public road to be vested in Council) was compliant with the site standards in Part 14 of the District Plan. The Commissioners' decision in RM050520 found that although a gradient of 1:8 is generally preferable to a gradient of 1:6, "*the various standards recognise that this is not always practicable*". The Commission commented that the two expert engineers were both satisfied that the gradient was appropriate for the steep site, noting that the construction standards for roads require some flexibility[2].

5. It appears from the Commissioners' decision in RM050520 that one of the principal reasons the road was not proposed to be vested in Council at the time of the original consent application was because the Applicant had been unable to negotiate removal of the dominant interests that would remain on the title to the road. Accordingly, vesting was not pursued as an option. It does not appear from the decision that dedication of the road was considered at that stage.

6. For various reasons, consent RM050520 has not been fully implemented and various extensions of time have been granted. Accordingly, the section 224(c) certification has not yet been completed or titles issued.

7. Full details of the application can be found in the Assessment of Effects on the Environment ("AEE") that accompanied the application.

8. The proposed activity requires resource consent under the Operative Queenstown Lakes District Plan ("the District Plan") for the following reasons:

   (a) A discretionary activity consent pursuant to section 127(3)(a) of the Resource Management Act 1991, which deems any application to change or cancel consent conditions to be a discretionary activity. The Applicant seeks to vary Conditions 1 and 6(g) of subdivision consent RM 050520.

9. Overall, the application falls to be considered as a **discretionary** activity.

[2] Paragraph 124 Commissioners' decision in RM 050520

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Relevant Statutory Provisions

10. The provisions of the Resource Management Act 1991 relevant to the assessment of this application as a discretionary activity are sections 127, 104, 104B, and Part 2 of the Act.

Relevant Plan Provisions

11. The relevant planning documents considered were:

    (a) The Operative Queenstown Lakes District Plan and, in particular, the following parts:

        - Part 14 – *Transport*
        - Part 15 – *Subdivision Development and Financial Contributions*

12. Under the District Plan, the site is zoned Low Density Residential.

Application Information

13. The following information has been received and considered by the Commission in reaching its decision:

    (a) A report dated 15 January 2013 prepared under Section 42A of the Act by Mr Aaron Burt, the Reporting Planner for the Council ("the Section 42A report");

    (b) The appendices to the Section 42A report which include an engineering report dated 22 November 2013 prepared by Mr Steve Hewland, Principal Resource Management Engineer; and

    (c) A letter dated 27 July 2013 addressed to Queenstown Lakes District Council by Gavin O'Connor, Senior Transportation Engineer with MWH New Zealand Limited.

14. The following documents contained in the agenda accompanying the Section 42A report have also been considered in determining this application:

    - Minutes of the Queenstown Lakes District Council Infrastructure Services Committee dated 30 April 2013 (Ref: INS1304) and 11 June 2013 (Ref: INS1306) and accompanying documents;

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- The Decisions of the Queenstown Lakes District Council in relation to RM090646 and RM050520, both of which relate to the application site; and

- The Application and Assessment of Effects on the Environment prepared by Clark Fortune McDonald & Associates dated 13 February 2013.

15. The Section 42A report recommended that resource consent be refused pursuant to Section 104 of the Act for the following reasons:

(a) The adverse effects of the activity on the Queenstown Lakes District Council (as roading authority) will be more than minor, as a grant of consent would will impose an on-going financial responsibility on the Council for a road that does not meet Council standards, and which is therefore not in the public interest; and

(b) The proposal is not consistent with the relevant objectives and policies of the District Plan that facilitate Council's ability to promote the efficient use of all roads by adopting and applying a road hierarchy with associated access standards based on intended function.

Notification and Submissions

16. The application was processed as a limited notification in respect of the Queenstown Lakes District Council. On 17 December 2013 Council lodged a submission in opposition to the application on the following basis:

> *"The Queenstown Lakes District Council in its role as roading controlling authority has declined to accept the vesting of the road as proposed by this application and, accordingly, the application should be declined".*

17. The reasons given by Council for opposing the application were:

(a) The Queenstown Lakes District Council Infrastructure Services Committee considered the matter at its June 2013 meeting and resolved that "*the Committee does not agree to the vesting of the roading to Queenstown Lakes District Council, as depicted in the following drawing: E_001*". The submission stated that Council is entitled to make the decision it has by virtue of section 329 of the Local Government Act 1974 ("the LGA"); and

(b) The proposal does not comply with section 329 of the LGA, as the proposed gradient for a public road is outside the standard set down in Council's adopted standards. Council submitted that a decision to accept this application would be contrary to

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Council's right, established by section 329 of the LGA, to decline to accept the vesting of the road.

Hearing

18. A hearing was held in Queenstown on Monday 27 January 2014. In attendance were:

    (a) The Applicant, represented its legal counsel Mr Michael Garbett of Anderson Lloyd, Dunedin; Mr Alistair Coster, a director of the Applicant and Mr Neil Geddes, the Applicant's resource management consultant.

    (b) Council Officers, including the Reporting Planner, Mr Aaron Burt and Engineer Mr Steve Hewland; and

    (c) The submitter in opposition, Queenstown Lakes District Council, represented by Mr Denis Mander.

19. Immediately prior to the hearing, we conducted a site visit to the property, accompanied by Mr Burt. We are satisfied that we gained a good appreciation of the site, the access way in question and the location of the right of way easements, and the receiving environment (including the neighbouring Goldfields Heights subdivision).

Summary of the Evidence Heard

20. The following is a brief outline of the submissions and evidence presented on behalf of the Applicant and the submitter, Council. We have not attempted to cover everything that was advanced as, where relevant, detailed material is included in our discussion of the principal issues and effects in the assessment section of this decision.

Applicant

21. Mr **Michael Garbett** presented submissions in writing. He described the application and explained that although the Applicant would prefer to vest the road in Council, the surrender of the four right of way easements in favour of the neighbouring properties (Pencarrow and Greenstone Apartments) either cannot be negotiated due to strained relationships, or would be "impractical" to obtain due to the number of individual apartment owners.

22. Mr Garbett addressed the legal issues associated with section 329 of the LGA, the planning issues associated with the objectives and policies of the District Plan, the Section 42A report, maintenance costs and connectivity. In conclusion, Mr Garbett submitted that the application did not seek any physical changes other than adopting the technical recommendations made by

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Council's consultant traffic engineers, MWH Limited. In his submission, the proposal is consistent with Council's new roading rules for accesses that serve more than 12 properties and in accordance with the principles of sustainable management.

23. Mr Garbett called two witnesses as follows:

(a) Mr **Alistair Coster**, a director of the Applicant, who explained the background to the application and the current status of the subdivision. He stated that the road was a substantial construction project budgeted to cost $750,000 to completion (excluding the cost of the land). Mr Coster estimated the on-going maintenance cost at $3,000 per annum based on the NZTA 2008 Otago Regional Survey, which he considered is *"less than 20 percent of the total roading rates that the Council will collect from the subdivision"*. He submitted that the Applicant's desire for the road to become a public road was to remove the difficulties future owners would have in collectively managing and maintaining the road. In his view, it is in the interests of all future owners that the road be dedicated in Council and managed as part of the public roading network.

(b) Mr **Nicholas Geddes**, a Planning Consultant with Clark Fortune McDonald & Associates Limited gave evidence in relation to the original consent (RM050520), the relevant objectives and policies of the District Plan including Plan Change 6 (which is now operative), the engineering aspects of the road, and the relevant statutory test under section 127 of the Act. He concluded that the Reporting Planner's recommendation of refusal on the basis that the proposal is inconsistent with relevant objectives and policies is incorrect *"by virtue of a flawed assessment of the policies referenced in paragraphs 24, 27 and 29 of this evidence"*, and that the recommendation of refusal on the basis that maintenance of the road would impose a financial burden on Council had neither been numerically tested nor justified. Mr Geddes also submitted that the Reporting Planner's position that transfer of the road is not in the public interest has been assumed without consideration of the public benefit that would be obtained through the road being held in Council ownership.

Submitter: Queenstown Lakes District Council

24. Mr **Denis Mander** presented an oral submission on behalf of the Queenstown Lakes District Council. He outlined the background to the decision of Council's Infrastructure Services Committee to decline the Applicant's request to vest the road in Council and urged the Commission to take the Council's decision into account in our assessment under section 104.

25. Mr Mander stated that it was Council's policy not to accept non-complying roads for vesting and that the onus was on the developer to meet the required roading standards. If they chose not to

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meet the standards, the road would normally remain a private road. He explained that the Council was concerned about the incremental increase in maintenance costs for roads that do not meet the required standards. Council was also concerned about setting a precedent if consent was granted in this particular case.

26. In relation to the Applicant's claim that provision for connectivity was a requirement of Council, Mr Mander stated that the road was not envisioned being an alternative road to SH6 or required to promote traffic flows; however, promoting road linkages was a council strategy to avoid cul de sacs in this area.

27. Mr Mander also expressed concern that dedication was not straightforward and that Council's policies in relation to dedication (as compared to vesting) were currently under development. Ordinarily, the onus would be placed on the developer to prove that any encumbrances were not going to pose a burden for Council if dedication was to be sought.

Council Officer Reports

28. Having heard the Applicant and the submitter, Mr Hewland advised that, in his opinion, the access way could have been constructed to the required standards but that the Applicant had chosen not to do so. He stated that although dedication had been occurring more lately within the district, there were inherent risks to Council unless the encumbrances had been fully examined. He confirmed that no such assessment had been made in relation to the present application. Mr Hewland supported the Applicant's position on the benefits of connectivity and commented that even if the road were to remain private, the Applicant would still need to maintain connectivity for public access under the LGA. Mr Hewland acknowledged that there would be some additional maintenance cost but that this had not been quantified.

29. Mr Burt advised that, having heard the Applicant's evidence and Mr Mander's submission, his recommendation that consent should be declined had not changed. In his opinion, the Commission must take Council's decision under section 329 of the LGA into account in our assessment under section 104(1)(c).

Applicant's Reply

30. Mr Garbett presented an oral reply at the end of the hearing, responding to:

    (i) Mr Hewland's opinion that the road could have been constructed to Council's standards, with a gradient of 1:8. In his submission, there were geotechnical issues associated with the design of the cuts and batters (and hence stability) that precluded this gradient, and that this evidence could be found with the original consent.

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(ii) The relationship between the Resource Management Act 1991 and the LGA. Mr Garbett submitted that the Applicant had never sought any decision under the LGA when the application was first notified and that, since the filing of the application, the Council had "taken it upon themselves" to follow an LGA process independently of the RMA process.

(iii) The likely process under section 224(c), if we were to grant consent to this application.

(iv) The relevance of the Council decision under section 104(1)(c). Mr Garbett acknowledged that the Council decision was a relevant matter but that it was only a factor to be considered in our overall assessment under Part 2.

Principal Issues in Contention

31. It was common ground that the application falls to be considered as a discretionary activity. A wide range of matters were traversed in the application, submissions, Section 42A report and supporting material, and during the hearing.

32. The principal issues in contention arising from the application, the Section 42A report and the contents of submissions, including matters raised during the hearing, are:

(a) Whether the proposed variation will have any actual or potential effects on the environment;

(b) Whether the proposal is consistent with the relevant objectives and policies of the District Plan; in particular, those objectives and policies contained in Part 14 – *Transport*, and Part 15 – *Subdivision, Development and Financial Contributions*;

(c) The extent to which the Commission should have regard to other matters under section 104(1)(c), which include Council's Infrastructure Services Committee's resolution to decline the vesting of the road; and

(d) The legal implications/consequences of dedicating the private road in Council as compared to the more usual situation of vesting; in particular:

(i) Whether the presence of the existing rights-of-way easements on the title would have any adverse consequences or create any legal burden for Council (which would become the servient owner) following dedication of the road; and

(ii) Whether dedication of the road in Council would impact in any way on the legal rights of the dominant owners, as compared to that of a private road.

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Assessment

The Permitted Baseline, Existing Environment and Receiving Environment

33. Mr Burt noted that the Applicant has been granted consent to subdivide Lot 2 Deposited Plan 305273 into 17 fee simple residential allotments with associated earthworks. The original consent RM050520 provided for the creation of a private road to serve the subdivision, as the gradient did not meet Council standards, and the easements could not be removed prior to the original hearing. From a review of the Commissioners' decision in RM050520 it appears that the principal reason the road was proposed as a private road was that vesting was not a viable option. The possibility of dedication was not discussed.

34. As at the date of the hearing, the company had carried out a significant amount of earthworks and construction to establish the road for the subdivision. Mr Coster noted that *"the site is reasonably steep and the gradient has been carefully designed and constructed to ensure good access to all lots to a standard that meets as far as practical the Council's standards"*.

35. The site is zoned Low Density Residential, and the receiving environment on both sides of the subject site comprises residential development. As the site is zoned for Low Density Residential housing, in our opinion purchasers of lots within the subject subdivision would have a reasonable expectation that the main access road would be maintained by Council as is the usual practice in such zones. We understand from both Mr Mander and Mr Hewland that most of the private roads in the Queenstown Lakes District are located in rural areas or special zones (such as Jack's Point, as the private road may in some circumstances fall well short of Council's standards, or the residents may wish to maintain control over the road (such as in "gated communities"). However, this is not usually the case in higher density residential subdivisions that, generally speaking, often contain smaller properties of lower capital value.[3]

Actual and Potential Effects on the Environment

36. Mr Burt concluded that as the application does not propose to alter any physical aspects of the development consented under RM050520, the proposed activity is *"not likely to have adverse effects on the greater environment than are more than minor"*.

37. In his engineering memorandum dated 22 November 2013, Mr Hewlett considered the report commissioned by Council from consultant roading and traffic engineers MWH Limited ("MWH") dated 27 July 2013. MWH were engaged to undertake an assessment of the proposal to "vest" the road in Council. In carrying out its assessment, MWH considered the road reserve width, geometric road design (horizontal alignment and road widths), vertical gradient and other issues

[3] The neighbouring Goldfields subdivision is a notable exception.

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(including street lighting, pavement and surfacing design, underground servicing and pedestrian access).

38. The effect of the 1:6 gradient (as opposed to the Council standard gradient of 1:8) was discussed at length by MWH. MWH noted that *"within the consent document Council Officers reported that a gradient of 1:8 is generally preferable to a gradient of 1:6 for a subdivision like this … However, the various standards recognise this is not always practicable … and that snow and ice conditions could be encountered in winter. However, this is not unusual, and is anticipated, in Queenstown"*. The report noted that the standard (NZS4404) was updated in 2010 and provides *" 'some further information in terms of vertical grades'*. In short, although the standard remains largely the same at 12.5% (or 1:8), NZS4404 does state within Section C3.3.1.9 that *"steeper grades may be acceptable for shorter lengths of road in hilly country or low overall speed environments subject to TA approval'*." Both were considered relevant to this development. MWH concluded that the risks associated with the increased grade present on these roads related mainly to the safety hazard associated with ice during winter, and that the additional maintenance costs could be attributed to this factor.

39. MWH concluded that in considering whether Council should approve this proposal for the road to be vested, *"it is appropriate only to consider whether risks (associated with a 1:6 grade) exist which are sufficient to dictate that Council do not take ownership of this road. MWH find that any risks are no more than minor"*. In particular, MWH found that if the suggested measures were adopted, the Applicant would be required to construct a pavement and surfacing design that is robust and appropriate for the steep terrain and which would *"mitigate any of the potential maintenance issues associated with the road"*. The only additional maintenance cost to Council (in the opinion of MWH) is likely to be additional gritting in winter as a result of the steeper terrain.

40. Mr Hewlett noted that MWH assessed the most significant risk to Council associated with vesting this asset to be the on-going maintenance requirements associated with the road; however, this risk has been minimised by the suggested conditions and now only appears to comprise additional gritting. In his report, Mr Hewlett accepted the MWH assessment and their associated recommendations.

41. Council did not adduce any evidence in relation to the anticipated additional maintenance costs or the likely quantum. Consequently, we accept MWH's expert evidence in this respect, which was unchallenged by Council.

42. In its summary, MWH stated: *"MWH find no reason why this road should not be adopted by Council"* subject to the following:

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(i) That utility services are designed to QLDC standards and located so as to have minimal impact on road operation and/or maintenance (location to be approved by QLDC);

(ii) That street lighting to QLDC standards is provided within the scheme;

(iii) That landscaping on the inside of the curve at CH180 is minimal to ensure little impact on through visibility;

(iv) That the layout of the curb at CH180 is designed to the appropriate engineering standards and satisfies the tracking requirements for the identified design (two cars passing) and (check medium rigid) vehicle negotiating curve without venturing over centreline;

(v) That inset parking is provided in accordance with Condition 4p of RM050520; and

(vi) That pavement and servicing is designed to a suitable level as to minimise on-going maintenance issues. This should be designed by an appropriately qualified pavement and servicing specialist and may be subject to peer review on behalf of Council.

43. Having considered all of the evidence before us, we find that provided the MWH recommended mitigation measures are imposed as additional conditions to this consent for a variation of RM050520, any adverse effects arising from this proposal would be insignificant. Accordingly, we are satisfied that there will be no actual and potential effects on the environment that are more than minor.

44. The Applicant has agreed to the imposition of the conditions suggested by MWH. Mr Coster stated that a number of the recommendations have already been incorporated in the design of the road and submitted as part of the engineering approval for earthworks. Mr Geddes advised that *"the road is subject to further engineering approval and it is considered that all the recommendations can be successfully accommodated as part of information submitted for these approvals"*.

Objectives and Policies of the District Plan

45. Mr Burt considered the relevant objectives and policies contained in Part 14 – *Transport*, and Part 15 – *Subdivision Development and Financial Contributions*. He concluded that the proposal is contrary to Objective 1 – *Efficiency*, which promotes the *"efficient use of the district's existing and future transportation resource and of fossil fuel usage associated with transportation"*. In essence, Mr Burt considered that transferring the road would not be "efficient" as it would result in on-going costs to Council to maintain the road.

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46. Having considered Mr Garbett's submissions, together with the evidence of Mr Geddes, we concur with Mr Garbett's submission that this objective focuses on the physical tie-in of new subdivision roading to the road network in an efficient manner. The relevant policies anticipate that the tie-in reflects expected traffic levels and provides for the safe and convenient management of traffic. We agree that the focus of the policy is not on maintenance costs (for Council) as Mr Burt has surmised; rather, the policy is focused on the physical environment, safety, convenience and efficient tie-in of roads to the network.

47. Mr Garbett submitted that Mr Burt failed to identify or to analyse Council's new Rule 14.2.4.1(iv) in his analysis of the relevant objectives and policies. This rule, which was made operative as a result of Plan Change 6 and took effect on 17 October 2007, provides that *"no private way or private vehicle access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites"*. From the section 32 report that accompanied the notified Plan Change, it is plain that the one of the reasons for the proposed change to the site standards was complaints from residents of dwellings serviced by private access ways to Council on a regular basis concerning issues such as maintenance of the pavement or gravel, and collection of rubbish. The report stated that the explanation that "the Council is not responsible" for the road was often met with disbelief and/or dissatisfaction. Accordingly, the vesting in Council of access ways that serve or have a potential to accommodate more than 12 units on the site and adjoining sites was seen to achieve the purpose of the Act and the objectives of the District Plan and, most importantly, to meet the needs of the residents.

48. We concur with Mr Garbett that the new rule is relevant in that it provides a policy reason in support of vesting the road in Council. Although the road does not meet Council's standards, we are satisfied, based on the evidence of MWH and the geotechnical evidence, that constructing a road with a gradient of 1:8 would potentially be very difficult and inefficient on this site[4] and that any maintenance concerns have been satisfactorily mitigated by the measures recommended by MWH in this particular instance.

49. Overall, having considered the remaining objectives and policies, and having had regard to the zoning of this particular site, we are satisfied that the proposal is consistent with the relevant objectives and policies of the District Plan that enable Council to promote the efficient use of all roads and to have roads servicing more than 12 units be transferred to Council.

Other Matters

Connectivity

[4] We have examined the geotechnical evidence adduced for the hearing in RM050520 and formed this view.

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50. Mr Garbett submitted that under the terms of the original consent RM050520, Council required the Applicant to alter the subdivision plan (effectively losing a section) to provide for connectivity to enable traffic access to adjacent land at the northwestern boundary. The objective of the connecting access was to provide an alternative access to and from Queenstown at some future time in the event of State Highway 6 becoming temporarily inaccessible. It was acknowledged at the hearing that Council's intention was that the road be available to the public and to provide reserve public capacity. Mr Garbett submitted that it is fair and reasonable for Council to recognise the function of the road connectivity, which is an important factor justifying public ownership.

51. We concur with Mr Garbett's submission that the provision of this connectivity, which was imposed at Council's request, is relevant to our consideration of the merits of transferring the road to Council and is a factor that weighs in favour of granting this application. We accept that provision of the required connectivity has come at a cost to the Applicant and that should the access way be developed at some point in the future, there will be a public benefit from the provision of an alternative through-road to State Highway 6.

Relevance of the Council Infrastructure Services Committee's decision under the LGA

52. We concur with Mr Garbett and Mr Burt that the decision of Council's Infrastructure Services Committee to decline consent is a relevant matter for consideration under section 104(1)(c). In the minutes of the Infrastructure Services Committee dated 30 April 2013, it was noted that:

> *"A report from Dennis Mander (Transport Manager) sought the Committee's approval to the vesting of a road in Council that does not fully meet Council standards. After some discussion and submissions from Mr Chris Hansen of Clark Fortune, a motion that 'Council does not agree to the vesting of the road into Queenstown Lakes District Council as depicted in the following drawing E_001' was put and lost with three Councillors recording their votes against the motion. The matter was again raised in front of the Infrastructure Services Committee on 11 June 2013, where it was noted that 'this matter was considered at the Committee's April 2013 meeting'. Staff recommended that the Committee not agree to the vesting of the road, as it did not meet Council standards. In a Committee vote, the resolution not to agree to vest the road to Council was rejected. The Committee asked staff to look at potential measures that would mitigate risks of vesting the road to Council. Accordingly, this report provides the opportunity for the Committee to give its conditional approval to the vesting of the road".*

53. Two recommendations were put to the Infrastructure Services Committee on 11 June 2013: either the Committee did not agree to the vesting of the road, or that the Committee agreed to the vesting of the road subject to a number of conditions (which largely mirrored the MWH conditions set out above). Mr Mander's report concluded by noting that the Committee, in its April 2013 decision, had indicated its desire to have the road vested in Council.

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54. No assessment was made of the additional maintenance costs, although the benefits of vesting the road in Council, which included the potential to create linkages above Frankton Road to neighbouring subdivisions thereby reducing pressure on Frankton Road, were noted. The report concluded that the disadvantages *"revolve principally around the incremental increase in costs to Council of maintaining the network"*; however, no assessment of the potential additional costs was included.

55. The minutes of the meeting of 11 June 2013 recorded that Mr Mander stated: *"the area would not get sun throughout the winter months and would become a maintenance burden to Council"*. One Councillor expressed concern with the recommendation, noting that private roads within the District were not well maintained, even when a Body Corporate was in place. He stated that Council was frequently asked to maintain damaged private roads and access ways. Other Councillors noted that Council was not a welfare agency for developers who chose to "under develop" their development. The Council resolved not to agree to the vesting of the road. No other reasons were given.

56. Having reviewed the minutes of the two Infrastructure Services Committee meetings, we do not consider that there are any additional matters relevant to our decision under the Resource Management Act 1991 that have not been considered in our assessment of this application under section 104(1)(a) and (b) or which have not been raised in the evidence before us. The Committee was entitled to make the decision that it did on the information that it had been provided. However, we cannot substitute the Council decision for our own, which is to be made in accordance with the RMA. As there were no other matters raised on the face of the Council record that are otherwise relevant, we have formed the view that we can give the Council Committee decision little weight in our analysis.

Potential for Conflict between the RMA and LGA decisions

57. Mr Burt submitted that Council, in its role as the territorial authority, has exercised its discretion under the Local Government Act 1974 to refuse the vesting of the road in Council. Accordingly, in his opinion, a grant of consent may create a conflict between Council in its role as consent authority (under the Resource Management Act 1991) and its role as territorial authority responsible for the roading network (under the Local Government Act 1974), with the consequence that a grant of the variation sought may be ultra vires or redundant. Mr Burt considered that a separate decision by Council under section 329 of the LGA would be necessary and that any such decision would not be subject to the jurisdiction of the Environment Court. He stated *"as it stands, Council may be prevented from approving a plan showing a road which does not comply with the requirements of section 329 of the Local Government Act 1974"*.

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Mr Burt was also of the view that a grant of consent would require the Council to commit public funds to manage a road that may not be demonstrably in the public interest.

58. Mr Garbett submitted that section 329 of the Local Government Act 1974 only applies to Council in its road controlling authority function when approving new roads. As this road has previously been approved as part of a resource consent, and is currently under construction, section 329 is no longer relevant. He noted that no approval is being sought for the existing gradient of the road as this has already been approved. In his submission, even if section 329 was relevant, the report by MWH has assessed the proposed road (including the gradient), referred to the relevant New Zealand standards and concluded that provided the recommended measures were adopted, the non-standard gradient would not be a barrier to Council approving the application.

59. We acknowledge that Council is wearing two hats in respect of this application; however, our clear responsibility is to decide the application in accordance with the provisions of the Resource Management Act 1991, which includes reaching a decision taking into account the matters provided in section 104, subject to Part 2 of the Act. While the decision of the Council Infrastructure Services Committee is a relevant matter under section 104(1)(c) is discussed above, it is not our function to decide which decision (i.e. the decision made under the Resource Management Act, or any decision made by Council under the Local Government Act) takes precedence. That will be a matter for Council in its role as a local authority and/or the Environment Court should this matter be appealed.

Dedication

60. Council has quite properly raised the issue that dedication of a road that is subject to encumbrances may impose an additional burden on Council such that consent should be declined.

61. Prior to making a final decision on this application, we considered it necessary to obtain a legal opinion from Council's lawyers to identify the legal implications and consequences of dedicating the subject road in Council, as compared to the more usual situation of vesting. In particular:

    (i) Whether the presence of the existing rights-of-way easements on the title would have any adverse consequences or create any legal burden for Council (which would become the servient owner) following dedication of the road; and

    (ii) Whether dedication of the road in Council would impact in any way on the legal rights of the dominant owners, as compared to that of a private road.

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62. We subsequently received an opinion from Simpson Grierson dated 26 February 2014. The opinion comprehensively addresses the methods of vesting roads in Council, vesting under the RMA, transfer by way of dedication, and the implications of dedication in this particular case for Council.

63. Having considered the advice, and in particular paragraphs 41 to 44, we have formed the view that dedication of the road would result in a number of adverse consequences or legal burdens being placed on Council if the existing easements were to remain in place, summarised as follows:

(a) Clause 1.2.4 of instrument 5558569.6 (which provides a right of way to the Remarkables Apartments land) would require Council to not restrict the rights of the dominant owner, which may conflict with the powers and duties that would arise due to Council's responsibilities for the road;

(b) Clause 7 of instrument 5074969.1 (which provides a right of way to part of the Greenstone Terraces land) would require the Council not to object to the subdivision of the dominant land, and would require Council to provide consent to the subdivision of the dominant land. These obligations appear to be inconsistent with the role of Council as a roading control authority and consent authority.

(c) Clause 1.2.5 of instrument 5558569.6 (which provides a right of way to the Remarkables Apartments land) confers on the dominant owner a right to enter and remain on servient land (that is, the road) for the purposes of performing rights or complying with obligations. The right to remain on the servient land may conflict with the nature of the land as road, and may affect the common law right to pass along the road.

64. In our view, having regard to the advice received, these restrictions may affect the future use of the land as road in a material sense and accordingly we have concluded that it would be inappropriate to consent to dedication with the existing easements in place. To do so would impose an unfair burden on Council, inter alia, in its role as a roading control authority.

65. However, as we have decided that it is appropriate in a broader RMA sense for the private road to become a legal road (as set out above) and transferred to Council, we are prepared to grant consent to the requested variation to the subdivision consent conditions provided the Applicant obtains the consent of the interest holders to the surrender of the encumbrances. Accordingly, a condition has been included to this effect. In reaching this conclusion, we have noted that it is in the interests of the dominant owners to consent to the removal of their encumbrances, as set out in paragraphs 45 and 46 of the legal opinion, hence there would not appear to be any legal

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barrier to gaining such consent. Although the Applicant has submitted that it has, to date, been unable to obtain surrenders of the dominant interests, we do not consider this to be a valid reason for granting consent to the dedication of the road in these circumstances.

Part 2

66. Mr Burt did not identify any Part 2 matters that would have any bearing on our consideration of the matters in section 104. Having considered the overall purpose of the Act and making a broad judgment, we are satisfied that granting this application, subject to the proposed conditions, is in accordance with the purpose of the Act in that it will promote the sustainable management of natural and physical resources. In particular, it will enable the community that will eventually result from this subdivision to provide for its social, economic and cultural wellbeing, and its health and safety through the provision of a well maintained and serviced road.

67. As previously discussed, the expectation of residents in Low Density Residential zones is that unless there is very good reason, services such as roading will be provided by Council. Council's roading consultants, MWH, have concluded that there is no reason why this road should not be vested in Council and that it will not create any adverse environmental effects (other than additional gritting costs which have not been quantified by Council but which are expected to be relatively minimal) and that its vesting (as opposed to dedication) is broadly in line with Council's policies, in particular Rule 14.2.4.1(iv), which was adopted in October 2009.

68. However, having received legal advice, we accept that dedication of the road would impose additional obligations and hence a burden on Council as the servient owner. Accordingly, we have imposed a condition requiring the Applicant to obtain the consent of the interest holders to the surrender of their interests, following which the land may be transferred to Council in accordance with the usual RMA processes. In substance, the position reached as a result of this condition is the equivalent of vesting the road in Council under the RMA, in that the title will necessarily be free of any adverse encumbrances.

69. While the Applicant has stated that the removal of the encumbrances would be very difficult to achieve practically, this is not a reason that, in our view, justifies dedication where this would impose an additional burden on Council in its role as a roading control authority. To do so would, in our opinion, be contrary to the principles of the Act contained in Part 2, where it is necessary to achieve a fair and reasonable balance between all interests. It is plainly in the interests of the dominant interest holders to consent to the removal of their encumbrances and for Council to assume responsibility for the road (which will relieve the interest holders of any obligation for maintenance), and we have taken this into account in reaching our decision under Part 2.

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Decision

70. Pursuant to sections 104 and 104B of the Resource Management Act 1991, we are prepared to consent to the variation of conditions 1 and 6(g) of RM050520 in part, subject to the imposition of additional new conditions 1 and 4(q). Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are:

(a) In terms of Section 104(1)(a) of the Act, the actual and potential effects of the proposal on the environment will be insignificant.

(b) In terms of Section 104(1)(b) of the Act, the proposal is consistent with the objectives and policies of the District Plan including Part 14 – *Transportation*, and Part 15 – *Subdivision Development and Financial Contributions*. In particular, the application is consistent with the policy direction and changes to the rules effected by Plan Change 6, which took effect in October 2009. Although the road does not meet Council's required gradient standard of 1:8, any effects have been satisfactorily mitigated through the conditions imposed.

(c) In terms of Section 104(1)(c) of the Act, other relevant matters, which have included the Council's Infrastructure Services Committee decisions, and the legal consequences associated with dedication, have been considered in the determination of the application.

(d) The proposal is consistent with Part 2 of the Act, provided that a condition is imposed to ensure that the proposed transfer does not impose any additional obligations or burden on Council. We are otherwise satisfied that the transfer of the road is consistent with the principles of sustainable management and will enable the subsequent residents of the subdivision (together with the general public) to have the benefit of a well-maintained road in a Low Density Residential area.

Conditions

71. Consent is **granted in part** for the application by Albatross QT Limited to vary conditions 1 and 6(g) of resource consent RM050520 pursuant to section 127 of the RMA, such that:

(a) Condition 1 in RM050520 (as amended by RM090646) **remains** as follows:

> That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 25 February 2008, titled 'Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273' and 'Proposed Staging Plan RM050520 Stage 1 Subdivision of Lot 2 DP3052', 'Proposed Staging Plan RM050520 Stage 2 Subdivision of Lot 500' and 'Proposed Staging Plan RM050520 Stage 3 Subdivision of Lot 501' **(stamped as approved 20 May 2008 and 2 October 2009)** and

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

(b) Condition 6(g) **is amended** to read as follows (additional text underlined):

All the owners of Lots 1 – 17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link between Access D and Access G, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. The Queenstown Lakes District Council is not responsible for any part of the water infrastructure or roading to any lot within any stage of this subdivision. <u>This condition shall not include the internal access road if condition 1A (i) applies; that is, 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).</u>

(c) The following condition 1A **is added** to the conditions in RM050520:

1A Prior to any certification under section 223 of the Resource Management Act 1991, the consent holder shall:

<u>EITHER</u>

(i) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder obtains written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as "*Road to dedicate in the Queenstown Lakes District Council*" on that plan shall vest in the Council under section 238 of the Resource Management Act 1991.

<u>OR</u>

(ii) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder is unable to obtain written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as Lot 200 (also marked as 'Road 6') on the plans titled '*Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273'* (stamped as approved 20 May 2008) shall be a private road.

(d) The following engineering condition **is added** to condition 4 of RM050520:

4(q) Should the option in condition 1A(i) be applicable, the consent holder shall include the following design requirements:

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(i) Utility services shall be designed to QLDC standards and located so as to have minimal impact on road operation and/or maintenance;

(ii) Street lighting shall be in accordance with Councils standards and the Southern Lights Strategy;

(iii) Landscaping on the inside of the curve at CH180 shall be minimal to ensure little impact on through visibility;

(iv) The layout of the curb at CH180 shall be designed to the appropriate engineering standards and satisfy the tracking requirements for the identified design (two cars passing) and medium rigid vehicle negotiating curve without venturing over centreline;

(v) Pavement and servicing shall be designed to a suitable level to minimise on-going maintenance issues. This should be designed by an appropriately qualified pavement and servicing specialist and may be subject to peer review on behalf of Council.

(e) Condition 14 **is amended** as follows (deleted text is struck through):

14. 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:

(i) Stage 1 – Lots 15, 200 (~~Private~~ Road) and 500
(ii) Stage 2 – Lots 1-5, 16, 201 (~~Private~~ Road) and 501
(iii) Stage 3 – Lots 6 – 14, 17, 202 (~~Private~~ Road).

72. All other conditions of RM050520 shall continue to apply. For the avoidance of doubt a full set of conditions (as amended/added) is **attached** as Appendix One to this decision.

Jane Taylor
for the Commission

Date: 24 March 2014

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Appendix One: Full Conditions of Consent in RM130069

1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 25 February 2008, titled 'Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273 and 'Proposed Staging Plan RM050520 Stage 1 Subdivision of Lot 2 DP3052', 'Proposed Staging Plan RM050520 Stage 2 Subdivision of Lot 500' and 'Proposed Staging Plan RM050520 Stage 3 Subdivision of Lot 501' (**stamped as approved 20 May 2008 and 2 October 2009**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.

1A. Prior to any certification under section 223 of the Resource Management Act 1991, the consent holder shall:

EITHER

(i) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder obtains written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as "*Road to dedicate in the Queenstown Lakes District Council*" on that plan shall vest in the Council under section 238 of the Resource Management Act 1991.

OR

(ii) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder is unable to obtain written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as Lot 200 (also marked as 'Road 6') on the plans titled '*Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273'* (stamped as approved 20 May 2008) shall be a private road.

2. 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.

3. The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

(a) The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.

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(b) The provision of a water supply to the boundary of Lots 1 through 17 in terms of Council's standards and connection policy. This shall include an Acuflow GM900 as the toby valve.

(c) The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.

(d) The provision of fire hydrants with adequate pressure and flow to service the development with a Class W3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.

(e) The provision of a foul sewer connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy.

(f) The provision for final engineering design for a reticulated stormwater system that will dispose of stormwater into the stream to the west of the site and to the existing 375mm main adjacent to Frankton Road. Final design shall address the capacity in the waterway and the sizing of the culvert under the access road.

(g) The provision of a stormwater connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy to dispose of water from all impervious areas within the site to the reticulation described in part (f) above.

(h) The final design of all earthworks associated with the access road by a suitably qualified engineer and geotechnical professional. Said design shall include the design of all retaining walls and slopes of all batters given consideration of Tonkin and Taylor's Geotechnical Investigation reports dated June 2005 and June 2007. The consent holder shall submit to Council a final plan of the proposed earthworks associated with the access road for approval. If considered necessary, Council may have the earthworks design independently peer reviewed.

(i) The provision for a comprehensive site management plan for all earthworks required in the establishment of this subdivision. The consent holder shall submit a site management plan to Council for approval and shall implement the approved site management plan prior to any works on site. The site management plan shall include provision for silt traps (in the form of fabric filter dams or straw bales) to be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into the creek on the western portion of the subject site. Site drainage paths shall be constructed and utilized to keep any silt laden materials on site and to direct the flows to the silt traps. Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose. The principle contractor shall take proactive measures in stopping all sediment laden stormwater from entering the creek. The principal contractor shall recognize that this may be above and beyond conditions delineated in this consent. 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.

(j) The provision of pilot cuts by a suitably qualified engineer and geotechnical professional for the full depth of proposed excavations associated with the access to understand necessity of rock anchors or additional retention (temporary or permanent). Following pilot cuts, any recommendations made by said professionals shall be implemented. Pilot cuts shall also inform the feasibility of the construction methodology for the main access. The consent holder is advised that a variation to this consent may be required if ground conditions encountered on site differ to the extent that substantially modified methods or design of excavation is required.

(k) The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

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(l) "Access P" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404: 2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3.5 m and a legal width of 12m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(m) "Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

(n) Road lighting shall be provided in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs 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 lighting network circuits.

(o) The provision of a temporary access during the construction period to Lot 2 DP 20473, generally in accordance with the 'Option B' temporary access plan prepared by Clark Fortune McDonald & Associates and as attached with Appendix [D] to the evidence of Mr Ferguson, but shall be modified to include:

(i) a maximum centreline gradient through both hair-pin bends of no more than 1 in 5.5;

(ii) Passing bays located at each bend and along the straight section between chainage 100 to 160.

(p) The pedestrian access easement between Access D and Access G shall ensure access is available to the public at all times.

(q) Should the option in condition 1A(i) be applicable, the consent holder shall include the following design requirements:

(i) Utility services shall be designed to QLDC standards and located so as to have minimal impact on road operation and/or maintenance;

(ii) Street lighting shall be in accordance with Councils standards and the Southern Lights Strategy;

(iii) Landscaping on the inside of the curve at CH180 shall be minimal to ensure little impact on through visibility;

(iv) The layout of the curb at CH180 shall be designed to the appropriate engineering standards and satisfy the tracking requirements for the identified design (two cars passing) and medium rigid vehicle negotiating curve without venturing over centreline;

(v) Pavement and servicing shall be designed to a suitable level to minimise on-going maintenance issues. This should be designed by an appropriately qualified pavement and servicing specialist and may be subject to peer review on behalf of Council.

5. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

(a) The submission of 'as-built' plans in accordance with Council's as-built standards and information required to detail all engineering works completed in relation to or in association with this subdivision.

(b) The completion of all works detailed in Condition (4) above.

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(c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the lots. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.

(d) A suitably qualified Registered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431: 1989, for all areas of fill within the site on which buildings may be founded.

(e) A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.

(f) Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.

(g) All signage, including road names, shall be installed and necessary road markings completed on all Public or Private Roads (if any), created by this subdivision.

(h) The consent holder shall provide evidence to the Council of a responsible body (management group) that has been created to undertake responsibility for the ongoing maintenance of the main internal access road (including any stormwater disposal), including provision for gritting and/or de-icing of the main access way, the pedestrian link between Access D and Access G, and the water supply system.

6. Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

(a) No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.

(b) At the time that a dwelling is erected on Lots 1-17 the owner for the time being shall construct a vehicle crossing to Council Standards.

(c) Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.

(d) A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

(e) 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 for any additional residential units on the property greater than one.

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(f) At such a time where a high level reticulated water pressure zone is provided by the QLDC that can serve the subdivision, the private water storage scheme shall be decommissioned and all lots shall connect to the high pressure reticulation.

(g) All the owners of Lots 1 – 17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link between Access D and Access G, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. The Queenstown Lakes District 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 condition 1A (i) applies; that is, 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).

7. The consent holder shall provide Council with the name of a suitably qualified and experienced Engineer who is to supervise all excavation procedures. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.

8. If at any time Council, 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 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 acceptance and approval.

9. Within four weeks of completing the earthworks the consent holder shall submit to the Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".

10. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.

11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

12. Upon completion of the earthworks, the consent holder shall complete the following:

    a) Any damage to all existing road surfaces and berms that result from work carried out for this consent shall be remedied.

    b) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.

    c) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining systems on site and forwarded to Council.

13. All necessary easements shall be granted or reserved.

14. 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:

    (i) Stage 1 – Lots 15, 200 (Road) and 500
    (ii) Stage 2 – Lots 1-5, 16, 201 (Road) and 501

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(iii) Stage 3 – Lots 6 – 14, 17, 202 (Road).

Advice Notes (RM050520)

(i) In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required. A Development Contribution Notice, detailing how contributions were calculated, will be forwarded under separate cover.

(ii) The Council may elect to exercise its duties and functions through the employment of independent consultants.

(iii) The consent holder is advised they may also be required to obtain any necessary resource consent from the Otago Regional Council to construct the subdivision.

Advice notes (RM090646)

- All other conditions of RM050520 shall continue to apply.
- The conditions above require that services and access shall be formed to the boundary of the balance lot in each stage.

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QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Alpha Properties Limited
RM reference:	RM150087
Application:	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.
Location:	658A Frankton Road, Frankton, Queenstown
Legal Description:	Lot 2 Deposited Plan 305273 held in Computer Freehold Register 21293
Zoning:	Low Density Residential
Activity Status:	**Non-complying**
Decision Date	**28 July 2015** **3 August RE ISSUE**

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 Blair Devlin, Manager Resource Consenting, on 28 July 2015 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 and Section 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 electronic file and responses to any queries) by Blair Devlin, Manager Resource Consenting, as delegate for the Council.

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3. This decision is a re-issue of RM150087. Section 133A of the Resource Management Act 1991 allows the consent authority to issue an amended consent to correct minor mistakes, provided this occurs within 20 working days of the grant of consent. The decision was made and the re-issue authorised by Blair Devlin, Manager Resource Consenting, as delegate for the Council on 3 August 2015.

   The consent is being re-issued as the original decision included a condition relating to a management company that is no longer required. The re-issue seeks to remove the requirement for a management company from that condition.

   This is considered to be minor mistake and will not result in non-compliances with any Site or Zone Standards of the District Plan. Therefore a re-issue under Section 133A is possible in this instance and the decision has been amended accordingly.

1. PROPOSAL AND SITE DESCRIPTION

Land use consent is sought to develop a site that contains three residential units that are currently under construction (and referred to as Block 1). Earthworks are being undertaken upon the site in accordance with land use consent RM140714. The development will involve the creation of a single building to contain five residential units, as a comprehensive residential development (referred to as Block 2). The residential units in Blocks 1 and 2 do not meet the requirement for outdoor living areas. The proposed Block 5 building will contain two residential units and one residential flat. Proposed Blocks 3 and 4 will comprise two structures, to contain two and three residential units respectively.

The applicant has provided a detailed description of the site description, site history and proposal in Sections 1.1, 1.3 and 1.4 respectively of the report entitled '*Alpha Properties Limited*, 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 for the purpose of this report.

Subdivision consent is sought to undertake a fifteen lot fee simple subdivision of Lot 2 LT485139 (being a subdivision of Lot 2 Deposited Plan 305273). The subdivision will progress in five stages. Further to the applicant's description of the proposed activity, the revised stages are now confirmed as follows:

Stage 1: Lots 1 - 3
Stage 2: Lots 4 - 8
Stage 3: Lots 11 - 13
Stage 4: Lots 9 & 10
Stage 5: Lots 14 & 15

The overall subdivision will create fifteen residential lots within a size range of 175m^2 and 1190m^2. Whilst each lot will contain a Residential Unit, proposed Lot 15 will also include a Residential Flat. Each lot will be dimensioned to incorporate onsite parking for its associated Residential Unit.

Because proposed lots 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, and 14, will have a net area less than 600m^2, and do not contain a dwelling at the time of this decision, the proposal triggers consent for not meeting the minimum lot size. It is a volunteered condition of consent that no lots will be created unless they first contain a fully measurable Residential Unit. In this regard, plans for the relevant Residential Units have been provided in support of the development.

The design of an access will result in an area having a legal width of 5 metres, as opposed to 6 metres as required by the District Plan.

The site has a complex history and the development is intertwined with underlying requirements of RM050520.01. Council's engineer has provided the following summary to illustrate challenges associated with the current development proposal:

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"RM050520.01 approved staging to the underlying development RM050520 with Stage 1 therein being the creation of the subject Lot 2 LT485139 and balance Lot 1 LT485139. Council engineering approval was provided for Stage 1 RM050520 on the 26th June 2015 for the provision of services and access to the underlying development. For obvious reasons this subdivision cannot precede the infrastructure provisions provided therein. The current subdivision application is proposed to be complete within 4 stages and is shown on the below Staging Plan. Access to Stage 1 of this consent will be established on completion of Stage 1 RM050520 however legal access to Stages 2-4 herein will not be provided until either completion of Stage 2 RM050520 or vesting of the Main Access Road. The applicant has volunteered a condition linking the issue of RM050520.01 Stage 1 titles with the completion of this subdivision and I recommend the volunteered condition is amended to reflect the staging and subdivision access requirements."

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

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

Land Use

- A **discretionary** activity pursuant to Rule 7.5.3.4 for Comprehensive Residential Developments located within the Low Density Residential Zone.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (viii)(a) in respect of the minimum required provision of outdoor living space for each residential unit, being 36m² contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m² contained in one area with a minimum dimension of 2m at any above ground floor level. Council's discretion is in respect to this matter.

- A **non-complying** activity pursuant to Rule 7.5.3.5 as the proposed breaches zone standard 7.5.5.3 (v)(b) which specifies a maximum building height of 7m for sloping sites. A maximum encroachment of 1.94 metres is sought.

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3 because the proposal does not comply with site standard 14.2.4.1(iv) *Parking Area and Access Design* requiring vehicle access to have a formed width of 5m, a legal width of 6m, and a passing bay every 25m. A section of an access will have a legal width of 5m. Council's discretion is with respect to this matter.

Subdivision

- A **non-complying** activity pursuant to Rule 15.2.3.4(i) because the subdivision does not comply with zone standard 15.2.6.3 (i)(a) which requires a minimum lot size of 600m^2. Proposed lots 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, and 14 will be less than 600m^2 and not contain a Residential Unit at the time of the application.

- 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). Council's control is with respect to these matters.

Overall, the proposal was considered as a **non-complying** activity.

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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)). The proposal is for a residential activity in a residential zone.
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	Administrator of State Highway 6A (Shaded red in the image below)
B & S Thomas	Part Lot 1 DP 9121 (shaded yellow in the image below)
Albatross QT Limited	Owner of application site (shaded blue in the image below)

Figure 1: Location of Approvals

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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 7013m^2, a residential density of one residential unit per 450m^2 would allow for 15 residential units to be constructed as a permitted activity, providing all site and zone standards could be met.

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.

Infrastructure:
Council's engineer has provided an assessment on servicing in section 3.0 of the Engineering Report, attached as Appendix 3.

The engineer's specific assessments and advice on considerations of *'water'*, *'sewer and stormwater'*, and *'power and telecommunications'* are accepted and relied upon. It is determined that conditions of consent can ensure that these services are adequately provided to the appropriate standards.

The engineer recommends that a condition is imposed to ensure that no easements in gross shall be provided without prior Council approval. Proposed Lot 7 RM050520 is reliant upon future gravity servicing through this development and the applicant confirms that a suitable easement will be provided. A condition of consent is recommended.

Subject to conditions to ensure that service connections are in accordance with Council's standards, and that appropriate easements are established as necessary, no effects on infrastructure are anticipated.

Earthworks:
Land use consent RM140714 has granted approval for earthworks, to provide for the construction of building platforms and vehicle access to the platforms associated with the current development. The engineer advises conditions of RM140714 prevail and remain applicable, and that no further earthworks conditions are necessary. The engineer nonetheless recommends that conditions of RM140714 should be reinforced, and that a condition of consent can ensure the consent holder is aware of their obligations under RM140714.

The site is founded on schist rock and the underlying consents RM050520 and RM140714 both require a 'Schedule 2A' geotechnical report and certification to attest to site stability, before the construction of any dwelling on site. The engineer advises that conditions of consent are appropriate to ensure this requirement is carried over and highlighted in any grant of consent.

It is determined that subject to conditions, any effects associated with earthworks will be 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 engineer 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 engineer notes this does not negate any Schedule 2A requirements being imposed by the conditioned geotechnical certification process.

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Traffic Generation and Vehicle Movements:
Council's engineer has provided an assessment on transport related considerations in section 2.0 of the Engineering Report. An overview of the engineer's assessment is provided as follows:

Access
The engineer advises that the legal access to Stages 2 - 5 of the proposed development will not be provided until either Stage 2 of RM050520 is completed, or if the Main Access Road is vested under RM050520 (as varied by RM130069), which specified a range of matters that had to be addressed before the road could vest. The engineer advises that it is therefore necessary to impose conditions of consent to ensure that legal access is obtained for the development at subdivision and/or occupation.

The development proposes two internal roads, being Access 4 (plus 4A and 4B) and Access 2, and both intersect with the Main Access Road. Access 2 has a 3.5m minimum formed width with a hairpin bend, and services three residential units. Access 4 has a minimum formed width of 5m, with at least 6m formed width for the first 12m, and will service twelve residential units (and a residential flat). The engineer advises that the road reduces to at least 3.5m width for Access 4A and 4B, and both service less than seven units. The legal and proposed formed widths meet the minimum requirements of District Plan Rule 14.2.4.1(iv), except for a short section of access adjacent to Units 14 & 15. In this location the carriageway narrows to around 5m, which is less than the 6m required for an access serving more than 12 residential units. The engineer's assessment acknowledges that there is additional formed width of 6m provided at the entry to the site for the intersection approach, and that this is unlikely to result in any unsafe traffic outcomes.

A traffic safety audit has been provided by Bartlett Consultants Limited (BCL) for the proposed internal roading configuration, and respective intersections to the Main Access Road. Engineering drawings have been amended to incorporate recommendations of the Bartlett report, including sightline confirmations.

Based on the safety audit, the engineer is satisfied that the roads can provide safe access throughout the site. The engineer recommends that full details of road and intersection designs are provided for further Council assessment, taking into full consideration the BCL traffic safety audit. The engineer also advises that condition requirements are necessary to ensure safety barriers for vehicles, and hand rails for pedestrians.

Having regard to the above, and the associated recommendations of the engineer's report, it is determined that subject to conditions, potential effects associated with access can be appropriately mitigated.

Streetlights
Conditions of consent can ensure that details of proposed street lighting and engineering designs are provided to Council for review. This will ensure that appropriate street lighting is established.

Pedestrian
Pedestrian access through the site has been previously considered under RM050520, and its provision is therefore anticipated, and will be provided as a right of way easement in favour of all development uphill and in compliance with the requirements of RM050520.

The engineer advises that provision for pedestrian safety rails were introduced onto drawings following the BCL safety audit (as discussed above), and that conditions of consent are appropriate to ensure pedestrian hand rails are provided.

Parking and Manoeuvring
The engineer advises that the development will accommodate sufficient parking to provide for the respective units. The engineer also confirms that the various parking area and access dimensions are such, that sufficient parking and manoeuvring can be accommodated.

The engineer recommends 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.

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Subject to conditions, any adverse effects associated with traffic generation and vehicle movements will be less than minor.

Nuisance:
Any nuisance effects will be temporary during the construction period, and subject to a range of conditions, effects will be less than minor.

People and Built Form:
It is acknowledged that the site is located upon a significant 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 Assessment of Effects provided in Section 4.0 of the application report is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report as it relates to the consideration of matters associated with people and built form.

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.

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.

The applicant advises that aside from the collection day, all rubbish and recycling bins will be stored at the residential units. Conditions of consent can ensure that bins remain on the respective residential sites, except on days where refuse/recycling collection is scheduled (or the evening prior).

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 ASSESSMENT: EFFECTS ON PERSONS

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:

Affected Persons Approval has been provided from the owners of Lot 2 DP 305273 to the west, and the New Zealand Transport Agency.

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Having regard to the applicant's assessment of effects upon the environment, it is determined that the elements of the development that are likely to result in material potential effects upon persons, are those associated with height.

In this regard, and given the nature and location of the encroachments, potential effects are assessed upon those units located upon DP 305273 at 658 Frankton Road to the immediate south (highlighted green in figure 2), and those units located upon Lot 1 DP 302574 to the southeast (highlighted yellow in figure 2).

Figure 2: Consideration of Effects

The application site is considerably elevated above those properties identified in Figure 2 above, with the areas of encroachment being located higher upslope. The units upon DP 305273 and DP 302574 are orientated to take advantage of southward lake and mountain views, and it is appreciated that such views to the south are an important source of amenity. Associated outdoor living areas are similarly positioned to behold these southerly views.

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 beyond an unacceptable threshold. Given the location of the development relative to residences in adjoining properties, there will be negligible loss of outlook for those properties, because their views are instead primarily orientated toward the lake.

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 at Lot 1 DP305273 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 separation of the development, and that the topography is steep, there may be some potential for overlooking of surrounding properties, and a consequent loss of privacy. In this regard, it is determined that any loss of privacy will not be significant, and is a consequence of development upon steep hillsides.

It is determined that adverse effects on persons associated with residential character and amenity 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.

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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 of the RMA as required to avoid, remedy or mitigate adverse effects.

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

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 fifteen residential units upon the site, at a density of one unit per 450m^2. 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.

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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 and 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.

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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^2, the residential development meets the required density of one dwelling per 450m^2, 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

The proposal is not contrary to the relevant objectives and policies of the 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.

7.4 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.

7.4 <u>DECISION A: LANDUSE</u> 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.

7.5 <u>DECISION B: SUBDIVISION</u> 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.

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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 Aaron Burt on phone (03) 441 0499 or email aaron.burt@qldc.govt.nz

Report prepared by

Aaron Burt
PLANNER

Decision made by

Blair Devlin
MANAGER, RESOURCE CONSENTS

APPENDIX 1 - Consent Conditions
APPENDIX 2 - Application Report
APPENDIX 3 - Engineering Report

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APPENDIX 1 – CONSENT CONDITIONS

DECISION A – LAND USE

General Conditions

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

    - Lots 1-15 Being A subdivision of Lot 2 LT 485139. Job 11696, Drawing 08 Sheet 01 Rev E. 26.01.15.
    - Easement Layout: Job 11696, Drawing 08 Sheet 002 Rev E. 26.01.15.
    - Staging Plan: Job 11696, Drawing 08 Sheet 003 Rev E. 26.01.15.
    - Parking Layout: Job 11696, Drawing 08 Sheet 004 Rev E. 26.01.15.
    - The Tiers Blocks 2 & 5: Job 11696, Drawing 09 Sheet 001 Rev A. 29.01.15.
    - The Tiers Blocks 2 & 5 Section Views: Job 11696, Drawing 09 Sheet 002 Rev A. 29.01.15.
    - The Tiers Blocks 2 & 5 Shadow Analysis: Job 11696, Drawing 09 Sheet 003 Rev A. 29.01.15.
    - The Tiers Block 1: A3-01, Rev 4 July 2014.
    - The Tiers Block 1: 1-01, 09/11/14.
    - The Tiers Block 1: 1-02, 09/11/14.
    - The Tiers Block B: A2-01, July 2014.
    - The Tiers Block B: A2-02, July 2014.
    - The Tiers Block B: A2-03, July 2014.
    - The Tiers Block B: A2-04, July 2014.
    - The Tiers Block B: A3-01, July 2014.
    - The Tiers Block B: A4-01, July 2014.
    - The Tiers Block 3: A3-01, March 2015.
    - The Tiers Block 5: A1-02, October 2014.
    - The Tiers Block 5: A2-01, October 2014.
    - The Tiers Block 5: A2-03, October 2014.
    - The Tiers Block 5: A1-02, October 2014
    - The Tiers Block 5: A3-01, October 2014
    - The Tiers Block 5: A4-01, October 2014
    - The Tiers Subdivision Overview: Drawing E002 Sheet 001 Rev -. 22.04.15.
    - The Tiers Unit Development Earthworks and Roading Layout: Drawing E002 Sheet 002, Rev -. 22.04.15.
    - The Tiers Development Road Long sections: E002 Sheet 003, Rev -. 22.04.15.
    - The Tiers Development ACC 002 Cross Sections. Drawing E002 Sheet 004, Rev -. 22.04.15.
    - The Tiers Development ACC 004 / 004A Cross Sections. Drawing E002 Sheet 005, Rev -. 22.04.15.
    - The Tiers Development ACC 004B Cross Sections. Drawing E002 Sheet 006, Rev -. 22.04.15.
    - The Tiers Unit Development Typical Cross Sections: Drawing E002 Sheet 007, Rev -. 22.04.15.
    - The Tiers Unit Development Foul Drainage Layout: Drawing E002 Sheet 008, Rev -. 22.04.15.
    - The Tiers Unit Development Foul Drainage Long section: Drawing E002 Sheet 009, Rev -. 22.04.15.
    - The Tiers Unit Development Stormwater Layout: Drawing E002 Sheet 0010, Rev -. 22.04.15.
    - The Tiers Unit Development Stormwater Long sections: Drawing E002 Sheet 0011, Rev -. 22.04.15.
    - The Tiers Unit Development Water Reticulation Layout: Drawing E002 Sheet 0012, Rev -. 22.04.15.
    - The Tiers Unit Development Gas Layout: Drawing E002 Sheet 0013, Rev -. 22.04.15.
    - The Tiers Unit Development Car Parking Layout: Drawing E002 Sheet 15, Rev -. 22.04.15.
    - The Tiers Unit Development Tracking Curves: Drawing E002 Sheet 016, Rev -. 22.04.15.
    - The Tiers Unit Development Tracking Curves: Drawing E002 Sheet 017, Rev -. 22.04.15.
    - The Tiers Landscape Plan: Drawing No 12 Sheet 001. Date 01.01.14.

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

NB: Having regard to the plans above, there is no implication or assumption that any road within the development will become a legal road. Any reference or mention of a legal road is not read to imply that any subsequent process to vest a legal road will be successful.

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.

General

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

4. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

5. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".

6. 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) The provision of a water supply to the 15 residential units in the development. This shall include an Acuflo CM2000 as the toby valve. The costs of the connection shall be borne by the consent holder.

   b) The provision of a foul sewer connection to the 15 residential units in the development. The costs of the connection shall be borne by the consent holder.

   c) The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and be subject to the review of Council prior to implementation.

   d) The provision of fire hydrants with adequate pressure and flow to service all units 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. Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.

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e) A road lighting plan shall be prepared by a suitably qualified lighting specialist in accordance with Council's road lighting policies and standards, including the *Southern Light* strategy and shall be submitted to Council for approval. All road lighting installed on private roads/rights of way/access lots shall be privately maintained and isolated from the Council's lighting network circuits.

f) 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. 11696, Drawing E002, Sheet 015, with visitor parking areas clearly signposted. Provision shall be made for stormwater disposal.

g) The design and formation of internal Access Roads 2, 4, 4A & 4B in accordance with NZS4404:2004, and the recommendations of the Bartlett Consultants traffic audit, dated June 2015. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.

h) 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 45º, 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 NZS 4404:2004 shall be provided following construction and prior to the occupation of the dwelling/building.

i) 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.

j) All earthworks for the site shall be carried out under the conditions of RM140714.

Prior to construction of any dwelling/unit

7. 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 2.11.1 of NZS 4404:2004 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 building development. In the event that the site conditions within the building platforms/lots 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 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) Prior to any occupation, the consent holder shall provide a copy of the computer freehold registers resultant from RM050520 Stage 1 subdivision completion, to the Principal Engineer at Council. For Blocks 2-5 herein, this shall further include evidence demonstrating legal access rights over the Main Access Road and formation of the road to Council's standards in accordance with Condition 4(k) of RM050520.01.

   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 way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

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c) The completion and implementation of all certified works detailed in Condition (6) above.

d) 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.

e) 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.

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 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.

i) The implementation of all landscaping identified on the approved Landscape Plan, as it relates to any and all landscaping identified within the proposed lot areas for each respective Residential Unit. All landscaping identified on Lot 1 DP 305273 shall be established prior to occupation of any unit described as Block 1, being on proposed Lots 1 – 3.

Refuse Collection

9. 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, 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.

Surveyor's Certificate

10. 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 15 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 lots above 370m including Blocks 3-5 herein are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. Although bonded the works will need to be complete prior to occupation.

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3. The consent holder is advised that Schedule 2A geotechnical certification is required under RM140714 conditions prior to construction of any dwelling/units.

4. 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.

5. The consent holder is advised to obtain all necessary consents from the Otago Regional Council.

DECISION B - SUBDIVISION

General Conditions

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

   - Lots 1-15 Being A subdivision of Lot 2 LT 485139. Job 11696, Drawing 08 Sheet 01 Rev E. 26.01.15.
   - Easement Layout: Job 11696, Drawing 08 Sheet 002 Rev E. 26.01.15.
   - Staging Plan: Job 11696, Drawing 08 Sheet 003 Rev E. 26.01.15.
   - Parking Layout: Job 11696, Drawing 08 Sheet 004 Rev E. 26.01.15.
   - The Tiers Landscape Plan: Drawing No 12 Sheet 001. Date 01.01.14.

   stamped as approved on 28 July 2015

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

   NB: Having regard to the plans above, there is no implication or assumption that any road within the development will become a legal road. Any reference or mention of a legal road is not read to imply that any subsequent process to vest a legal road will be successful.

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.

Engineering Conditions

General

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.

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 - 3

   Stage 2: Lots 4 - 8

   Stage 3: Lots 11 - 13

   Stage 4: Lots 9 & 10

   Stage 5: Lots 14 & 15

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Stage 1 shall precede all other stages. Stages 2 - 5 thereafter may be progressed in any order and combined 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. Any balance lots created shall either be serviced to Council's standards or held together in one title with a serviced lot.

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

5. Prior to the commencement of any works on site, the consent holder 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 subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

6. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

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 NZS 4404:2004, 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 Lots 1 - 15 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.

   b) The provision of a foul sewer connection from Lots 1-15 to the reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.

   c) The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and be subject to the review of Council prior to implementation.

   d) The provision of fire hydrants with adequate pressure and flow to service all lots 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) A road lighting plan shall be prepared by a suitably qualified lighting specialist in accordance with Council's road lighting policies and standards, including the *Southern Light* strategy and shall be submitted to Council for approval. All road lighting installed on private roads/rights of way/access lots shall be privately maintained and isolated from the Council's lighting network circuits.

   f) 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. 11696, Drawing E002, Sheet 015, with visitor parking areas clearly signposted. Provision shall be made for stormwater disposal.

   g) The design and formation of internal Access Roads 2, 4, 4A & 4B in accordance with NZS4404:2004, and the recommendations of the Bartlett Consultants traffic audit, dated June 2015. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.

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h) 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.

i) All earthworks for the site shall be carried out under the conditions of RM140714.

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. This shall include a right to drain sewage easement through the subject development in favor of Lot 1 DP485139 (Lot 7 RM050520) for possible future gravity sewer connections.

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 the Council's Property Information Administrator Knowledge Management. and should be lodged 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 of this consent pursuant to Section 224 (c) of the Act, the consent holder shall provide a copy of the computer freehold registers to be created by Stage 1 of subdivision consent RM050520. For Stages 2 – 4 herein this shall further include evidence demonstrating legal access rights over the Main Access Road and formation of the road to Council's standards in accordance with Condition 4(k) of RM050520.01.

b) Prior to certification pursuant to Section 224 (c) of the Act, the construction of one dwelling on-each lot shall be completed. The residential units are to be completed to a stage where they are fully measurable (ie, the walls, floors and roof shall be constructed).

c) 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).

d) The completion and implementation of all works detailed in Condition (7) above.

e) 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.

f) 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.

g) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (5) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater

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and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

h) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.

i) 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.

j) 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.

k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.

l) (Condition removed).

m) 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 2.11.1 of NZS 4404:2004 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 building development.

n) A barrier shall be provided for pedestrian and vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45º, 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 NZS 4404:2004 shall be provided at the completion of the earthworks

o) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

p) The implementation of all landscaping identified on the approved Landscape Plan, as it relates to any and all landscaping identified within the lot areas for each respective Residential Unit. All landscaping identified on Lot 1 DP 305273 shall be established prior to any issue of 224(c) for Lot 1, Lot 2 and Lot 3.

q) At each respective stage, the consent holder shall provide a Surveyors Certificate from an appropriately qualified surveyor to demonstrate that each building in the respective subdivision stage is located exactly as proposed in the application and complies with the maximum height control of the Queenstown Lakes District Plan or the degree of infringement applied for. The Surveyors Certificate shall address the following:

    i. Certify to Council in writing that the foundations of each building constructed within the associated subdivision stage has been set out in accordance with the approved consent in terms of levels and position; and

    ii. 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

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.

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a. All lot owners shall ensure that rubbish and recycling bins are located within their Lots, 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.

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 lots above 370m including proposed Blocks 3-5 herein are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. All bonded the works will need to be completed prior to any occupation.

3. The consent holder is advised to obtain all necessary consents from the Otago Regional Council.

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APPENDIX 2 – APPLICATION REPORT

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ATTACHMENT [A]

Assessment of Effects on the Environment

Alpha Properties Ltd

COMPREHENSIVE DEVELOPMENT
HEIGHT BREACH
OUTDOOR LIVING SPACE
SUBDIVISION

June 2015

Prepared by: Nick Geddes

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

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This Assessment of Effects on the Environment (AEE) has been prepared for Alpha Properties Ltd for consent to construct a building which breaches the maximum height within the Low Density Residential Zone and undertake a subdivision of Lot 2, DP 305273. The AEE accompanies an application for resource consent made under Section 88 of the Resource Management Act (1991) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

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 2 DP 305273, being 3.5103 hectares in area and contained within computer freehold register identifier 21293. A recent search copy of computer freehold register is contained within Attachment [B].

The topography of the site rises up from Frankton Road from 345 to 430 metres above sea level. The terrain consists of moderately to steeply sloping land.

The site affords access from Frankton Road via a right of way easement on the southern boundary.

The site has been felled of wilding Douglas Firs and Sycamore.

There are no structures or buildings on the site. A small stream dissects the north-western corner of the site.

1.3 Site History

RM050520 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.

RM090646 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.

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RM050520.125 Approved 21 December 2012, by Commissioner Sinclair. This granted consent to increase lapse date of RM050520 by three years.

RM130069 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.

RM050520.01 Granted 12th September 2014 to change Conditions 1, 13 and 14 of RM050520 to amend the subdivision design, reference to easements and staging.

RM140714 Granted 12th September 2014 to undertake earthworks to create building platforms for future dwellings.

A copy of the decision for RM140714 is contained in Attachment [D] to this application.

1.4 The Proposal

Part A: Landuse

Due to the steeply sloping nature of the existing topography the establishment of safe and effective building platforms has required substantial foundation design. These works have been completed under RM140714.

Raised foundations are required above the original ground level which has resulted in the height of Residential Block 2 and Block 5 being in excess of the height limit for the zone. The extent of these non-compliances are identified on plans contained in Attachment [E] of this application.

The southern corners of Block 2 stand above the height plane and measure:

- A vertical non-compliance of 1.65m on the south eastern corner which extends over 5m horizontally as viewed on an eastern elevation. This non-compliance reduces to zero over 25m as viewed on the southern elevation.
- A vertical non-compliance of 1.68m on the south western corner which extends over 6m horizontally as viewed on an western elevation. This non-compliance reduces to zero over 33m as viewed on the southern elevation.

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The southern aspect of Block 5 presents a vertical non-compliance of 1.94m on the south western corner which extends over 36m horizontally to the eastern corner which presents a vertical non-compliance of 1.19m as viewed on an eastern elevation.

Residential Block 2 and 5 both feature external cladding which includes:

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

A full set of drawings for Residential Block 2 and 5 are contained in Attachment [F] to this application.

Part B: Subdivision

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".

Residential Blocks 1, 3 and 4 can be constructed within the zone as-of-right. Should consent be granted: Part A of this consent application would authorise building works on Block 2 and 5. Upon completion of external cladding (roofing) the applicant could then seek consent to undertake a subdivision under Part 15.2.6.3 above.

For completeness Part B of this application seeks consent to undertake a subdivision in accordance with Part 15.2.6.3. However, the buildings have not yet been constructed so any approval must be conditional on the roofs being complete. In order to entertain the current application 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)".

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It is noted at the time of lodgement section 224c approval under RM050520.01 is pending. As such, the formal title has not been issued for Lot 2. In order for the current application to be entertained the following condition is offered:

"Prior to certification pursuant to Section 224 (c) of the Act, the consent holder shall provide a copy of the computer freehold registers of Lot 2 to be created by Stage 1 of subdivision consent RM050520.01".

Notwithstanding the above, it is likely that this title will be available at the time a decision is to be issued for the current application. If so, the title will be included in this application and the condition immediately above will no longer be necessary.

Staging

Part B above details that the timing of subdivision follows the construction of the five residential blocks. Therefore, a staged approach to the subdivision of the 15 units is anticipated:

Stage 1: Following the approval of earthworks consent RM140714 the construction of Residential Block 1 does not require formal resource consent. This block contains three residential units where upon the physical completion of works it is anticipated that completion certificates will be applied for Lots 1-3. This stage of works also includes all access for Stages 2-4.

Stage 2: Pertains to the five residential units within Block 2. Upon the physical completion of works it is anticipated that completion certificates will be applied for Lots 4-8. Access to this block will be have been formalised as part of Stage 1.

Stage 3: Pertains to the three residential units within Block 3. Upon the physical completion of works it is anticipated that completion certificates will be applied for Lots 11 -13. Access to this block will be have been formalised as part of Stage 1.

Stage 5: Pertains to the two residential units within Block 4. Upon the physical completion of works it is anticipated that completion certificates will be applied for Lots 9 & 10. Access to this block will be have been formalised as part of Stage 1.

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Stage 5: Pertains to the two residential units within Block 5. Upon the physical completion of works it is anticipated that completion certificates will be applied for Lots 14 & 15. Access to this block will be have been formalised as part of Stage 1.

The above has been detailed on the staging plans contained in Attachment [E] to this application.

1.4 Queenstown Lakes District Council 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 450m²
(c) the net area of the site containing all residential units is 2000m² or larger.

(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:

36m² contained in one area with a minimum dimension of 4.5m at the ground floor level and 8m² contained in one area with a minimum dimension of 2m at any above ground floor level.

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Outdoor living spaces detailed in Part 1.4 above. The areas do not meet the minimum specified, some are split over various levels and do not provide the minimum dimensions required.

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:

- A vertical non-compliance of 1.3m on the south eastern corner of Residential Block 2 which extends 2m horizontally as viewed on an eastern elevation. This non-compliance reduces to zero over 12.25m as viewed on the southern elevation.
- A vertical non-compliance of 1.39m on the south western corner Residential Block 2 which extends over 3.5m horizontally as viewed on an western elevation. This non-compliance reduces to zero over 12.4m as viewed on the southern elevation.
- The southern aspect of Block 5 presents a vertical non-compliance of 1.94m on the south western corner which extends over 36m horizontally to the eastern corner which presents a vertical non-compliance of 1.19m as viewed on an eastern 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.

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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^2. Lots which do not comply with this Zone standard are underlined below:

Lot 1	635m^2	Lot 2	255m^2
Lot 3	320m^2	Lot 4	550m^2
Lot 5	330m^2	Lot 6	320m^2
Lot 7	320m^2	Lot 8	425m^2
Lot 9	375m^2	Lot 10	435m^2
Lot 11	230m^2	Lot 12	175m^2
Lot 13	515m^2	Lot 14	1190m^2
Lot 15	900m^2		

The relevant assessment criteria specified for the above are discussed in detail in Part 4.0 of this application.

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

2.0 WHERE IT IS LIKELY THAT AN 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.

3.0 REPEALED.

4.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:

Part A: Landuse

4.1 Visual Amenity

Due to the sloping topography of the site and the surrounding area land to the north of the site is sufficiently elevated above the subject site which ensures that the proposed

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development is not visible in any visual context when viewed from a northern perspective. Land to the immediate north is owned by Albatross QT Ltd whom provided their Affected Party Approval which is contained in Attachment [H] to this application.

The subject site is partially visible when travelling along Frankton Road east and west bound. However, any visual perspective afforded from this Road is obtained over the apartment complexes of Remarkables and Greenstone Apartments which stand in the immediate foreground adjoining Frankton Road.

Residential Blocks 1, 3 and 4 have been constructed within the bulk and location controls specified for the low density residential zone. The proposed materials of Block 2 and 5 have been detailed in Part 1.4 above and are considered to be naturalistic in appearance and will appear sympathetic to the natural rock which stands along the southern and western boundaries of the site without contrasting to the materials that furnish existing built form in the area.

In the context of the existing bulk, location and material appearance of the existing apartments the proposal is considered to be complimentary and will not detract from the visual amenity afforded from Frankton Road or any property to the south of the subject site.

It is recognised that the eastern elevation of residential Block 5 appears above the large exposed cut into the hillside required to establish access as consented in RM052020.01. The external appearance of the eastern elevation is considered to be sympathetic to the natural rock. Block 5 is situated centrally on the site and when viewed from any visual perspective to the east it must be viewed in the context of existing rock abutments where it will not compromise the level of visual amenity afforded from any property situated to the east of the subject site.

The western elevation of proposed Block 2 will be visible from properties to the west of the subject site. However, Block 2 has been cut into the existing landform, the western elevation is 8 metres in length and features external materials which are considered to be suitably recessive and will not compromise the level of visual amenity afforded on properties to the west of the subject site.

Overall, the appearance proposed residential blocks is consistent with the established buildings on adjoining properties and the surrounding area whilst anticipated in Low Density Residential Zone.

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4.2 Views / Outlook

The western neighbouring property Pt Lot 1 DP9121 contains a residential dwelling located within the south western corner of the site. The site is divided by a centrally located gully which transects the site from north to south. Within this gully and the area up to the common boundary with the subject site is contained in a mature stand of Douglas Fir. A direct visual perspective of the dwelling is not afforded from the subject site.

Due to the differential in elevation between the dwelling on Pt Lot 1 DP9121 and Block 2 the proposed development will not compromise any level of existing outlook or views currently afforded. It is noted that the applicant has obtained the Affected Party Approval of B and S Thomas which is contained in Attachment [H] to this application.

Lot 2 DP20473 is situated to the east of the subject site and contains a residential dwelling. This site remains heavily treed, elevated above Block 2 and 5 and sufficiently removed from the proposed development to ensure that there will be no loss of views or outlook experienced on this property.

Remarkables and Greenstone Apartments are oriented to the south over Lake Wakatipu. Views currently afforded from these properties will not be restricted by the proposal.

Neighbouring lots to the north are owned by Albatross QT Ltd and do not contain any residential dwellings. Affected Party Approval has been obtained from Albatross QT Ltd and is contained in Attachment [H].

Overall, any adverse effects from the proposed development upon the views or outlook afforded from any surrounding property will be negligible.

4.3 Privacy

The western neighbouring property Pt Lot 1 DP9121 contains a residential dwelling located within the south western corner of the site. The site is divided by a centrally located gully which transects the site from north to south. Within this gully and the area up to the common boundary with the subject site is contained in a mature stand of Douglas Fir. A direct visual perspective of the dwelling is not afforded from the subject site.

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On the basis that the trees may be removed at some point it is considered that the distance from Block 2 at 160 metres is sufficient to ensure that any direct visual perspective will be diminished. It is recognised that due to the topography a view can be obtained from a permitted development on the site. It is noted that the applicant has obtained the Affected Party Approval of B and S Thomas which is contained in Attachment [H] to this application.

Lot 2 DP20473 is situated to the east of the subject site and contains a residential dwelling. This site remains heavily treed, elevated above Block 2 and 5 and sufficiently removed from the proposed development to ensure that there will be no loss of privacy experienced on this property.

Due to the sloping topography of the subject site any residential development as-of-right upon this property will enviably result in residents obtaining a visual perspective towards Lake Wakatipu over properties to the south, east and west. Therefore, it is not fanciful to consider the loss of privacy within a permitted baseline. When this baseline is removed from the adverse effects associated with the proposal in terms of privacy afforded on any surrounding properties the sum of the adverse effect is considered to be de minimis.

4.4 Dominance

Due to the sloping topography of the subject site any residential development as-of-right upon this property will enviably appear at an elevation above that of surrounding properties to the south, east and west. This will have effects of dominance upon surrounding properties. Therefore, it is not fanciful to consider these effects as a permitted baseline.

When the adverse effects of dominance attributed to the permitted baseline is removed from those effects associated with the proposal the remainder of the adverse effect is considered to be de minimis.

4.5 Sunlight / Daylight

As detailed in Part 1.4 above the roof space along the southern aspect of residential Block 2 and the roof space across the eastern elevation of residential Block 5 stand above that anticipated within the area.

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An analysis has been undertaken of the extent of shading experienced over the site and adjoining properties and a plan has been compiled which is contained in Attachment [E] to this application. The plan depicts the extent of shading on the 21st June and 20th September which would occur over the property by virtue of the topography of Queenstown Hill (grey), shading associated with the proposal (orange) in comparison to shading experienced with a complying development across the subject site (blue).

Shading 12pm 21st June (Shortest Day) in grey which is cast by the existing topography extends beyond that associated with the height infringements of residential Block 2 and 5.

Shading 12pm 20th September (Longest Day) demonstrates that the shadow cast by the proposed development does not extend beyond the southern boundary of the site. However, it does extend over the boundary onto the western neighbour Pt Lot 1 DP 9121 by approximately 5 metres. It is noted that the Affected Party Approval has been obtained from B and S Thomas and is contained in Attachment [H].

Overall, the proposed development does not restrict sunlight admission into neighbouring properties towards the shortest day any further than is already experienced due to the distance coupled with the elevation in relation to the ridgeline of Queenstown Hill. On the longest day where the proposed development restricts daylight admission affected party approval has been obtained.

4.6.1 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 any site is 450m^2. The subject site (Lot 2 RM050520.01) is 6968m^2 which could accommodate a maximum of 15 sites. 15 sites are currently proposed within the subject site.

The access arrangements within Lot 2 have been designed and constructed in accordance with QLDC standards as part of RM140714 while access within the larger subdivision development has been approved under RM050520.

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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 4.3 above.

(iii) Level of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.

The proposed development is not considered to result in traffic congestion in relation to Frankton Road / State Highway. The intersection upgrade onto Frankton Road RM050520 has been designed to accommodate the maximum potential yield from the subject site coupled with that of Greenstone and Remarkables Apartments.

The written approval of New Zealand Transport Agency is contained in Attachment [H].

(iv) Pedestrian safety in the vicinity of the activity.

Pedestrian access is provided through easements approved as part of RM050520. The proposed development has installed these easements and provided separate access where physically possible. Access into the out of the intersection onto Frankton Road is via existing arrangements. The intersection upgrade as part of RM050520 facilitates these existing arrangements.

A Road Safety Audit Report has been completed by Bartlett Consulting and is contained in Attachment [G] to this application. The report contains a number of recommendations which have been adopted by the applicant in the design of the subdivision as depicted on plans contained in Attachment [E].

Subject to the placement of hand rails the proposal ensures the safety of pedestrians within the proposed activity.

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(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.

The proposed development is not considered to result in traffic congestion in relation to Frankton Road / State Highway. The intersection upgrade onto Frankton Road RM050520 has been designed to accommodate the maximum potential yield from the subject site coupled with that of Greenstone and Remarkables Apartments.

The written approval of New Zealand Transport Agency is contained in Attachment [H].

A Road Safety Audit Report has been completed by Bartlett Consulting and is contained in Attachment [G] to this application. The report has not identified traffic congestion as a concern.

Based upon the above, the proposal is not considered to result in any additional traffic which has not been anticipated and adequately designed for.

(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 4.0 above.

(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 4.0 above.

(e) The ability to provide adequate opportunities for garden and tree plantings around buildings.

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The existing topography, geology and depth of topsoil diminishes the ability of the proposed development to provide residents with effective gardens. This is further restricted by sunlight admission during critical months which restricts the species which will flourish on the site.

Tree plantings have been restricted on the property in order to maintain the view shafts afforded from residential lots further uphill of the subject site and to avoid a reduction in solar admission into apartments and access roads below the subject site.

The proposed development is not unlike other apartments in the immediate vicinity which afford no garden spaces and remain fully occupied.

The proposed development is intended to offer apartment style living which relies on good internal layout and access to decking spaces to provide healthy living. This is discussed in detail in Part 4.6.2 below.

(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. Discussed further in Part 4.0 above.

(g) The ability to provide adequate vehicle parking and manoeuvring space on site.

The access arrangements within Lot 2 have been designed and constructed in accordance with QLDC standards as part of RM140714 while access within the larger subdivision development has been approved under RM050520. The proposal complies with the number of parking spaces required for fifteen residential units.

A Road Safety Audit Report has been completed by Bartlett Consulting and is contained in Attachment [L] to this application. The report comments that in terms of onsite parking and manoeuvring the proposal “will generally comply with the layout requirements of the QLDC District Plan and would work in an efficient manner”.

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(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. Discussed further in Part 4.0 above.

(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 and Part 4.6.2 below.

(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. Discussed further in Part 4.0 above.

(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.

4.6.2 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.

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(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.

4.6.3 Building Height - Zone Standard Rule [7.5.5.3(v)]

(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;

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- No earthworks have been undertaken on the site prior to 10th October 1995.
- There are no rules requiring the site to be built up.
- The proposed development results in a range in apartment styles and lot sizes which will create a range in price / affordability.

Part B: Subdivision

4.7 Lot Size, Average and Dimension

Proposed lot sizes and dimensions have been accurately represented on the subdivision plan contained in Attachment [E] 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".

Residential Blocks 1, 3 and 4 can be constructed within the zone as-of-right while Part A of this consent application would authorise building works on Block 2 and 5 (should consent be granted). Upon completion of external cladding (roofing) the applicant could then seek consent to undertake a subdivision under Part 15.2.6.3 above.

However, 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:

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"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)".

It is noted at the time of lodgement section 223 and 224c approval under RM050520.01 is pending. As such, the formal title has not been issued for Lot 2. In order for the current application to be entertained the following condition is offered:

"Prior to certification pursuant to Section 224 (c) of the Act, the consent holder shall provide a copy of the computer freehold registers of Lot 2 to be created by Stage 1 of subdivision consent RM050520.01".

Notwithstanding the above, it is likely that this title will be available at the time a decision is to be issued for the current application. If so, the title will be included in this application and the condition immediately above will no longer be necessary.

4.8 Property Access

Access requirements to and from the subject site have been critically considered as part of RM050520, RM130069 and RM050520.01. The subject application does not seek to establish the already approved arrangement.

4.9 Landscaping

There is no landscaping requirement contained in the District Plan and no requirement imposed by previous consenting on the property. As such, it is considered that no landscaping is required as part of the current subdivision application.

4.10 Hazards

RM052020 accurately identified a number of known geotechnical constraints on the subject site which were conditioned accordingly. There were no other hazards raised as part of this original subdivision application.

RM140714 approved a substantial volume of earthworks on the site to establish safe and effective building platforms for the proposed Residential Building Blocks and internal

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driveways within the Lot 2 RM052020. The geotechnical constraints identified in RM052020 were correctly observed in RM140714.

BC140956 has been approved for the construction of the proposed Residential Blocks. Specific foundation design was engineered as part of this application.

Given the above, it is not considered necessary to provide any further consideration towards potential hazards on the site.

4.11 Water Supply

Lot 2 RM052020.01 is to be supplied with water as a requirement set out in the completion of certification towards the issue of title for the subject site. A condition of consent (should consent be granted) requires the consent holder to provide a computer freehold register for the subject site prior to certification of any lots under the current subdivision consent application.

From the boundary of the subject site the division of water supply is allocated to each proposed allotment via easements largely contained within pedestrian and vehicle access. These easements are detailed in the schedule on the proposed scheme plan contained in Attachment [E].

4.12 Stormwater

The design of stormwater disposal within the site has been detailed on the proposed Scheme Plan and its schedule of easements.

4.13 Effluent Disposal

Lot 2 RM052020.01 is to be supplied with water as a requirement set out in the completion of certification towards the issue of title for the subject site. A condition of consent (should consent be granted) requires the consent holder to provide a computer freehold register for the subject site prior to certification of any lots under the current subdivision consent application.

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From the boundary of the subject site the division of water supply is allocated to each proposed allotment via easements largely contained within pedestrian and vehicle access. These easements are detailed in the schedule on the proposed scheme plan contained in Attachment [E].

4.14 Energy Supply and Telecommunications

The design of power and telecommunication reticulation within the site has been detailed on the proposed Scheme Plan and its schedule of easements.

5.0 WHERE THE ACTIVITY INCLUDES THE USE OF HAZARDOUS SUBSTANCES AND INSTALLATIONS, AN ASSESSMENT OF ANY RISKS TO THE ENVIRONMENT WHICH ARE LIKELY TO ARISE FROM SUCH USE:

Not applicable.

6.0 WHERE THE ACTIVITY INCLUDES THE DISCHARGE OF ANY CONTAMINANT…….

Not applicable.

7.0 A DESCRIPTION OF THE MITIGATION MEASURES (SAFEGUARDS AND CONTINGENCY PLANS WHERE RELEVANT) TO BE UNDERTAKEN TO HELP PREVENT OR REDUCE THE ACTUAL OR POTENTIAL EFFECT:

These have been detailed in Part 4.0 of this application.

8.0 AN IDENTIFICATION OF THOSE PERSONS INTERESTED IN OR AFFECTED BY THE PROPOSAL, THE CONSULTATION UNDERTAKEN [IF ANY], AND ANY RESPONSE TO THE VIEWS OF THOSE CONSULTED:

Owners of the State Highway, New Zealand Transport Agency have been consulted and their affected party approval is contained in Attachment [H].

Owners of Pt Lot 1 DP 9121, B & S Thomas have been consulted and their affected party approval is contained in Attachment [H].

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Owners of Lot 2 DP 305273, Albatross QT have been consulted and their affected party approval is contained in Attachment [H].

9.0 WHERE THE SCALE OR SIGNIFICANCE OF THE ACTIVITY'S EFFECT ARE SUCH THAT MONITORING IS REQUIRED, A DESCRIPTION OF HOW, ONCE THE PROPOSAL IS APPROVED, EFFECTS WILL BE MONITORED AND BY WHOM:

Not applicable.

AEE prepared by **Nick Geddes**
CLARK FORTUNE MCDONALD & ASSOCIATES

18th February 2015
Amended July 2015.

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APPENDIX 3 – ENGINEERING REPORT

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QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

ENGINEERING REPORT

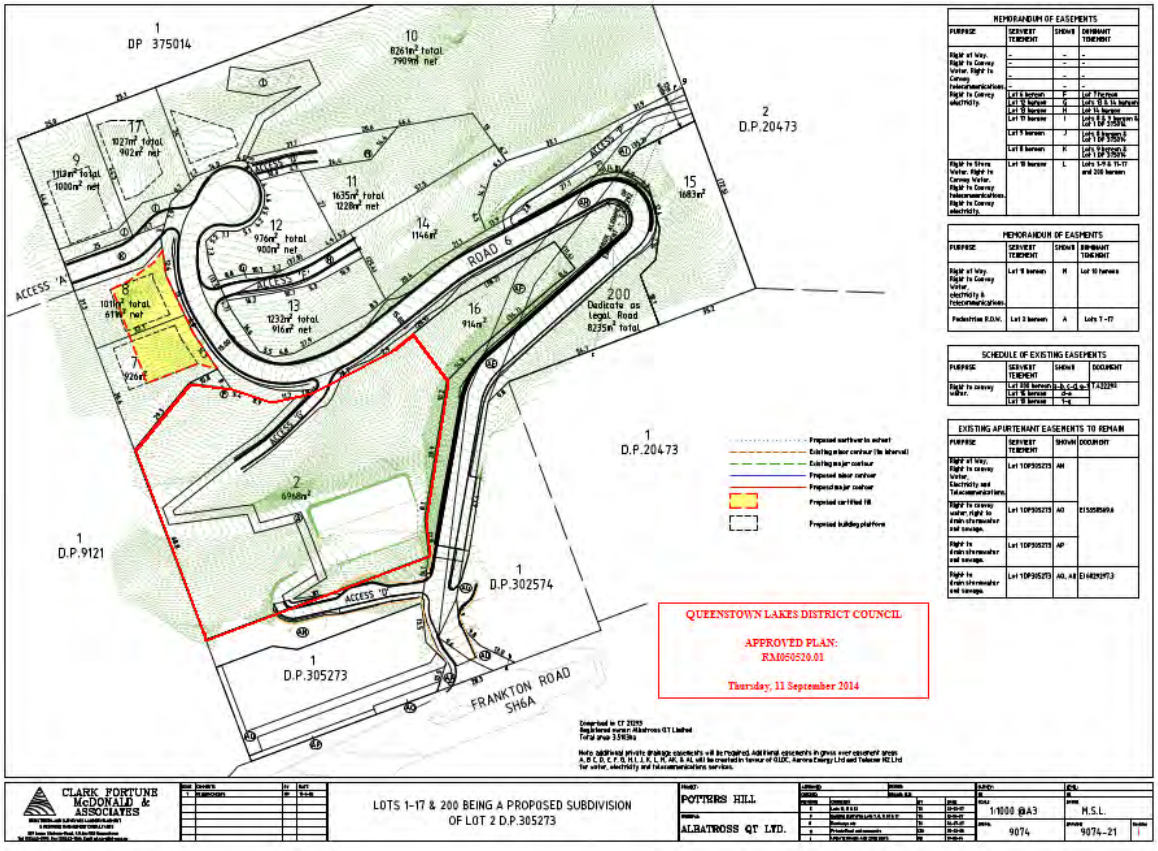
TO: **Aaron Burt**

FROM: **Michael Wardill**

DATE: **10/07/2015**

APPLICATION DETAILS	
REFERENCE	**RM150087**
APPLICANT	ALPHA PROPERTIES NZ LTD
APPLICATION TYPE & DESCRIPTION	SUBDIVISION AND LAND USE FOR: 15 ALLOTMENT STAGED SUBDIVISION AND LAND USE CONSENT TO CONSTRUCT A COMPREHENSIVE RESIDENTIAL DEVELOPMENT (TWO BLOCKS OF FLATS) THAT ALSO BREACH THE HEIGHT RECESSION PLANE
ADDRESS	658A Frankton Rd
ZONING	Low Density Residential
LEGAL DESCRIPTION	Lot 2 LT485139 - being a subdivision of Lot 2 DP 305273
SITE AREA	7013m² approximately.
ACTIVITY STATUS	Non Complying

Location Diagram - Lot 2 RM050520.01 outlined red for clarity



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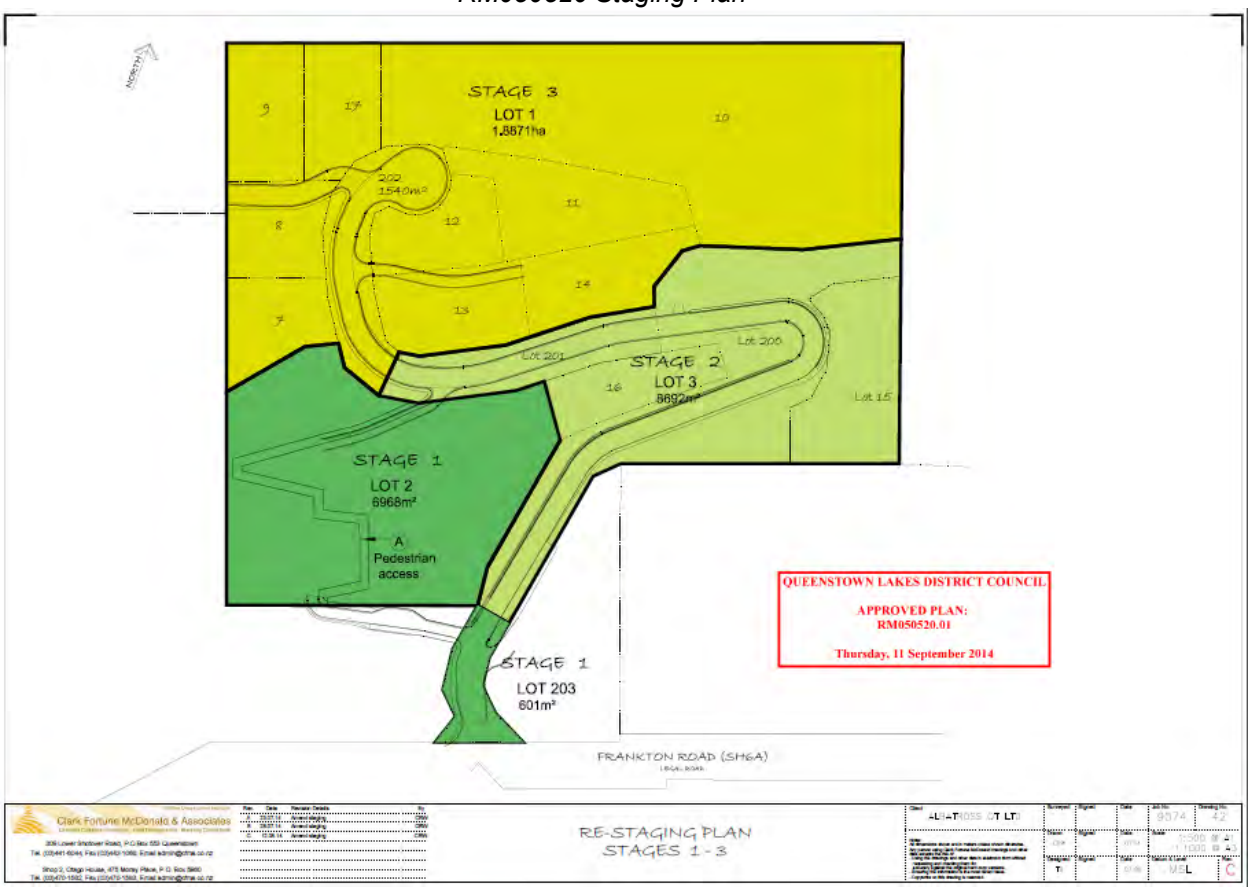
RM050520 Staging Plan



Application	**Reference Documents**	QLDC Stage 1 engineering approvals for RM050520, dated 26th June 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 Lot 2 RM050520 access and future dwellings.
	Date of site visit	03-07-2015

1.0 SUBDIVISION

A 15 lot fee simple subdivision is proposed to be created from fee simple Lot 2 LT485139 of RM050520.

The proposed lots range in size between 175m2 and 1190m2 and each lot is proposed to contain a residential unit with Lot 15 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)".

RM050520.01 approved staging to the underlying development RM050520 with Stage 1 therein being the creation of the subject Lot 2 LT485139 and balance Lot 1 LT485139. Council engineering approval was provided for Stage 1 RM050520 on the 26th June 2015 for the provision of services and

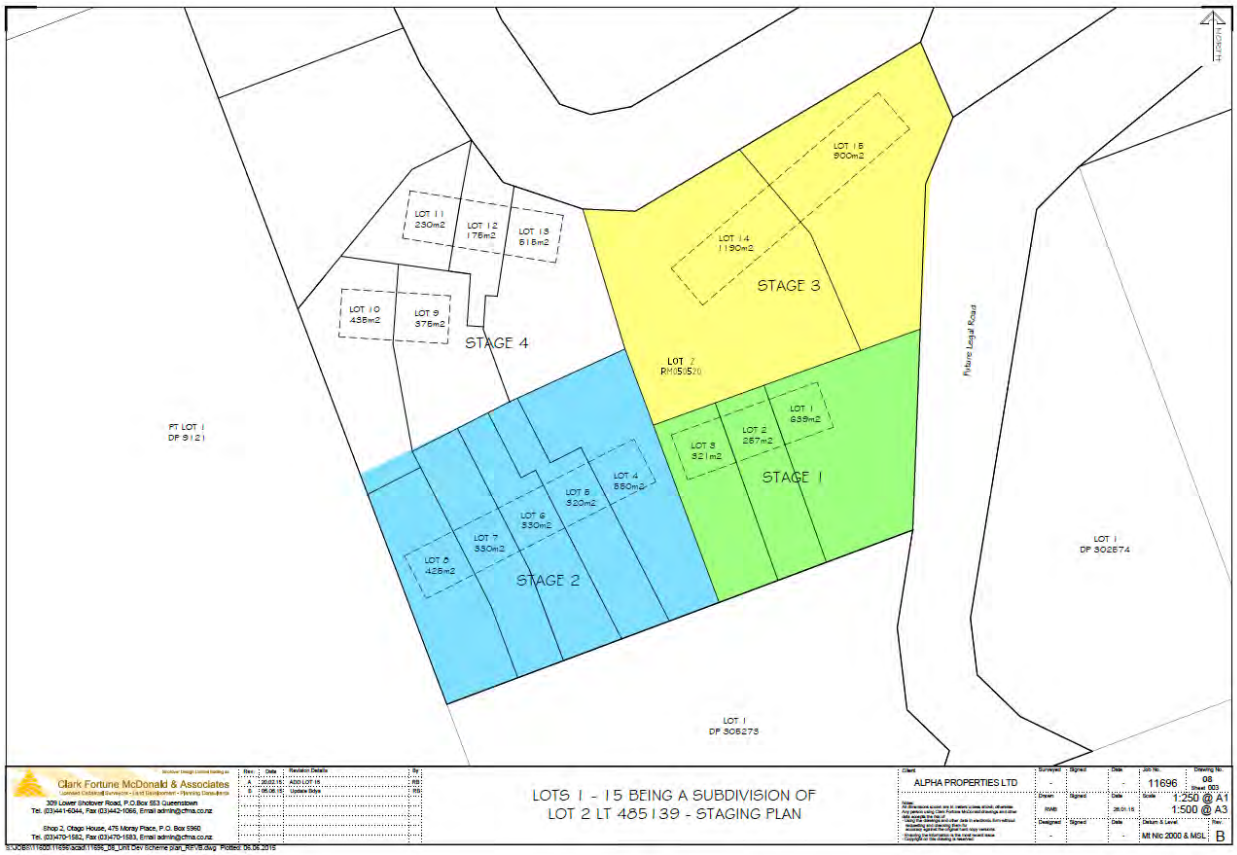
access to the underlying development. For obvious reasons this subdivision cannot precede the infrastructure provisions provided therein. The current subdivision application is proposed to be complete within 4 stages and is shown on the below Staging Plan. Access to Stage 1 of this consent will be established on completion of Stage 1 RM050520 however legal access to Stages 2-4 herein will not be provided until either completion of Stage 2 RM050520 or vesting of the Main Access Road. The applicant has volunteered a condition linking the issue of RM050520.01 Stage 1 titles with the completion of this subdivision and I recommend the volunteered condition is amended to reflect the staging and subdivision access requirements.

Prior to certification of this consent pursuant to Section 224 (c) of the Act, the consent holder shall provide a copy of the computer freehold registers to be created by Stage 1 of subdivision consent RM050520. For Stages 2 – 4 herein this shall further include evidence demonstrating legal access rights over the Main Access Road and formation of the road to Council's standards in accordance with Condition 4(k) of RM050520.01.

Also to prevent occupancy of non-serviced or non-accessible residential units I recommend similar 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 2-4 herein in any order.

Proposed 15 Lot (4 staged) Subdivision of Lot 2 LT485139



2.0 TRANSPORT

Access

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. Access to the site at 658A Frankton Road is proposed via a partially constructed private road (Main Access Road) over Lot 1 LT 485139 of RM050520. The Main Access Road is being constructed in stages as part of RM050520 with only the lower portion of the Main Access Road and the Engineering Design (but not construction) for the lower portion of this road has been assessed by Council to date.

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Stage 1 of RM050520 includes right of way easements over the lower portion of the Main Access Road and over the rear boundary of Lot 1 DP 305273 in favour of the subject lot, which will allow legal access to Stage 1 of this consent. However, there are no easements proposed over the remaining sections of the Main Access Road under Stage 1 of RM050520 to access Stages 2 - 4 of this consent. As per subdivision discussion, the legal access to Stages 2 - 4 of this consent will not be provided until either Stage 2 of RM050520 is completed, or the Main Access Road is vested. Related conditions ensuring legal access is obtained for the development at subdivision and/or occupation are recommended. The Staging approved by RM050520 is shown on the *RM050520 Staging Plan* above.

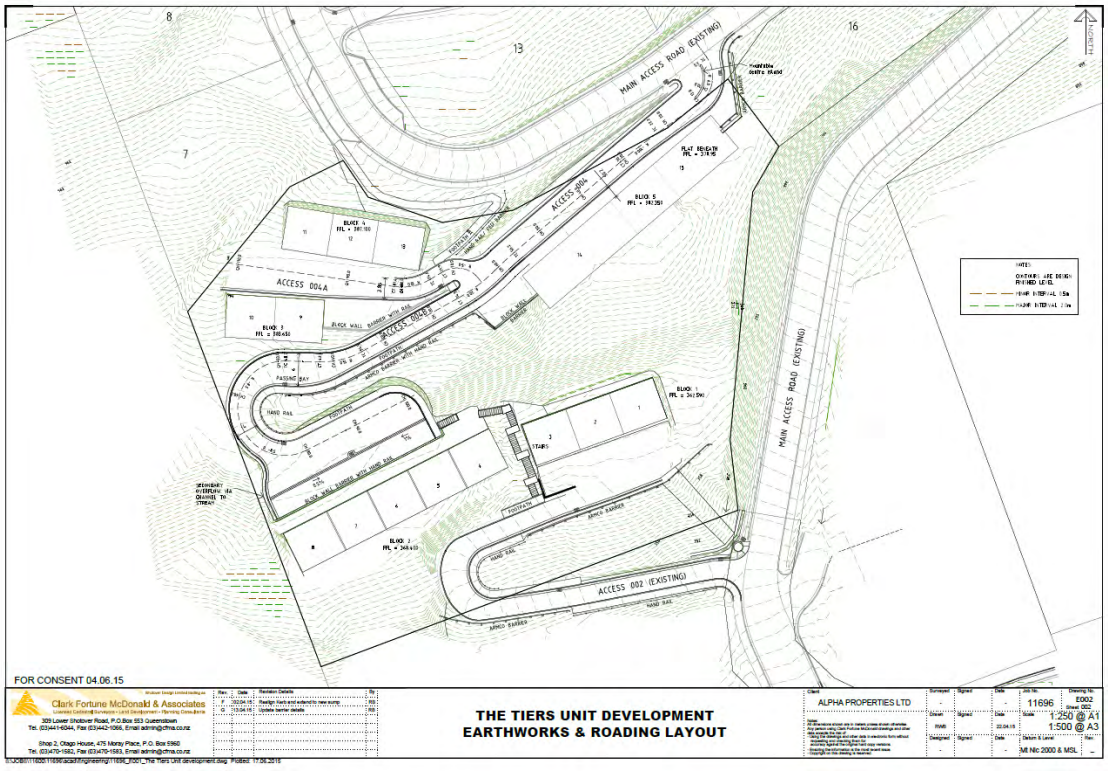
The development proposes 2 internal roads being Access 4 (plus 4A and 4B) and Access 2 and both intersect with the Main Access Road. Access 2 has a 3.5m minimum formed width with a hairpin bend and services 3 residential units. Access 4 has a minimum formed width of 5m, with at least 6m formed width for the first 12m and will service 12 residential units and a residential flat. The road reduces to at least 3.5m width for Access 4A and 4B and both service less than 7 units. The legal and proposed formed widths meet the minimum width requirements of District Plan Rule 14.2.4.1(iv) except for a short section of access adjacent to Units 14 & 15. The carriageway narrows to around 5m in this location, which is less than the 6m required for an access serving more than 12 residential units. However, as there is additional formed width of 6m provided at the entry to the site for the intersection approach, I am satisfied this is unlikely to result in any unsafe traffic outcomes.

Traffic swept path details (tracking curves) have been provided that demonstrate access can be achieved for 8m medium rigid trucks for either emergency service or rubbish collection. Additionally increased width for passing is provided at the top of Access 4B hairpin with sight distances confirmed as available.

A traffic safety audit has been provided by Bartlett Consultants Limited (BCL) for the proposed internal roading configuration and respective intersections to the Main Access Road. Engineering drawings have been amended to incorporate recommendations of the Bartlett report including sightlight confirmations.

Based on the safety audit I am satisfied that the roads can provide safe transport throughout the site and I recommend full details of road and intersection designs are provided for further Council assessment, taking into full consideration the BCL traffic safety audit. I also recommend supporting conditions requiring safety barriers for vehicles and hand rails for pedestrians.

Proposed Roading 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 Stage 1 RM050520 subdivision plans are held by Council as *LT485139* that will provide pedestrian access through the site, by way of easement instrument, in favour of all development uphill and in compliance with the requirements of RM050520. The physical formation is proposed to link pedestrian access from/to the Main Access Road. For this development pedestrian easements are in favour of all lots herein over both the existing easement areas and the proposed access roads. Provisions for pedestrian safety rails were introduced onto drawings following the BCL safety audit and as discussed above I recommend a supporting condition of consent requiring pedestrian hand rails.

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 24 (23.5) required parking spaces and drawings indicate 33 parking spaces will be provided. 3 of the proposed spaces will be general visitor parks within Lot 14 and right of way easements are proposed to these spaces, in favour of all lots, on the Scheme Plan layout.

Following site inspection it is evident some areas potentially contain more parking than identified on the drawings. This includes sufficient space to tandem park in front of the Lot 2 garage. In any case 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 and details of Block 2 carparks show a 1% parking gradient with wheel stops to limit travel. This meets the dimensional and manoeuvring requirements of Appendix 7 of the District Plan for Class 1 users[1]. 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, with the exception of water mains/rider mains, are proposed to remain privately owned. Easements are required for both the Council and private infrastructure however it is currently unclear whether the Council wish to accept ownership of any services upon private land. This is especially undesirable if upstream portions of the infrastructure were privately held and current staging of underlying titles creates uncertainty in this regard. A condition is provided that no easements in gross shall be provided without prior Council approval. Lot 7 RM050520 is reliant upon future gravity servicing through this development and the applicant confirms that a suitable easement will be provided. A condition of consent is recommended.

Water
The provision of potable to Lot 2 LT485139 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 3 & 4 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.

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[1] *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*

Sewer and Stormwater
The provision of sewer and stormwater services to/from Lot 2 LT485139 were assessed and certified by the Council engineering approval for Stage 1 RM050520 in June 2015. The Council's *Team Leader for Asset Performance* has also confirmed that downstream capacity exists in Council reticulation. 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.

It is noted that discharge of stormwater to the gulley stream located west of the development may require consent from the Otago Regional Council. An advice note is recommended that all necessary consent be obtained from the Otago Regional Council.

Power and Telecommunications
Capacity was established during the underlying consent and I am satisfied that servicing remains feasible. I recommend conditions of consent requiring evidence of supply prior to subdivision completion.

4.0 EARTHWORKS

Approval was provided by Council under RM140714 for earthworks on this site to allow the construction of building platforms and vehicle access to the platforms within the site. This provided for a combined cut and fill volume of up to 7,430m^3 and is unchanged by the subject development. Infrastructure service installations required for this consent are contained within existing earthwork areas with no additional earthworks are identified, to that already approved. I am satisfied that no further earthwork conditions are necessary in addition to those already in place. For clarity however I recommend a condition of consent that all earthworks are carried out in accordance with the requirements of RM140714.

The site is founded on schist rock and the underlying consents RM050520 and RM140714 both require a 'Schedule 2A' geotechnical report and certification to attest to site stability, before the construction of any dwelling on site. A supporting condition is recommended within both land use and subdivision conditions.

5.0 HAZARDS

The site is identified as Lot 2 LT485139, being a subdivided lot in the lower part of Lot 2 DP 305273 as part of Stage 1 of RM050520. 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. Note this does not negate any Schedule 2A requirements being imposed by the conditioned geotechnical certification process.

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 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

2. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

3. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".

4. 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 (1), to detail the following engineering works required:

   a) The provision of a water supply to the 15 residential units in the development. This shall include an Acuflo CM2000 as the toby valve. The costs of the connection shall be borne by the consent holder.

   b) The provision of a foul sewer connection to the 15 residential units in the development. The costs of the connection shall be borne by the consent holder.

   c) The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and be subject to the review of Council prior to implementation.

   d) The provision of fire hydrants with adequate pressure and flow to service all units 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. 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) A road lighting plan shall be prepared by a suitably qualified lighting specialist in accordance with Council's road lighting policies and standards, including the *Southern Light* strategy and shall be submitted to Council for approval. All road lighting installed on private roads/rights of way/access lots shall be privately maintained and isolated from the Council's lighting network circuits.

   f) 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. 11696, Drawing E002, Sheet 015, with visitor parking areas clearly signposted. Provision shall be made for stormwater disposal.

   g) The design and formation of internal Access Roads 2, 4, 4A & 4B in accordance with NZS4404:2004, and the recommendations of the Bartlett Consultants traffic audit, dated June 2015. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.

   h) 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 45º, within 2m of the edge of the access

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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 NZS 4404:2004 shall be provided following construction and prior to the occupation of the dwelling/building.

i) 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.

j) All earthworks for the site shall be carried out under the conditions of RM140714.

Prior to construction of any dwelling/unit

5. 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 2.11.1 of NZS 4404:2004 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 building development. In the event that the site conditions within the building platforms/lots 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 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) Prior to any occupation, the consent holder shall provide a copy of the computer freehold registers resultant from RM050520 Stage 1 subdivision completion, to the Principal Engineer at Council. For Blocks 2-5 herein, this shall further include evidence demonstrating legal access rights over the Main Access Road and formation of the road to Council's standards in accordance with Condition 4(k) of RM050520.01.

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 way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

c) The completion and implementation of all certified works detailed in Condition (4) above.

d) 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.

e) 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.

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 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.

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 lots above 370m including Blocks 3-5 herein are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. Although bonded the works will need to be complete prior to occupation.

3. The consent holder is advised that Schedule 2A geotechnical certification is required under RM140714 conditions prior to construction of any dwelling/units.

4. 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.

5. The consent holder is advised to obtain all necessary consents from the Otago Regional Council.

Further decisions follow

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 New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

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 - 3

   Stage 2: Lots 4 - 8

   Stage 3: Lots 14 - 15

   Stage 4: Lots 9 - 13

   Stage 1 shall precede all other stages. Stages 2 - 4 thereafter may be progressed in any order and combined 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. Prior to the commencement of any works on site, the consent holder 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 subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

4. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

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 NZS 4404:2004, 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 Lots 1 - 15 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.

   b) The provision of a foul sewer connection from Lots 1-15 to the reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.

   c) The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and be subject to the review of Council prior to implementation.

d) The provision of fire hydrants with adequate pressure and flow to service all lots 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) A road lighting plan shall be prepared by a suitably qualified lighting specialist in accordance with Council's road lighting policies and standards, including the *Southern Light* strategy and shall be submitted to Council for approval. All road lighting installed on private roads/rights of way/access lots shall be privately maintained and isolated from the Council's lighting network circuits.

f) 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. 11696, Drawing E002, Sheet 015, with visitor parking areas clearly signposted. Provision shall be made for stormwater disposal.

g) The design and formation of internal Access Roads 2, 4, 4A & 4B in accordance with NZS4404:2004, and the recommendations of the Bartlett Consultants traffic audit, dated June 2015. This shall include the formation of all intersections, in accordance with the latest Austroads intersection design guides.

h) 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.

i) All earthworks for the site shall be carried out under the conditions of RM140714.

To be completed before Council approval of the Survey Plan

6. 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. This shall include a right to drain sewage easement through the subject development in favor of Lot 1 DP485139 (Lot 7 RM050520) for possible future gravity sewer connections.

      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 the Council's Property Information Administrator Knowledge Management. and should be lodged prior to the application for the section 223 certificate]

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

7. 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 of this consent pursuant to Section 224 (c) of the Act, the consent holder shall provide a copy of the computer freehold registers to be created by Stage 1 of subdivision consent RM050520. For Stages 2 – 4 herein this shall further include evidence demonstrating legal access rights over the Main Access Road and formation of the road to Council's standards in accordance with Condition 4(k) of RM050520.01.

   b) 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).

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c) 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).

d) The completion and implementation of all works detailed in Condition (5) above.

e) 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.

f) 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.

g) 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.

h) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.

i) 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.

j) 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.

k) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.

l) 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.

m) 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 2.11.1 of NZS 4404:2004 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 building development.

n) A barrier shall be provided for pedestrian and vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45º, 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 NZS 4404:2004 shall be provided at the completion of the earthworks

o) 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/Consent Notices

5. 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 us 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.

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.

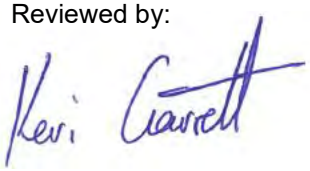
2. The consent holder is advised that lots above 370m including proposed Blocks 3-5 herein are reliant upon the completion of bonded works within Stage 1 RM050520 to achieve necessary domestic and fire fighting flows and pressures. All bonded the works will need to be completed prior to any occupation.

3. The consent holder is advised to obtain all necessary consents from the Otago Regional Council.

Prepared by:

Michael Wardill
ENGINEER

Reviewed by:



Keri Garrett
SENIOR RESOURCE MANAGEMENT ENGINEER

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

FOR CONSENT 23.07.2015

Shotover Design Limited trading as
Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants
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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	20.02.15	ADD LOT 15	RB
C	23.06.15	Change Block 5 carpark layout	RB

LOTS 1 - 15 BEING A SUBDIVISION OF LOT 2 LT 485139

Client: ALPHA PROPERTIES LTD

Notes:
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- Ensuring the information is the most recent issue.
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Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	08 Sheet 001
Drawn	**Signed**	**Date**	**Scale**	
RWB		26.01.15	1:250 @ A1 1:500 @ A3	
Designed	**Signed**	**Date**	**Datum & Level**	**Rev.**
-		-	Mt Nic 2000 & MSL	E

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Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

NORTH

NOTES:

SHOWN PARCEL AND EASEMENT BOUNDARYS ARE SUBJECT TO FINAL SURVEY OF BUILDING AND SERVICE LOCATIONS, FINAL LOCATIONS OF BUILDING MAY CHANGE

ADDITIONAL SERVICE EASEMENTS MAY BE REQUIRED

SUBJECT TO RESOURSE CONSENT

SUBJECT TO FINAL LT SURVEY.

ALL LOTS WILL BE SUBJECT TO LAND COVENANTS DEFINING PRIVATE AND COMMON AREAS & TO ALLOW FOR A BODY CORPRATE STRUCTURE

- R.O.W - VEHICLES & PEDESTRIANS
- R.O.W - EXISTING PEDESTRIAN ROW
- PARTY WALL EASEMENT

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	DOMINANT TENEMENT	SERVIENT TENEMENT
RIGHT OF WAY (ACC 002)	A	Lots 1, 2 & 4 Hereon	Lot 6 Hereon
	B & C		Lot 5 Hereon
	D, E, F, G, H		Lot 4 Hereon
	X, L, M	Lots 1 & 2 Hereon	Lot 3 Hereon
	N	Lots 1 & 3 Hereon	Lot 2 Hereon
	O	Lots 2 & 3 Hereon	Lot 1 Hereon
	CB, CA, BZ	Lots 8 - 14 Hereon	Lot 15 Hereon
Right of way (ACC 004)	BY, BX, BW, BV, BU, BT, BY	Lots 2 - 13 & 15 Hereon	Lot 14 Hereon
	BL, BK, BG, BH, BI, BJ, BK, CD	Lots 3 - 12 & 14, 15 Hereon	Lot 13 Hereon
	BN, BO	Lot 9 - 11 & 13 Hereon	Lot 12 Hereon
	BQ, BR	Lots 9, 10, 12 & 14 Hereon	Lot 11 Hereon
	AS, AT, AU, AV, AW, AX, AY	Lots 4 - 8 Hereon	Lot 10 Hereon
	AZ	Lot 6, 11 - 15 Hereon	
	BP	10 - 13 Hereon	Lot 9 Hereon
	BA, BB, BC, BD, CC	Lots 4 - 8 & 10 Hereon	
	AO, AR	Lots 4 - 7 Hereon	Lot 8 Hereon
	AL, AM, AN, AO, AP	Lots 3 - 6 & 8 Hereon	Lot 7 Hereon
	AH, AI, AJ	Lot 3, 4, 7 & 8 Hereon	Lot 6 Hereon
	AE, AF, AG, CE	Lot 4 & 6 - 8 Hereon	Lot 5 Hereon
	AA, AB	Lots 2 - 8 Hereon	Lot 4 Hereon
RIGHT TO DRAIN SEWAGE	BZ, CA, CB	Lots 1 - 14 Hereon	Lot 15 Hereon
	BT, BX, BW, BV, BU, BT, W	Lots 1 - 14 & 15 Hereon	Lot 14 Hereon
RIGHT TO DRAIN STORMWATER	BL, BK, BJ, BH, BI, BG, BK, BJ	Lots 1 - 12 & 14, 15 Hereon	Lot 13 Hereon
	BO, BN, BM	Lots 1 - 12 & 14, 15 Hereon	Lot 12 Hereon
	BK, BQ	Lots 1 - 10, 12, 15 Hereon	Lot 11 Hereon
RIGHT TO CONVEY WATER	AS, AT, AU, AV, AW, AX, AY, AZ	Lots 1 - 9 & 11 - 15 Hereon	Lot 10 Hereon
	BA, BB, BC, BD, BP	Lots 1 - 8 & 10 - 15 Hereon	Lot 9 Hereon
RIGHT TO CONVEY ELECTRICITY	AO, AR	Lots 1 - 7 & 9 - 15 Hereon	Lot 8 Hereon
	AL, AM, AN, AO, AP	1 - 6 & 8 - 15 Hereon	Lot 7 Hereon
RIGHT TO CONVEY GAS	AH, AI, AJ, AK	1 - 5 & 7 - 15 Hereon	Lot 6 Hereon
	AD, AE, AF, AG, CE	Lot 1 - 4 & 6 - 15 Hereon	Lot 5 Hereon
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	AA, AB, AC, Z, Y, Q, X, O, N, I	Lots 1 - 3 & 5 - 15 Hereon	Lot 4 Hereon
	J, K, L, P, M, S	Lots 1, 2 & 4 - 15 Hereon	Lot 3 Hereon
	N, I	Lots 1 Hereon	Lot 2 Hereon
RIGHT TO DRAIN SEWAGE	DD	Lots 1 - 8 Hereon	Lot 9 Hereon
	DC	Lots 1 - 8 Hereon	Lot 8 Hereon
	DB	Lots 1 - 7, 8 Hereon	Lot 7 Hereon
	DA	Lot 8 Hereon	Lot 7 Hereon
RIGHT TO DRAIN STORMWATER	S	Lot 1, 2, 14 & 15 Hereon	Lot 3 Hereon
	I	Lot 1, 14 & 15 Hereon	Lot 2 Hereon
	H	Lot 14 & 15 Hereon	Lot 1 Hereon
RIGHT TO DRAIN SEWAGE	V	Lot 15 Hereon	Lot 14 Hereon
	BL, BK	Lot 13 Hereon	Lot 1 DP 489139
	BM, BN	Lot 12 Hereon	
	BO, BR	Lot 12 Hereon	
RIGHT TO DRAIN SEWAGE	BZ	Lot 15 Hereon	
	BV, BW	Lot 14 Hereon	
	BQ, BP	Lot 14 Hereon	
	AT, AV, AI, AU	Lot 10 Hereon	
	BB, BC	Lot 9 Hereon	
RIGHT TO DRAIN STORMWATER	AR	Lot 8 Hereon	
	AP, AM	Lot 7 Hereon	
	AJ, AK	Lot 6 Hereon	
	AD, AI, CE	Lot 5 Hereon	
	AC, Z, S, H, I, CE	Lot 4 Hereon	
	P, J, K, L, M	Lot 3 Hereon	
Party Wall	PA	Lot 2 Hereon	Lot 1 Hereon
	PB	Lot 2 Hereon	Lot 2 Hereon
	PC	Lot 3 Hereon	Lot 2 Hereon
	PD	Lot 3 Hereon	Lot 3 Hereon
	PE	Lot 5 Hereon	Lot 4 Hereon
	PF	Lot 4 Hereon	Lot 5 Hereon
	PG	Lot 6 Hereon	Lot 5 Hereon
	PH	Lot 5 Hereon	Lot 6 Hereon
	PI	Lot 7 Hereon	Lot 6 Hereon
	PJ	Lot 6 Hereon	Lot 7 Hereon
	PK	Lot 8 Hereon	Lot 7 Hereon
	PL	Lot 7 Hereon	Lot 8 Hereon
	PR	Lot 14 Hereon	Lot 15 Hereon
	PQ	Lot 15 Hereon	Lot 14 Hereon
	PM	Lot 10 Hereon	Lot 9 Hereon
	PN	Lot 9 Hereon	Lot 10 Hereon
	PP	Lot 12 Hereon	Lot 11 Hereon
	PO	Lot 11 Hereon	Lot 12 Hereon
	PQ	Lot 13 Hereon	Lot 12 Hereon
	PR	Lot 12 Hereon	Lot 13 Hereon
Right to park	ZZ	Lot 14 hereon	Lots 4 - 15 hereon

MEMORANDUM OF EASEMENTS IN GROSS

	AT	Lot 15 Hereon	
	BY, BW	Lot 14 Hereon	
	BG, BH, BI, BJ	Lot 13 Hereon	
	BM, BN	Lot 12 Hereon	
	BQ, BR	Lot 11 Hereon	
	AS, AU, AI, AQ	Lot 10 Hereon	
RIGHT TO CONVEY WATER	AR	Lot 9 Hereon	Queenstown Lakes District Council
	AP, AM	Lot 7 Hereon	
	AL, AK	Lot 6 Hereon	
	AD, AE, CE	Lot 5 Hereon	
	AC, Z, G, H, I	Lot 4 Hereon	
	J, K, L, M	Lot 3 Hereon	
	N	Lot 2 Hereon	
	O	Lot 1 Hereon	
	CA, CB, BZ	Lot 15 Hereon	
	BY, BX, BW, BV, BU, BT, W	Lot 14 Hereon	
	BP, BQ, BA, BB, BC, BD, BE	Lot 13 Hereon	
	BL	Lot 12 Hereon	
	BN, BM	Lot 12 Hereon	
	BS, BR	Lot 11 Hereon	
RIGHT TO CONVEY ELECTRICITY	AS, AT, AU, AV, AW, AX, AY	Lot 10 Hereon	Aerodrome
	BS, BC, BD, BP	Lot 9 Hereon	
	AQ, AR	Lot 8 Hereon	
	AL, AM, AP	Lot 7 Hereon	
	AJ, AK	Lot 6 Hereon	
	AD, AI, CE	Lot 5 Hereon	
	AC, Z, Y, Q, X, G, I, P, M, S	Lot 4 Hereon	
	CA, CB, BZ	Lot 3 Hereon	
	BY, BX, BW, BV, BU, BT, W	Lot 2 Hereon	
	BB, BG, BH, BI, BK, BJ	Lot 1 Hereon	
	BN, BM	Lot 12 Hereon	
	BS, BO	Lot 11 Hereon	
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	AS, AT, AU, AV, AW, AX, AY	Lot 10 Hereon	Queenstown Lakes District Council
	BS, BC, BD, BP	Lot 9 Hereon	
	AQ, AR	Lot 8 Hereon	
	AL, AM, AP	Lot 7 Hereon	
	AJ, AK	Lot 6 Hereon	
	AD, AI, CE	Lot 5 Hereon	
	AC, Z, Y, Q, X, G, I, P, M, S	Lot 4 Hereon	
		Lot 3 Hereon	
		Lot 2 Hereon	

FOR CONSENT 23.07.2015

Shotover Design Limited trading as
Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants
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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

Rev.	Date	Revision Details	By
A	20.02.15	ADD LOT 15	RB
B	05.06.15	update layout with current unit locations and RD	RB
E	23.07.15	Add right to park area	RB

LOTS 1 - 15 BEING A SUBDIVISION OF LOT 2 LT 485139 - EASEMENT LAYOUT

Client: ALPHA PROPERTIES LTD

Surveyed	Signed	Date	Job No.	Drawing No.	
-		-	11696	08 Sheet 002	
Drawn	Signed	Date	Scale	1:250 @ A1 1:500 @ A3	
RWB		26.01.15			
Designed	Signed	Date	Datum & Level	Rev.	
-		-	Mt Nic 2000 & MSL	E	

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

NORTH

LOT 15
900m2

LOT 14
1190m2

STAGE 3

LOT 11
230m2

LOT 12
175m2

LOT 13
515m2

STAGE 5

LOT 10
435m2

LOT 9
375m2

STAGE 4

LOT 2
RM050520

LOT 3
320m2

LOT 2
255m2

LOT 1
635m2

STAGE 1

LOT 4
550m2

LOT 5
330m2

LOT 6
330m2

STAGE 2

LOT 7
320m2

LOT 8
425m2

PT LOT 1
DP 9121

LOT 1
DP 302574

TIERS LANE

Existing Easements over Lot 1 DP 305273

LOT 1
DP 305273

FOR CONSENT 23.07.2015

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Rev.	Date	Revision Details	By
A	20.02.15	ADD LOT 15	RB
B	05.06.15	Update Bdys	RB

LOTS 1 - 15 BEING A SUBDIVISION OF LOT 2 LT 485139 - STAGING PLAN

Client: ALPHA PROPERTIES LTD

Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	08 Sheet 003

Drawn	Signed	Date	Scale
RWB		26.01.15	1:250 @ A1 1:500 @ A3

Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	E

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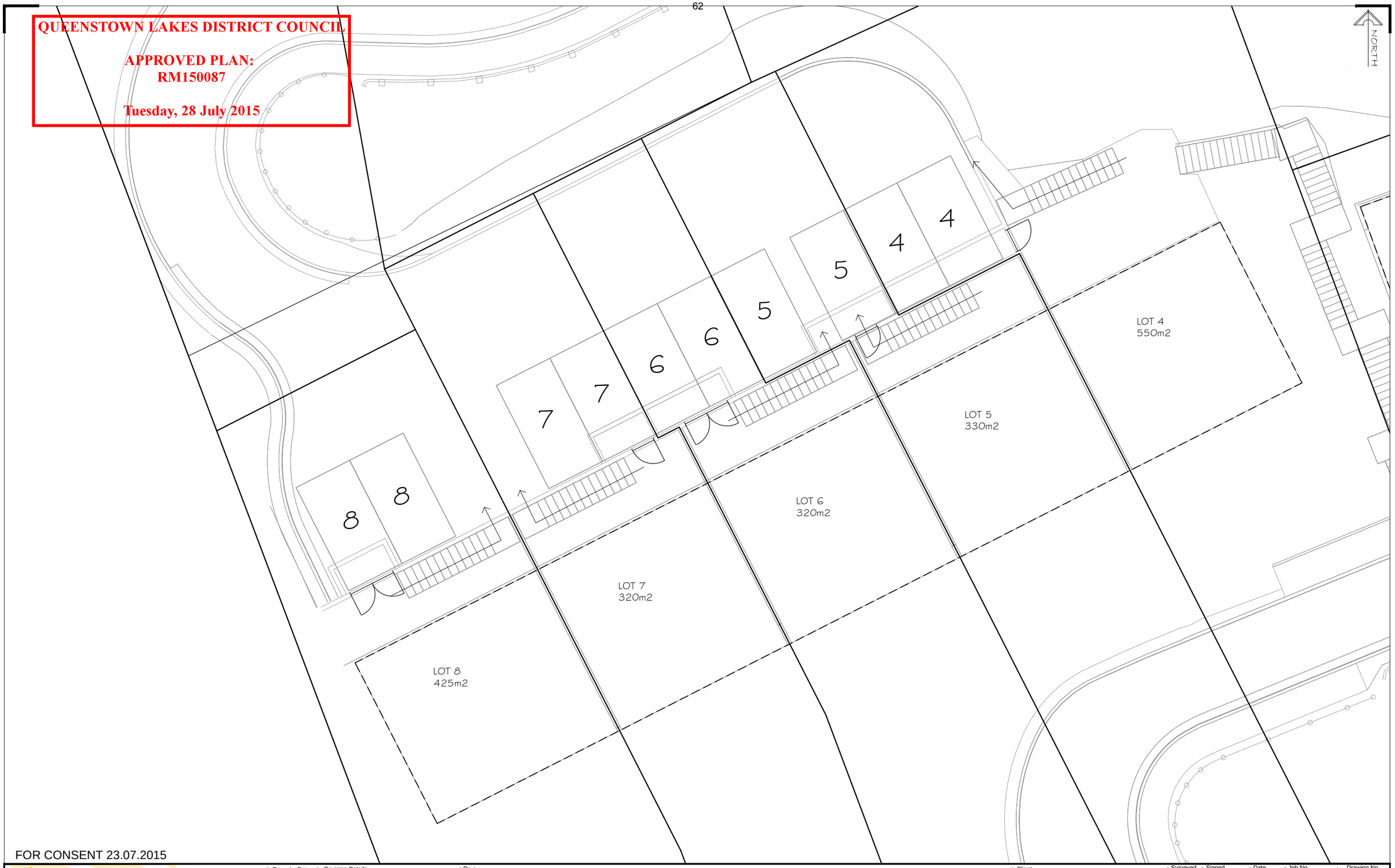
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



FOR CONSENT 23.07.2015

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Rev.	Date	Revision Details	By
A	20.02.15	ADD LOT 15	RB

LOTS 1 - 15 BEING A SUBDIVISION OF LOT 2 LT 485139

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	08 Sheet 004
	Drawn	Signed	Date	Scale	1:75 @ A1 1:150 @ A3
	RWB		26.01.15		
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	E

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

FOR CONSENT 11.06.15

Shotover Design Limited trading as
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Rev.	Date	Revision Details	By
A	11.06.15	Update with revised buildings	RB

THE TIERS BLOCKS 2 & 5

Client

Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	09 Sheet 001

Drawn	Signed	Date	Scale
RWB		29.01.15	1:750 @ A3

Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	A

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S:\JOBS\11600\11696\acad\11696_09_Block 2 & 5_REVA.dwg Plotted: 11.06.2015

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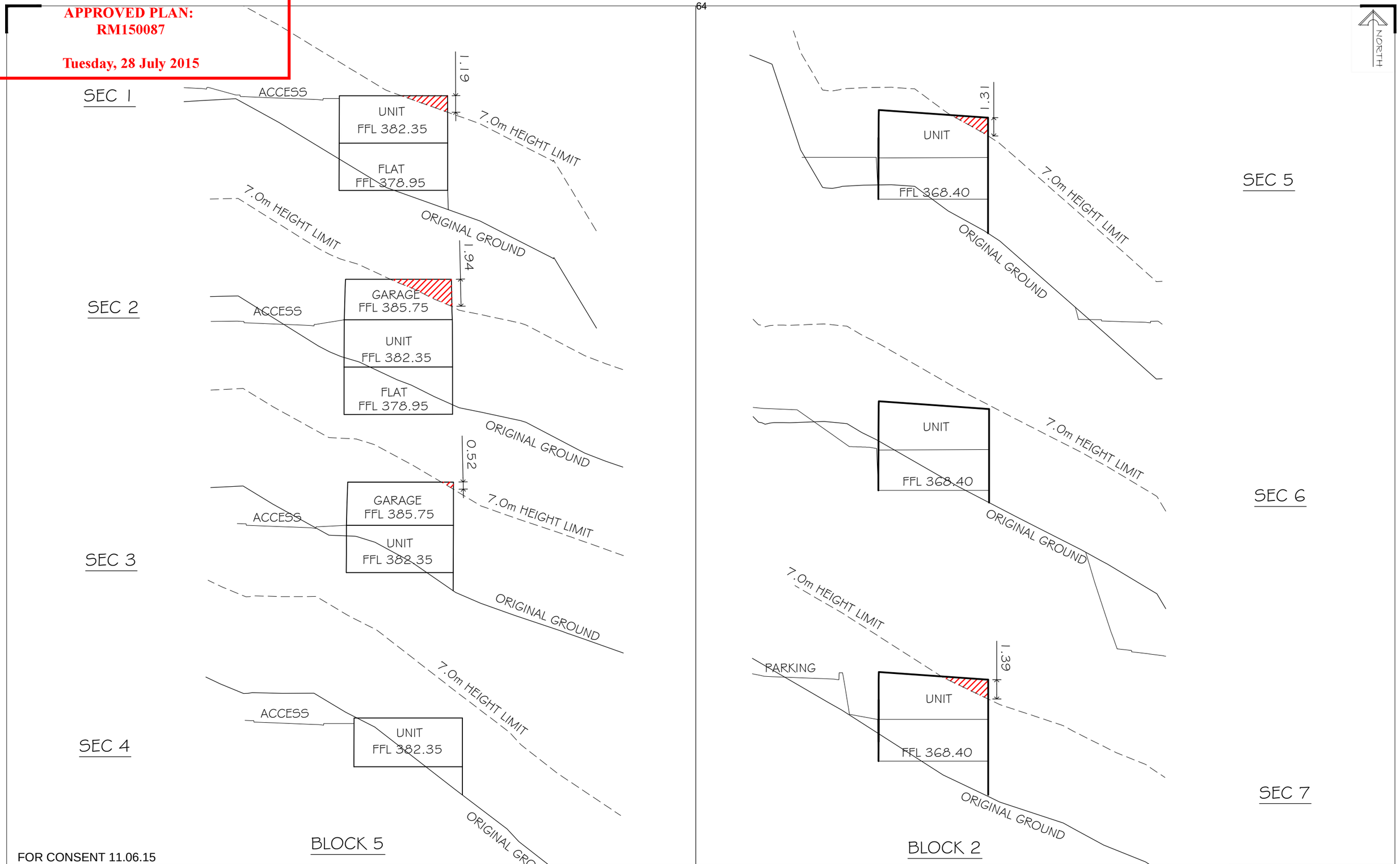
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



FOR CONSENT 11.06.15

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	11.06.15	Update with revised buildings	RB

THE TIERS BLOCKS 2 & 5
SECTION VIEWS

Client

Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	09 Sheet 002

Drawn	Signed	Date	Scale
RWB		29.01.15	1:750 @ A3

Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	A

Notes:
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

Shadows 12pm on
21 June (Shortest Day)

Shadows - 12pm on
20 Sep (Equinox)

NORTH

LOT 2
RM050520.1

BLOCK 5

BLOCK 2

LOT 1
DP 302574

LOT 1
DP 305273

EXISTING UNITS

PT LOT 1
DP 9121

FRANKTON ROAD

Extent of permitted
basline shadow

Legend

Existing Shadow extent

Shadow from As
Constructed Units

Shadow From Permitted
Baseline, (Theoretical building
7m high within setbacks)

FOR CONSENT 11.06.15

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	11.06.15	Update with new building designs	RB

THE TIERS BLOCKS 2 & 5
SHADOW ANALYSIS

Client

Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	09 Sheet 003

Drawn	Signed	Date	Scale
RWB		29.01.15	1:750 @ A3

Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	A

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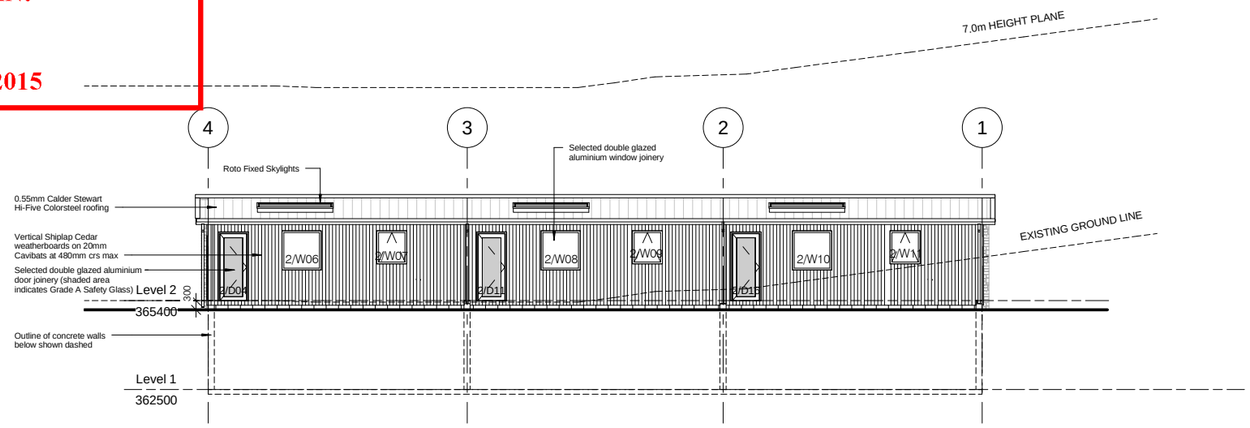
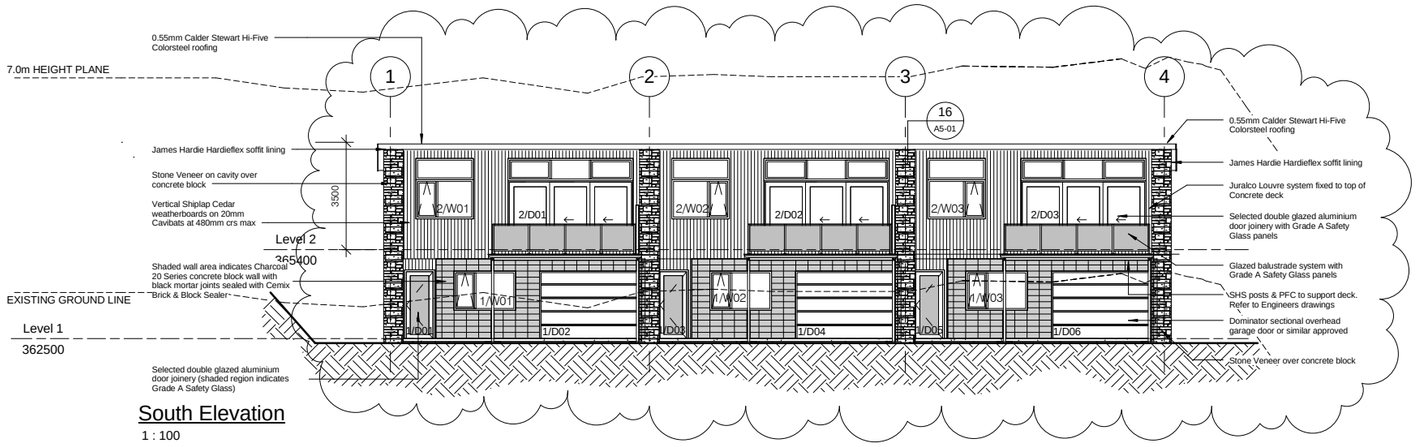
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

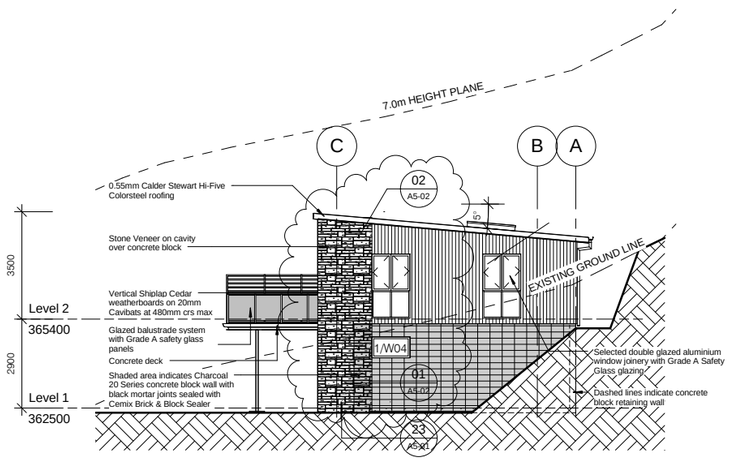
Tuesday, 28 July 2015



North Elevation
1 : 100



South Elevation
1 : 100



East Elevation
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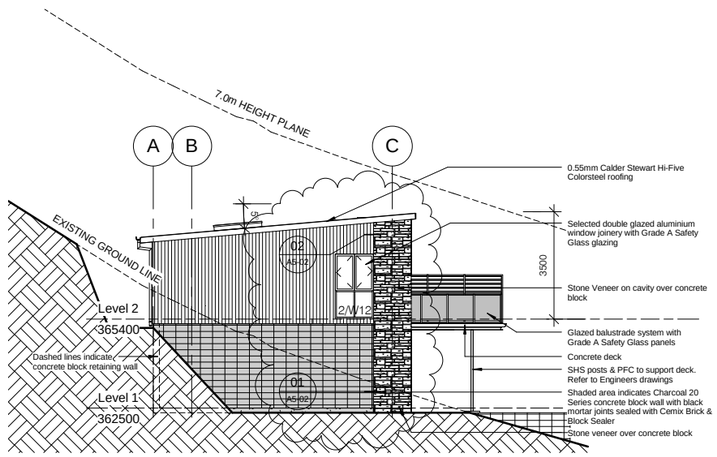

West Elevation
1 : 100

ELEVATION:NORTH ELEVATION	RISK SEVERITY											
Risk Factor	Low			Medium			High			Very High		Subtotals
Wind Zone	0		0	0		0	1		2	2		2
Number of Storys	0		0	0		1	0		2	0		4	0
Roof / Wall intersection design	0		0	0		1	0		3	0		5	0
Eaves Width	0		0	0		1	0		2	2		5	2
Envelope Complexity	0		0	0		1	0		3	0		6	0
Deck Design	0		0	0		2	0		4	0		6	0
											Total Risk Score:		4

ELEVATION:SOUTH ELEVATION	RISK SEVERITY											
Risk Factor	Low			Medium			High			Very High		Subtotals
Wind Zone	0		0	0		0	0		1	2		2
Number of Storys	0		0	0		1	2		2	0		4	2
Roof / Wall intersection design	0		0	1		1	0		3	0		5	1
Eaves Width	0		0	1		1	0		2	0		5	1
Envelope Complexity	0		0	0		1	0		3	0		6	0
Deck Design	0		0	2		2	0		4	0		6	2
											Total Risk Score:		8

ELEVATION:EAST ELEVATION	RISK SEVERITY											
Risk Factor	Low			Medium			High			Very High		Subtotals
Wind Zone	0		0	0		0	0		1	2		2
Number of Storys	0		0	0		1	2		2	0		4	2
Roof / Wall intersection design	0		0	0		1	0		3	0		5	0
Eaves Width	0		0	0		1	2		2	0		5	2
Envelope Complexity	0		0	0		1	0		3	0		6	0
Deck Design	0		0	2		2	0		4	0		6	2
											Total Risk Score:		8

ELEVATION:WEST ELEVATION	RISK SEVERITY											
Risk Factor	Low			Medium			High			Very High		Subtotals
Wind Zone	0		0	0		0	0		1	2		2
Number of Storys	0		0	0		1	2		2	0		4	2
Roof / Wall intersection design	0		0	0		1	0		3	0		5	0
Eaves Width	0		0	0		1	2		2	0		5	2
Envelope Complexity	0		0	0		1	0		3	0		6	0
Deck Design	0		0	2		2	0		4	0		6	2
											Total Risk Score:		8

NOTE
ALL EXPOSED BLOCKWORK IS TO BE SEALED WITH CEMIX BRICK AND BLOCK SEALER

Phone: (03) 459 4196
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12 Thames Street
Mosgiel 9024
New Zealand.
Building Design and Draughting Services
WJ CADZOW & ASSOCIATES Ltd

Date	Revision Description	No.
23/01/15	Stone Veneer changes	4
17/11/14	Building reduced from 4 to 3 Units	3
29/09/14	Building Consent RFI 24/09/14	2
22/08/14	Issue For Building Consent	1
18/08/14	For Client Costing Purposes	B
18/08/14	For Fire Engineers Report	A

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Contract:
The Tiers Development - Block 1 for Alpha Properties NZ Ltd. Frankton Road Queenstown

Drawn: MBD | Date: JULY 2014
A1 Scales: 1 : 100 | A3 Scales: 1:200

Sheet Title:
Elevations

Contract: 14041-01
Sheet: **A3-01**
CAD File Name:
Of
Revision: 4

CONSENT ISSUE | A1

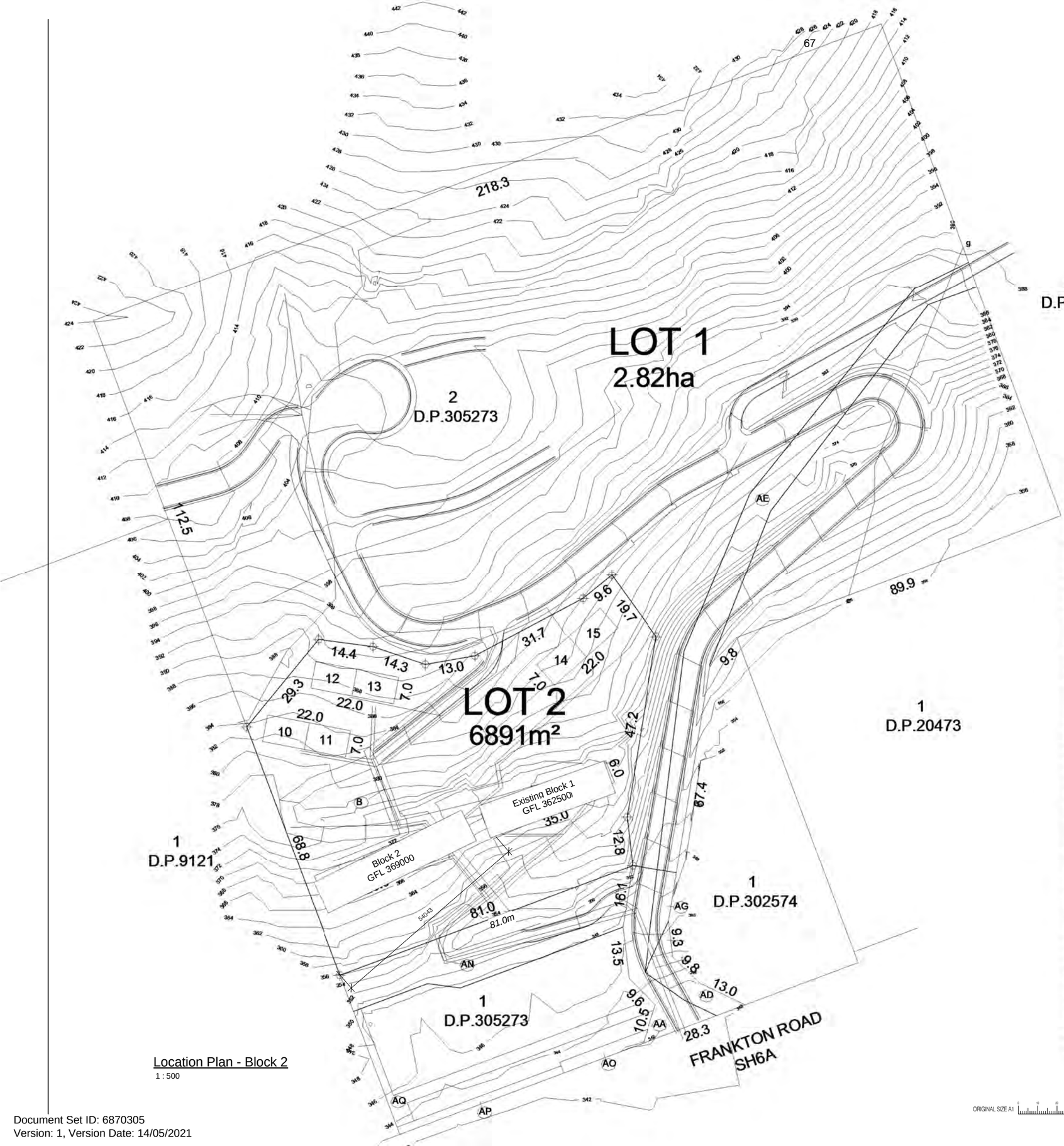
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



Location Plan - Block 2
1 : 500

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOMINANT TENEMENT
Right of Way	Lot 1 hereon	AA, AD, AG	Lot 2 hereon
Right to Convey Water, telecommunications electricity and gas	Lot 1 hereon	AA, AD, AG	Lot 2 hereon
Right to drain water and waste water	Lot 2 hereon	B	Lot 1 hereon
Pedestrian Right of Way	Lot 2 hereon	B	Lot 1 hereon

EXISTING EASEMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way	Lot 1 hereon	AA,AD &AG	T 5161028 10
		AD	T 5074969 1
		AD, AG, AE	T 916478 2
Right of Way, Right to convey Water, Electricity and Telecommunications	Lot 1 hereon	AA, AG & AD	EI 5558569 6
Right to convey water	Lot 1 hereon	c-g	C 422292

EXISTING APURTENANT EASEMENTS			
PURPOSE	SERVIENT TENEMENT	SHOWN	DOCUMENT
Right of Way, Right to convey Water, Electricity and Telecommunications	Lot 1 DP305273	AN	
Right to convey water, right to drain stormwater and sewage	Lot 1 DP305273	AO	EI 555859 6
Right to drain stormwater and sewage	Lot 1 DP305273	AP	
Right to drain stormwater and sewage	Lot 1 DP305273	AQ, AN	EI 6829297 3

PRELIMINARY
NOT FOR CONSTRUCTION
27/11/2014 9:23:47 a.m.

ORIGINAL SIZE A1

Phone: (03) 459 4196
Fax: (03) 459 5078
12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
WJ CADZOW & Associates Ltd

Date	Revision Description	No.

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Contract:
The Tiers Development - Block 1
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn:	Date:
Author	09/11/14
A1 Scales: 1 : 500	A3 Scales: Approver

Sheet Title:
Block 2 Location Plan

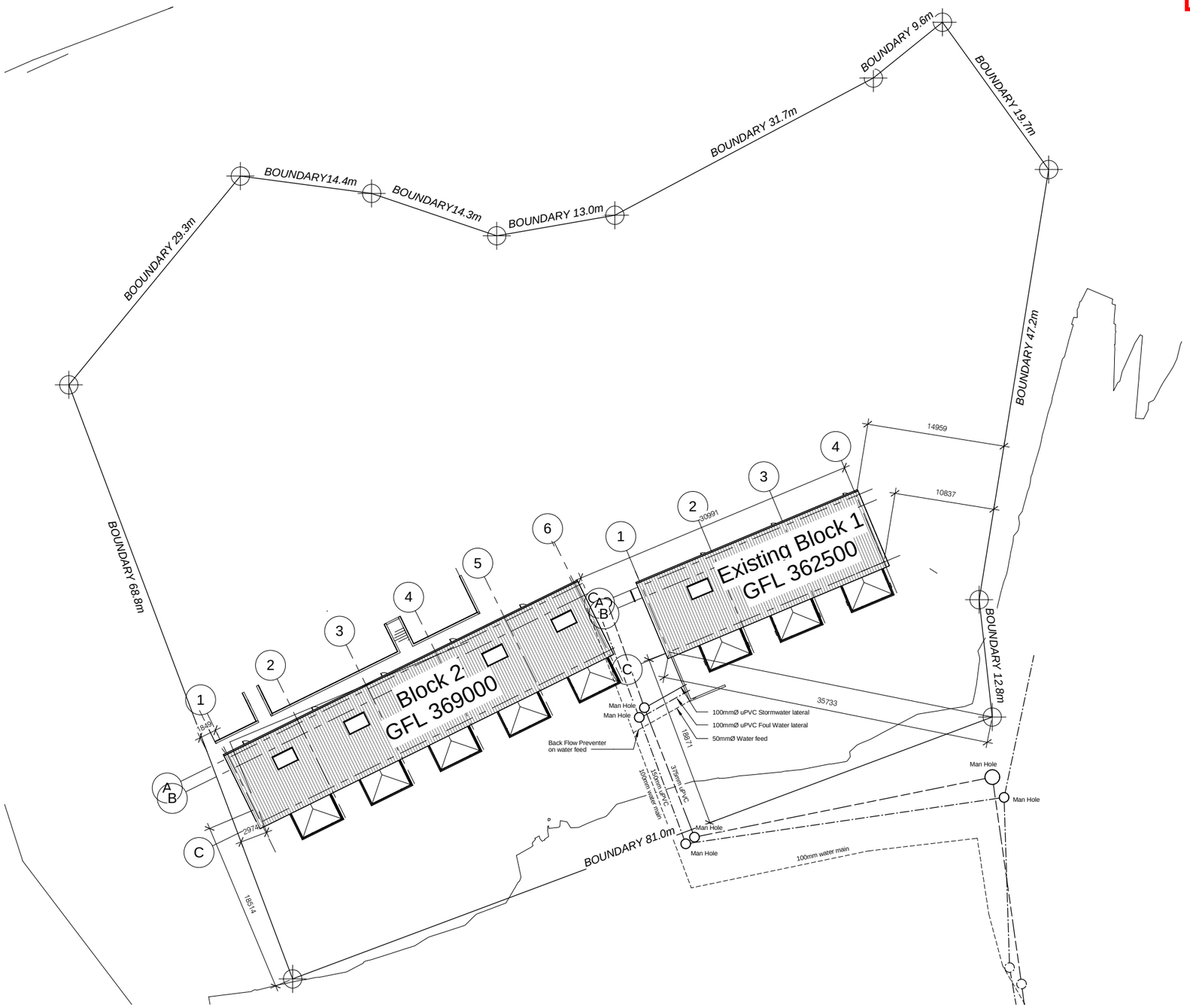
Contract:	Sheet:
01	1-01
CAD File Name:	Revision:
	CONSENT ISSUE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



Site Plan - Block 2

1 : 250

PRELIMINARY

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27/11/2014 9:23:49 a.m.

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Fax: (03) 489 6078
12 Thames Street
Mosgiel 9024
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Date	Revision Description	No.

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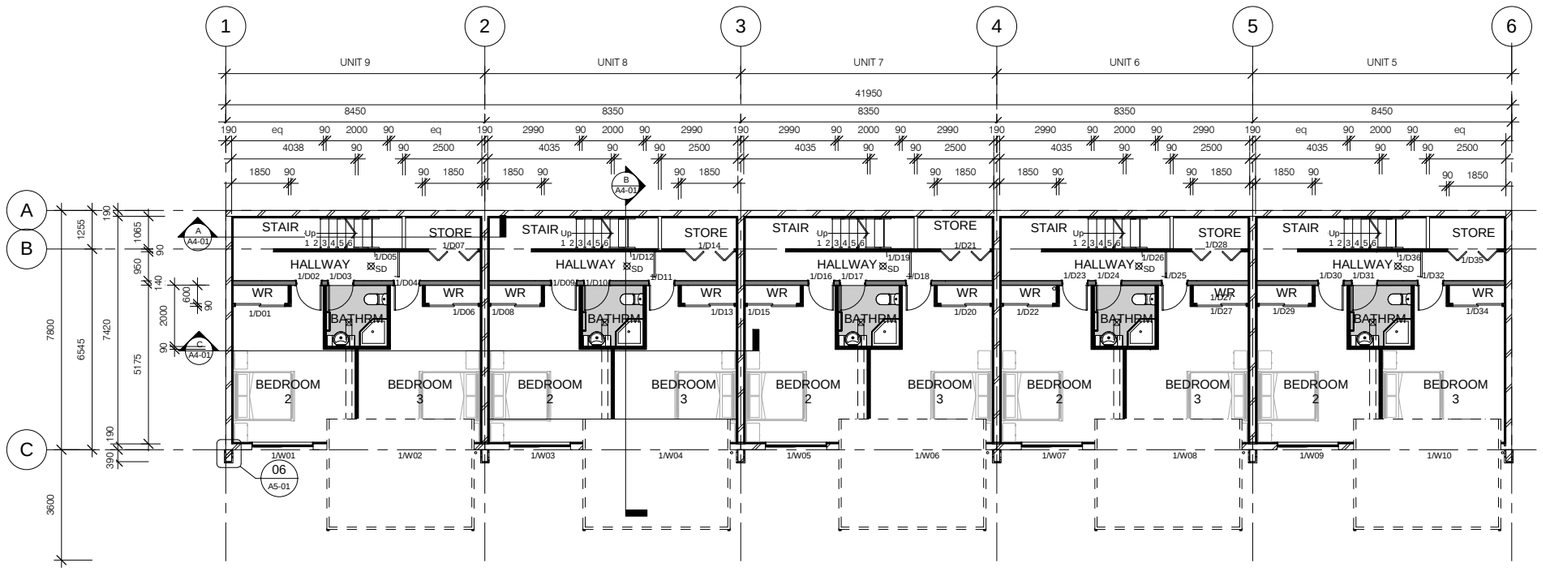
Contract:
The Tiers Development - Block 1
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn:	Date:
Author	09/11/14
A1 Scales: **1 : 250**	A3 Scales: **Approver**

Sheet Title:
Block 2 Site Plan

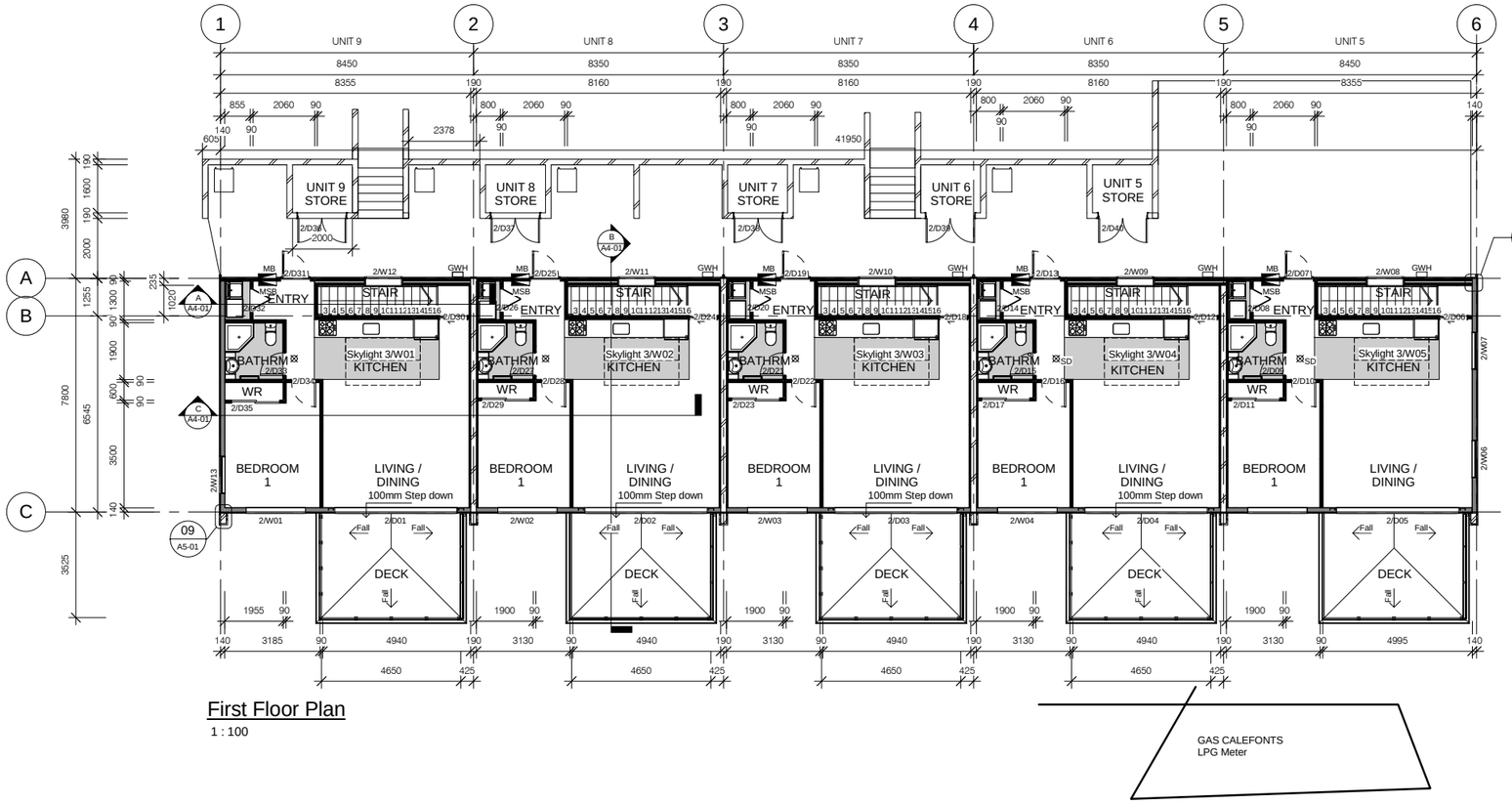
Contract:	Sheet:
01	**1-02**
CAD File Name:	Of
	Revision:
CONSENT ISSUE	**A1**

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021



Ground Floor Plan

1 : 100



First Floor Plan

1 : 100

GAS CALEFONTS
LPG Meter

WALL LEGEND

- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mmGib Standard to interior
- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior Pink Batts R2.8 wall insulation 20mm Cavibatts over Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- New 140x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to both sides
- New 40x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior Pink Batts R4.0 wall insulation 20mm Cavibatts over Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- 20 Series Concrete block Ardex Shelterseal 5000HD tanking system to exterior 45mm H3.1 timber battens over Thermakraft Covertek 403 building wrap 40mm Expol polystrene insulation 10mm Gib Standard to interior
- 20 Series Concrete block 45mm H3.1 timber battens both sides over Thermakraft Covertek 403 building wrap 10mm Gib Standard both sides
- SD — Type 1 Domestic Smoke Detector
- MB — Electrical Meter Board
- MSB — Electrical Main Switch Board
- Manrose SFLP150T 94 L/S extract system with gravity wall shutters & fixed ceiling mounted grilles
- GWH — Gas Water Heater

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise

2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise

3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 800mm crs max. Bolts to be complete with 50x50x3mm washers

4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max

5. All bottom plates to have a minimum of two fixings per plate

6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)

7.All timber lintels to top storey to be fixed in accoardance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection

8. All trimmer studs to lintels to be in accordance with Fig. 8.15 and Table 8.5 of NZS3604:2011

9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type E (2/90x3.15 skew nails + 2 wire dogs

10. All purlins to be fixed to rafters in accordance with Table 10.10 NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)

11. All other timber frame construction to comply strictly in accordance with NZS3604:2011

12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap

13. All timber battens shot fixed to concrete block wall at 600mm crs both ways

14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs

15. All wet areas to have approved vinyl flooring coved up walls 150mm min. with 10mm Gib Aqualine wall linings

16. All showers to be Englefield enclosed shower units or similar approved.

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.

GROUND FLOOR AREAS

Unit 5 Ground Floor Area =	65.90m²
Unit 6 Ground Floor Area =	65.10m²
Unit 7 Ground Floor Area =	65.10m²
Unit 8 Ground Floor Area =	65.10m²
Unit 9 Ground Floor Area =	65.90m²
TOTAL GROUND FLOOR AREA =	**327.10m²**

FIRST FLOOR AREAS

Unit 5 Ground Floor Area =	65.90m²
Deck Area =	17.30m²
Unit 6 Ground Floor Area =	65.10m²
Deck Area =	17.30m²
Unit 7 Ground Floor Area =	65.10m²
Deck Area =	17.30m²
Unit 8 Ground Floor Area =	65.10m²
Deck Area =	17.30m²
Unit 9 Ground Floor Area =	65.90m²
Deck Area =	17.30m²
TOTAL FIRST FLOOR AREA =	**262.00m²**
INCLUDING DECKS =	**413.60m²**

LINTEL SCHEDULE

2/90x45mm SG8	?
2/140x45mm SG8	?
2/190x45mm SG8	?
2/290x45mm SG8	?

FLOOR FINISHES

Tarkett Optima flooring vinyl with slip resistance of 0.3 to all bathrooms, Ensuites, Laundry's & Kitchen areas

All other areas to be carpet

Garage floor finish to be concrete

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

NORTH

Phone: (03) 459 4156
Fax: (03) 459 5076
12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
CADZOW & Associates Ltd

Date	Revision Description	No.

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Contract:
The Tiers Development - Block B
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn :	Date:
MBD	JULY 2014
A1 Scales:	A3 Scales:
As indicated	1:200

Sheet Title :
Ground Floor Plan
First Floor Plan

Contract:	Sheet:
14041-01	A2-01
CAD File Name:	Revision:
	01

CONCEPT A1

PRELIMINARY
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27/11/2014 9:19:26 a.m.

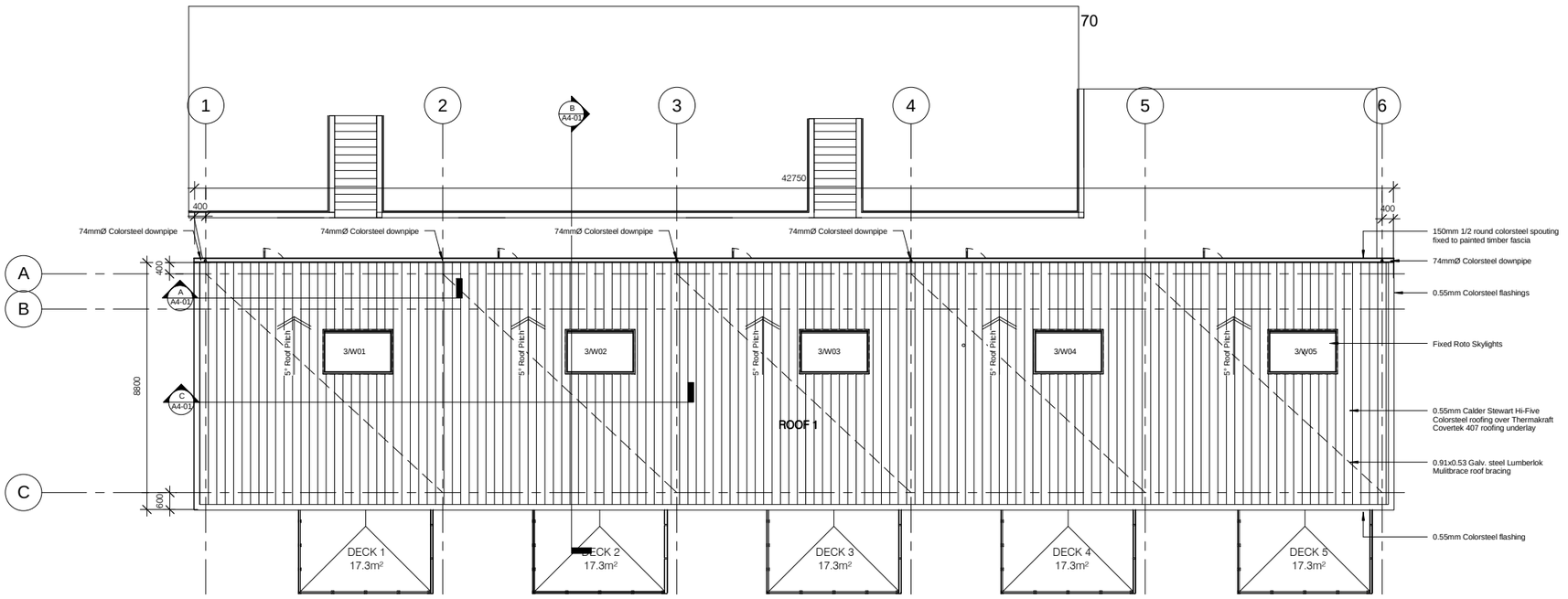
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



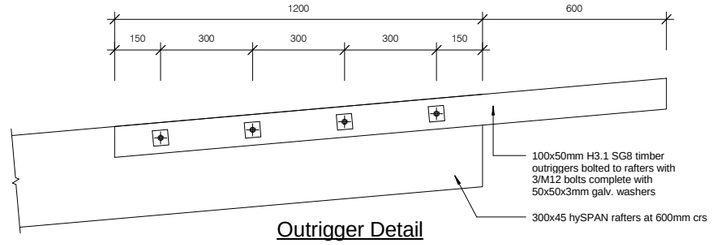
Roof Plan
1 : 100

ROOF NOTES

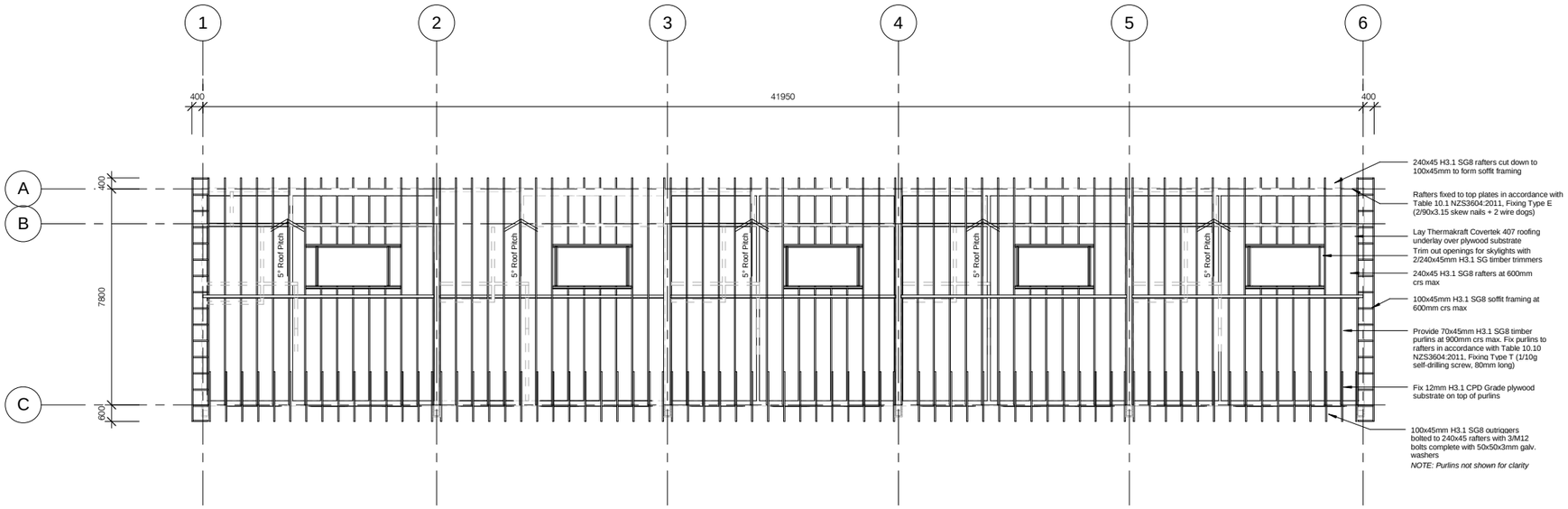
Roof 1 = 296m²

Total Roof Area = 296m²

All roofing to be 0.55mm Calder Stewart Hi-Five Colorsteel profiled metal roofing over Thermakraft Covertek 407 roofing underlay, on 70x45mm purlins at 900mm crs on timber rafters at 600mm crs on 300x45 hySPAN timber rafters at 600mm crs.
All flashings to be 0.55mm Colorsteel.



Outrigger Detail
1 : 10



Roof Framing Plan
1 : 100

Phone: (03) 459 4198
Fax: (03) 459 6076
12 Thames Street
Mosgiel 9024
New Zealand.
Building Design and Draughting Services
WJ CADZOW & ASSOCIATES Ltd

Date	Revision Description	No.

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Contract:
The Tiers Development - Block B
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn :	Date:
MBD	JULY 2014
A1 Scales:	A3 Scales:
As indicated	1:200

Sheet Title :
Roof Plan
Roof Framing Plan

Contract:	Sheet:
14041-01	A2-02
CAD File Name:	Of
	Revision:

CONCEPT A1

PRELIMINARY
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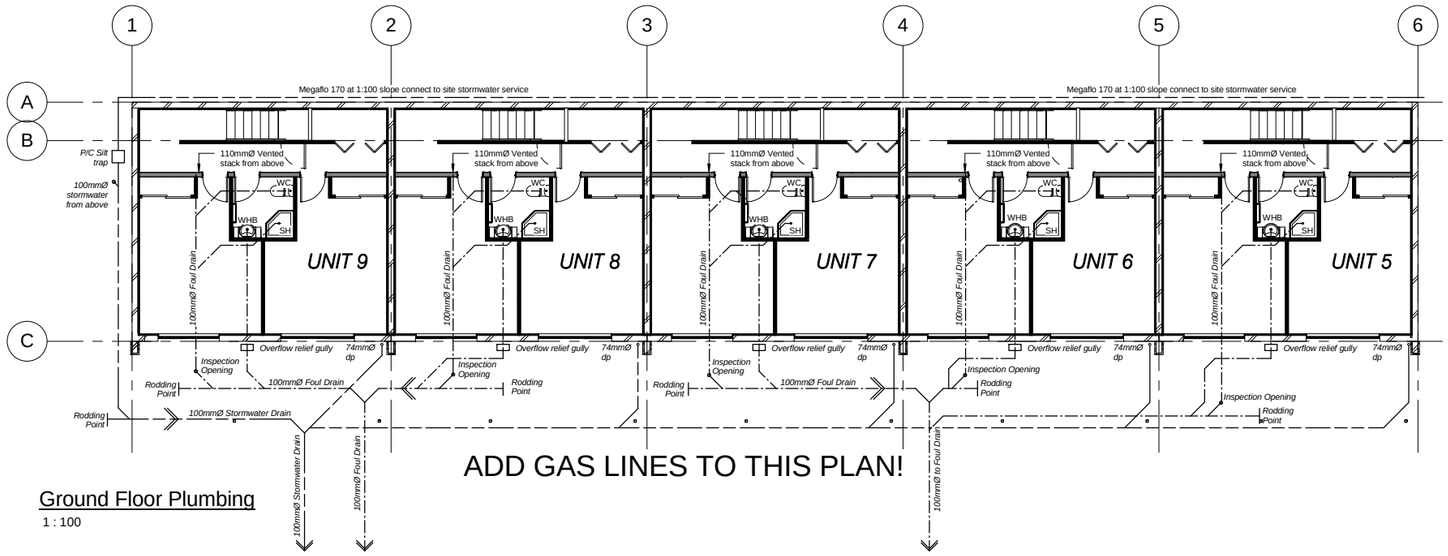
27/11/2014 9:19:27 a.m.

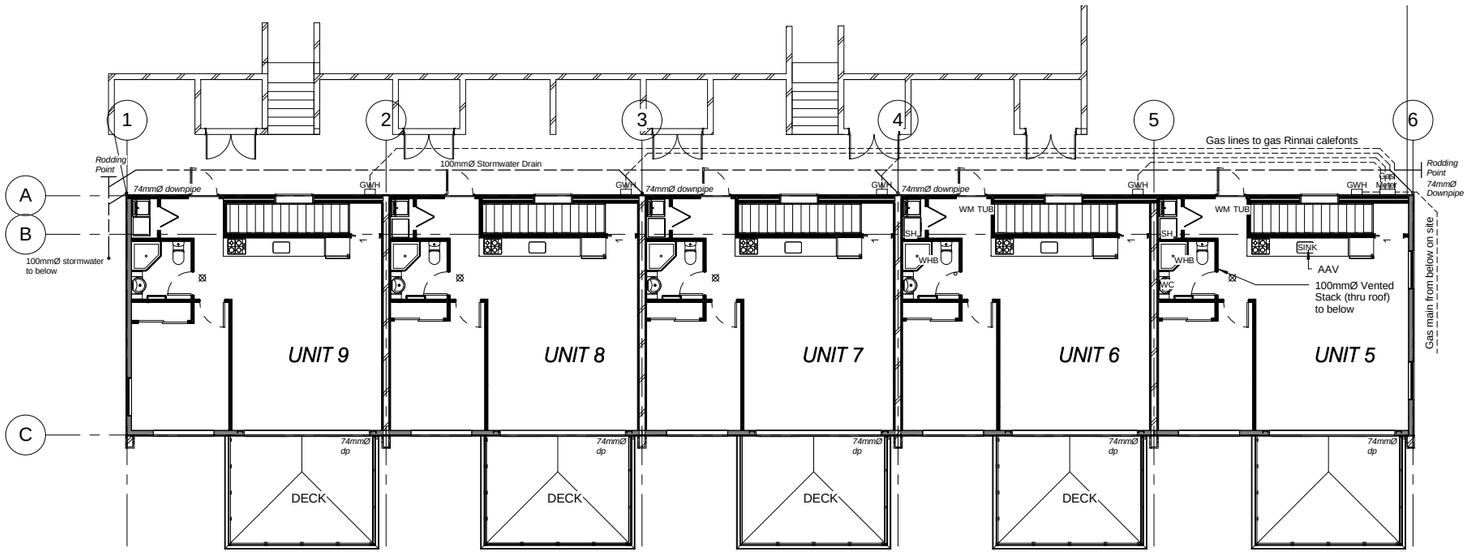
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021



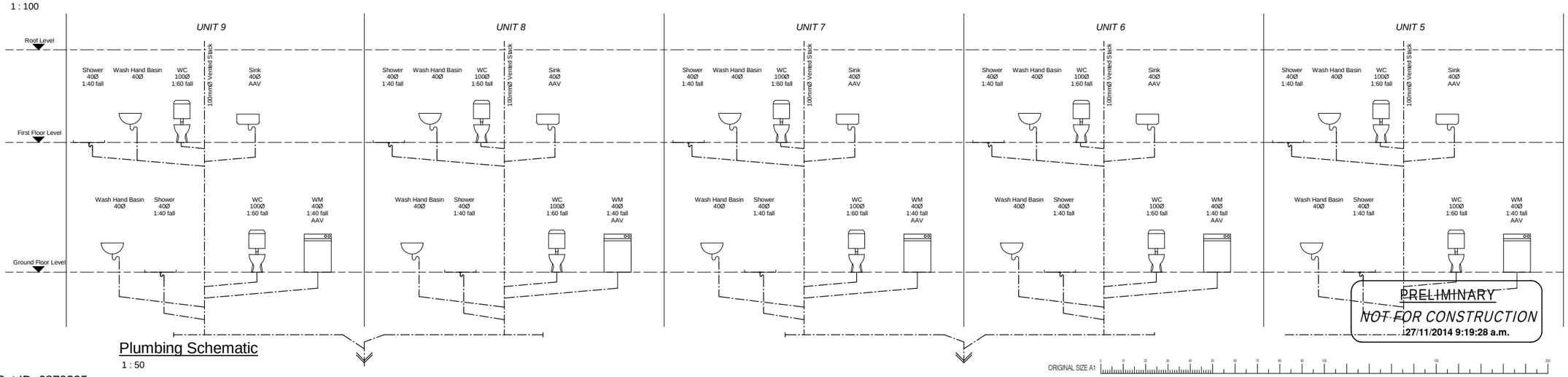
Ground Floor Plumbing

1 : 100



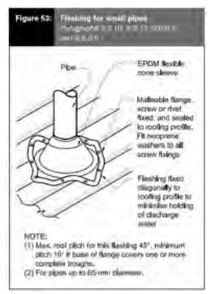
First Floor Plumbing

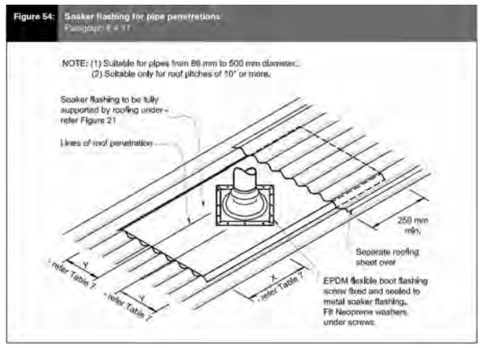
1 : 100



Plumbing Schematic

1 : 50





QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

DRAINAGE LEGEND - AS3500

- New Foul Waste Drains
- New Stormwater Drains

Whb.	Wash Hand Basin 40mm Ø 1:40 min fall 40mm Ø Vent pipe
SH	Shower 40mm Ø 1:40 min fall
WC.	Water Closet 100mm Ø 1:60 min fall 40mmØ Vent pipe
S.	Sink 40mm Ø 1:40 min fall 40mm Ø Vent pipe
Tub	Laundry Tub 40mm Ø 1:40 min fall 40mm Ø Vent pipe
WM	Washing Machine 40mmØ 1:40 min fall

DISCHARGE UNITS

# of	Fixture	Discharge Units	
8	Wash Hand Basin	1	8
8	Water Closet	6	48
8	Shower	1	8
4	Sink	3	12
4	Tub/ Washing Machine	5	20
TOTAL			**96 DU's**

NOTE:

All pipework that passes through concrete slab shall be 65mmØ min.

Hot water supply to be Rinnai Inifinity using reticulated gas supply.

All Foul & Stormwater drains to have 1:100 min gradient

Phone: (03) 459 4196
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Date	Revision Description	No.

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Contract:
The Tiers Development - Block B for Alpha Properties NZ Ltd. Frankton Road Queenstown

Drawn :	Date:
MBD	JULY 2014
A1 Scales:	A3 Scales:
As indicated	1:200

Sheet Title :
Plumbing & Drainage

Contract:	Sheet:
14041-01	A2-03
CAD File Name:	Of
	Revision:
CONCEPT	A1

PRELIMINARY
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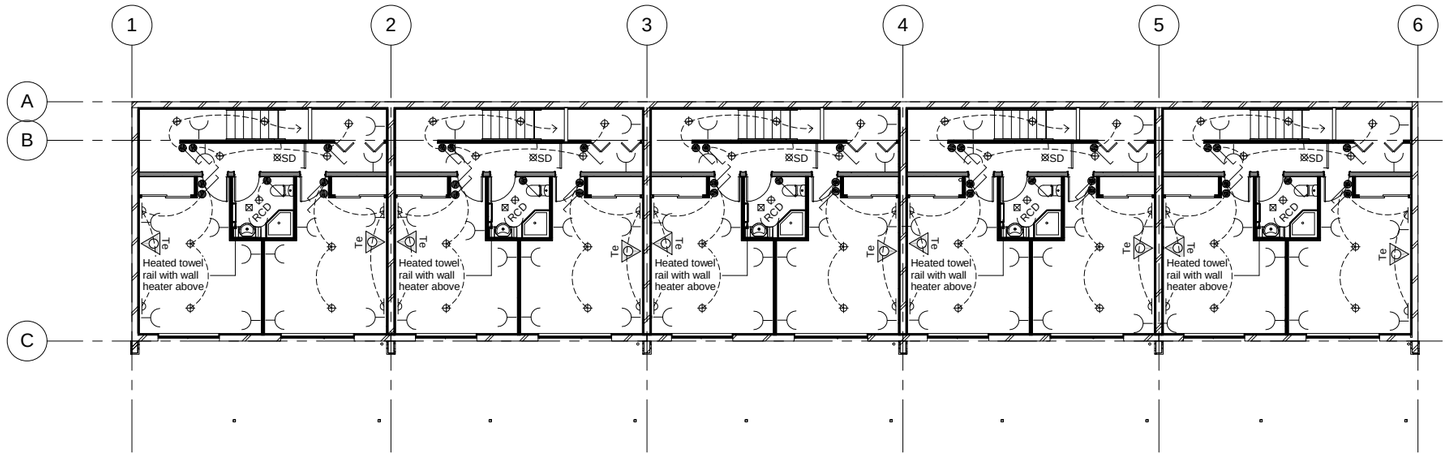
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

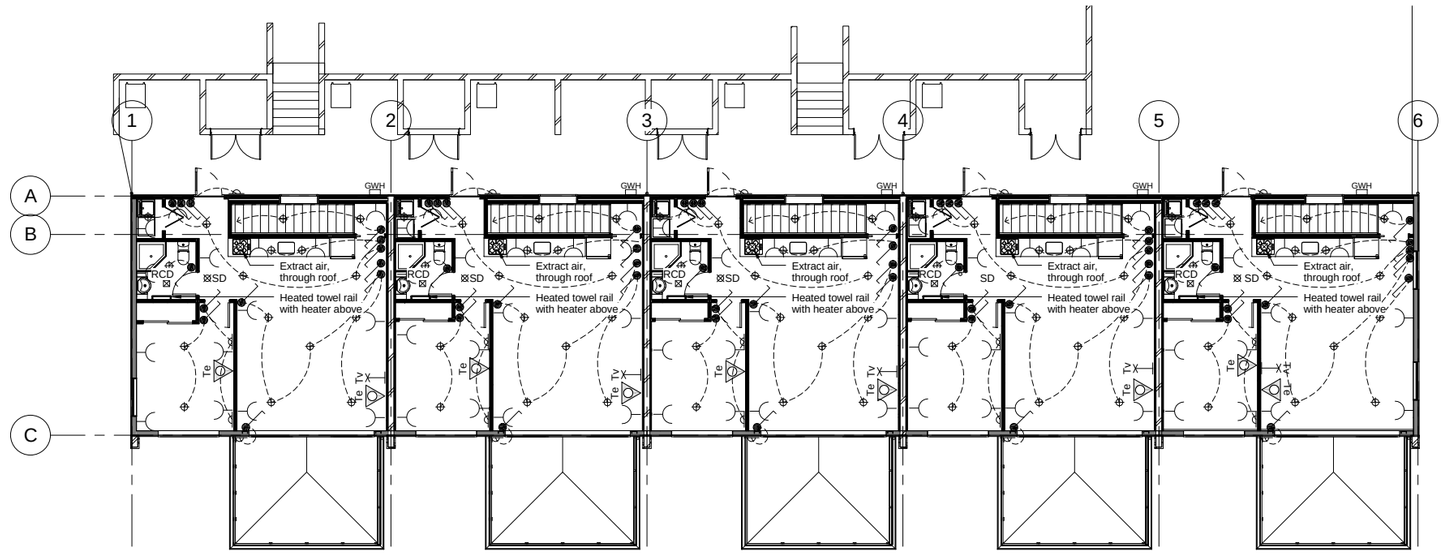
APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



Ground Floor Electrical Plan

1 : 100



First Floor Electrical Plan

1 : 100

ELECTRICAL LEGEND

- Light Switch
- TV — Television Outlet
- Te — Telephone / Data Outlet
- Double Power Outlet
- ⊠SD — Smoke Detector
- Extract fan
- Ceiling mounted light fitting
- MSB — Main Switch Board
- MB — Meter Board
- H — Selected bathroom heater
- Wall mounted light fitting
- RCD — Electrical Outlet with Residual Current Device
- Manrose extract fan

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MBD	AUGUST 2014
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As indicated	1:200

Sheet Title :
Electrical Layout Plans

Contract:	Sheet:
14041-01	A2-04
CAD File Name:	Revision:
	CONCEPT A1

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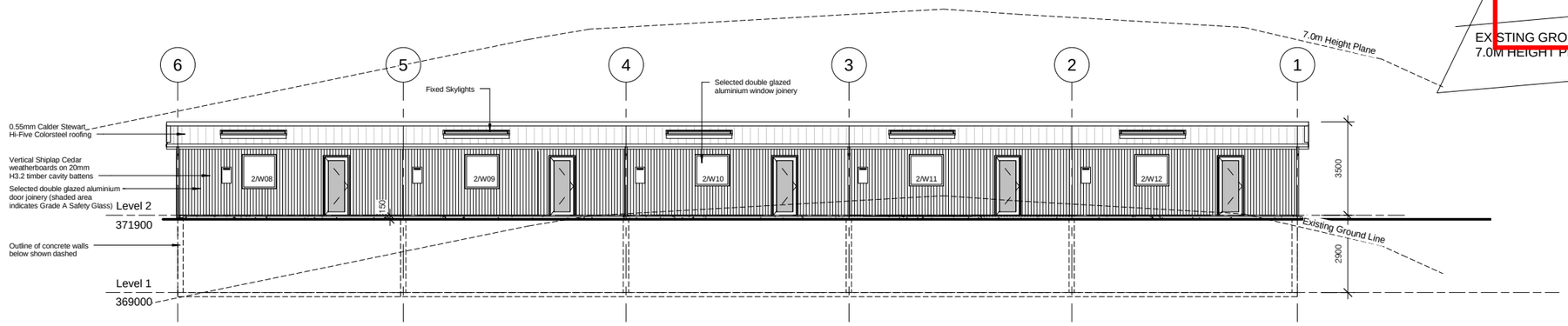


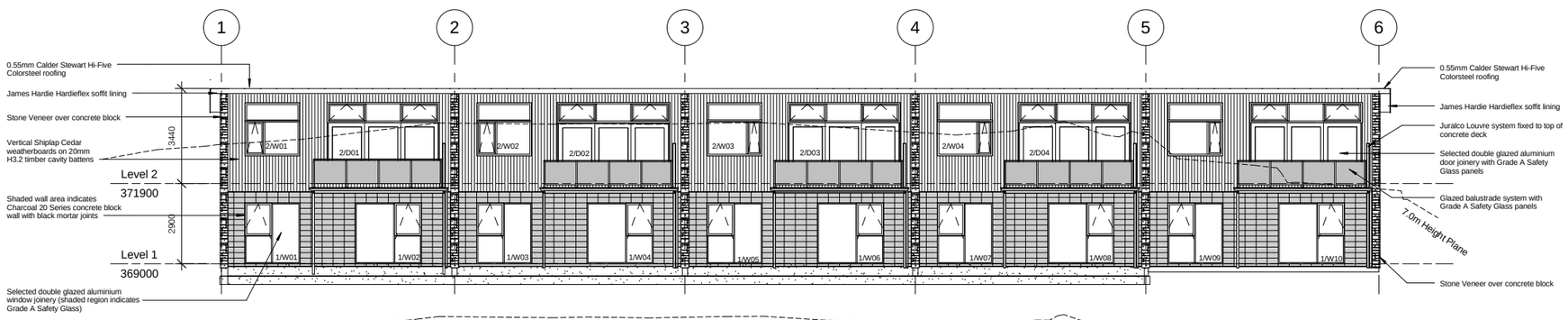
North Elevation
1 : 100

ELEVATION:NORTH ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	0	1	2	2	2
Number of Storys	0	0	0	1	0	2	0	4	0
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	0	2	2	5	2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	0	2	0	4	0	6	0
								Total Risk Score:	4

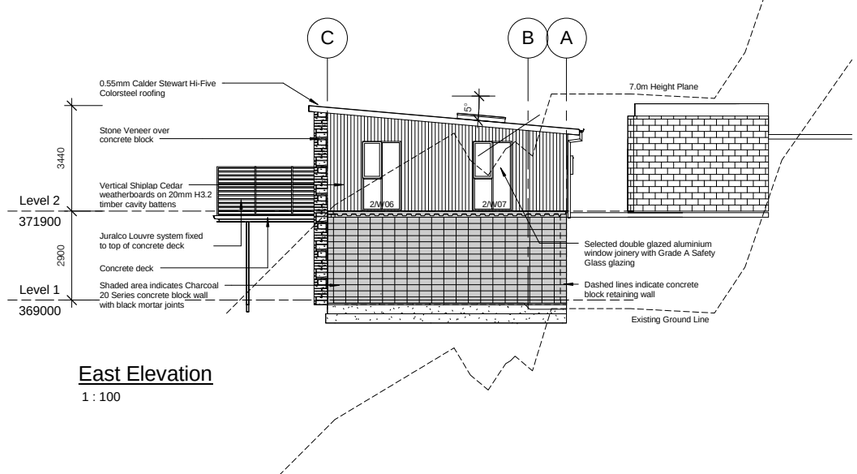
ELEVATION:SOUTH ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	0	1	2	2	2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	1	1	0	3	0	5	1
Eaves Width	0	0	1	1	0	2	0	5	1
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
								Total Risk Score:	8

ELEVATION:EAST ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	0	1	2	2	2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	2	2	0	5	2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
								Total Risk Score:	8

ELEVATION:WEST ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	0	1	2	2	2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	2	2	0	5	2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
								Total Risk Score:	8



South Elevation
1 : 100



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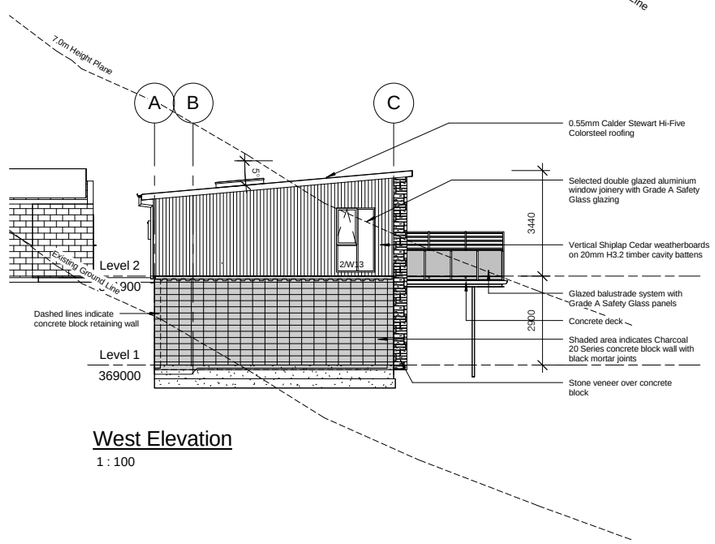

West Elevation
1 : 100

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Date	Revision Description	No.

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Contract:
The Tiers Development - Block B for Alpha Properties NZ Ltd. Frankton Road Queenstown

Drawn :	Date:
MBD	**JULY 2014**
A1 Scales: **1 : 100**	A3 Scales: **1:200**

Sheet Title :
Elevations

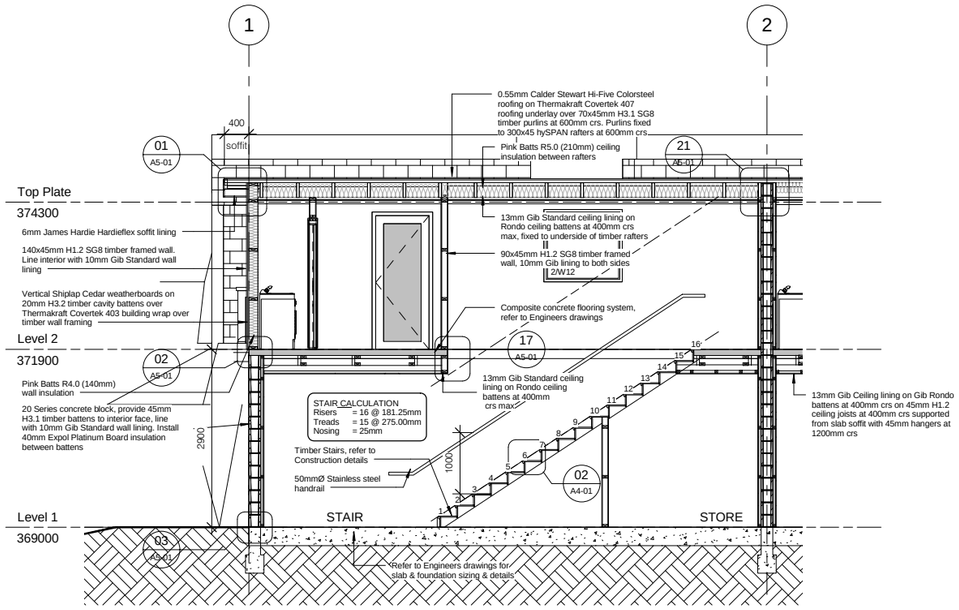
Contract:	Sheet:
14041-01	**A3-01**
CAD File Name:	Of
	Revision:
CONCEPT	**A1**

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

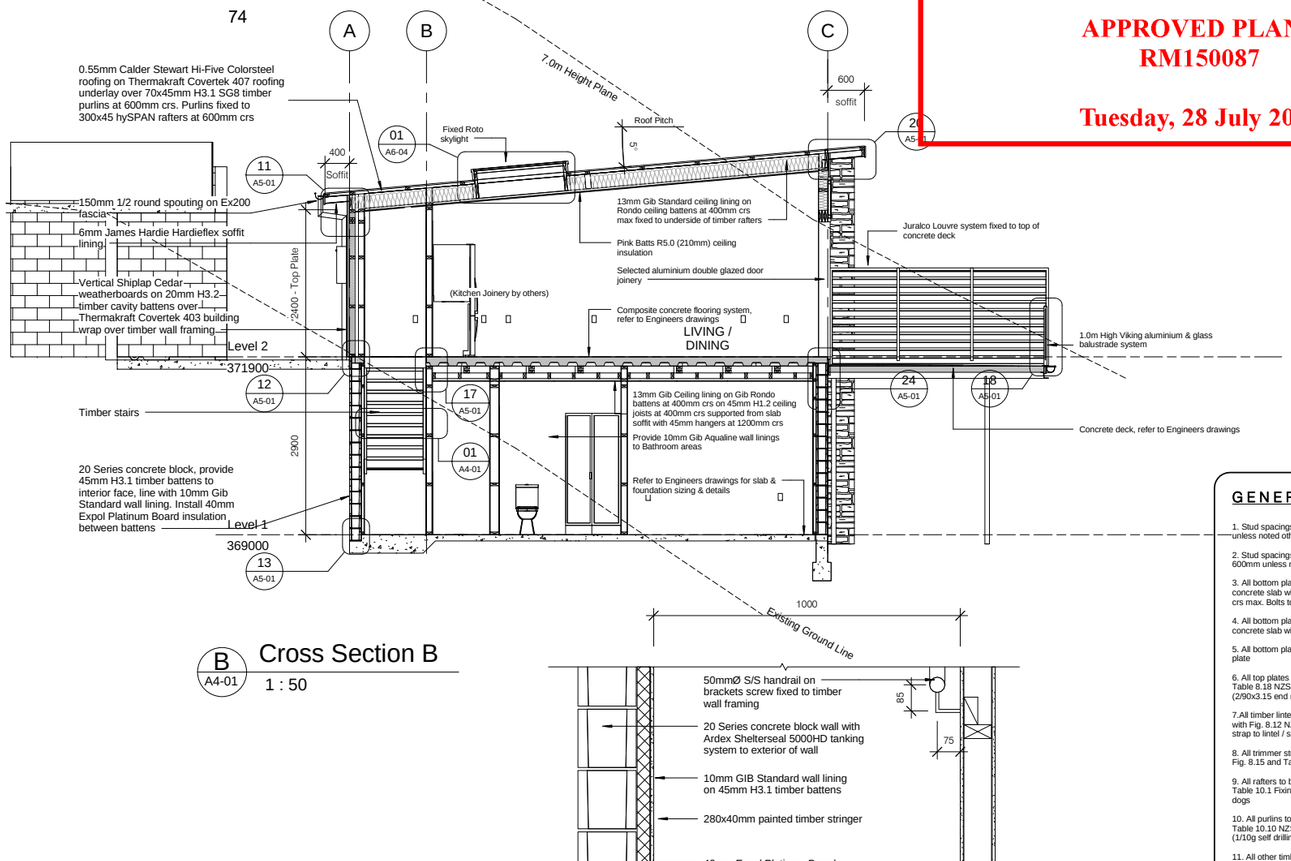
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



A A4-01 Cross Section A
1 : 50



B A4-01 Cross Section B
1 : 50

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise

2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise

3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 800mm crs max. Bolts to be complete with 50x50x3mm washers

4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max

5. All bottom plates to have a minimum of two fixings per plate

6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)

7.All timber lintels to top storey to be fixed in accordance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection

8. All trimmer studs to lintels to be in accordance with Fig. 8.15 and Table 8.5 of NZS3604:2011

9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type E (2/90x3.15 skew nails + 2 wire dogs

10. All purlins to be fixed to rafters in accordance with Table 10.10 NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)

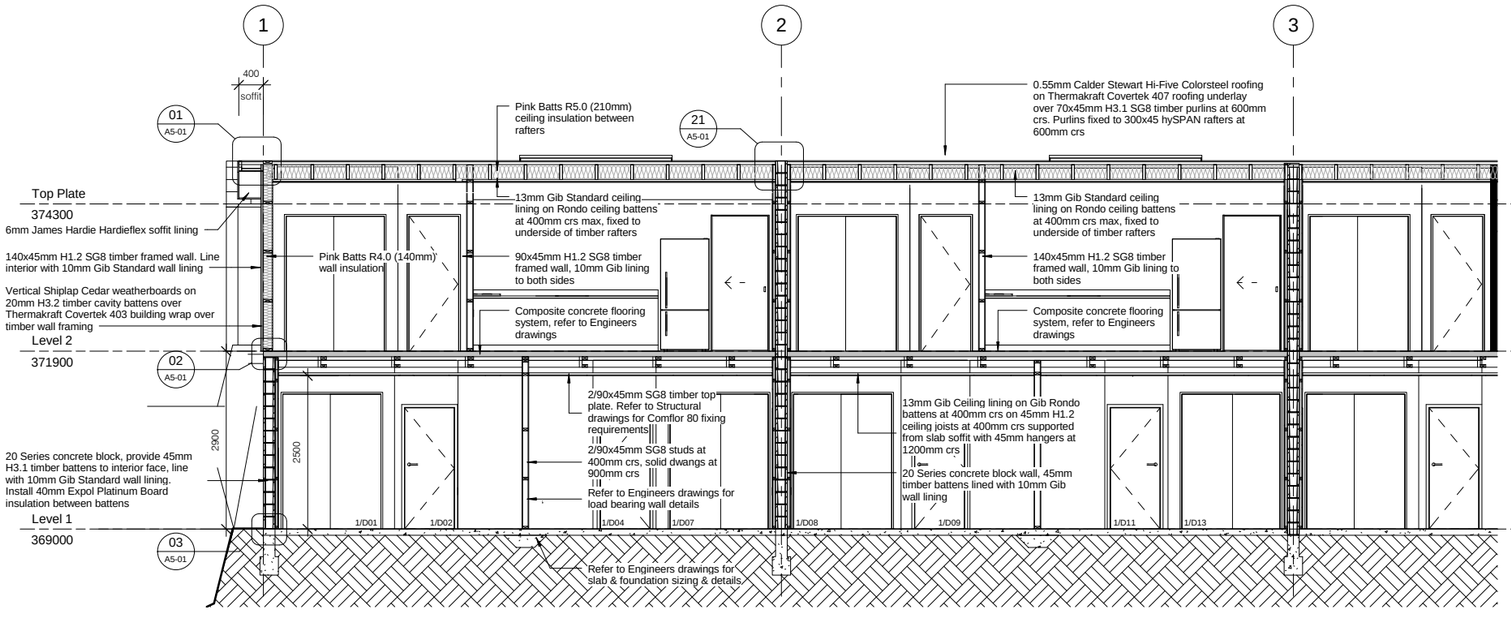
11. All other timber frame construction to comply strictly in accordance with NZS3604:2011

12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap

13. All timber battens shot fixed to concrete block wall at 600mm crs both ways

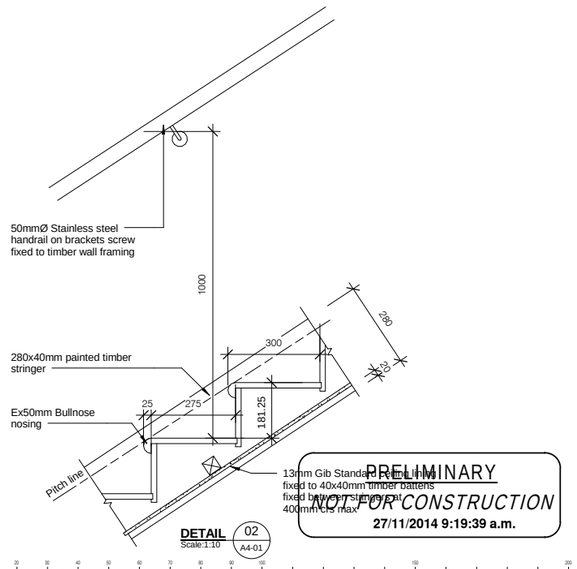
14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.



C A4-01 Cross Section C
1 : 50

DETAIL 01 A4-01
Scale:1:10



DETAIL 02 A4-01
Scale:1:10

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MBD	JULY 2014
A1 Scales:	A3 Scales:
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Sheet Title:
Cross Sections

Contract:	Sheet:
14041-01	A4-01
CAD File Name:	Of
	Revision:
CONCEPT	A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

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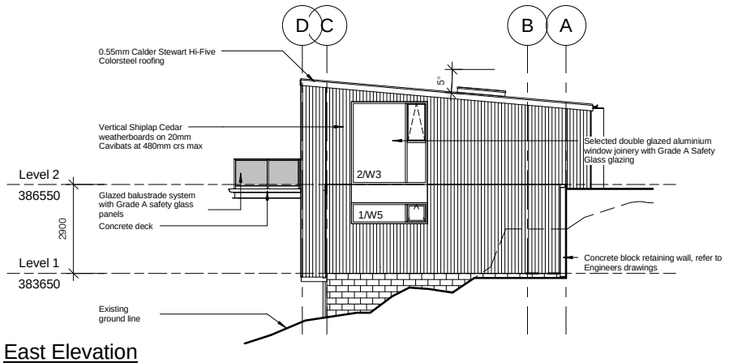
RM150087

Tuesday, 28 July 2015



East Elevation

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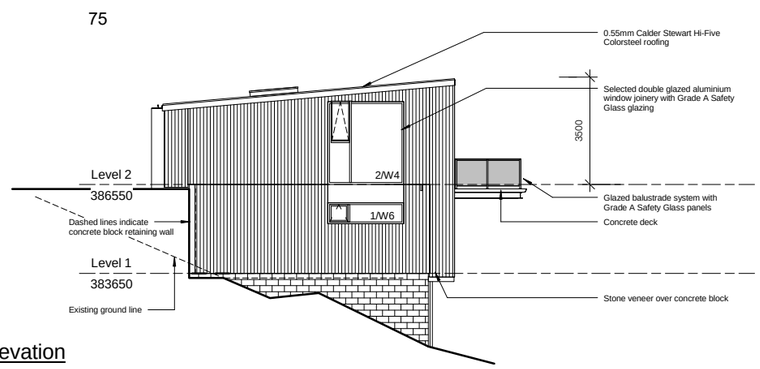

West Elevation

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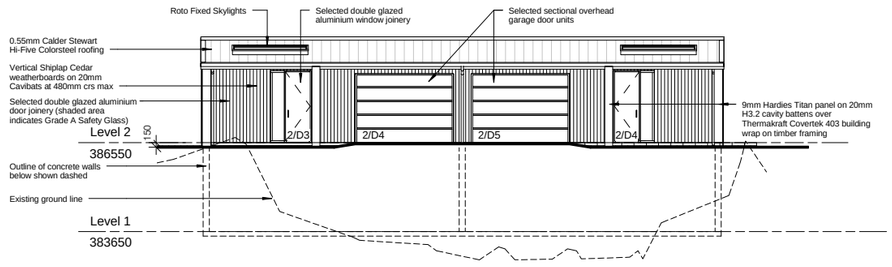

North Elevation

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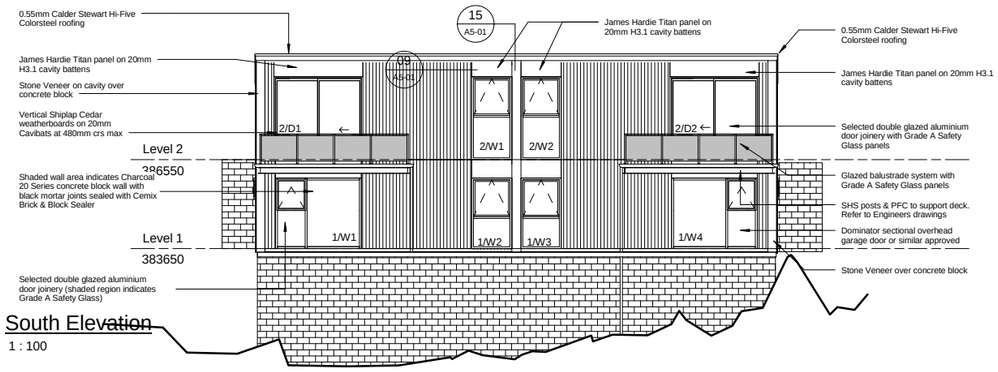


South Elevation

1 : 100

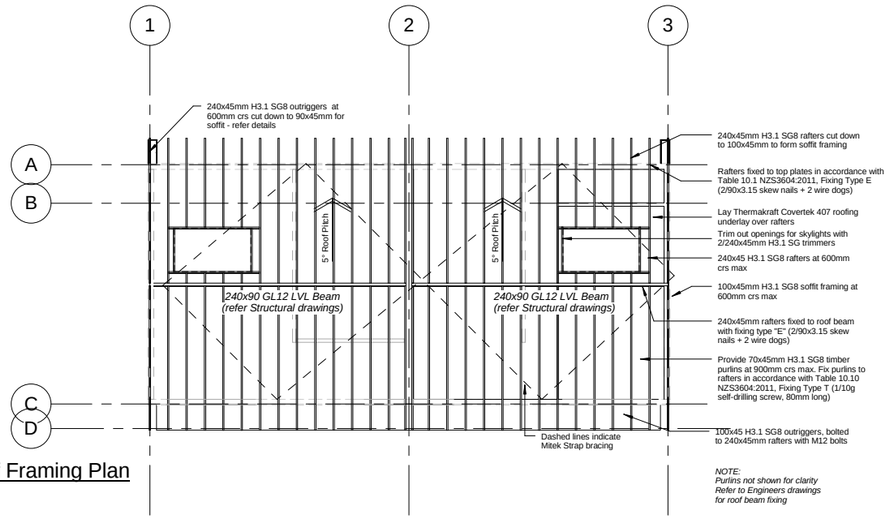
ELEVATION:NORTH ELEVATION	RISK SEVERITY												
Risk Factor	Low			Medium			High			Very High		Subtotals	
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	0	2	0	4	0				
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0				
Eaves Width	0	0	0	1	0	2	2	5	2				
Envelope Complexity	0	0	0	1	0	3	0	6	0				
Deck Design	0	0	0	2	0	4	0	6	0				
									Total Risk Score:			4	

ELEVATION:SOUTH ELEVATION	RISK SEVERITY												
Risk Factor	Low			Medium			High			Very High		Subtotals	
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	1	1	0	2	0	5	1				
Eaves Width	0	0	1	1	0	2	0	5	1				
Envelope Complexity	0	0	0	1	0	3	0	6	0				
Deck Design	0	0	2	2	0	4	0	6	2				
									Total Risk Score:			8	

ELEVATION:EAST ELEVATION	RISK SEVERITY												
Risk Factor	Low			Medium			High			Very High		Subtotals	
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0				
Eaves Width	0	0	0	1	2	2	0	5	2				
Envelope Complexity	0	0	0	1	0	3	0	6	0				
Deck Design	0	0	2	2	0	4	0	6	2				
									Total Risk Score:			8	

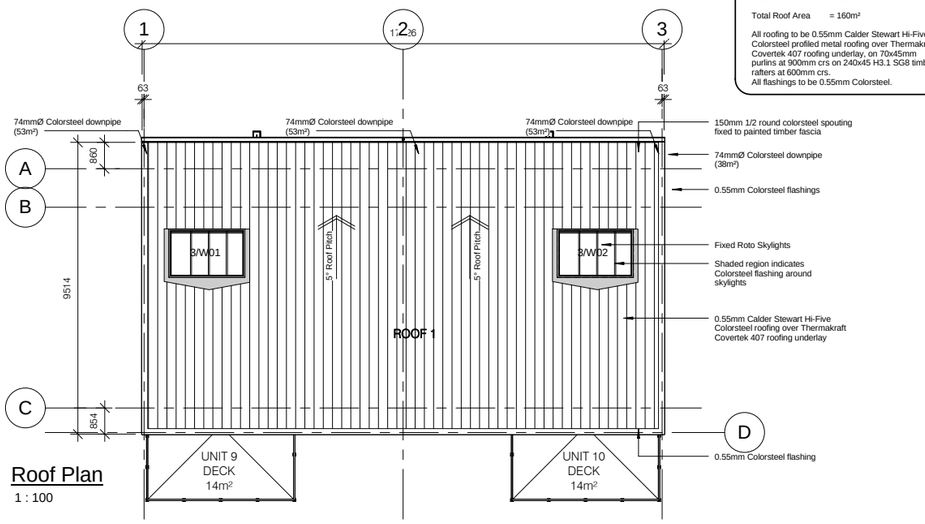
ELEVATION:WEST ELEVATION	RISK SEVERITY												
Risk Factor	Low			Medium			High			Very High		Subtotals	
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	0	1	0	2	0	5	0				
Eaves Width	0	0	0	1	2	2	0	5	2				
Envelope Complexity	0	0	0	1	0	3	0	6	0				
Deck Design	0	0	2	2	0	4	0	6	2				
									Total Risk Score:			8	

NOTE
ALL EXPOSED BLOCKWORK IS TO BE SEALED WITH CEMIX BRICK AND BLOCK SEALER



Roof Framing Plan

1 : 100



Roof Plan

1 : 100

ROOF NOTES

Roof 1 = 160m²

Total Roof Area = 160m²

All roofing to be 0.55mm Calder Stewart Hi-Five Colorsteel profiled metal roofing over Thermakraft Covertek 407 roofing underlay, on 70x45mm purlins at 900mm crs on 240x45 H3.1 SG8 timber rafters at 600mm crs.
All flashings to be 0.55mm Colorsteel.

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MBD	MARCH 2015
A1 Scales: 1 : 100	A3 Scales: 1:200

Sheet Title :
Elevations
Roof Framing Plan
Roof Plan

Contract:	Sheet:
14041-01	A3-01
CAD File Name:	Of
	Revision: 1

CONCEPT A1

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Document Set ID: 6870305
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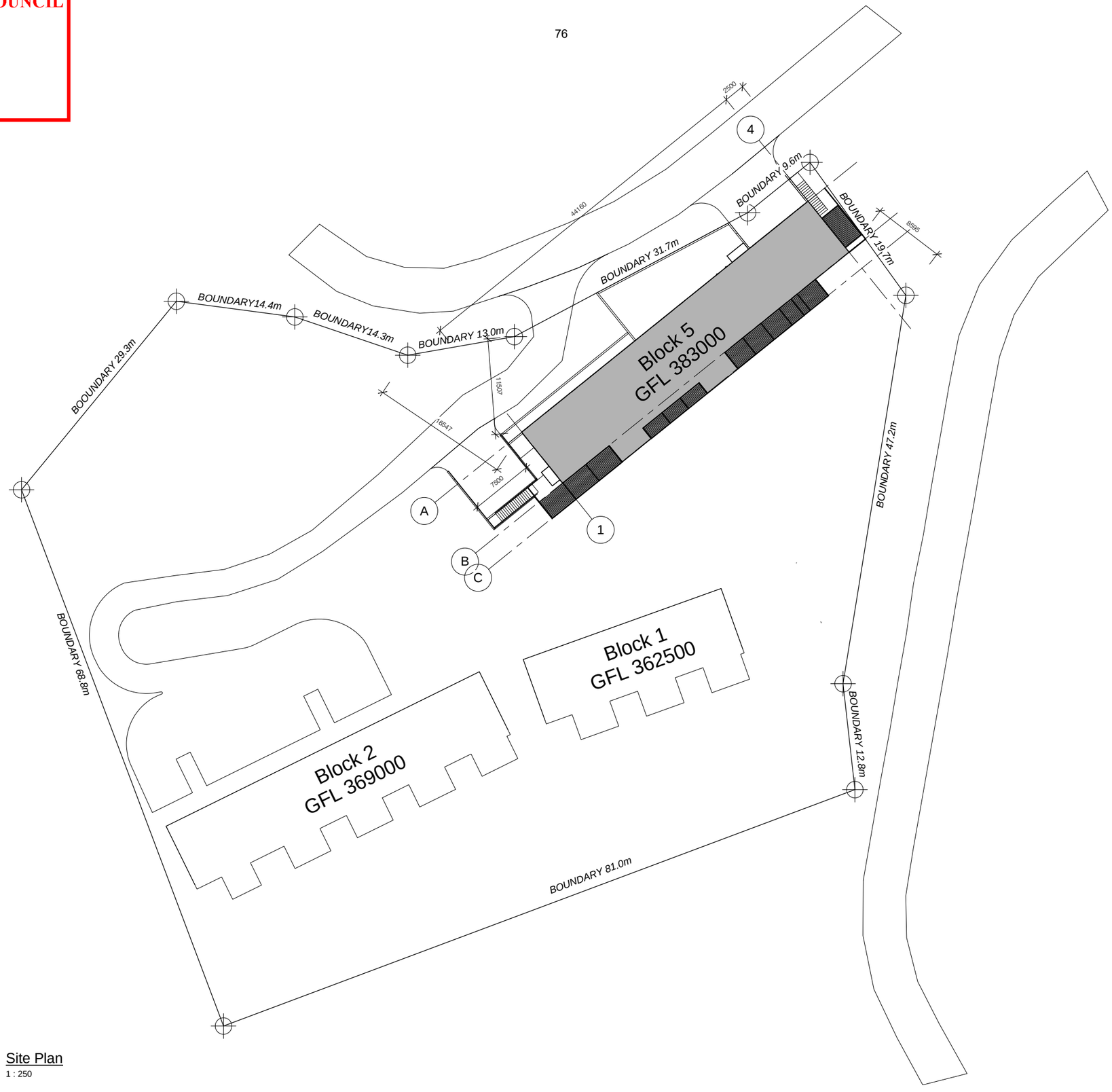

Site Plan
1 : 250

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No.	Revision Description	Date

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for Alpha Properties NZ Ltd.
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Queenstown

Drawn :	Date:
RE, MD	OCTOBER 2014
A1 Scales: 1 : 250	A3 Scales: A3 SCALE

Sheet Title :
Site Plan Block 5

Contract:	Sheet:
14068	A1-02
CAD File Name:	Revision: CI

CONSENT ISSUE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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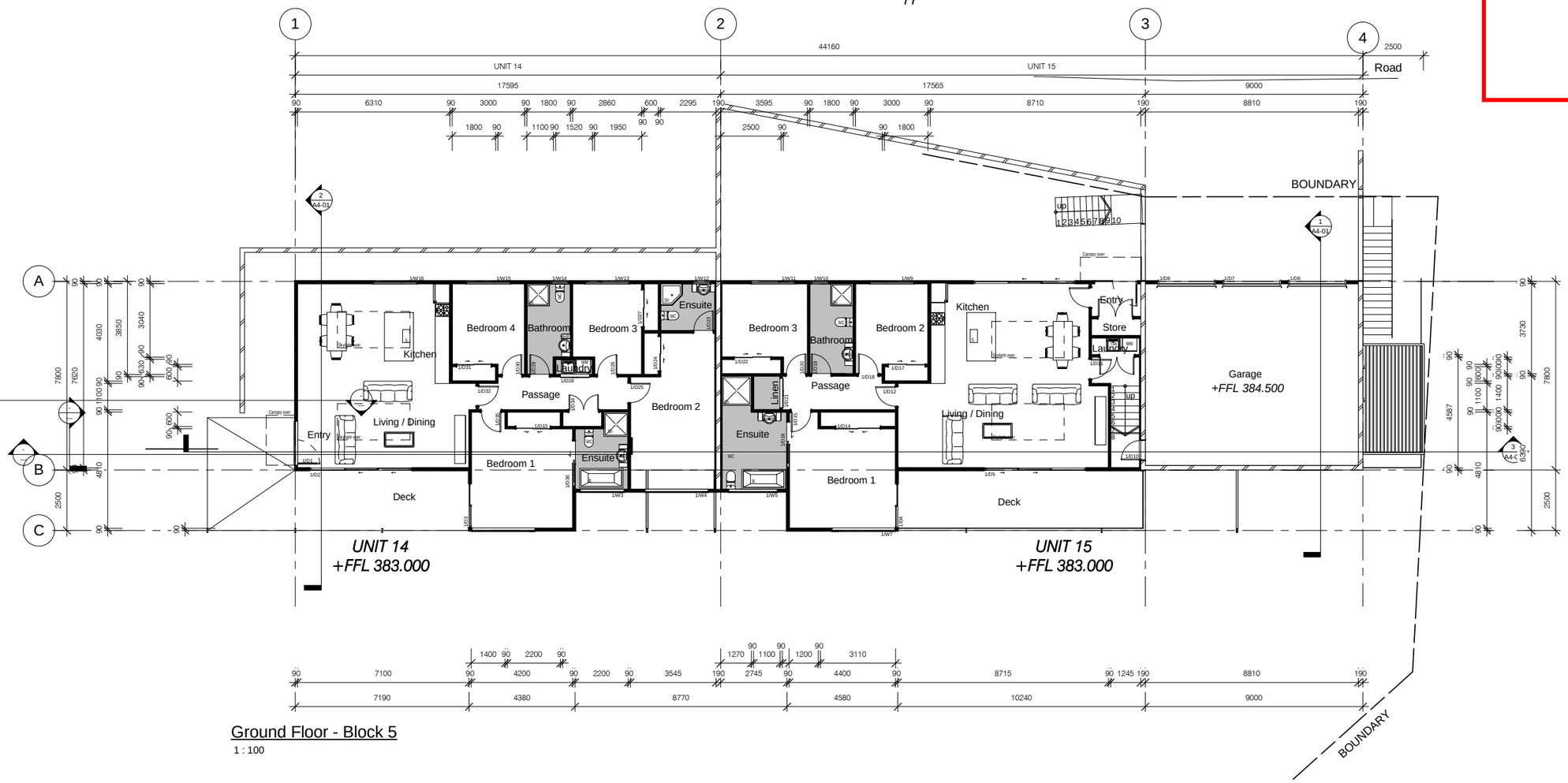
Tuesday, 28 July 2015



Ground Floor - Block 5

1 : 100

WALL LEGEND

- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior
- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior Pink Batts R2.8 wall insulation 20mm Cavibat Cavity Battens @480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- New 90x45mm H1.2 SG8 framing Double top plate wall Studs @ 400mm crs max. 10mm Gib Standard to interior
- New 140x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard both sides
- New 40x45mm H1.2 SG8 framing Studs @ 400mm crs max. Dwangs @ 1350mm crs max. 10mm Gib Standard to interior Pink Batts R4.0 wall insulation 20mm Cavibat Cavity Battens @480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- 20 Series Concrete block Ardex Shelterseal 5000HD tanking system to exterior, seal with Cemix Brick & Block Sealer 45mm H3.1 timber battens over Thermakraft Covertek 403 building wrap 40mm Expol Platinum Board insulation 10mm Gib Standard to interior
- 20 Series Concrete block 45mm H3.1 timber battens both sides over Thermakraft Covertek 403 building wrap 10mm Gib Standard both sides
- SD — Type 1 Domestic Smoke Detector
- MB — Block 1 Electrical Meter Board
- MSB — Electrical Main Switch Board to each Unit
- LPG Meter — Block 1 Gas Meter Board

TO BE REVISED

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise
2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise
3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 800mm crs max. Bolts to be complete with 50x50x3mm washers
4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max
5. All bottom plates to have a minimum of two fixings per plate
6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)
7. All timber lintels to top storey to be fixed in accordance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection
8. All trimmer studs to lintels shall be in accordance with Fig. 8.15 and Table 8.5 of NZS3604:2011
9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type H (3/90x3.15 skew nails + 2 wire dogs
10. All purlins to be fixed to rafters in accordance with Table 10.10 of NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)
11. All other timber frame construction to comply strictly in accordance with NZS3604:2011
12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap
13. All timber battens shot fixed to concrete block wall at 600mm crs both ways
14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs
15. All wet areas to have approved vinyl flooring coved up walls 150mm min. with 10mm Gib Aqualine wall linings
16. All showers to be Englefield enclosed shower units or similar approved.

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.

GROUND FLOOR AREAS

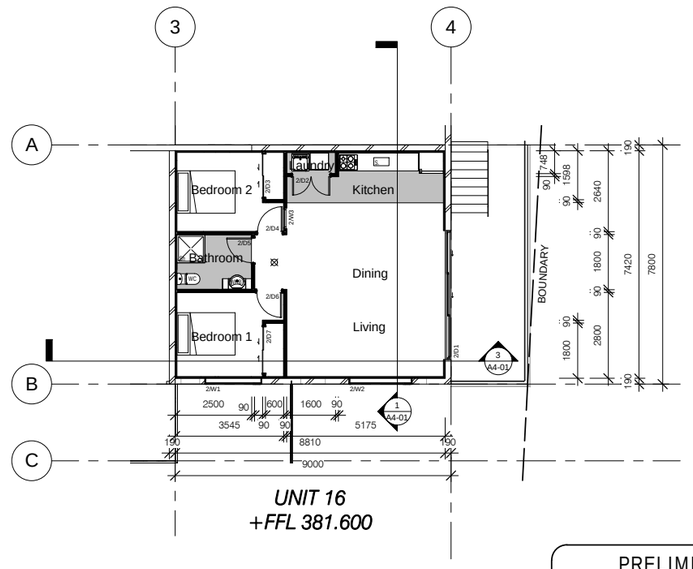
Unit 14 Ground Floor Area	=	153m²
Unit 15 Ground Floor Area	=	220m² (incl. 67m² Garage)
Unit 16 Basement Floor Area	=	65m²

FLOOR FINISHES

Tarkett Optima flooring vinyl with slip resistance of 0.3 to all Bathrooms, Ensuites, Laundry's & Kitchen areas

All other areas to be selected carpet

Garge to be concrete



Basement Floor - Block 5

1 : 100

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27/11/2014 9:27:06 a.m.

ORIGINAL SIZE A1

Phone: (03) 459 4196
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12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
WJ CADZOW & ASSOCIATES Ltd

Date	Revision Description	No.

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Contract:
The Tiers Development - Block 5 for Alpha Properties NZ Ltd. Frankton Road Queenstown

Drawn: RE,MD	Date: OCTOBER 2014
A1 Scales: As indicated	A3 Scales: 1:200

Sheet Title:
Ground Floor Plan

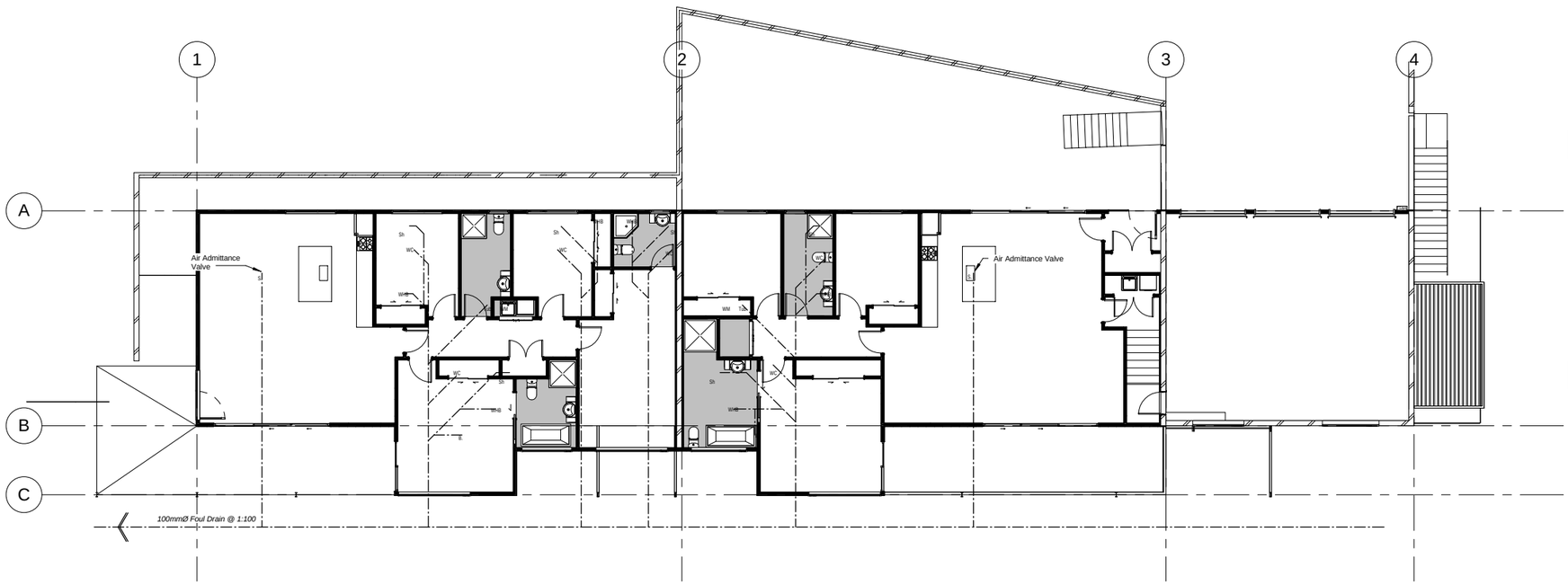
Contract: 14068	Sheet: A2-01
CAD File Name:	Of
	Revision:
CONSENT ISSUE	A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

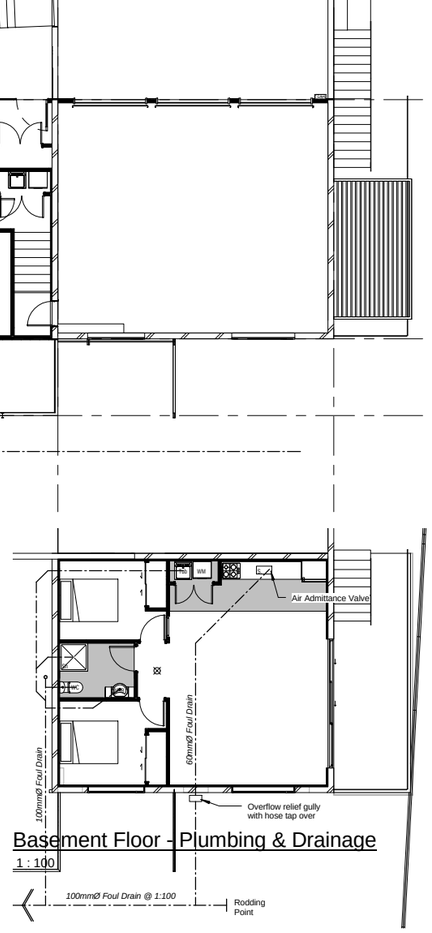
APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



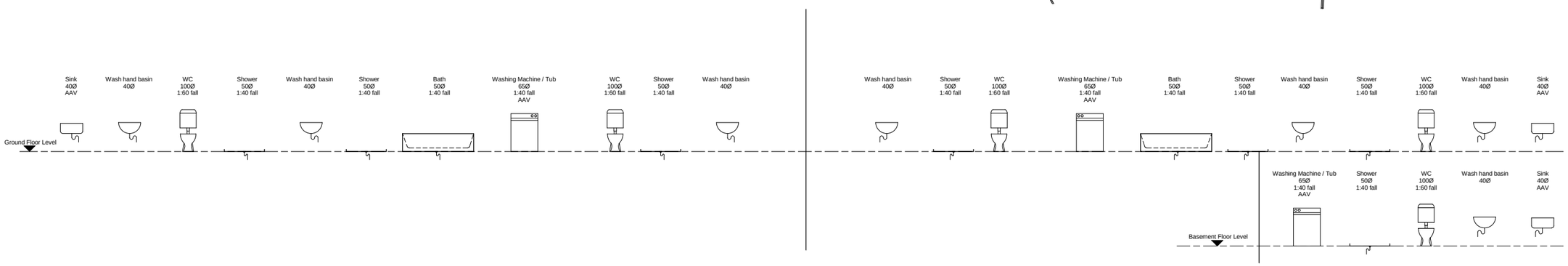
Ground Floor - Plumbing & Drainage

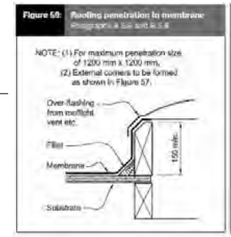
1 : 100

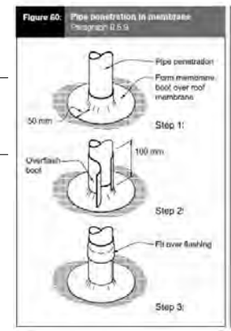


Basement Floor - Plumbing & Drainage

1 : 100







DRAINAGE LEGEND - AS3500

- New Foul Waste Drains
- New Stormwater Drains
- New Water Pipe

Whb.	Wash Hand Basin 40mm Ø 1:40 min fall 40mm Ø Vent pipe
WC.	Water Closet 100mm Ø 1:60 min fall 40mmØ Vent pipe
S.	Sink 40mm Ø 1:40 min fall 40mm Ø Vent pipe
Sh	Shower 50mm Ø 1:40 min fall
Tub	Laundry Tub 40mm Ø 1:40 min fall 40mm Ø Vent pipe
WM	Washing Machine 40mmØ 1:40 min fall
B.	Bath 40mmØ 1:40 min fall
Gas	Rinnai Infinity XR26 External

FIXTURE UNIT RATINGS

# of	Fixture	Unit Rating	Total
7	Wash Hand Basin	1	7
7	Water Closet	6	42
7	Shower	2	14
3	Sink	3	9
3	Tub	5	15
2	Bath	4	8
TOTAL DISCHARGE UNITS			**95**

NOTES

All pipework that passes through concrete slabs shall be 65mmØ min.

Hot water supply to be Rinnai inifinity using reticulated gas supply.

Hot water supply to be Rinnai inifinity using reticulated gas supply.

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Building Design and Draughting Services

Date	Revision Description	No.

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Contract:
The Tiers Development - Block 5 for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn: MBD	Date: OCTOBER 2014
A1 Scales: As indicated	A3 Scales: As indicated

Sheet Title:
Plumbing & Drainage Plans

Contract: 14068	Sheet: A2-03
CAD File Name:	Of
	Revision:

CONSENT ISSUE A1

PRELIMINARY
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27/11/2014 9:27:08 a.m.

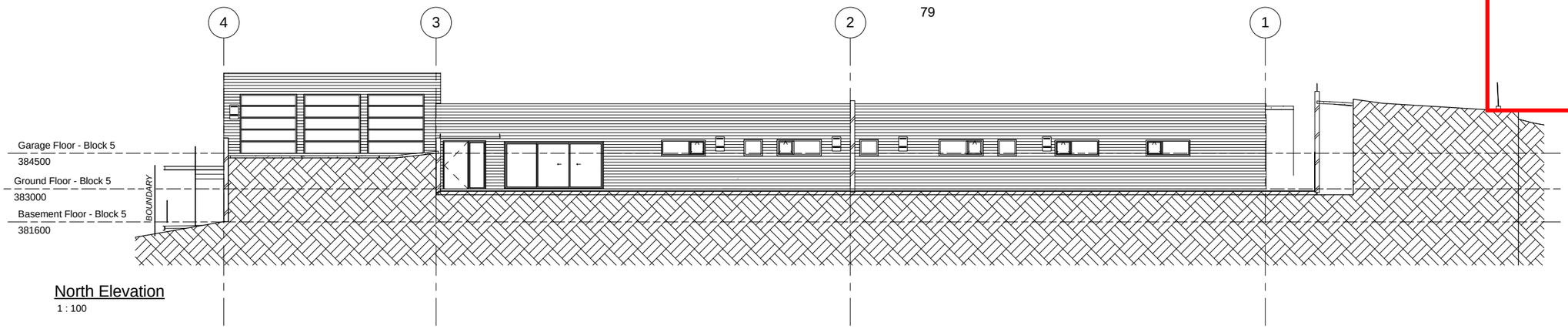
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

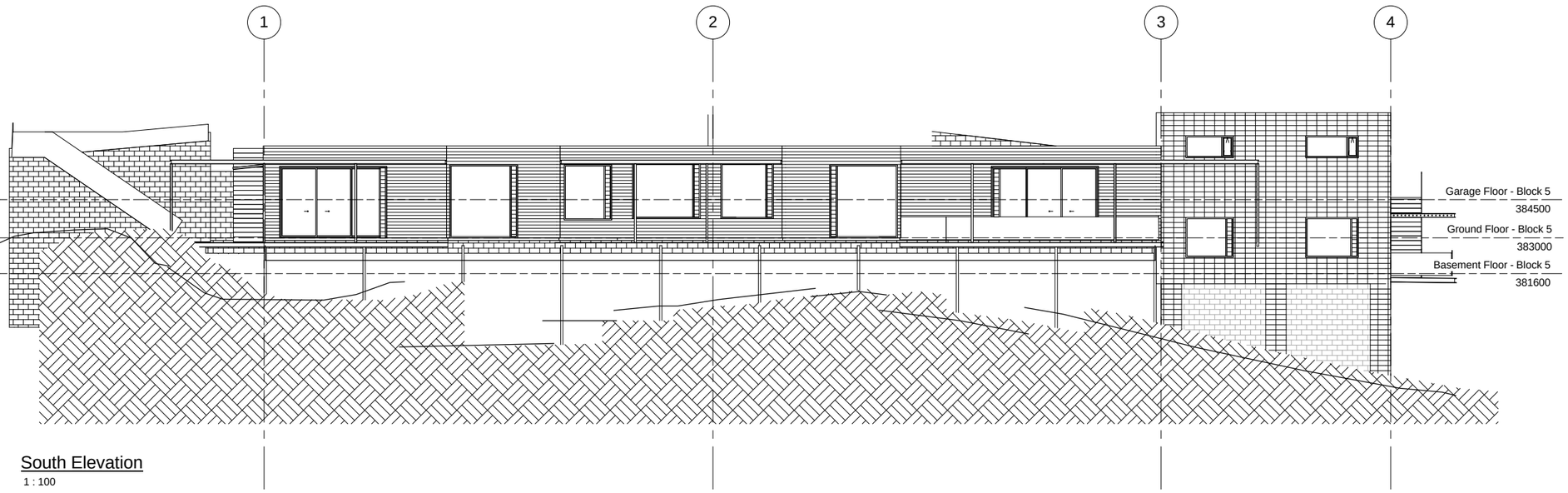
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



North Elevation
1 : 100



South Elevation
1 : 100

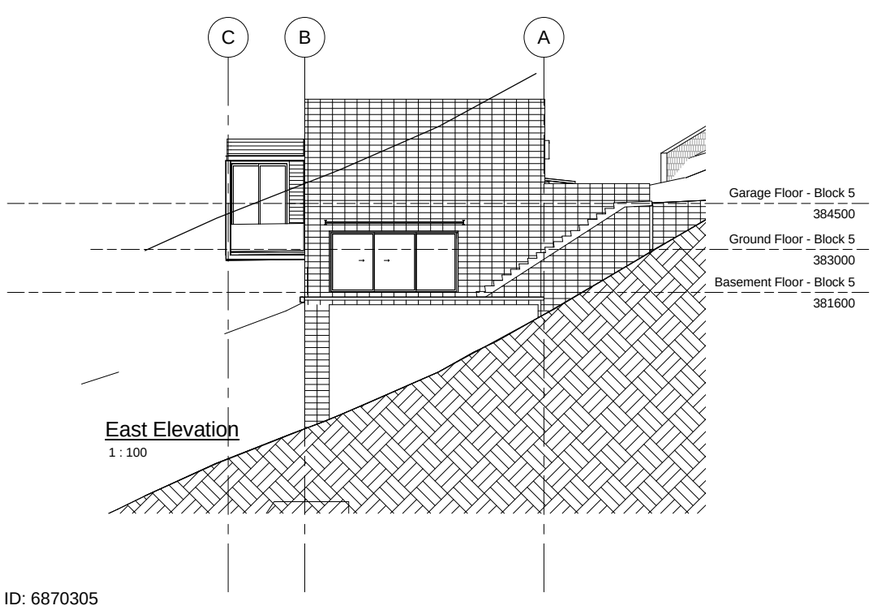
ELEVATION:NORTH ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals				
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	1	1	0	2	0	4	1				
Roof / Wall intersection design	0	0	0	1	3	3	0	5	3				
Eaves Width	0	0	0	1	0	2	5	5	5				
Envelope Complexity	0	0	1	1	0	3	0	6	1				
Deck Design	0	0	0	2	0	4	0	6	0				
								Total Risk Score:	12				

ELEVATION:SOUTH ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals				
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	0	1	3	3	0	5	3				
Eaves Width	0	0	0	1	0	2	5	5	5				
Envelope Complexity	0	0	1	1	0	3	0	6	1				
Deck Design	0	0	2	2	0	4	0	6	2				
								Total Risk Score:	15				

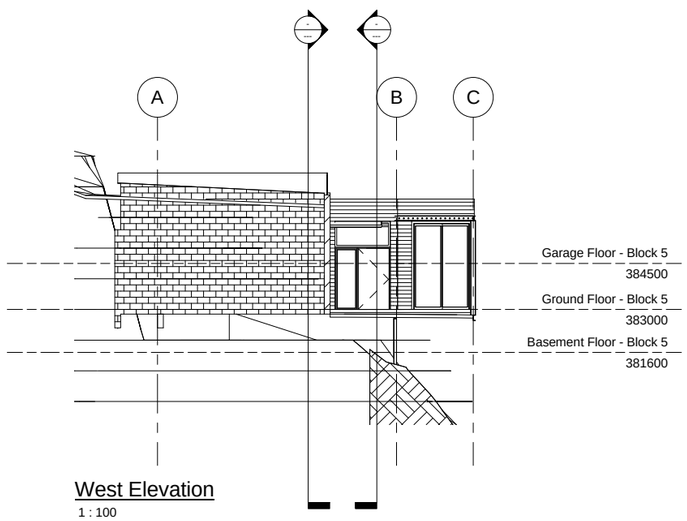
ELEVATION:EAST ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals				
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	0	1	3	3	0	5	3				
Eaves Width	0	0	0	1	0	2	5	5	5				
Envelope Complexity	0	0	1	1	0	3	0	6	1				
Deck Design	0	0	2	2	0	4	0	6	2				
								Total Risk Score:	15				

ELEVATION:WEST ELEVATION	RISK SEVERITY												
Risk Factor	Low		Medium		High		Very High		Subtotals				
Wind Zone	0	0	0	0	0	1	2	2	2				
Number of Storys	0	0	0	1	2	2	0	4	2				
Roof / Wall intersection design	0	0	0	1	3	3	0	5	3				
Eaves Width	0	0	0	1	0	2	5	5	5				
Envelope Complexity	0	0	1	1	0	3	0	6	1				
Deck Design	0	0	2	2	0	4	0	6	2				
								Total Risk Score:	15				

NOTE
ALL EXPOSED BLOCKWORK IS TO BE SEALED
WITH CEMIX BRICK AND BLOCK SEALER



East Elevation
1 : 100



West Elevation
1 : 100

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Building Design and Draughting Services
WJ CADZOW & Associates Ltd

Date	Revision Description	No.

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Contract:
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for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn :	Date:
MD	OCTOBER 2014
A1 Scales: **1 : 100**	A3 Scales: **1:200**

Sheet Title :
Elevations

Contract:	Sheet:
14068	**A3-01**
CAD File Name:	Of
	Revision:

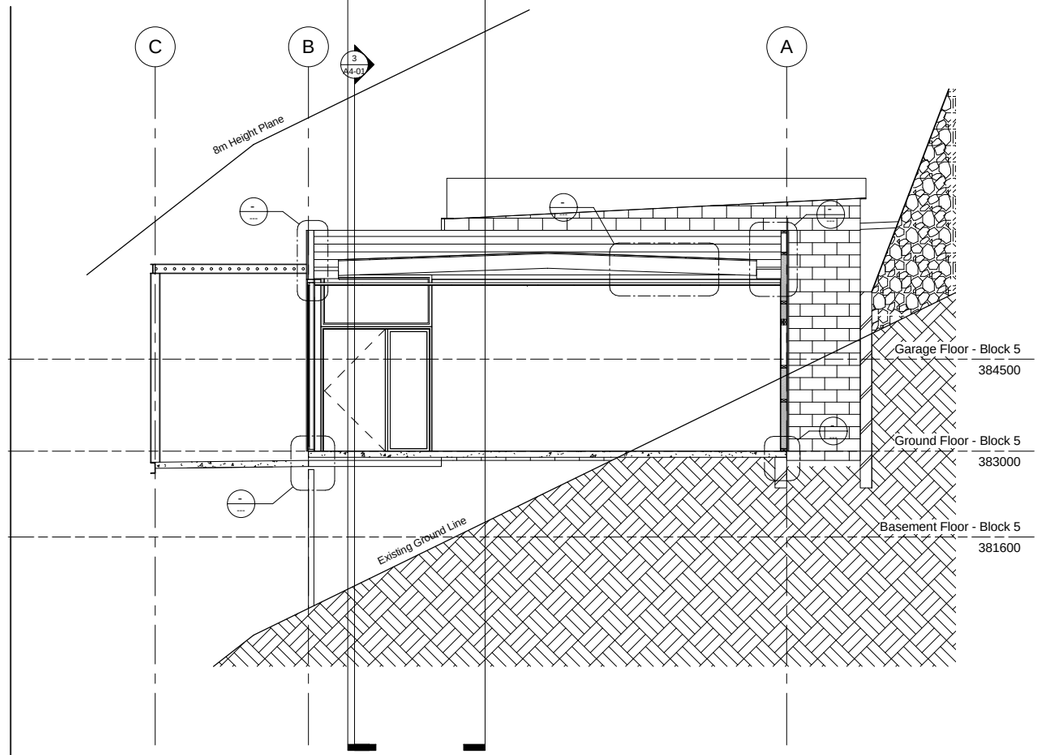
CONSENT ISSUE **A1**

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

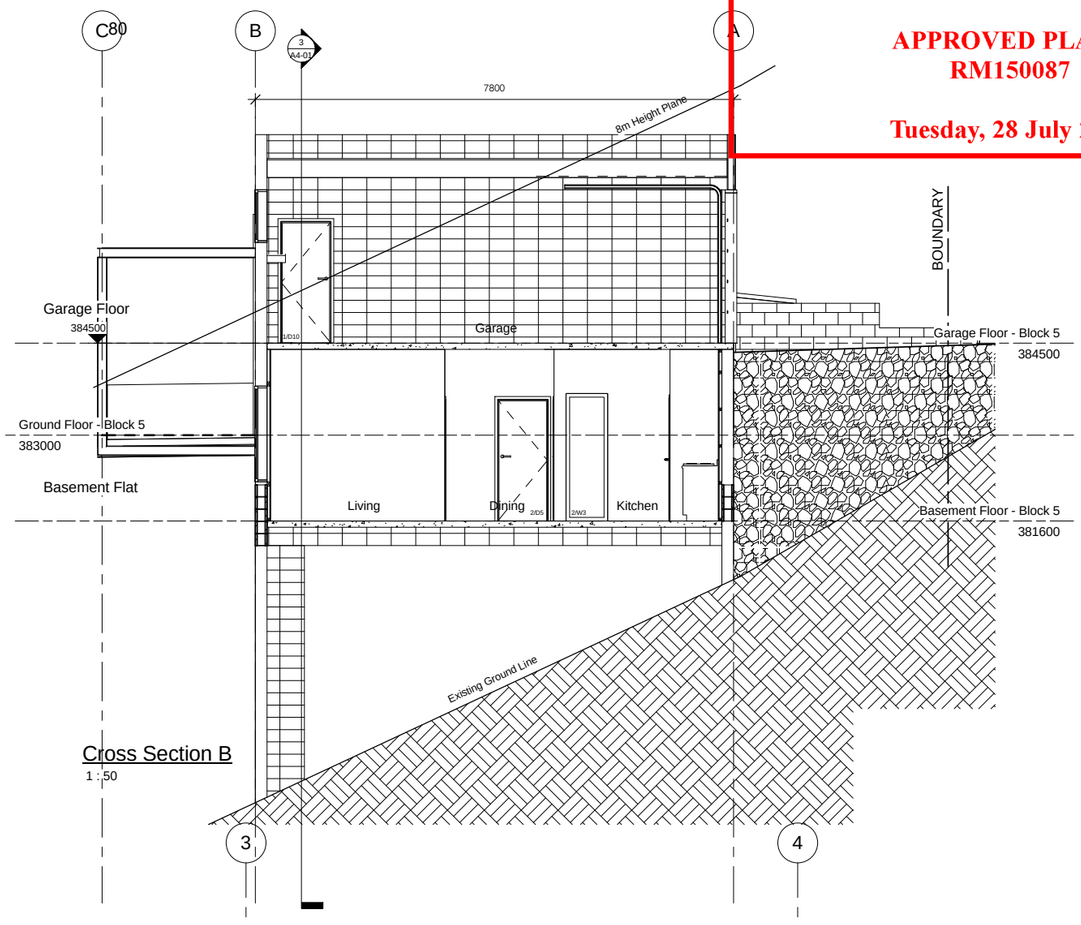
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



Cross Section A
1 : 50



Cross Section B
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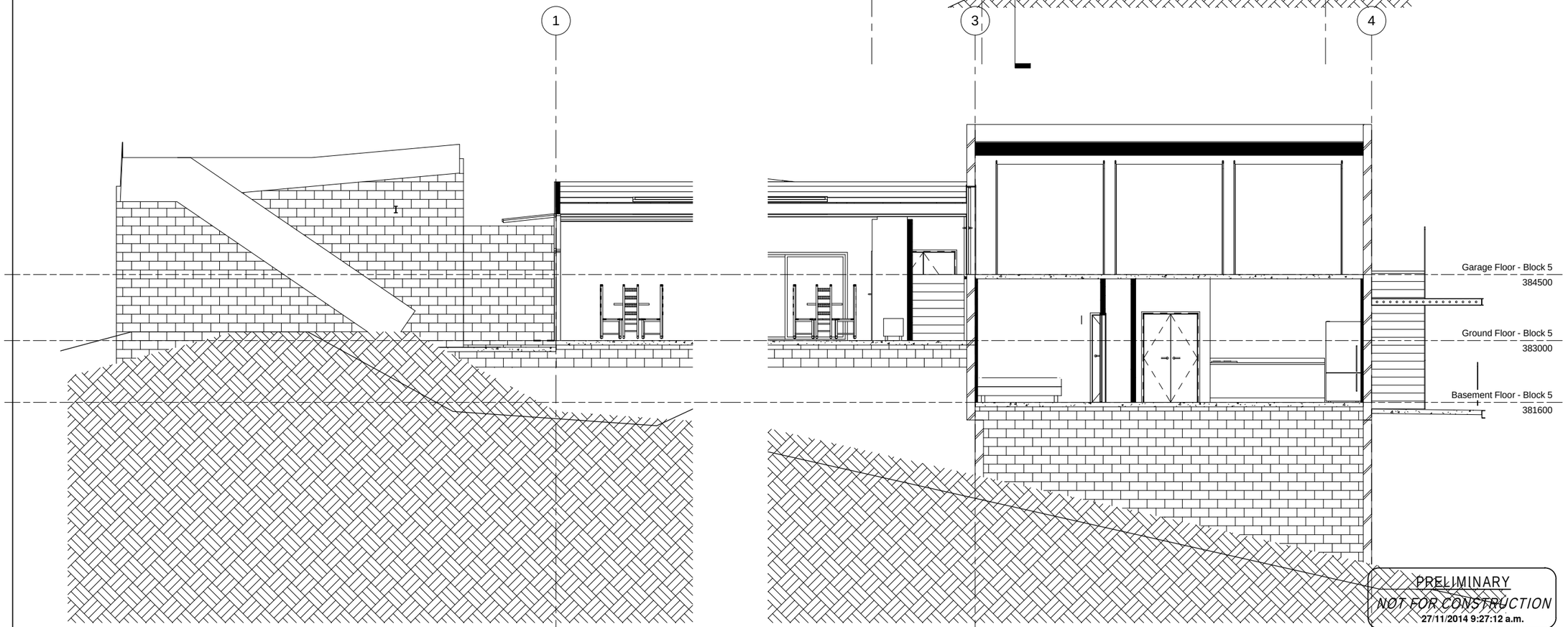

Cross Section C
1 : 50

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise

2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise

3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 800mm crs max. Bolts to be complete with 50x50x3mm washers

4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max

5. All bottom plates to have a minimum of two fixings per plate

6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)

7.All timber lintels to top storey to be fixed in accordance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection

8. All trimmer studs to linteles to be in accordance with Fig. 8.15 and Table 8.19 of NZS3604:2011

9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type H (3/90x3.15 skew nails + 2 wire dogs

10. All purlins to be fixed to rafters in accordance with Table 10.10 NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)

11. All other timber frame construction to comply strictly in accordance with NZS3604:2011

12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap

13. All timber battens shot fixed to concrete block wall at 600mm crs both ways

14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs

15. All wet areas to have approved vinyl flooring coved up walls 150mm min. with 10mm Gib Aqualine wall linings

16. All showers to be Englefield enclosed shower units or similar approved.

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.

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Date	Revision Description	No.

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Contract:
The Tiers Development - Block 5
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn:	Date:
RE, MD	OCTOBER 2014
A1 Scales: 1 : 50	A3 Scales: 1:100

Sheet Title:
Cross Sections

Contract:	Sheet:
14068	A4-01
CAD File Name:	Of
	Revision:

CONSENT ISSUE A1

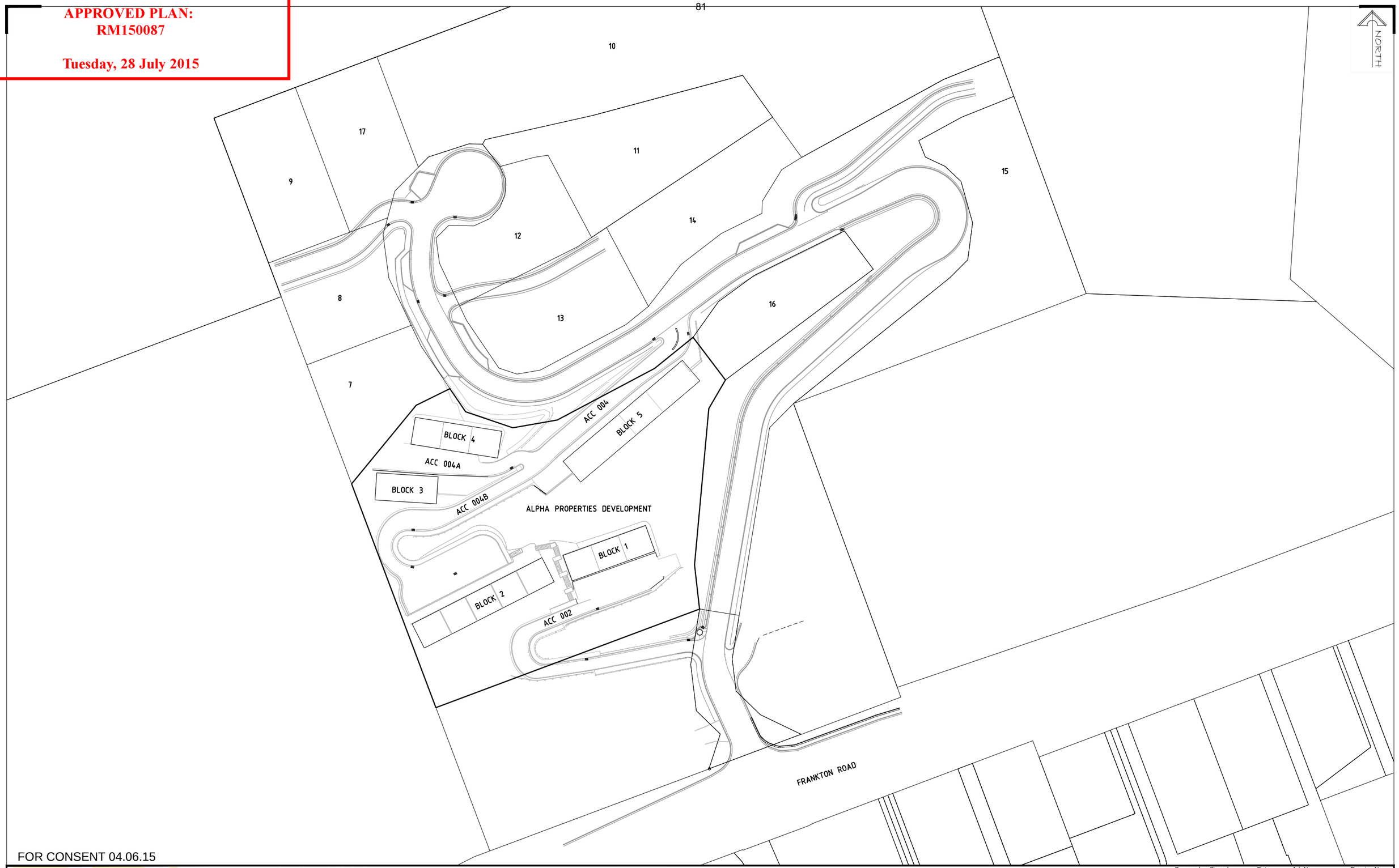
ORIGINAL SIZE A1

Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



FOR CONSENT 04.06.15

Shotover Design Limited trading as
Clark Fortune McDonald & Associates
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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

Rev.	Date	Revision Details	By
-	-	-	-

THE TIERS SUBDIVISION OVERVIEW

Client: ALPHA PROPERTIES LTD

Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	E002 Sheet 001
Drawn	**Signed**	**Date**	**Scale**	
RWB		22.04.15	1:500 @ A1 1:1000 @ A3	
Designed	**Signed**	**Date**	**Datum & Level**	**Rev.**
-		-	Mt Nic 2000 & MSL	-

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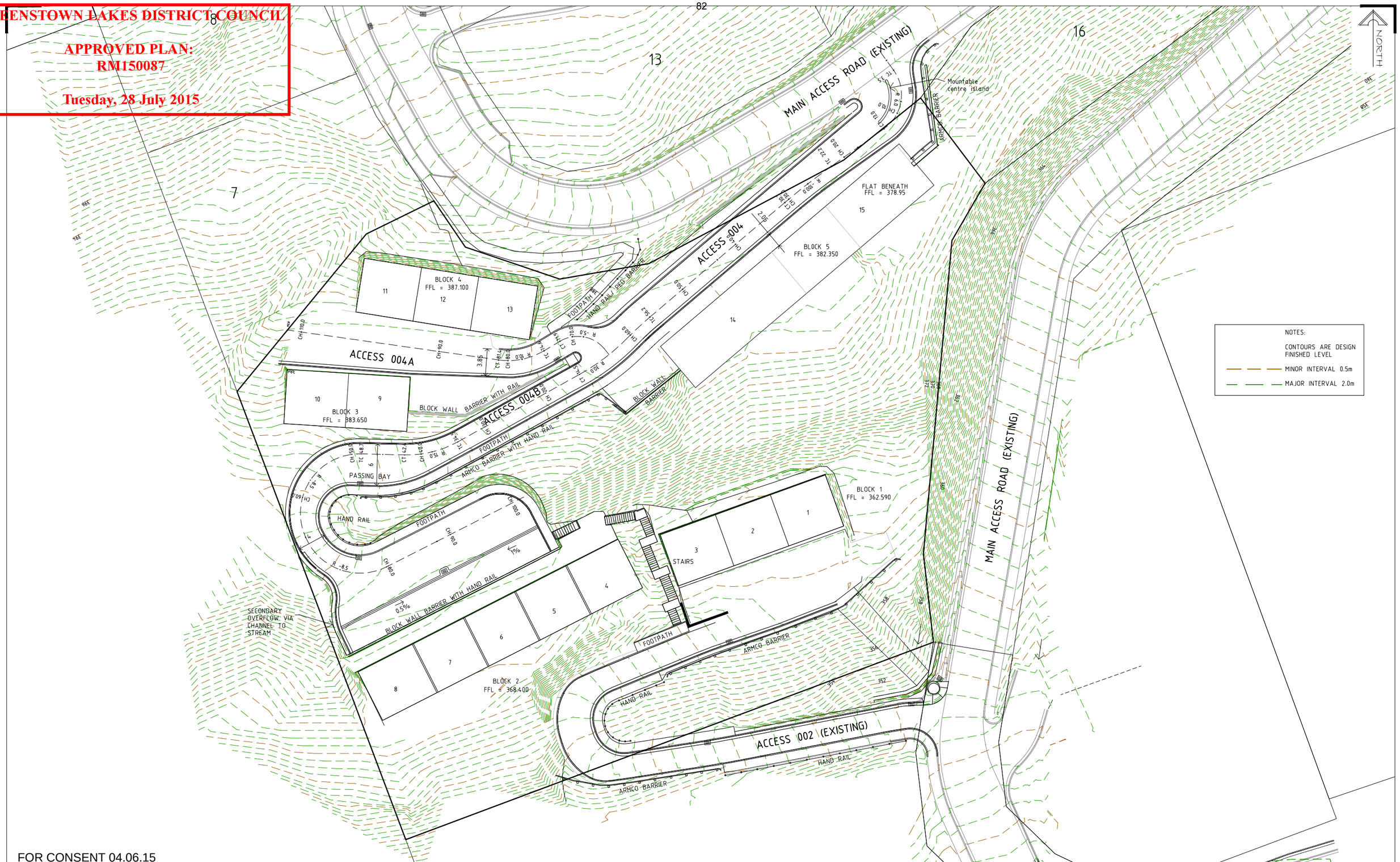
RM150087

Tuesday, 28 July 2015



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Rev.	Date	Revision Details	By
F	02.04.15	Realign Kerb and extend to new sump	RB
G	13.04.15	Update barrier details	RB

THE TIERS UNIT DEVELOPMENT
EARTHWORKS & ROADING LAYOUT

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 002
	Drawn	Signed	Date	Scale	
	RWB		22.04.15		1:250 @ A1 1:500 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

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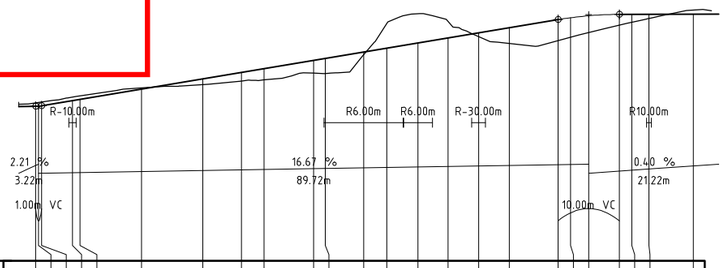

HORIZ CURVE DATA

VERT GEOMETRY GRADE (%)
VERT GRADE LENGTH (m)

VERT CURVE LENGTH (m)

DATUM R.L.322.00

| | | |

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APPROVED PLAN:
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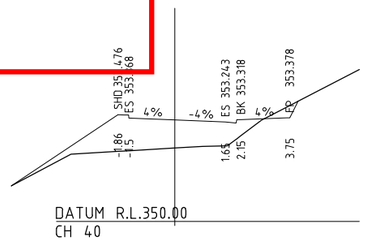
Tuesday, 28 July 2015



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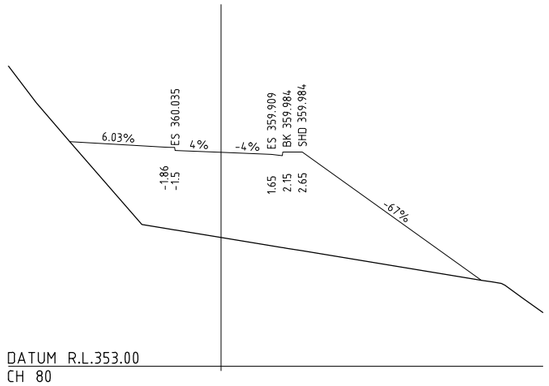

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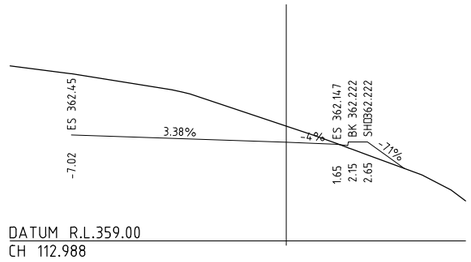

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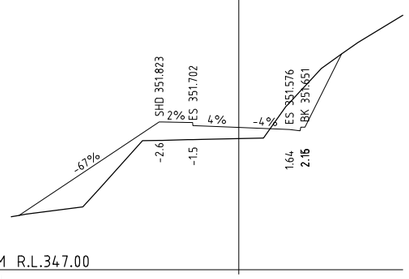

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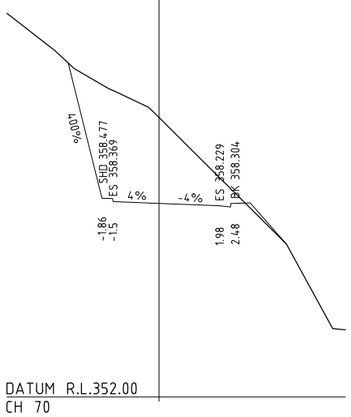

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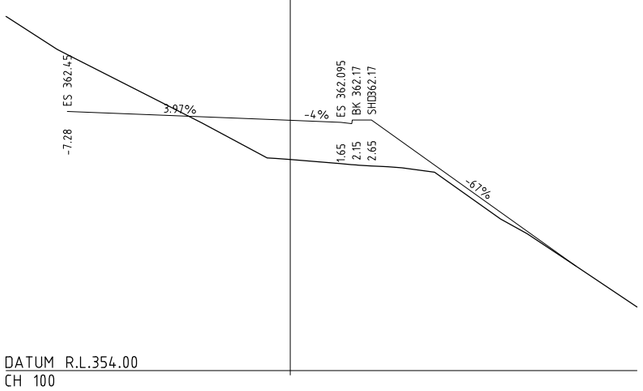

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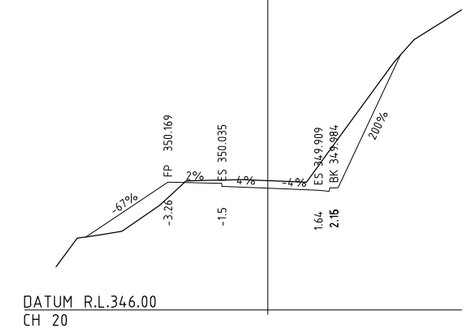

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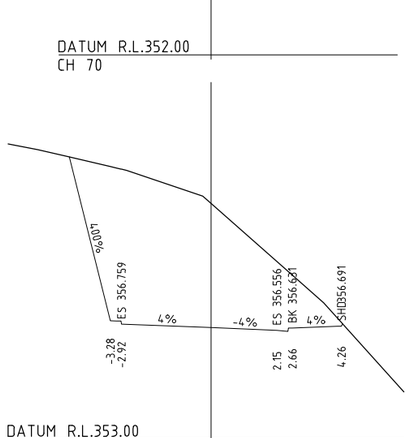

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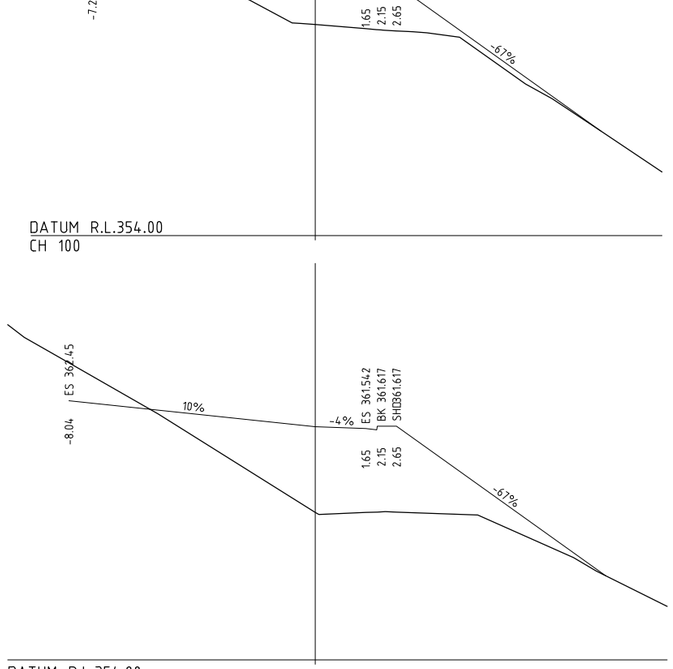

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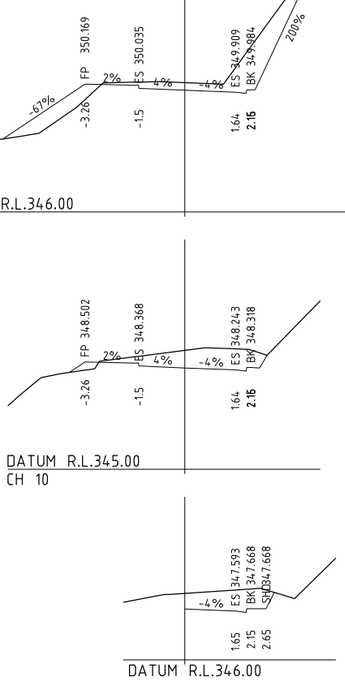

DATUM R.L.345.00
CH 10

DATUM R.L.346.00

DATUM R.L.351.00
CH 50

FOR CONSENT 04.06.15

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Rev.	Date	Revision Details	By
-	-	-	-

THE TIERS UNIT DEVELOPMENT
ACC 002 CROSS SECTIONS

Client: ALPHA PROPERTIES LTD	Surveyed: -	Signed:	Date: -	Job No.: 11696	Drawing No.: E002 Sheet 004
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	Designed: -	Signed:	Date: -	Datum & Level: Mt Nic 2000 & MSL	Rev.: -

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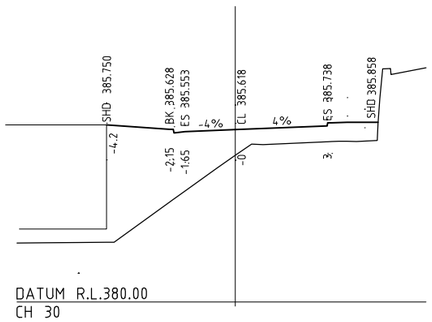
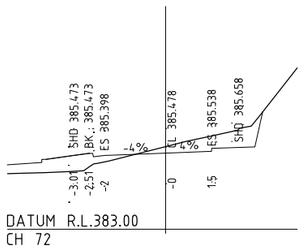
Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

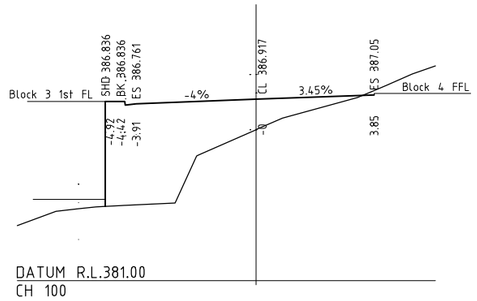
QUEENSTOWN LAKES DISTRICT COUNCIL

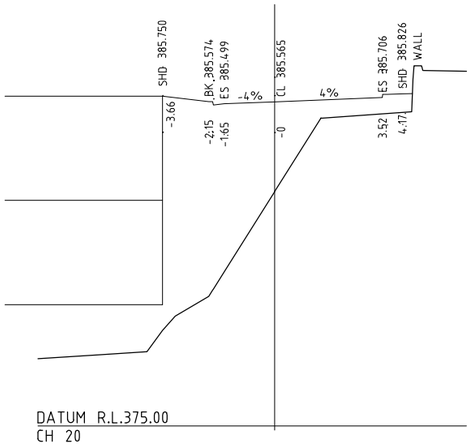
APPROVED PLAN:
RM150087

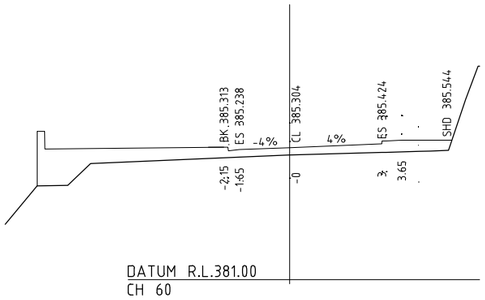
Tuesday, 28 July 2015

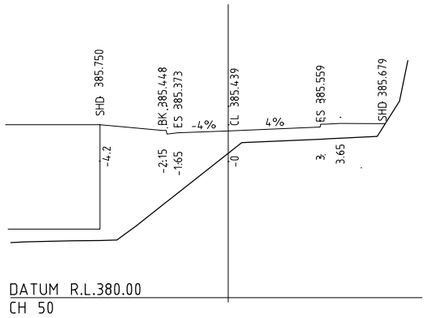


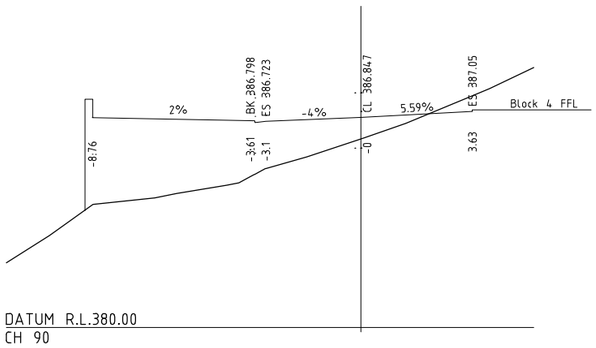


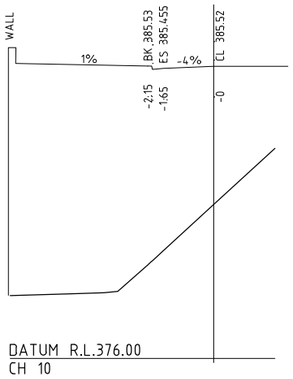


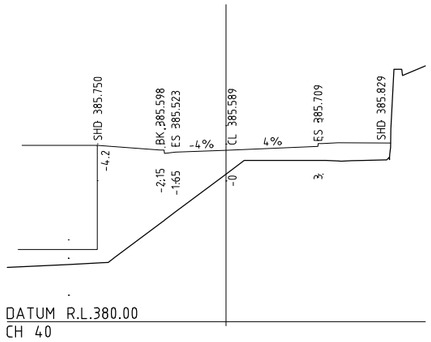


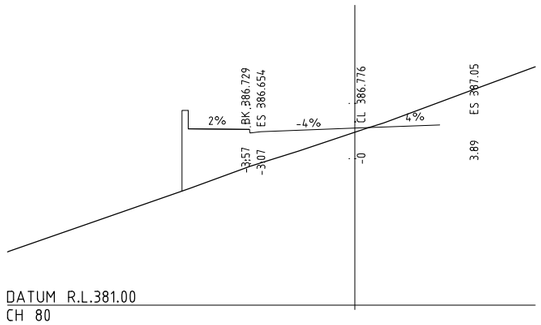












FOR CONSENT 04.06.15

Shotover Design Limited trading as
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309 Lower Shotover Road, P.O.Box 553 Queenstown
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Rev.	Date	Revision Details	By
-	-	-	-

THE TIERS UNIT DEVELOPMENT
ACC 004 / 004A CROSS SECTIONS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 005
	Drawn	Signed	Date	Scale	1:100 @ A1 1:200 @ A3
	RWB		22.04.15		
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

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Document Set ID: 6870305
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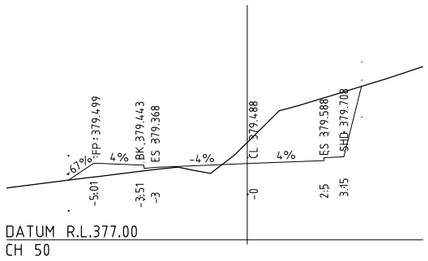
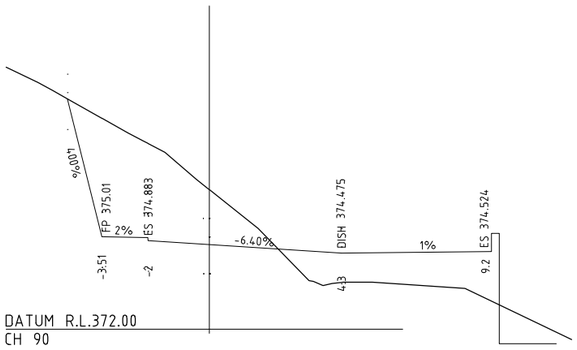
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



DATUM R.L.377.00
CH 50



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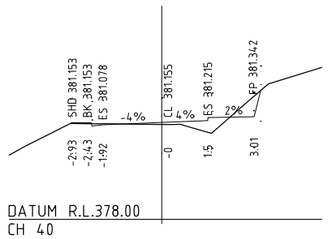

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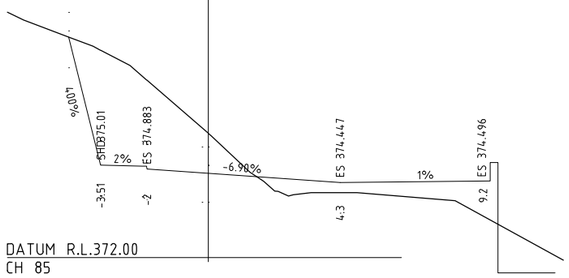

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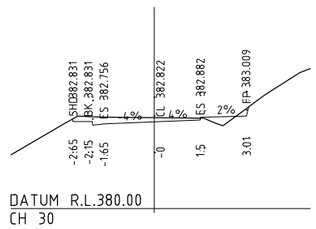

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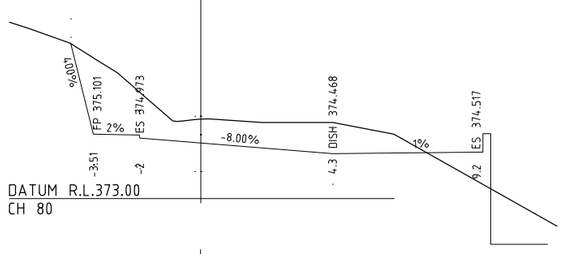

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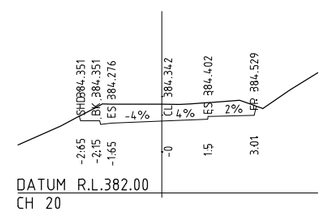

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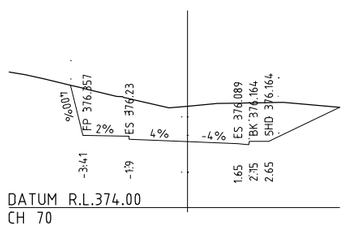

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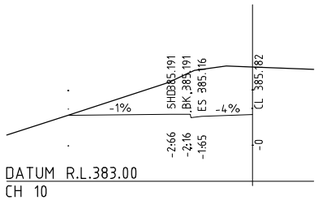

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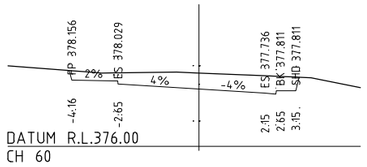

DATUM R.L.376.00
CH 60

FOR CONSENT 04.06.15

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Rev.	Date	Revision Details	By
-	-	-	-

THE TIERS UNIT DEVELOPMENT
ACC 004B CROSS SECTIONS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 006
	Drawn	Signed	Date	Scale	1:100 @ A1
	RWB		22.04.15		1:200 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

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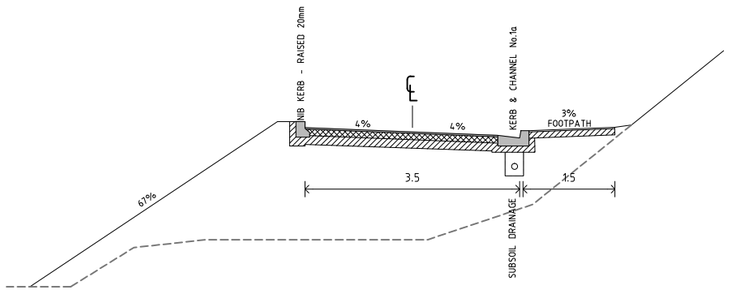
QUEENSTOWN LAKES DISTRICT COUNCIL

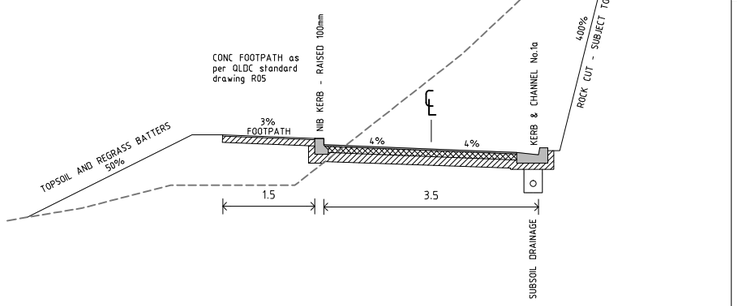
APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

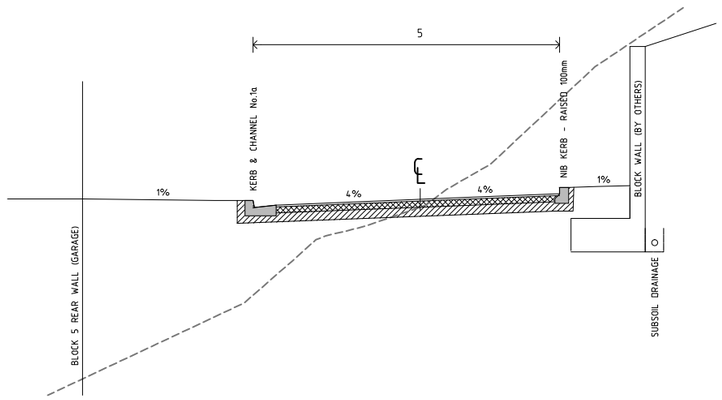
ACC 002 / 004 - FOOTPATH INSIDE



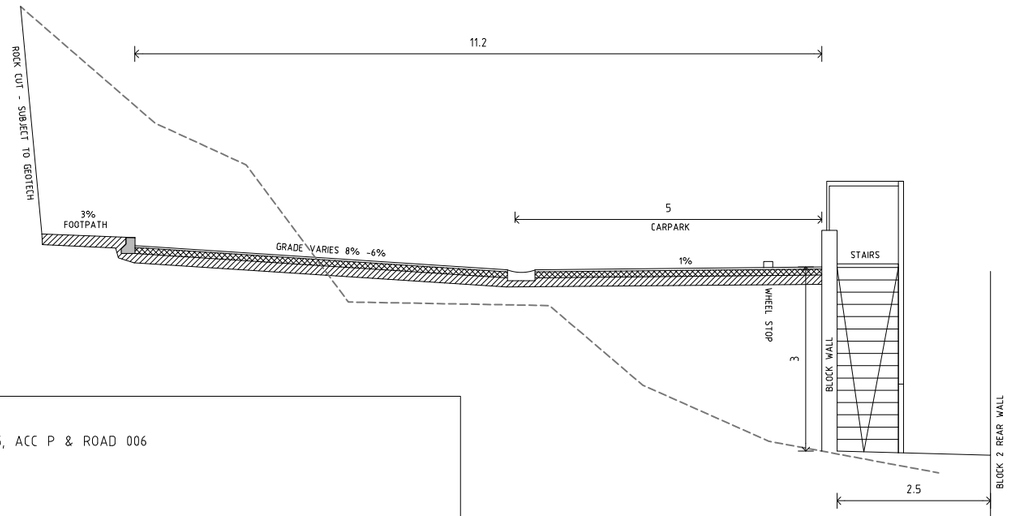
ACC 002 / 004 - FOOTPATH OUTSIDE



ACC 004 (BEHIND BLOCK 5)



BLOCK 2 CARPARK



PAVEMENT DESIGN - ROAD 001, ACC 002, ACC 005, ACC P & ROAD 006
30mm COMPACTED DEPTH No 10 MIX AC.
GRADE 3 CHIP MEMBRANE SEAL OR TACK COAT.
100mm TNZ M/4 AP40 BASE COURSE.
150mm AP 65 SUB BASE.
DESIGN CBR = 7
SURFACING TO BE IN ACCORDANCE WITH TNZ M/1, P/3, P/4, M/6, M/13, P/17 AND THE SPECIFICATIONS.
PAVEMENT TO BE IN ACCORDANCE WITH TNZ M/4, B/2 AND THE SPECIFICATIONS INCLUDING TESTING.
EARTHWORKS TO BE IN ACCORDANCE WITH TNZ F/1, AND THE SPECIFICATIONS. ALL FILL TO BE CERTIFIED IN ACCORDANCE WITH NZS 4431.

ALL TESTING & CERTIFICATION REQUIRED BY THE SPECIFICATION IS THE RESPONSIBILITY OF THE CONTRACTOR INCLUDING, BUT NOT LIMITED TO:

EARTHWORKS:
LAB SOAKED C.B.R. TESTING (2 PER MATERIAL TYPE), DETERMINATION OF MAXIMUM DRY DENSITY AND OPTIMUM WATER CONTENT PRIOR TO CONSTRUCTION OF EARTHWORKS.
% COMPACTION (N.D.M.) AND WATER CONTENT DURING FILLING.
LAB SOAKED C.B.R., % COMPACTION (N.D.M.) % WATER CONTENT ON FINISHED SUBGRADE.
BENKLEMAN BEAM TESTING ON FINISHED SUBGRADE AND PROOF ROLLING AS DIRECTED BY THE ENGINEER.
CERTIFICATION IN ACCORDANCE WITH NZS4431:1989 ON ALL FILLS.

PAVEMENT:
PLATEAUX DENSITY TESTING.
% COMPACTION (N.D.M.) AND WATER CONTENT ON SUB-BASE AND BASE COURSE.
BENKLEMAN BEAM TESTING ON FINISHED PAVEMENT AND PROOF ROLLING AS DIRECTED BY THE ENGINEER.

FOR CONSENT 04.06.15

Shotover Design Limited trading as
Clark Fortune McDonald & Associates
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309 Lower Shotover Road, P.O.Box 553 Queenstown
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Rev.	Date	Revision Details	By
-	-		-

THE TIERS UNIT DEVELOPMENT
TYPICAL CROSS SECTIONS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 007
	Drawn	Signed	Date	Scale	1:50 @ A1 1:100 @ A3
	RWB		22.04.15		
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

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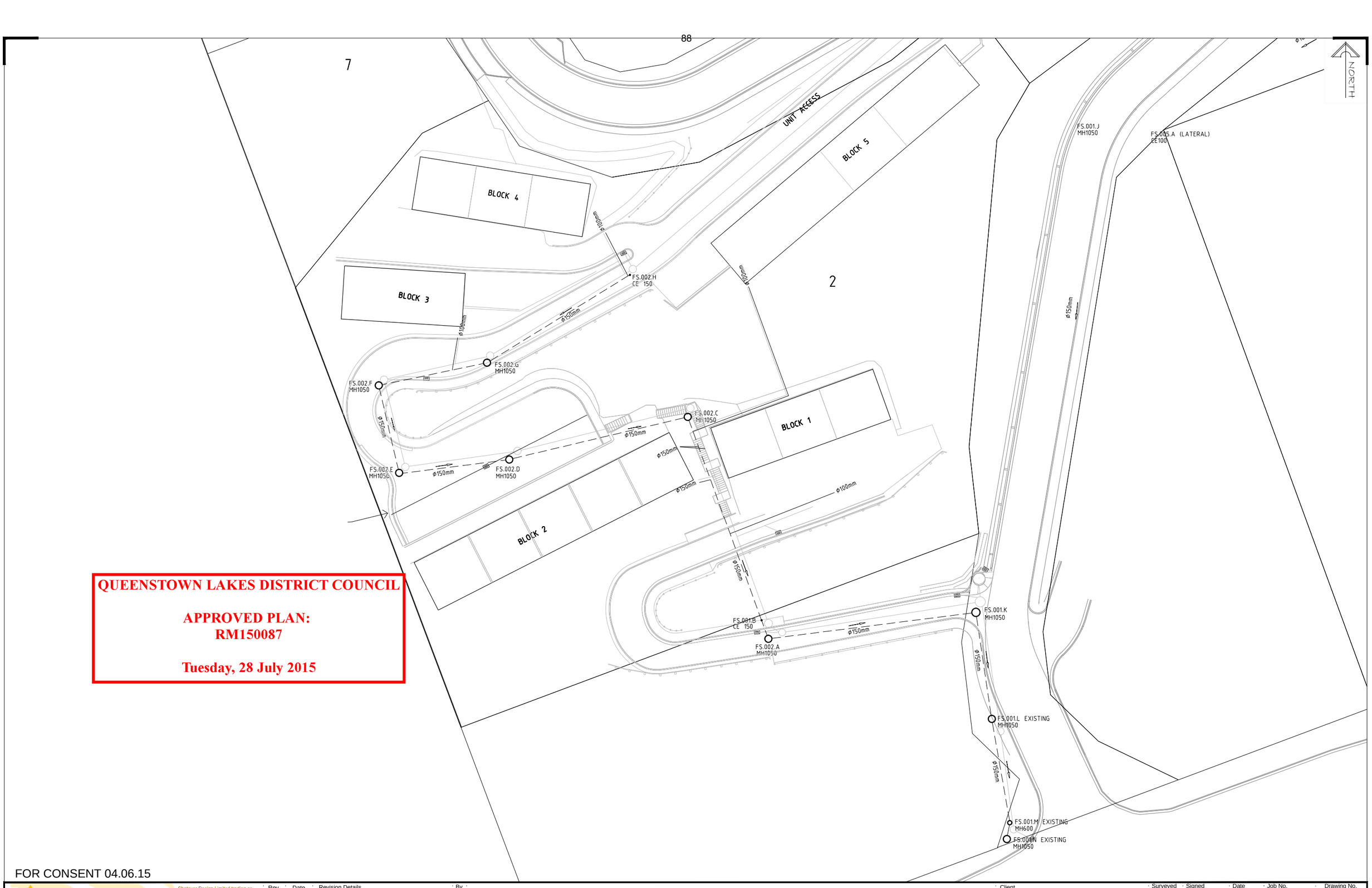

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

FOR CONSENT 04.06.15

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Rev.	Date	Revision Details	By

THE TIERS UNIT DEVELOPMENT
FOUL DRAINAGE LAYOUT

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 008
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	Designed -	Signed	Date -	Datum & Level Mt Nic 2000 & MSL	Rev. -

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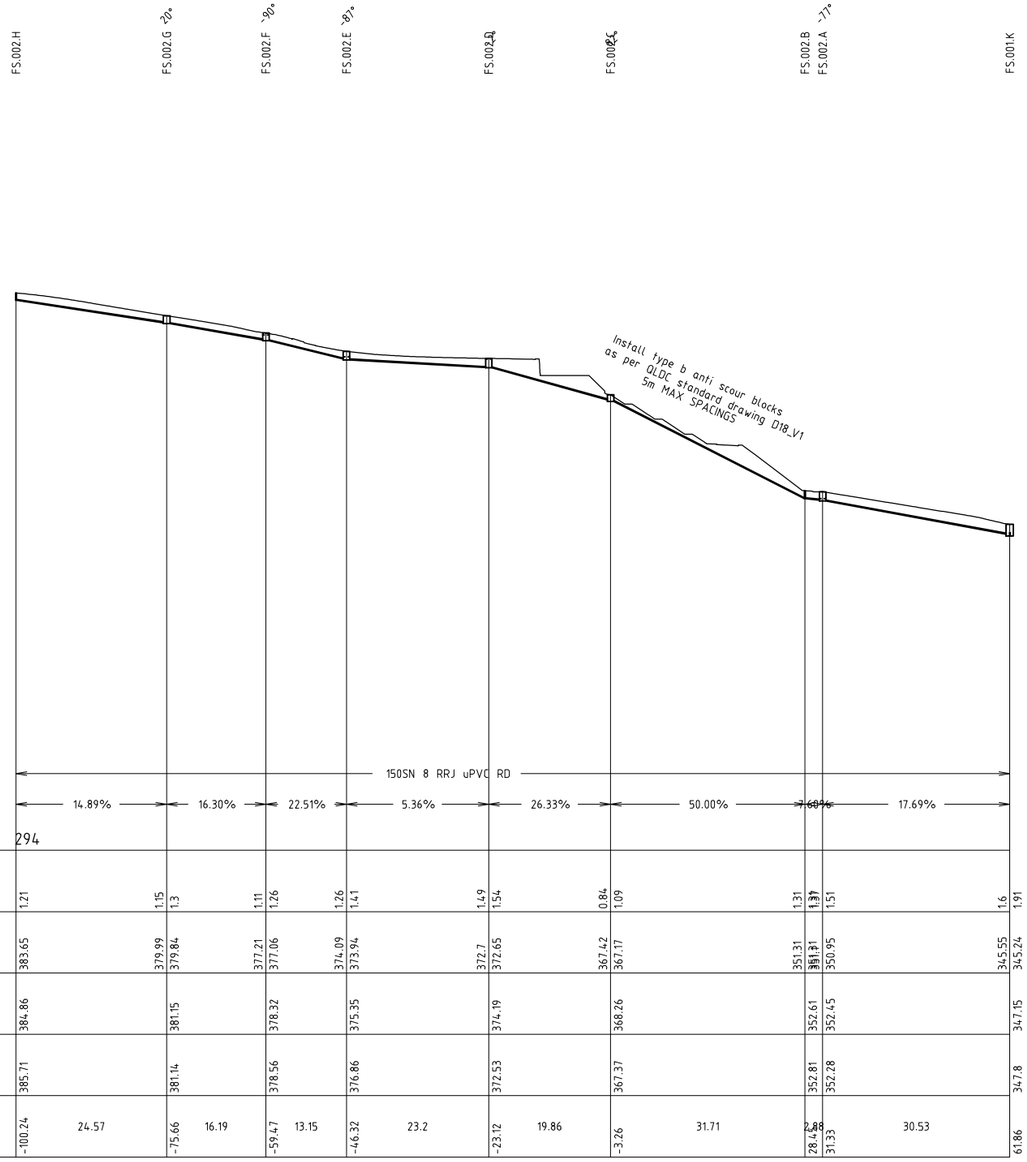
Document Set ID: 6870305
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



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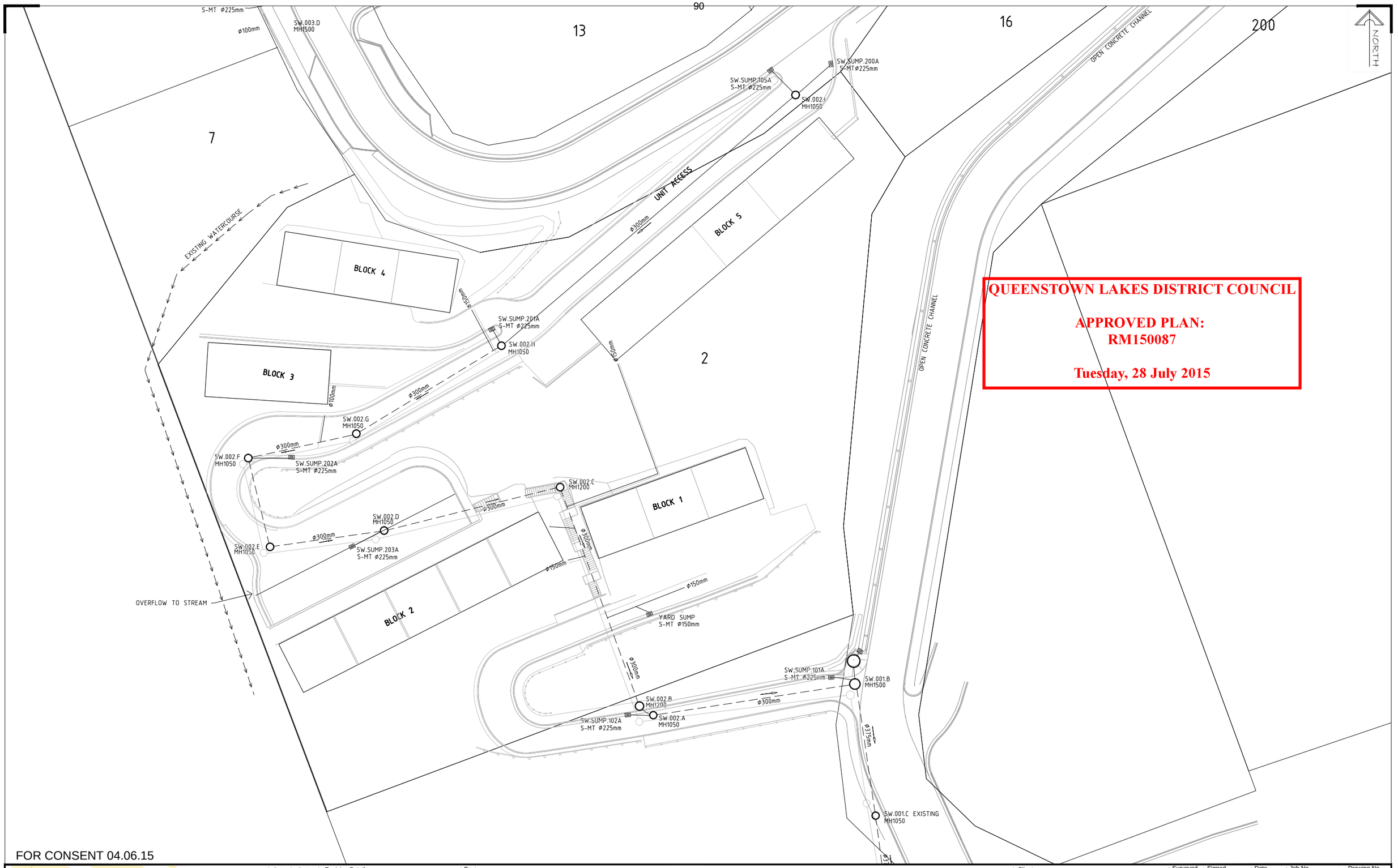

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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Tuesday, 28 July 2015

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THE TIERS UNIT DEVELOPMENT
STORMWATER LAYOUT

Client: ALPHA PROPERTIES LTD

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Surveyed	Signed	Date	Job No.	Drawing No.
-		-	11696	E002 Sheet 010

Drawn	Signed	Date	Scale
RWB		22.04.15	1:250 @ A1 1:500 @ A3

Designed	Signed	Date	Datum & Level	Rev.
-		-	Mt Nic 2000 & MSL	-

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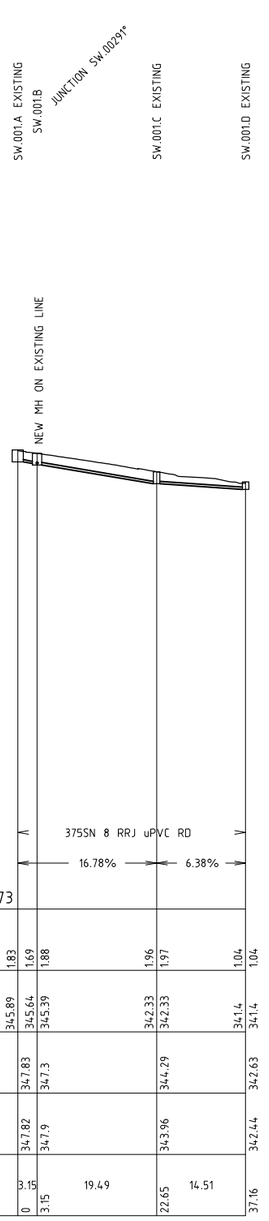
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

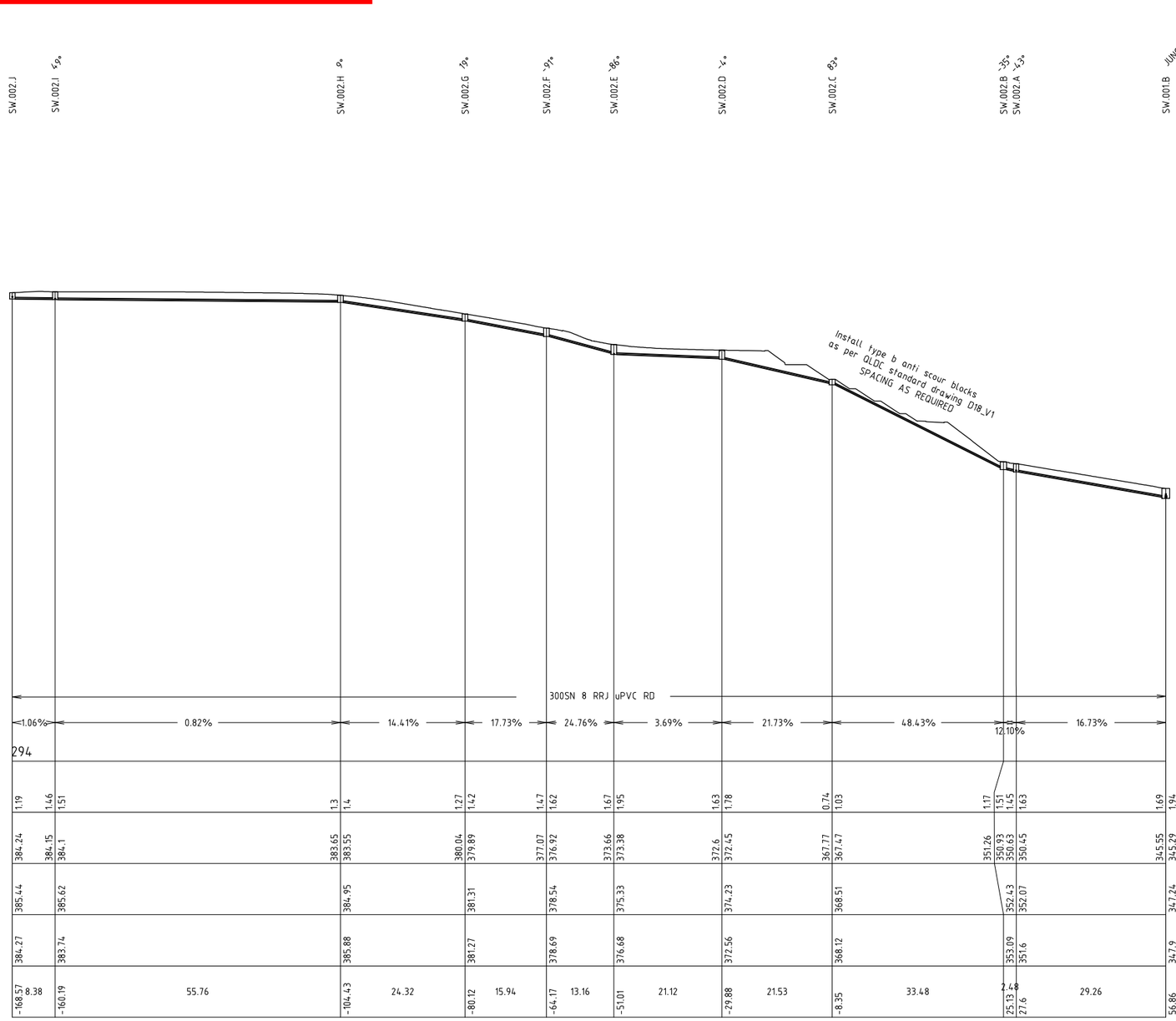
Tuesday, 28 July 2015

NORTH



PIPE SIZE (mm) & CLASS		375SN 8 RRJ uPVC RD				
GRADE %		16.78%		6.38%		
DATUM R.L. 273						
DEPTH TO INVERT	1.83	1.69	1.88	1.96	1.97	1.04	1.04
INVERT LEVEL	345.89	345.64	345.39	342.33	342.33	341.4	341.4
DESIGN SURFACE LEVEL		347.83	347.3		344.29		342.63
EXISTING SURFACE LEVEL		347.82	347.9		343.96		342.44
CHAINAGE	3.15	0	3.15	19.49	22.65	14.51	37.16

LINE - SW.001



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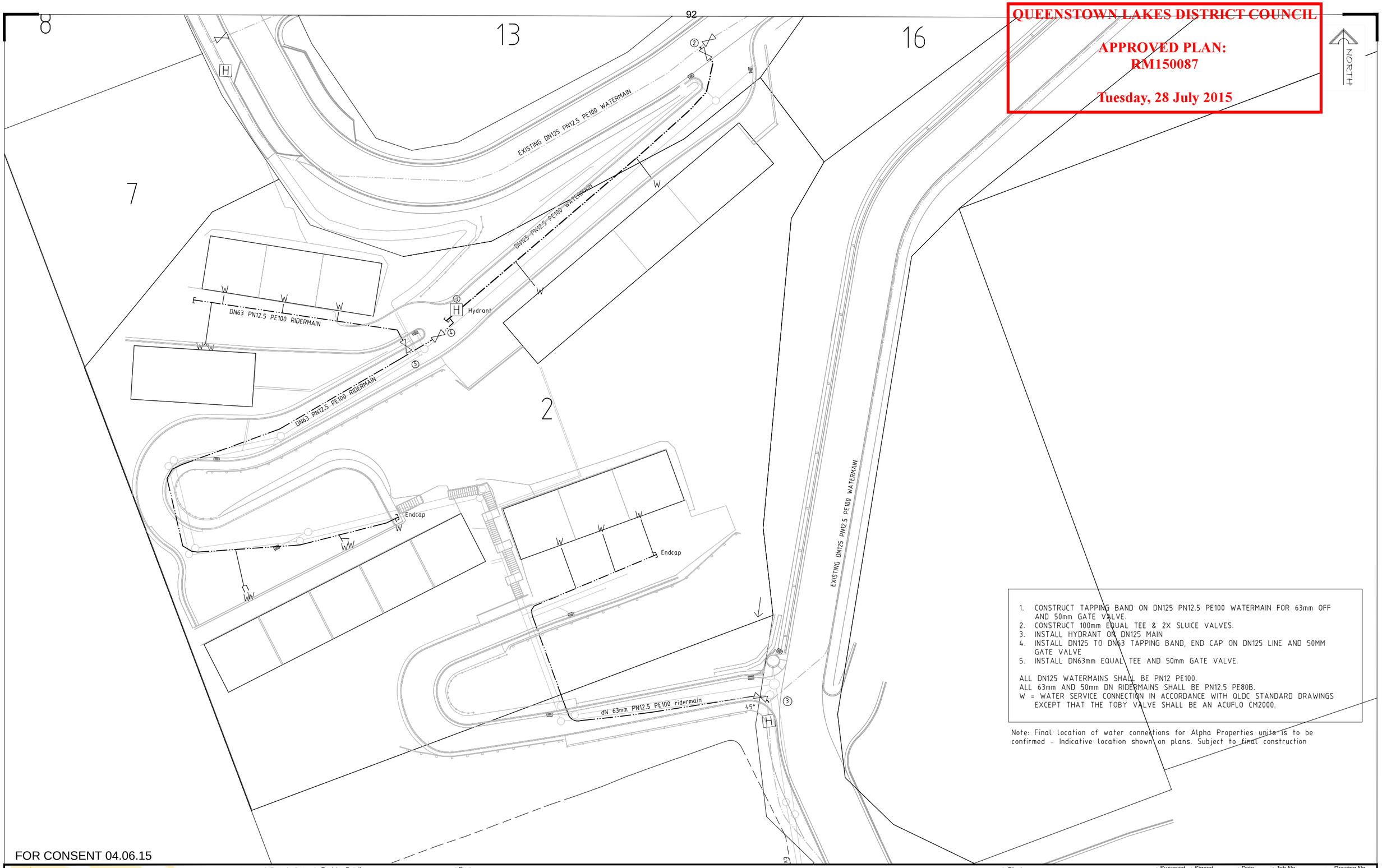
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



1. CONSTRUCT TAPPING BAND ON DN125 PN12.5 PE100 WATERMAIN FOR 63mm OFF AND 50mm GATE VALVE.
2. CONSTRUCT 100mm EQUAL TEE & 2X SLUICE VALVES.
3. INSTALL HYDRANT ON DN125 MAIN
4. INSTALL DN125 TO DN63 TAPPING BAND, END CAP ON DN125 LINE AND 50MM GATE VALVE
5. INSTALL DN63mm EQUAL TEE AND 50mm GATE VALVE.

ALL DN125 WATERMAINS SHALL BE PN12 PE100.
ALL 63mm AND 50mm DN RIDERMAINS SHALL BE PN12.5 PE80B.
W = WATER SERVICE CONNECTION IN ACCORDANCE WITH QLDC STANDARD DRAWINGS EXCEPT THAT THE TOBY VALVE SHALL BE AN ACUFLO CM2000.

Note: Final location of water connections for Alpha Properties units is to be confirmed - Indicative location shown on plans. Subject to final construction

FOR CONSENT 04.06.15

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Rev.	Date	Revision Details	By

THE TIERS UNIT DEVELOPMENT
WATER RETICULATION LAYOUT

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 012
	Drawn	Signed	Date	Scale	1:500 @ A1 1:1000 @ A3
	RWB		22.04.15		
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

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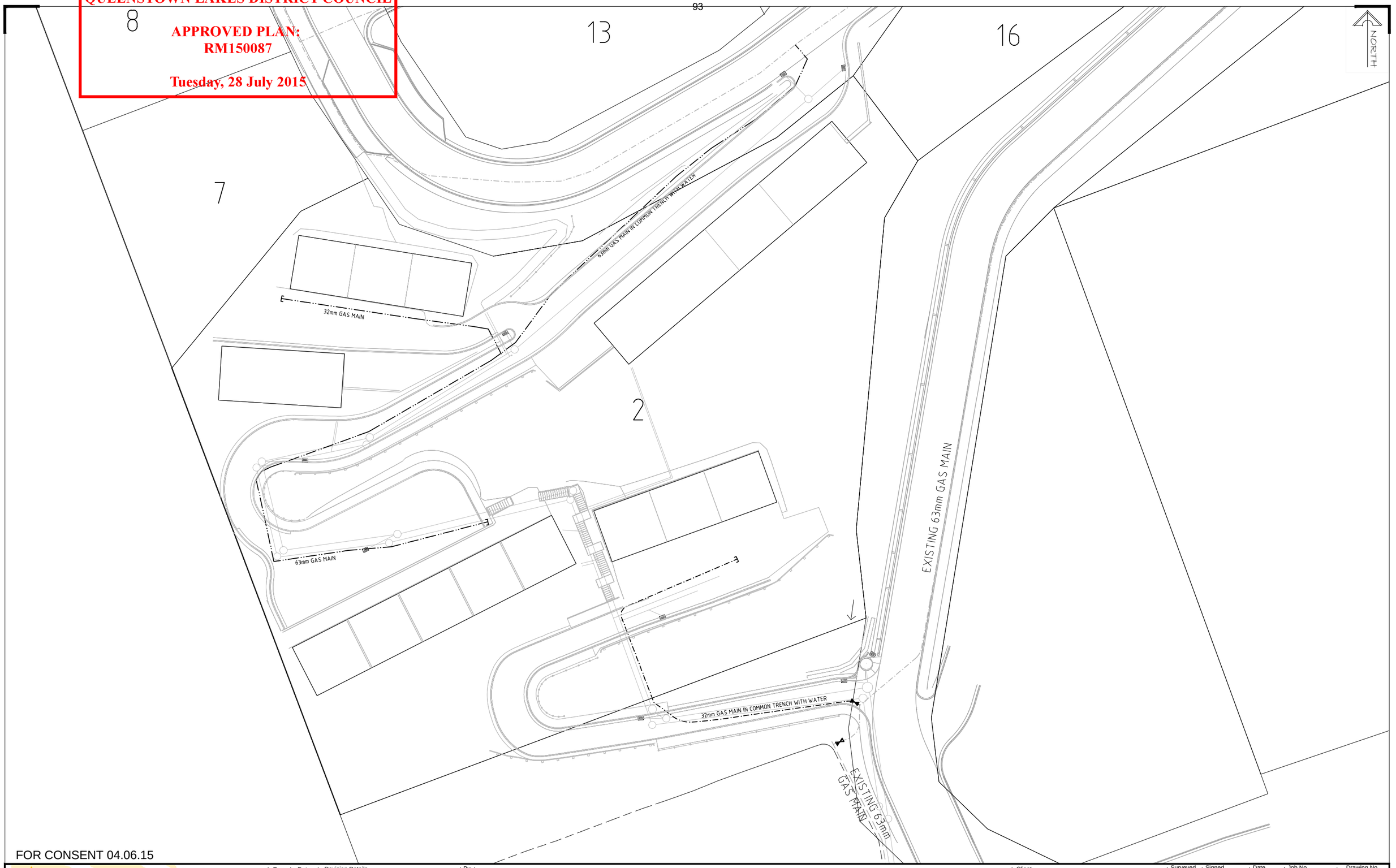
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



FOR CONSENT 04.06.15

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

THE TIERS UNIT DEVELOPMENT
GAS LAYOUT

Client: ALPHA PROPERTIES LTD

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Designed	**Signed**	**Date**	**Datum & Level**	**Rev.**
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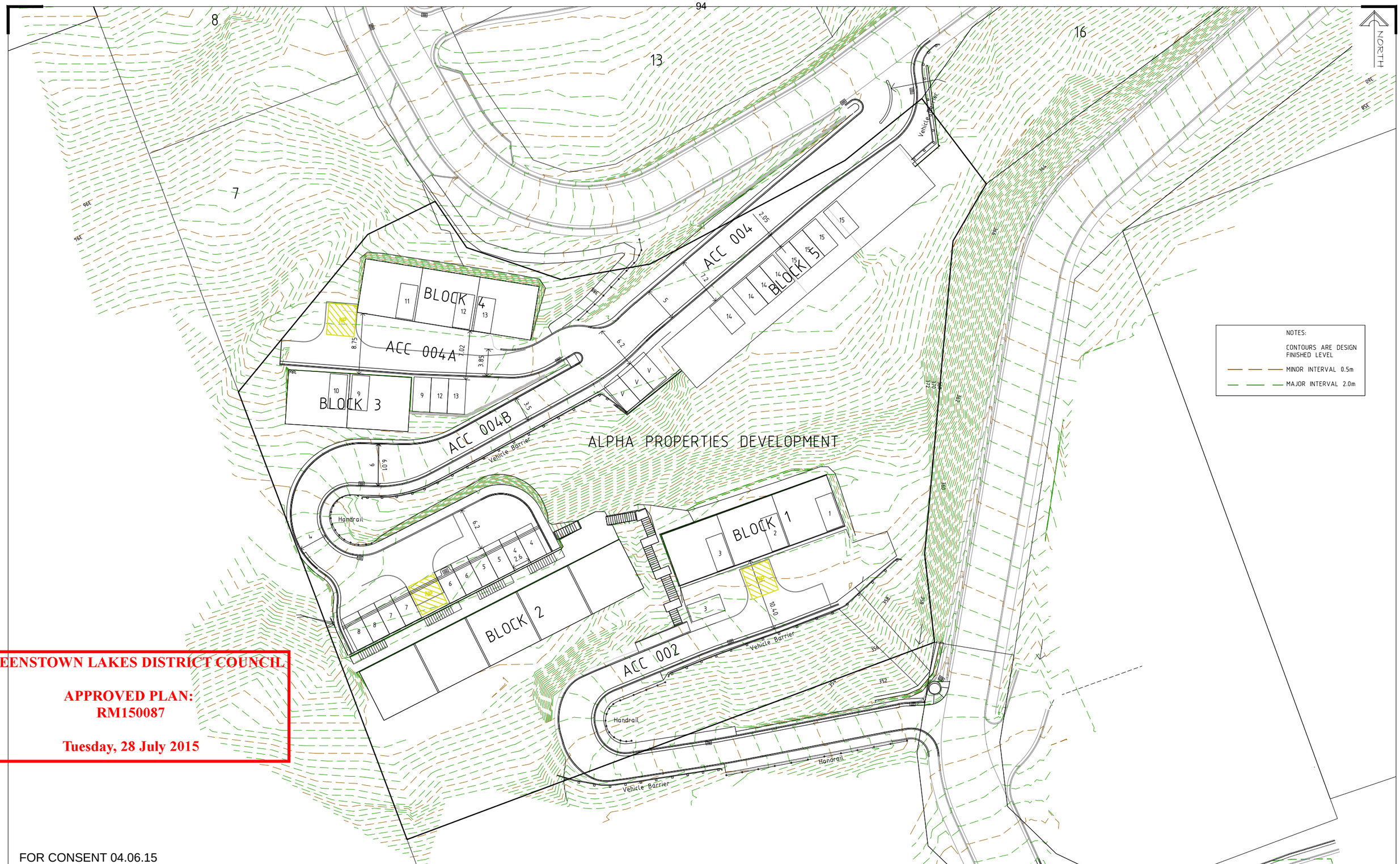

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RM150087

Tuesday, 28 July 2015

FOR CONSENT 04.06.15

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Rev.	Date	Revision Details	By

THE TIERS UNIT DEVELOPMENT
CARPARKING LAYOUT

Client: ALPHA PROPERTIES LTD	Surveyed: -	Signed:	Date: -	Job No.: 11696	Drawing No.: E002 Sheet 015
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	Designed: -	Signed:	Date: -	Datum & Level: Mt Nic 2000 & MSL	Rev.: -

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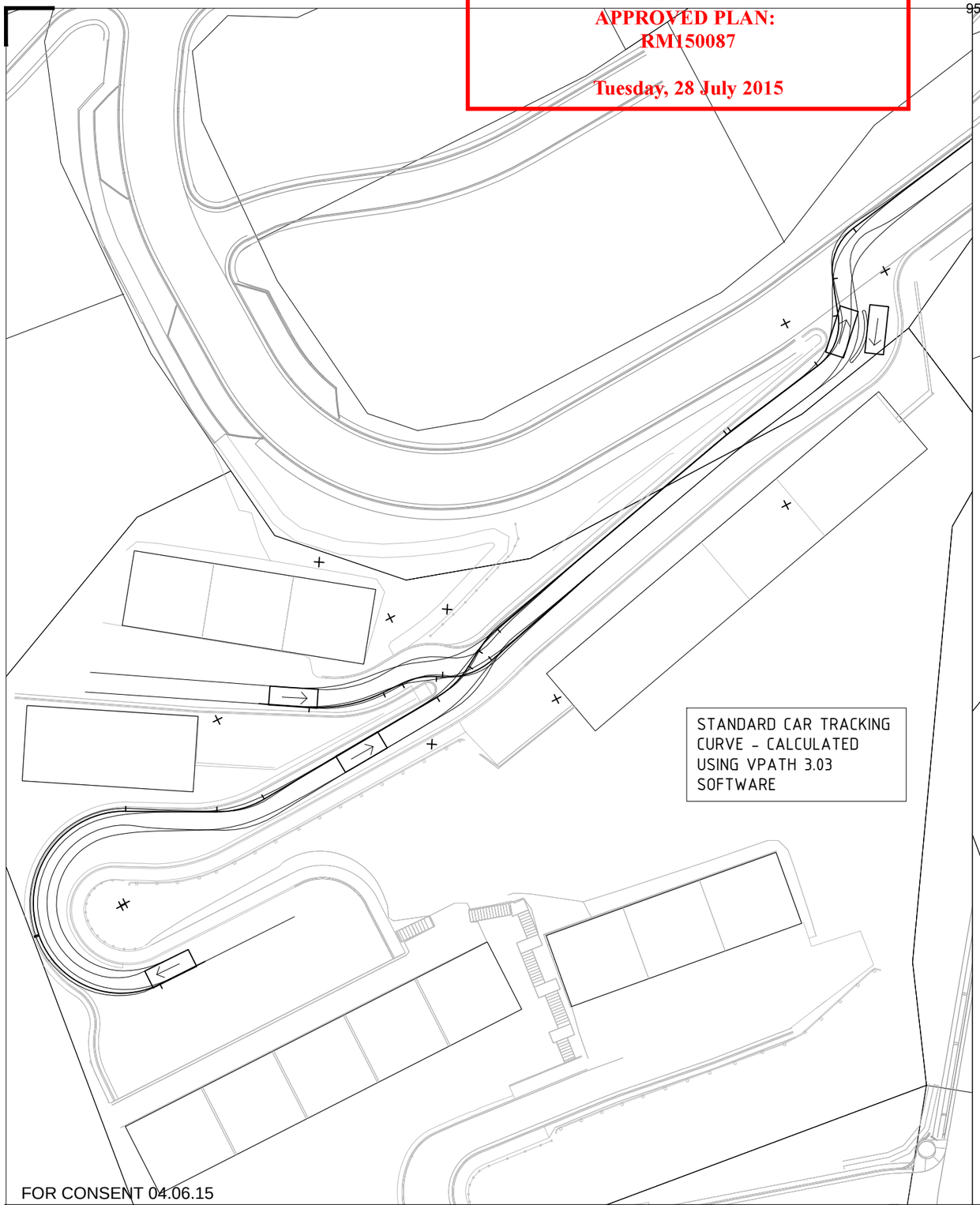
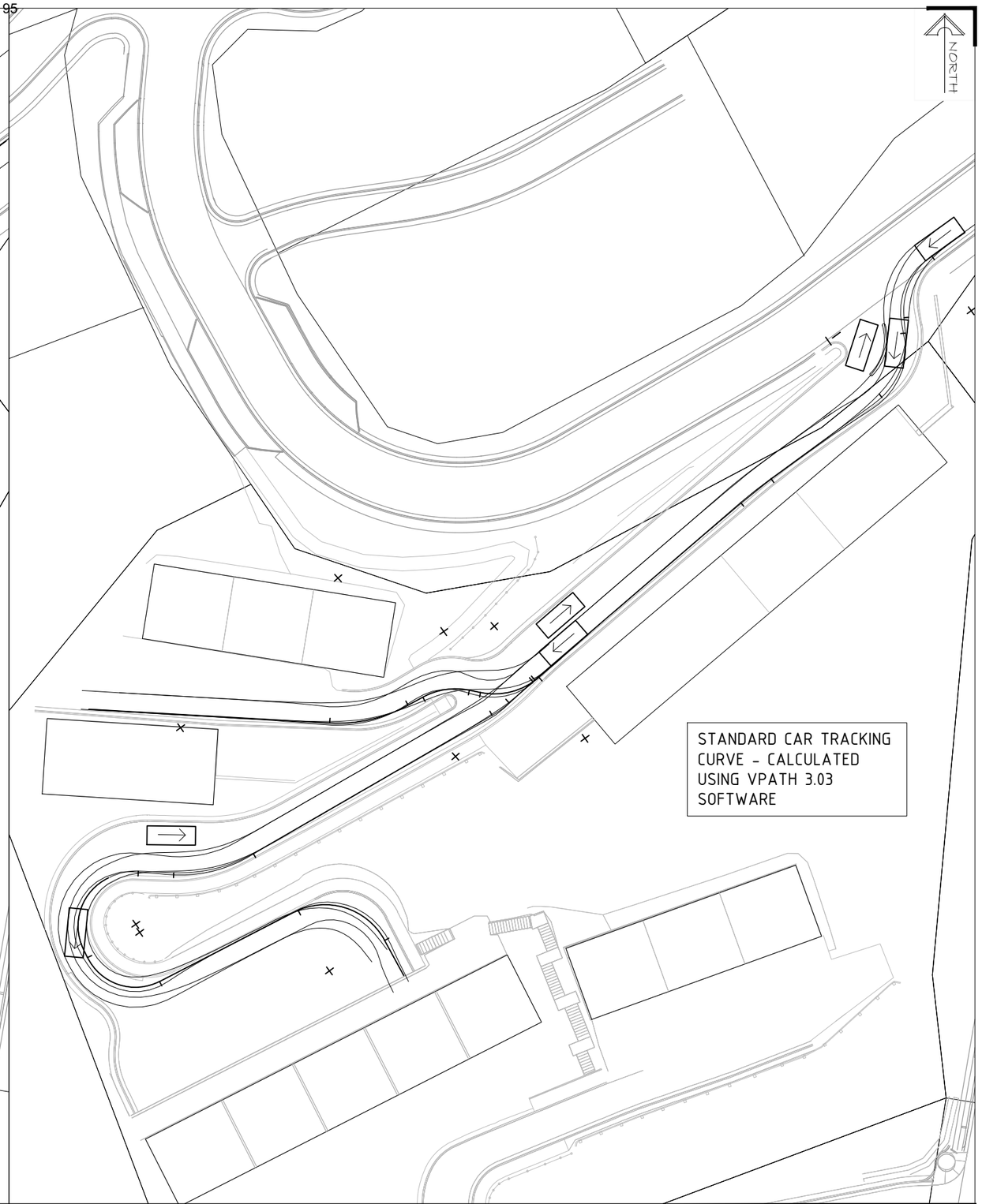
Tuesday, 28 July 2015





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THE TIERS UNIT DEVELOPMENT
TRACKING CURVES

Client: ALPHA PROPERTIES LTD

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				Sheet	016
Drawn	Signed	Date	Scale	1:250 @ A1	
RWB		22.04.15		1:500 @ A3	
Designed	Signed	Date	Datum & Level	Rev.	
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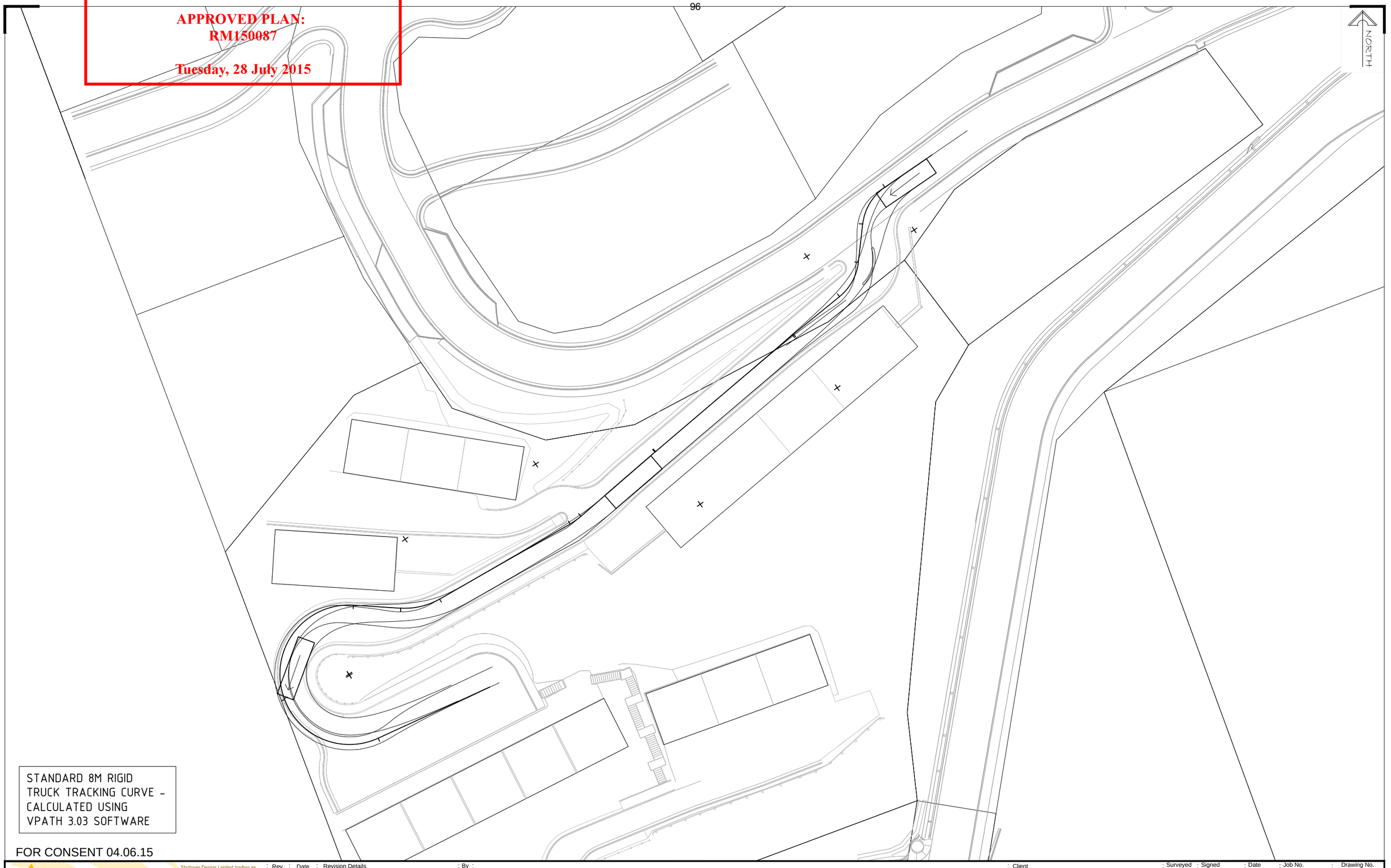
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015



STANDARD 8M RIGID
TRUCK TRACKING CURVE -
CALCULATED USING
VPATH 3.03 SOFTWARE

FOR CONSENT 04.06.15

Shotover Design Limited trading as
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THE TIERS UNIT DEVELOPMENT
TRACKING CURVES

Client	Surveyed	Signed	Date	Job No.	Drawing No.
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	Drawn	Signed	Date	Scale	1:250 @ A1 1:500 @ A3
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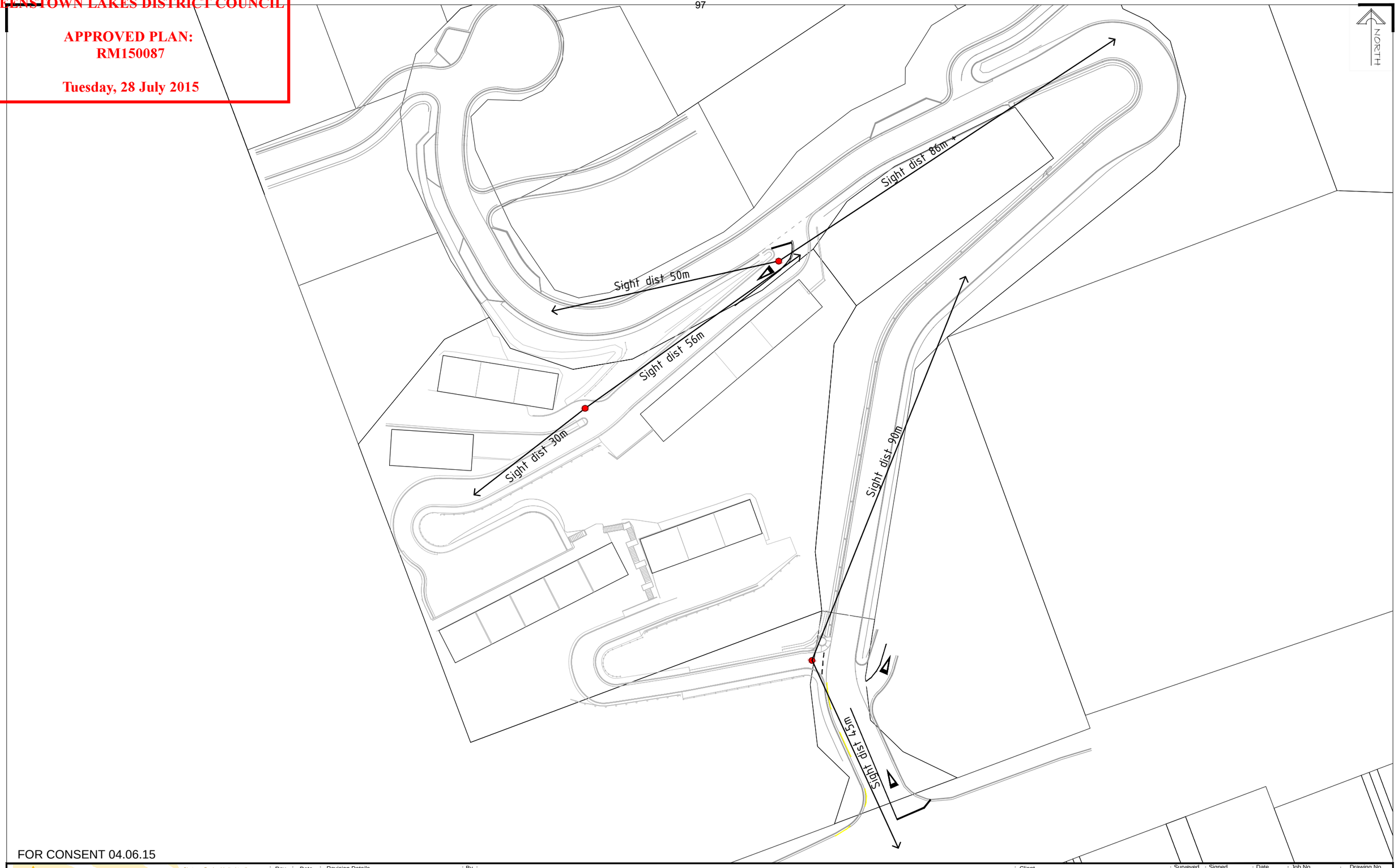

FOR CONSENT 04.06.15

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Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

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THE TIERS UNIT DEVELOPMENT
SIGHT DISTANCES

Client: ALPHA PROPERTIES LTD

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Designed	**Signed**	**Date**	**Datum & Level**	**Rev.**
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150087

Tuesday, 28 July 2015

CLIENT REVIEW 22.07.15

Shotover Design Limited trading as
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-	-	-	-

THE TIERS - LANDSCAPE PLAN

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	12 Sheet 001
	Drawn	Signed	Date	Scale	
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QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Will Taylor Rentals Limited
RM reference:	RM140714
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to undertake earthworks
Location:	658 & 658A Frankton Road, Frankton
Legal Description:	Common Property on Lot 1 Deposited Plan 305273 held in Computer Freehold Register 21293, and Lot 2 Deposited Plan 305273 held in Computer Freehold Register 21293.
Zoning:	Low Density Residential
Activity Status:	**Restricted Discretionary**
Decision Date	**2 December 2014**

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 2 December 2014 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.

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Version: 1, Version Date: 12/12/2014

1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake earthworks to provide for development of the site.

The applicant has provided a detailed description of the site description, site history and proposal in Sections 1.1, 1.3 and 1.4 respectively of the report entitled '*Will Taylor Rentals: Earthworks'*, 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 for the purpose of this report.

In addition to the above, the site includes Common Property on Lot 1 Deposited Plan 305273, over which the applicant has an access easement and seeks to undertake earthworks to establish an access. That site contains a number of units in a Unit Title arrangement, with the northern part of the site (where the earthworks will be undertaken) being steep undeveloped land held as Common Property.

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 consent pursuant to Rule 7.5.3.4(vi) where the total volume of earthworks, being 7430m^3, exceeds 100m^3 and breaches Site Standard 7.5.5.2(xvi)(a)(i). Council's discretion is restricted to this matter.

- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4(vi) where the total area of earthworks, being 4325m^2, exceeds 200m^2 and breaches Site Standard 7.5.5.2(xvi)(a)(ii). Council's discretion is restricted to this matter.

- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4 (vi) where Site Standard 7.5.5.2 (xvi)(b)(i) requires that the vertical height of any cut of fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary. Council's discretion is restricted to this matter.

- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4 (vi) where the height of the cut, being 5.8m, is greater than 2.4m and breaches Site Standard 7.5.5.2 (xvi)(b)(ii). Council's discretion is restricted to this matter.

- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4 (vi) where the height of the fill, being 4m, is greater than 2m and breaches Site Standard 7.5.5.2 (xvi)(b)(ii). Council's discretion is restricted to this matter.

Overall, the application is considered to be a **restricted discretionary** 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)).

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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: 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)).*

C: Trade competition and the effects of trade competition (s95D(d)).

*D: 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 application site
Body Corporate 364814	On behalf of Units and Common Property on DP 364814

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, earthworks less than 100m^3 of earth being moved, over an area of less than 200m^2 (within any one consecutive 12 month period), cuts of up to 2.4m in depth and fill of up to 2m in height are permitted.

Given the significant extent of earthworks proposed, no permitted baseline has been applied

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.

Council has engaged a consultant engineer who has provided an assessment of the proposed activity. The engineer has provided an assessment that is attached as Appendix 2.

The engineer's assessment determines that where any potential effects are identified, those effects may be avoided, remedied or mitigated as necessary by conditions of consent.

Site management conditions are necessary to mitigate effects typically anticipated with earthworks activities of the scale and magnitude proposed.

The nature of the works to be undertaken on the site mean it is likely that some adverse effects could arise with regards to the tracking of mud and debris onto the surrounding roads. Noise, vibration and dust can also be anticipated in association with the proposed works.

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Nuisance effects will be temporary, and subject to conditions designed to avoid, remedy and mitigate potential adverse effects associated with the activity, the effects will be less than minor.

Overall, subject to conditions of consent to ensure all works are undertaken appropriately, any adverse effects on the greater environment 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 activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95E(2)(b)).*

*B: 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 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:

It is accepted that rock breaking is expected, and could constitute a significant amount of the earthworks. Council's consultant engineer also advises that rock blasting may be required depending upon the quality of the rock. The engineer has recommended that conditions of consent are necessary to ensure that rock breaking (and blasting if necessary) are undertaken appropriately, and so that any potential effects encountered in excavations of this nature are appropriately mitigated. A condition to ensure that noise limits are not breached has also been imposed. The engineer is satisfied that effects on neighbouring properties will be minimal if earthworks are undertaken in accordance with an approved site management plan.

The engineer does not identify any concerns associated with stability on adjoining sites

It is estimated that the removal of fill from the site will require 215 truckloads (at 8m³/load), with an equal number of associated vehicle movements to the site. Whilst this extent of vehicle movements is substantial, the ultimate residential development of the site will result in significant vehicle movements. Any effects associated with the amount of vehicle movements generated by the proposed earthworks will be temporary and effects on surrounding parties considered less than minor. Conditions of consent can ensure that site and traffic management practices are established to avoid effects on the adjacent access and State Highway. Given the existing intersection and the level of traffic anticipated to be generated from the site, any effects on the adjoining State Highway from the earthworks activity will be less than minor.

Conditions of consent can ensure that any persons undertaking, or associated with the earthworks activity park their vehicles on Lot 2 Deposited Plan 305273. This will ensure that any potential parking effects are contained within the site and do not create a nuisance for owners and occupiers of private properties in the near vicinity.

Nuisance effects will be temporary, and subject to conditions designed to avoid, remedy and mitigate potential adverse effects so that they will be less than minor.

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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 of the RMA as required to avoid, remedy or mitigate adverse effects.

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

Objectives and policies relevant to this proposal are found in Part 4 – *District Wide Issues* and Part 7 – *Residential Areas* of the District Plan.

In Part 4, Section 4.10 refers to earthworks. Under 4.10.3, the objective is to avoid, remedy or mitigate the adverse effects from earthworks on water bodies, the stability of the site and neighbouring properties, and the amenity values of neighbourhoods. Conditions have been imposed to ensure that the relevant policies relating to land stability and site management are met. Conditions relating to the proposed excavation methodology, hours of operation and vibration related conditions will ensure any potential earthworks related nuisance effects will be less than minor and as such will not impact on the existing residential amenity of the locality.

Future built form and parking will be set into the excavation, and this, will ensure that there are no on-going effects on the amenity and form of the surrounding residential area as a result of the earthworks.

Overall, the proposal is consistent with the relevant objectives and policies in the District Plan.

7.3 DECISION ON RESOURCE 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 Section 108 of the RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a “Development” in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

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.

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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 Aaron Burt on phone (03) 441 0499 or email aaron.burt@qldc.govt.nz

Report prepared by

Aaron Burt
PLANNER

Decision made by

Paula Costello
SENIOR PLANNER

APPENDIX 1 - Consent Conditions
APPENDIX 2 - Engineer's Assessment
APPENDIX 3 - Application Report

Document Set ID: 6870308
Version: 1, Version Date: 12/05/2014

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - Earthworks Layout: E100, 02 Sept 2014 Issue A
   - Earthworks Cut & Fill: E101, 02 Sept 2014 Issue A
   - Access Longitudinal Sections: E102, 02 Sept 2014 Issue A
   - Access 1 Cross Sections: E103, 02 Sept 2014 Issue A
   - Access 1 Cross Sections: E104, 02 Sept 2014 Issue A
   - Access 2 Cross Sections: E105, 02 Sept 2014 Issue A
   - Access 1 Cross Sections: E106, 02 Sept 2014 Issue A
   - Earthworks Site Sections: E107, 02 Sept 2014 Issue A
   - Earthworks Site Sections: E108, 02 Sept 2014 Issue A
   - Earthworks Site Sections: E109, 02 Sept 2014 Issue A

   stamped as approved on 2 December 2014

   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.

Hours of Operation – Earthworks

3. Hours of operation for earthworks, shall be:
   - Monday to Saturday (inclusive): 8.00am to 6.00pm.
   - 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.

Noise

4. The consent holder shall ensure that activities shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site in the adjoining Residential zone:

   - day time (0800 – 2000 hrs) 50 dBA L_{10}
   - night time (2000 – 0800 hrs) 40 dBA L_{10} and L_{max} 70dBA

   Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and shall take into account special audible characteristics.

General

5. 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.

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

6. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 7-10 below shall be demonstrated.

7. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council. The Traffic Management Plan shall address disruption, inconvenience or delays for neighbours and/or road users, where temporary safety barriers are to be installed, and parking under Condition 8 below.

8. The consent holder shall ensure that worker and contractor parking is provided on Lot 2 DP 305273, and that any workers, contractors, and employees engaged in activities onsite, shall utilise the parking provided and do not park upon private land or roads in the vicinity.

9. Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer at Council for review and approval an earthworks site management plan. The earthworks site management plan shall identify the location and layout of the proposed silt and storm water mitigation measures, parking areas for staff and traffic management. 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.

10. 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 Hadley Consultants Ltd Ref 142708 report 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

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 earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Hadley Consultants Ltd Ref 142708.

14. 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

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face from the elements and potential erosion or instability until such time as the cut is permanently stabilised.

15. 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.

16. No earthworks, temporary or permanent, are to breach the boundaries of the site

17. A barrier shall be provided for pedestrian and vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45º, 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 NZS 4404:2004 shall be provided at the completion of the earthworks

On completion of earthworks

18. On completion of earthworks 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 2.11.1 of NZS 4404:2004 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 building development. In the event that the site conditions within the building platforms/lots 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 Principal Resource Management Engineer at Council.

19. On completion of the earthworks, the consent holder shall complete the following:

    a) All earthworked and/or exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.

    b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Notes

1. The consent holder is advised that any retaining walls proposed in this development which exceed 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.
3. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised. For consent holders the most efficient way to ensure compliance with the condition is to undertake the survey with a consent processing engineer

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present. Deliverable for this includes a very brief report accompanied by as many photos as are necessary to cover the potential risks, marked up photos identifying existing damage are even clearer.

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APPENDIX 2 - ENGINEER'S ASSESSMENT

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QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

ENGINEERING MEMO

TO: **Aaron Burt**

FROM: **Tim Dennis**

DATE: **8/10/2014**

APPLICATION DETAILS	
REFERENCE	**RM140714**
APPLICANT	**Will Taylor Rentals Ltd**
APPLICATION TYPE & DESCRIPTION	Land Use consent is sought to undertake earthworks for building platforms
ADDRESS	658A Frankton Road, Queenstown
ZONING	Low Density Residential
LEGAL DESCRIPTION	Lot 2 DP 305273
SITE AREA	3.5103Ha
ACTIVITY STATUS	Restricted Discretionary

Location

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Comments		
	Existing Use	Site is under development. No structures
	Neighbours	The site is above unit developments adjoining Frankton Road
	Topography/Aspect	The site slopes steeply down towards Frankton Road (SE)
	Water Bodies	None

ENGINEERING			COMMENTS	Condition
EARTHWORKS	**Extent**	**Description**	Earthworks for the construction of building platforms and vehicle access to these platforms	
		Cut /Fill Volume (m^3)	The AEE prepared by Clark Fortune MacDonald states on Pg 5: 3,715m³ of cut, 1,980m³ of fill and cut to waste off site of 1,735m³ (215 truck loads @ 8m³/load)	
		Total Volume (m^3)	The combined volume of cut and fill is 7,430m³	
		Area Exposed (m^2)	The AEE states 4,325m²	
		Max Height Cut/Fill (m)	The earthworks layout plan E100 Job ref 140902 dated 2/9/14 states maximum cut of 5.8m, maximum fill of 4m	
		Prox. to Boundary	Cuts along the western boundary of the site are the only area where proximity to the boundary is a consideration with all other cuts set back from the boundaries of the site. We are satisfied that if the earthworks are undertaken in accordance with the geotechnical and structural recommendations as submitted that works do not pose a threat to adjoining sites	
		Prox. to Water	None identified in the geotechnical reports	
	Stability	**Geotech assessment by**	Tonkin & Taylor (2005 & 2007), Geosolve and reviewed by Hadley Consultants Ltd	
		Report reference	Hadley Consultants Ltd ref 142708 dated 19/9/14 “Review of Proposed Earthworks”	
		Rock breaking	Rock breaking is expected and could constitute a significant amount of the earthworks	**X**
		Rock blasting	Rock blasting may also be required depending on the quality of rock	**X**
		Preconstruction survey	Given the extensive nature of the earthworks and the proximity of multi-unit developments immediately downslope of the site we believe an advice note is appropriate.	**X**
		Retaining	The works involve the construction of numerous retaining walls to support vehicle access and building platforms. The AEE states these will be engineer designed. We are satisfied that as the retaining will generally be >1.5m and/or surcharged by vehicle traffic or buildings that they will be captured by the building consent process. We recommend an advice note.	**X**
		Recommendations on cut/batter slopes	Earthworks should be undertaken and supervised by a suitably qualified and experienced professional who is familiar with the geotechnical reports. We recommend a suitable condition	**X**
		Fill certification/specific foundation design required	The AEE states fill certification will be provided for all building platforms. We recommend a standard condition	**X**
		Engineers supervision	The geotechnical reports and review recommend engineering supervision. We accept the expert opinions and recommend a suitable condition	**X**

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		Uncertified fill covenant	All earthworks fill is to be placed for construction of building platforms or vehicle access. As such we are satisfied that covenanting is not required	
		Schedule 2a Certificate	The earthworks will result in significant areas of fill. Not all fill will be certified as part of building development. We recommend that a statement of suitability accompany this work to ensure the resulting landform is suitable for residential purposes.	**X**
		Clean fill only	Not required	
	Site Management	**Report reference**	A Guide to Earthworks in the Queenstown Lakes District brochure and recommendations contained in the specialist geotechnical reports	**X**
		Specific sedimentation management	Given the scale of the earthworks, we are satisfied that a site specific management plan needs to be prepared and approved by Council prior to earthworks as one has not been submitted at the time of consent. We recommend a suitable condition.	**X**
		Specific stormwater management	As above	**X**
		Neighbours	Dwellings have been constructed below the site. We are satisfied that effects on neighbouring properties will be minimal if earthworks are undertaken in accordance with an approved site management plan	
		Traffic management	The earthworks will involve significant truck movements. Where this changes existing traffic flows and parking a Traffic Management Plan is required. We recommend an appropriate condition	**X**
		Construction crossing	Access to the site is a formed gravel road. We are satisfied that this is fit for purpose	
		Revegetation	All earthworked areas need to be stabilised at the completion of the works. We recommend a condition of consent.	**X**

Other	**Access Barriers**	The proposal includes the creation of access roads to building platforms. The roads will be built on retaining walls and steep terrain and may create a fall hazard. We are satisfied that a condition requiring barriers to be designed and installed is appropriate	**X**

Recommended Conditions

General

1. 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

2. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 3-5 below shall be demonstrated.

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3. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.

4. Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer at Council for review and approval an earthworks site management plan. The earthworks site management plan shall identify the location and layout of the proposed silt and storm water mitigation measures. 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.

5. 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 Hadley Consultants Ltd Ref 142708 report 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

6. 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.

7. 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.

8. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Hadley Consultants Ltd Ref 142708.

9. 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.

10. 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.

11. No earthworks, temporary or permanent, are to breach the boundaries of the site

On completion of earthworks and prior to construction of any dwellings/units

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12. 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 2.11.1 of NZS 4404:2004 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 building development. In the event that the site conditions within the building platforms/lots 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 Principal Resource Management Engineer at Council.

On completion of earthworks

13. A barrier shall be provided for pedestrian and vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45º, 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 NZS 4404:2004 shall be provided at the completion of the earthworks

14. On completion of the earthworks, the consent holder shall complete the following:

    a) All earthworked and/or exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.

    b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Note

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.
3. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised. For consent holders the most efficient way to ensure compliance with the condition is to undertake the survey with a consent processing engineer present. Deliverable for this includes a very brief report accompanied by as many photos as are necessary to cover the potential risks, marked up photos identifying existing damage are even clearer.

Prepared by:

Tim Dennis
Southern Land Ltd

Reviewed by:

Steve Hewland
Trinity Development Alliance

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APPENDIX 3 – APPLICATION REPORT

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ATTACHMENT [A]

Assessment of Effects on the Environment

Will Taylor Rentals

EARTHWORKS

August 2014

Prepared by: Nick Geddes

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

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This Assessment of Effects on the Environment (AEE) has been prepared for Will Taylor Rentals for consent to undertake earthworks on Lot 2, DP305273. The AEE accompanies an application for resource consent made under Section 88 of the Resource Management Act (1991) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

1.1 Site Description

The site is located on the northern side of Frankton Road (State Highway 6A), between Queenstown and Frankton. The site is legally described as Lot 2 DP 305273, being 3.5103 hectares in area and contained within computer freehold register identifier 21293. A recent search copy of computer freehold register is contained within Attachment [B].

The topography of the site rises up from Frankton Road from 345 to 430 metres above sea level. The terrain consists of moderately to steeply sloping land.

The site affords access from Frankton Road via a right of way easement on the southern boundary.

The site has been progressively felled of wilding vegetation, mainly firs and sycamore.

There are no structures or buildings on the site. A small stream dissects the north-western corner of the site.

1.3 Site History

RM050520 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.

A copy of the Commissioner's decision is contained in Attachment [D] to this application.

RM090646 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.

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A copy of the Commissioner's decision is contained in Attachment [E] to this application.

RM050520.125 Approved 21 December 2012, by Commissioner Sinclair. This granted consent to increase lapse date of RM050520 by three years.

RM130069 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.

RM050520.01 Granted 12th September 2014 to change Conditions 1, 13 and 14 of RM050520 to amend the subdivision design, reference to easements and staging.

A copy of the decision is contained in Attachment [F] to this application.

1.4 The Proposal

RM050520 approved residential Lots 1-17 while RM050520.01 effectively created Lot 1 over original lots 1-6. RM050520 approved:

- Access from the southern boundary into Lot 1.
- Pedestrian access through the centre of the site.
- Access leg from Lot 200 into the northern portion of Lot 1.
- Servicing which runs centrally on Lot 1.

All of the above require a level of earthworks to be undertaken and have been incorporated into the current proposal.

In addition to the above, the current application seeks consent to undertake earthworks to establish safe and effective building platforms for 15 residential units which are comprised in five blocks. There are a number of associated car parking spaces that have been provided on the site. To meet gradient standards contained in the District Plan eight of these spaces require excavation works.

The proposal is to undertake the earthworks in four stages:

Stage 1

Excavation works to establish access through the southern boundary of the site which includes a passing bay and two visitor car parking spaces. Works will excavate into

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the hillside and with a 'cut and fill' method provide a level and effective building platform for Block 1. Retention measures include a 3.0 metre high retaining wall which traverses across the slope on the southern side of Block 1 and a 5.8m cut will be retained by the northern wall of Block 1.

Access 1 will require fill works and will be battered as detailed on the cross sections provided on the plans contained in Attachment [D].

Due to the sloping nature of the site significant volumes cannot be excavated readily. The slope requires a level of care and precision which results in the incremental amounts which will be loaded onto trucks to exit the site. The trucks will egress the site via the southern access way and onto Frankton Road.

Stage 2

Excavation works to establish two car parking spaces on the southern aspect of Unit 15 Block 5 will be undertaken concurrently with works to create Access 2 which provides a 5.0 metre wide carriageway from Lot 201 to service Blocks 2-5. The 4.0 metre high open face will be retained by the northern wall of Block 5.

Block 4 will be entirely excavated into the hillside while Block 3 will be a mixture of cut and fill to produce a level platform. An 8.4 metre wide manoeuvring area is provided between these blocks to provide sufficient space for vehicles underneath the units and over the western end of this area. The northern wall of Block 4 will retain the 4.0 excavation face while a 2.0 metre high retention wall will be constructed along the southern aspect of Block 3.

Surplus fill from Blocks 3, 4 & 5 will be transported from the site via the 5.0 carriageway provided from Lot 203. The trucks will travel along the access lot which runs downslope to Frankton Road.

Stage 3

Access 2 becomes 3.5m wide to provide access to a manoeuvring area on the southern side of Block 2 where 11 parking spaces have been allocated. The parking spaces require a 2.5 metre high retention wall while Block 2 requires a further 3 metre high retaining wall. In addition, on the southern, western and eastern aspects of Block 2 a 3.0 metre high retention wall is required to provide a safe and effective building platform for the units.

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The total volume of cut for Stages 1-3 above is 3715m^3 with 1980m^3 of fill over an area of 4325m^2. 1735m^3 of this cut will be removed from site.

1.4 Queenstown Lakes District Council 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.

7.5.3.4 Discretionary Activities

Any Activity which is not listed as a Non-Complying Activity or Prohibited Activity and which complies with all the Zone Standards but does not comply with one or more of the Site Standards shall be a Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

7.5.5.2 Site Standards - Residential Activities and Visitor Accommodation

(xvi) Earthworks

(a) Earthworks

(i) The total volume of earthworks does not exceed **100m3** per site (within a 12 month period).

(ii) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).

(b) Height of cut and fill and slope

(ii) The maximum height of any cut shall not exceed 2.4 metres.

The relevant assessment criteria specified for the above are discussed in detail in Part 4.0 of this application.

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2.0 WHERE IT IS LIKELY THAT AN 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.

3.0 REPEALED.

4.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:

4.1 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 and could be accompanied with 100m3 of earthworks over 200m2.

4.2 Consented Baseline

4.3 Earthworks (Rule 7.7.2 xxxi)

(a) Environmental Protection Measures

(i) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.

During earthworks a temporary fence structure will be erected around the southern edge of the worksite. At the foot of the fence bales of hay will stretch along the edge of the worksite ensuring all sediment remains on the subject site.

Notwithstanding the following conditions are offered:

"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

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Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council. 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".*

"No earthworks, temporary or permanent, are to breach the boundaries of the sites except for the works required for the vehicle crossing".

Given the above, any adverse effects from the proposal in terms of sediment runoff from the site will be de minimis.

(ii) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.

The subject site has no defined overland flowpaths and no existing stormwater provision. As such, earthworks proposed will not adversely affect stormwater or overland flows.

(iii) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

Earthworks will be undertaken as part of the construction works on the site which are considered to be a temporary activity enabling the permanent residential activity to be established. As such, earthworks are considered to be completed within a short period.

(iv) 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.

Geological mapping and stability assessment was undertaken at the time of the original subdivision consent by Tonkin and Taylor Ltd (June 2005). Further mapping and stability assessment was undertaken by Tonkin and Taylor Ltd in June 2007. These reports set the parameters for building location within the area of the original subdivision and identified areas where further investigation would be required.

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Hadley Consultants have assessed the proposed earthworks in the context of the reporting completed by Tonkin and Taylor, a detailed site inspection and supporting information provided by Geosolve in relation to the cut and fill for the proposed road.

Hadley Consultants conclude that subject to recommended design amendments and construction methodology construction risk is reduced to an acceptable level. These conditions are accepted and appear (a) to (k) in the report by Hadley's contained in Attachment [I] to this application.

In addition to the recommendations by Hadleys, the following condition is offered:

"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".

(vi) Whether appropriate measures to control dust emissions are proposed.

Dust emission is closely associated with earthworks to establish a safe and efficient building platform. Subsequently, retention measures and foundations will be put in laid removing a majority of exposed surfaces.

Water is available on site should suppression of any dust nuisance be required.

(vii) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

Due to the existing topography / geology of the site and surrounding area it is unlikely any works will encounter groundwater.

(b) Effects on landscape and visual amenity values

(i) Whether the scale and location of any cut and fill will adversely affect:

a. the visual quality and amenity values of the landscape;

b. the natural landform of any ridgeline or visually prominent areas;

c. the visual amenity values of surrounding sites

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(ii) Whether the earthworks will take into account the sensitivity of the landscape.
(iii) The potential for cumulative effects on the natural form of existing landscapes.
(iv) The proposed rehabilitation of the site.

The subject site is located in a Low Density Residential neighbourhood where built form and a level of earthworks are anticipated. The scale and location of the proposed cut and fill is required to establish a safe and effective building platform on a steeply sloping site. The proposed works will not compromise the visual quality or amenity values associated with the landscape or the amenity afforded on any surrounding site.

The proposed works will not compromise any ridgeline or visually prominent area.

Notwithstanding the above, the following condition is offered:

"On completion of the earthworks the consent holder shall ensure all earthworked / exposed areas shall be top-soiled and grassed / revegetated or otherwise permanently stabilised".

(c) Effects on adjacent sites:
(i) Whether the earthworks will adversely affect the stability of neighbouring sites.
(ii) 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.

(iii) Whether cut, fill and retaining are done in accordance with engineering standards.

The proposed earthworks are required to establish a safe and effective building platforms. All retaining structures have been designed by a suitably qualified engineer.

Drainage in and around the excavation area will be appropriately disposed, reducing the risk of inundation or raised water table on any adjoining land.

Notwithstanding, the following conditions are offered:

"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

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Version: 1, Version Date: 02/05/2014

the geotechnical report, and who shall supervise the excavation procedure 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".

"On completion of earthworks within the building platforms, a suitably qualified engineer experienced in soils investigations shall provide certification to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within building platforms. Note this will require supervision of the fill compaction by an inspecting engineer as defined in section 3.1 NZS4431:1989 (amendment 1 July 1992)".

(d) General amenity values

(i) Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

The surrounding area is zoned residential.

"Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council. The Traffic Management Plan shall address disruption, inconvenience or delays for neighbours and/or road users".

"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".

"Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with "A Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council. The

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construction traffic crossing shall be upgraded in accordance with Council Standards on completion of the earthworks or removed".

"On completion of earthworks, the consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent".

(ii) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

Any noise, vibration and/or dust associated with the proposed works on the site will be temporary in nature and will not compromise the level of amenity afforded within the surrounding area.

In addition, the following condition is offered:

"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. Following certification the recommendations in the report required to remedy and mitigate any unforeseen effects that arise shall be followed".

"Hours of operation for earthworks, shall be Monday to Saturday (inclusive): 8.00am to 6.00pm. 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".

(iii) Whether natural ground levels will be altered.

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The subject site is located in a Low Density Residential neighbourhood where built form and a level of earthworks are anticipated. Permitted activities in this zone will result in the alteration of the existing landform.

(iv) The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.

The loading of earth shall be confined to the subject site. 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.

Any noise, vibration and/or dust associated with the proposed works on the site will be temporary in nature and will not compromise the level of amenity afforded within the surrounding area.

The proposed works will alter natural ground levels to establish the building platform. This is anticipated in the Low Density Residential Zone.

Notwithstanding, the following conditions are offered:

"Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council. The Traffic Management Plan shall address disruption, inconvenience or delays for neighbours and/or road users".

"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. Following certification the recommendations in the report required to remedy and mitigate any unforeseen effects that arise shall be followed".

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Version: 1, Version Date: 12/05/2021

"Hours of operation for earthworks, shall be Monday to Saturday (inclusive): 8.00am to 6.00pm. 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".

(e) Impacts on sites of cultural heritage value:

(i) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.

(ii) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

The subject site is not recognised as a site of any cultural heritage value. However, the following condition is offered:

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 Heritage 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.

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Version: 1, Version Date: 02/05/2014

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 Heritage 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.

5.0 WHERE THE ACTIVITY INCLUDES THE USE OF HAZARDOUS SUBSTANCES AND INSTALLATIONS, AN ASSESSMENT OF ANY RISKS TO THE ENVIRONMENT WHICH ARE LIKELY TO ARISE FROM SUCH USE:

Not applicable.

6.0 WHERE THE ACTIVITY INCLUDES THE DISCHARGE OF ANY CONTAMINANT…….

Not applicable.

7.0 A DESCRIPTION OF THE MITIGATION MEASURES (SAFEGUARDS AND CONTINGENCY PLANS WHERE RELEVANT) TO BE UNDERTAKEN TO HELP PREVENT OR REDUCE THE ACTUAL OR POTENTIAL EFFECT:

These have been detailed in Part 4.0 of this application.

8.0 AN IDENTIFICATION OF THOSE PERSONS INTERESTED IN OR AFFECTED BY THE PROPOSAL, THE CONSULTATION UNDERTAKEN [IF ANY], AND ANY RESPONSE TO THE VIEWS OF THOSE CONSULTED:

No persons are deemed to be effected by this proposal.

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9.0 WHERE THE SCALE OR SIGNIFICANCE OF THE ACTIVITY'S EFFECT ARE SUCH THAT MONITORING IS REQUIRED, A DESCRIPTION OF HOW, ONCE THE PROPOSAL IS APPROVED, EFFECTS WILL BE MONITORED AND BY WHOM:

Not applicable.

AEE prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD & ASSOCIATES

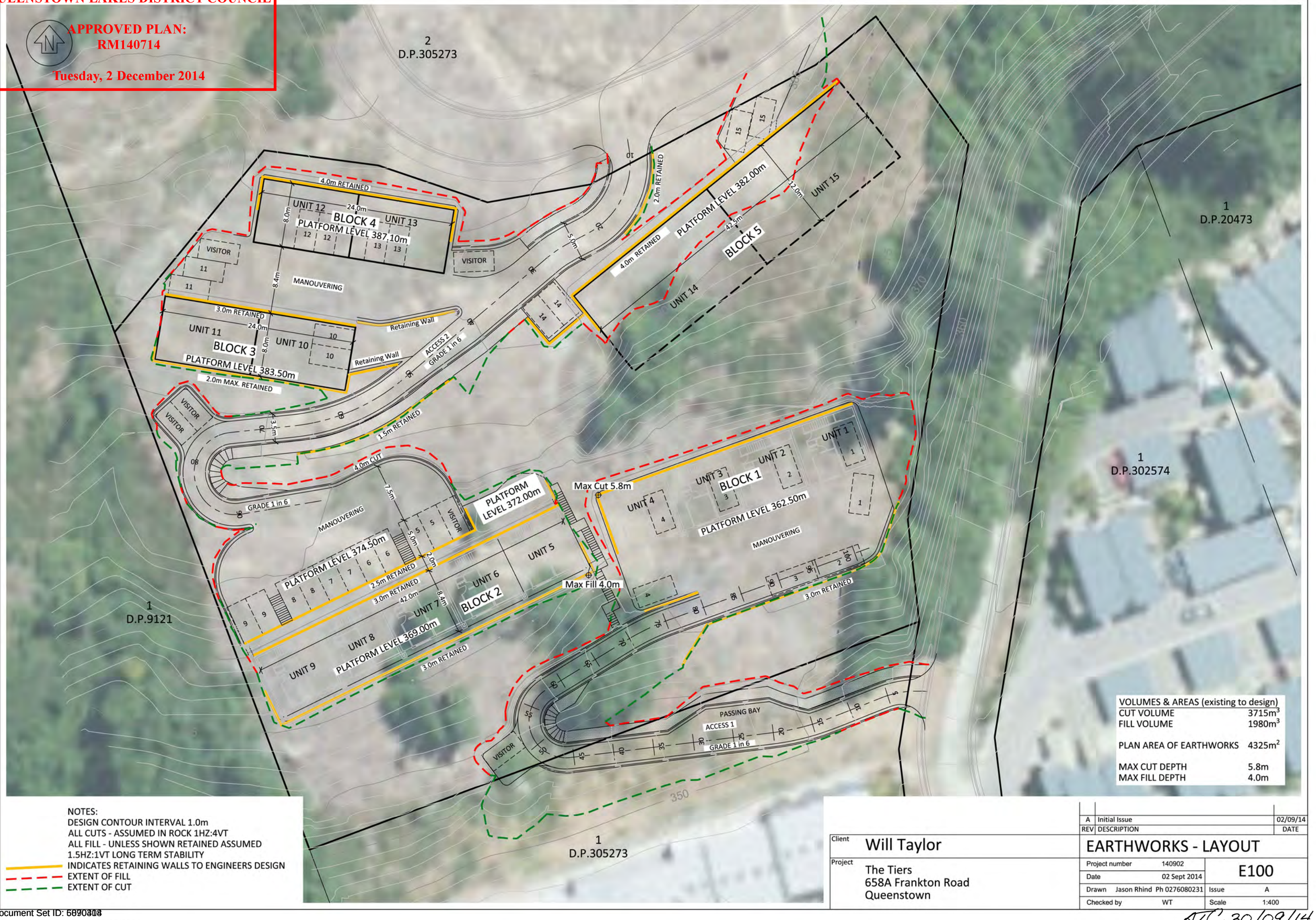
11th September 2014

Document Set ID: 6870308
Version: 1, Version Date: 12/09/2014

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



NOTES:
DESIGN CONTOUR INTERVAL 1.0m
ALL CUTS - ASSUMED IN ROCK 1HZ:4VT
ALL FILL - UNLESS SHOWN RETAINED ASSUMED
1.5HZ:1VT LONG TERM STABILITY
INDICATES RETAINING WALLS TO ENGINEERS DESIGN
EXTENT OF FILL
EXTENT OF CUT

VOLUMES & AREAS (existing to design)	
CUT VOLUME	3715m^3
FILL VOLUME	1980m^3
PLAN AREA OF EARTHWORKS	4325m^2
MAX CUT DEPTH	5.8m
MAX FILL DEPTH	4.0m

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS - LAYOUT

Project number	140902	E100	
Date	02 Sept 2014		
Drawn	Jason Rhind Ph 0276080231	Issue	A
Checked by	WT	Scale	1:400

Document Set ID: 6890308
Version: 1, Version Date: 12/12/2014

ATC 30/09/14

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

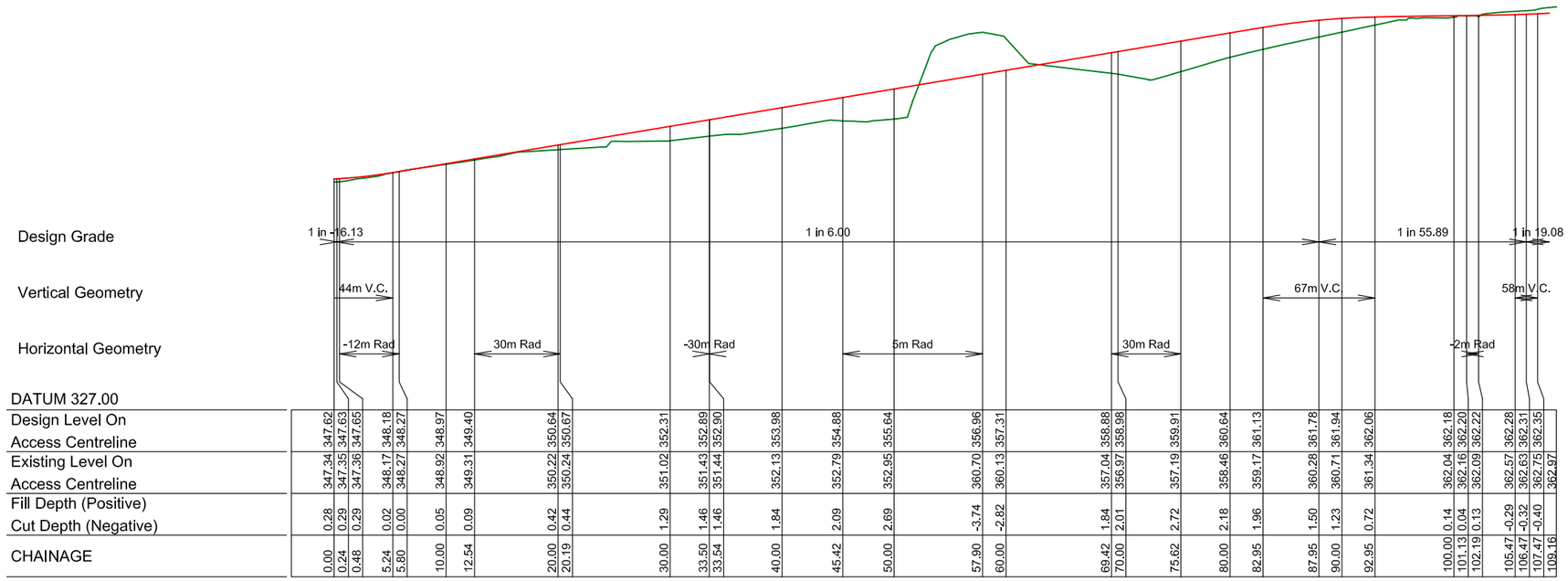
Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS - CUT & FILL

Project number	140902	E101	
Date	02 Sept 2014		
Drawn	Jason Rhind Ph 0276080231	Issue	A
Checked by	WT	Scale	1:400

AIC 30/09/14

Document Set ID: 6890308
Version: 1, Version Date: 02/12/2014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Vertical Geometry
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1 in 6.00
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1 in 19.08
44m V.C.
67m V.C.
58m V.C.
-12m Rad
30m Rad
-30m Rad
5m Rad
30m Rad
-2m Rad

| | | |

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014

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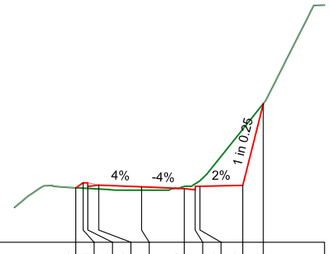
Y = 812351.13
Z = 349.81
Datum 348



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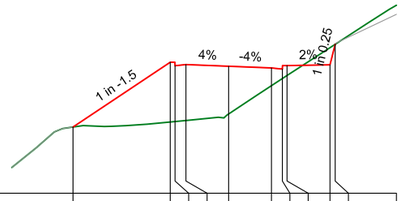
Datum 349



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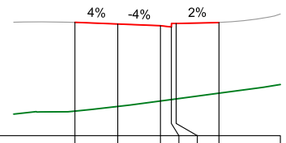

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CHAINAGE 50.000

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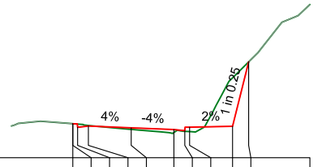
Datum 348



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CHAINAGE 10.000

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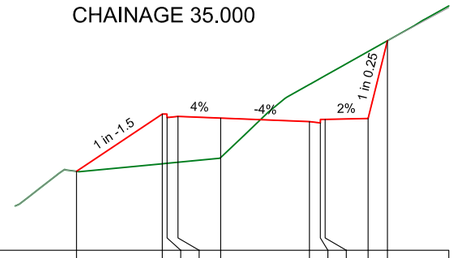

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CHAINAGE 30.000

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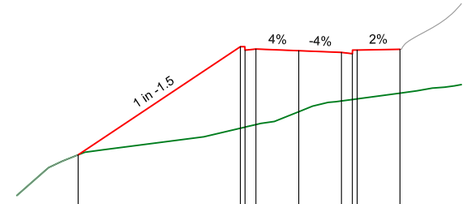

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CHAINAGE 45.000

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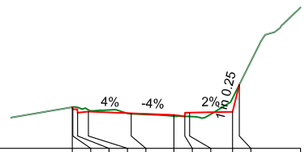

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EXISTING SURFACE	348.34	348.34	348.33	348.25	348.12	348.04	348.04	348.03	348.63	349.08	
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CHAINAGE 5.000

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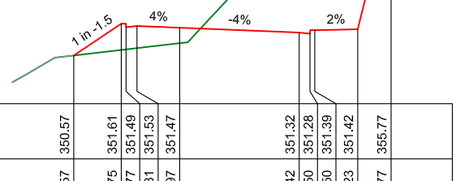
Datum 349



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CHAINAGE 25.000

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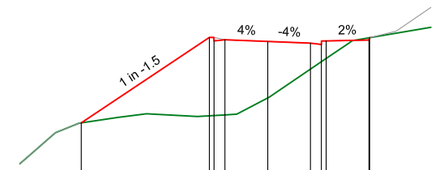

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CHAINAGE 40.000

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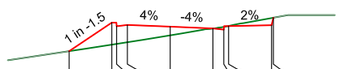
Datum 346



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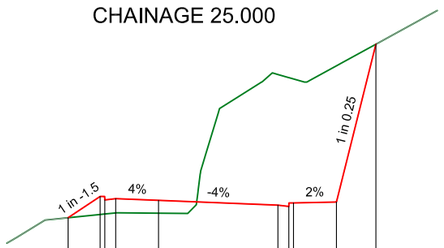
Datum 348



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CHAINAGE 20.000

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS
- ACCESS 1 CROSS SECTIONS

Project number	140902	E103	
Date	02 Sept 2014		
Drawn	Jason Rhind Ph 0276080231	Issue	A
Checked by	WT	Scale	1:200

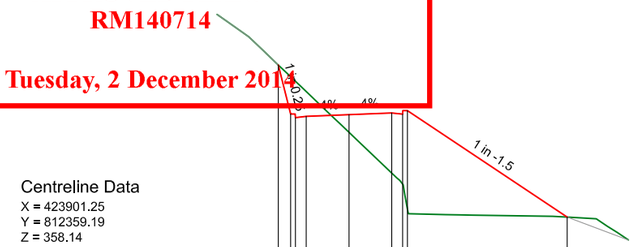
ATC 30/09/14

Document Set ID: 6890308
Version: 1, Version Date: 12/12/2014

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



Centreline Data
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Datum 353

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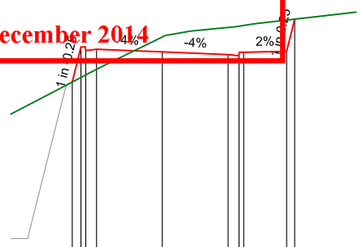
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



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Datum 381

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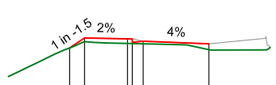

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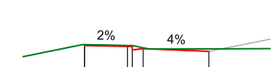
Datum 383

DESIGN HEIGHT	384.61	384.94	384.91	384.80	384.84	384.75	
EXISTING SURFACE	384.61	384.82	384.76	384.76	384.75	384.56	
DESIGN OFFSET	-4.54	-4.05	-2.65	-2.50	-2.14	0.00	

CHAINAGE 40.000

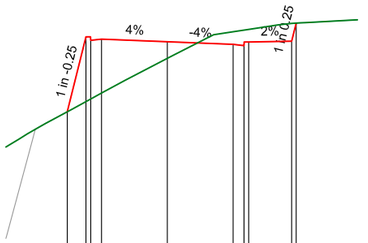


Centreline Data
X = 423888.82
Y = 812403.74
Z = 385.58

Datum 384

DESIGN HEIGHT	385.80	385.77	385.75	385.63	385.67	385.58	
EXISTING SURFACE	385.80	385.80	385.77	385.77	385.70	385.66	
DESIGN OFFSET	-4.06	-4.05	-2.65	-2.50	-2.14	0.00	

CHAINAGE 35.000

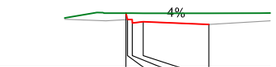


Centreline Data
X = 423904.32
Y = 812416.1
Z = 388.88

Datum 381

DESIGN HEIGHT	386.60	389.04	388.93	388.97	388.88	388.79	388.75	388.87	388.90	389.48	
EXISTING SURFACE	386.60	386.93	387.01	387.20	388.34	389.20	389.26	389.28	389.48	389.48	
DESIGN OFFSET	-3.27	-2.66	-2.50	-2.14	0.00	2.14	2.50	2.66	4.05	4.20	

CHAINAGE 15.000



Centreline Data
X = 423892.65
Y = 812406.96
Z = 386.42

Datum 385

DESIGN HEIGHT	386.78	386.58	386.46	386.50	386.42		
EXISTING SURFACE	386.78	386.78	386.78	386.78	386.78		
DESIGN OFFSET	-2.71	-2.65	-2.50	-2.14	0.00		

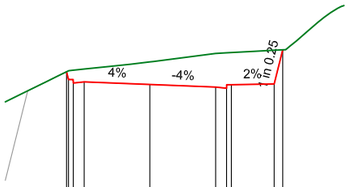
CHAINAGE 30.000

Centreline Data
X = 423905.6
Y = 812420.88
Z = 389.38

Datum 386

DESIGN HEIGHT	388.17	389.54	389.42	389.46	389.38	389.29	389.25	389.37	389.39	389.89	
EXISTING SURFACE	388.17	388.30	388.36	388.49	389.35	389.71	389.74	389.76	389.88	389.89	
DESIGN OFFSET	-3.00	-2.65	-2.50	-2.14	0.00	2.14	2.50	2.65	4.06	4.18	

CHAINAGE 10.000



Centreline Data
X = 423896.52
Y = 812410.11
Z = 387.25

Datum 383

DESIGN HEIGHT	387.67	387.41	387.30	387.34	387.25	387.17	387.13	387.24	387.27	388.38	
EXISTING SURFACE	387.67	387.70	387.72	387.75	387.99	388.26	388.28	388.29	388.37	388.38	
DESIGN OFFSET	-2.72	-2.65	-2.50	-2.14	0.00	2.14	2.50	2.65	4.05	4.33	

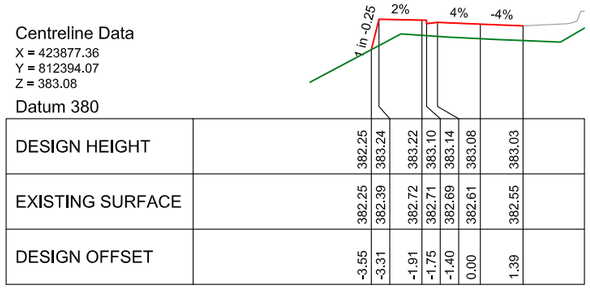
CHAINAGE 25.000

Centreline Data
X = 423873.25
Y = 812391.23
Z = 382.25

Datum 379

DESIGN HEIGHT	380.93	382.41	382.38	382.27	382.31	382.25	382.20				
EXISTING SURFACE	380.93	381.17	381.72	381.72	381.72	381.67	381.66				
DESIGN OFFSET	-3.68	-3.31	-1.90	-1.75	-1.39	0.00	1.39				

CHAINAGE 55.000

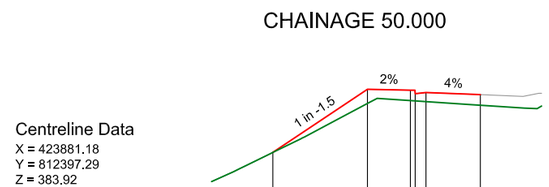


Centreline Data
X = 423877.36
Y = 812394.07
Z = 383.08

Datum 380

DESIGN HEIGHT	382.25	383.24	383.22	383.10	383.14	383.08	383.03				
EXISTING SURFACE	382.25	382.39	382.72	382.71	382.69	382.61	382.55				
DESIGN OFFSET	-3.55	-3.31	-1.91	-1.75	-1.40	0.00	1.39				

CHAINAGE 50.000

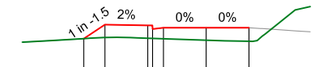


Centreline Data
X = 423880.66
Y = 812389.27
Z = 381.42

Datum 380

DESIGN HEIGHT	382.04	384.09	384.06	383.95	383.99	383.92					
EXISTING SURFACE	382.04	383.63	383.73	383.72	383.69	383.57					
DESIGN OFFSET	-6.77	-3.68	-2.28	-2.13	-1.77	0.00					

CHAINAGE 45.000

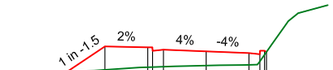


Centreline Data
X = 423853.92
Y = 812386.82
Z = 378.92

Datum 377

DESIGN HEIGHT	378.56	379.02	378.99	378.88	378.92	378.92					
EXISTING SURFACE	378.56	378.60	378.58	378.57	378.56	378.51	378.48				
DESIGN OFFSET	-3.99	-3.30	-1.91	-1.75	-1.40	0.00	1.40				

CHAINAGE 75.000

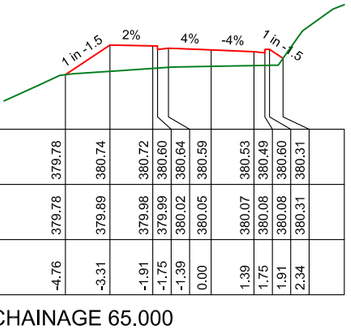


Centreline Data
X = 423858.8
Y = 812387.73
Z = 379.75

Datum 378

DESIGN HEIGHT	379.03	379.91	379.88	379.77	379.81	379.75	379.70	379.66	379.77	379.73	
EXISTING SURFACE	379.03	379.15	379.24	379.24	379.25	379.29	379.31	379.43	379.64	379.73	
DESIGN OFFSET	-4.63	-3.31	-1.91	-1.75	-1.39	0.00	1.39	1.75	1.91	1.97	

CHAINAGE 70.000

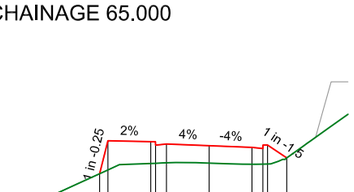


Centreline Data
X = 423863.77
Y = 812388.25
Z = 380.59

Datum 378

DESIGN HEIGHT	379.78	380.74	380.72	380.60	380.64	380.59	380.53	380.49	380.60	380.31	
EXISTING SURFACE	379.78	379.89	379.98	379.99	380.02	380.05	380.07	380.08	380.08	380.31	
DESIGN OFFSET	-4.76	-3.31	-1.91	-1.75	-1.39	0.00	1.39	1.75	1.91	2.34	

CHAINAGE 65.000



Centreline Data
X = 423868.66
Y = 812389.27
Z = 381.42

Datum 379

DESIGN HEIGHT	380.50	381.58	381.55	381.43	381.47	381.42	381.36	381.32	381.44	381.02	
EXISTING SURFACE	380.50	380.63	380.84	380.84	380.86	380.85	380.81	380.82	380.82	381.02	
DESIGN OFFSET	-3.57	-3.30	-1.90	-1.75	-1.39	0.00	1.39	1.75	1.90	2.53	

CHAINAGE 60.000

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS
- ACCESS 2 CROSS SECTIONS

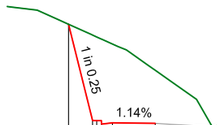
Project number 140902
Date 02 Sept 2014
Drawn Jason Rhind Ph 0276080231
Checked by WT

E105

Issue A
Scale 1:200

ATC 30/09/14

Document Set ID: 6690308
Version: 1, Version Date: 02/12/2014



Centreline Data
X = 423862.91
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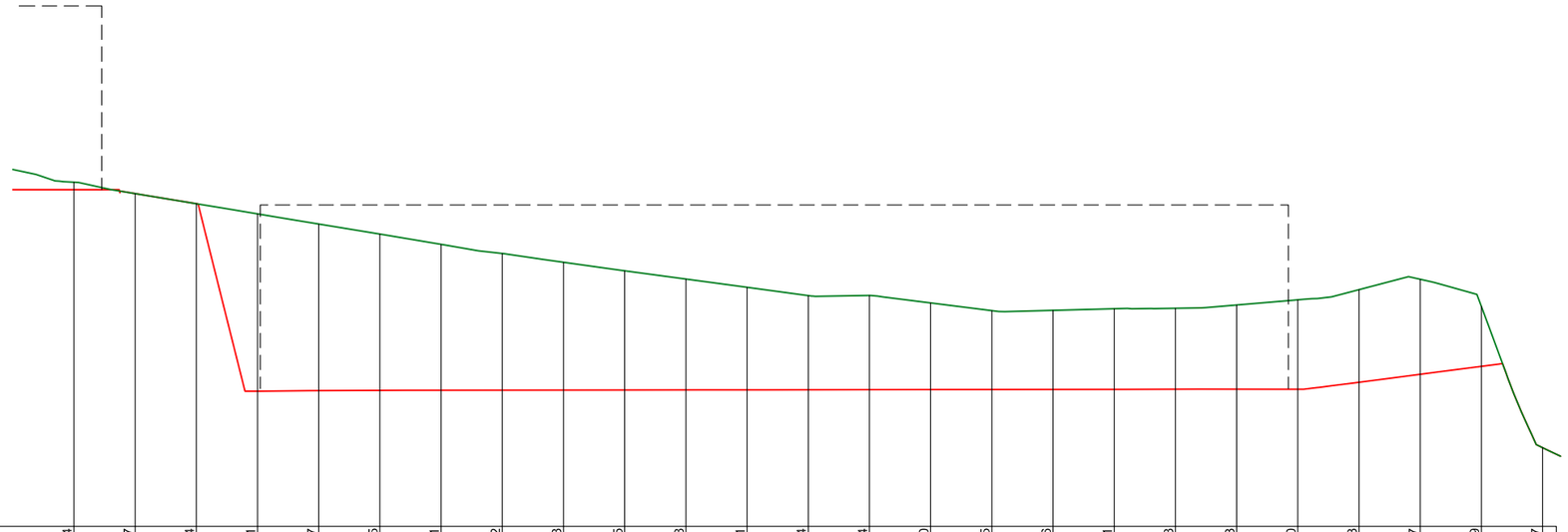
| | | |

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



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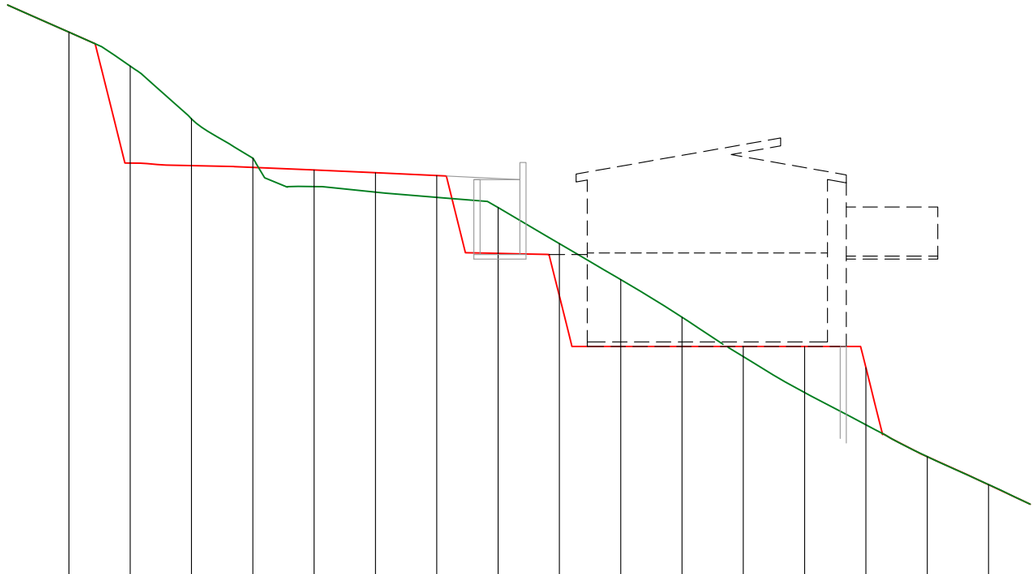
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



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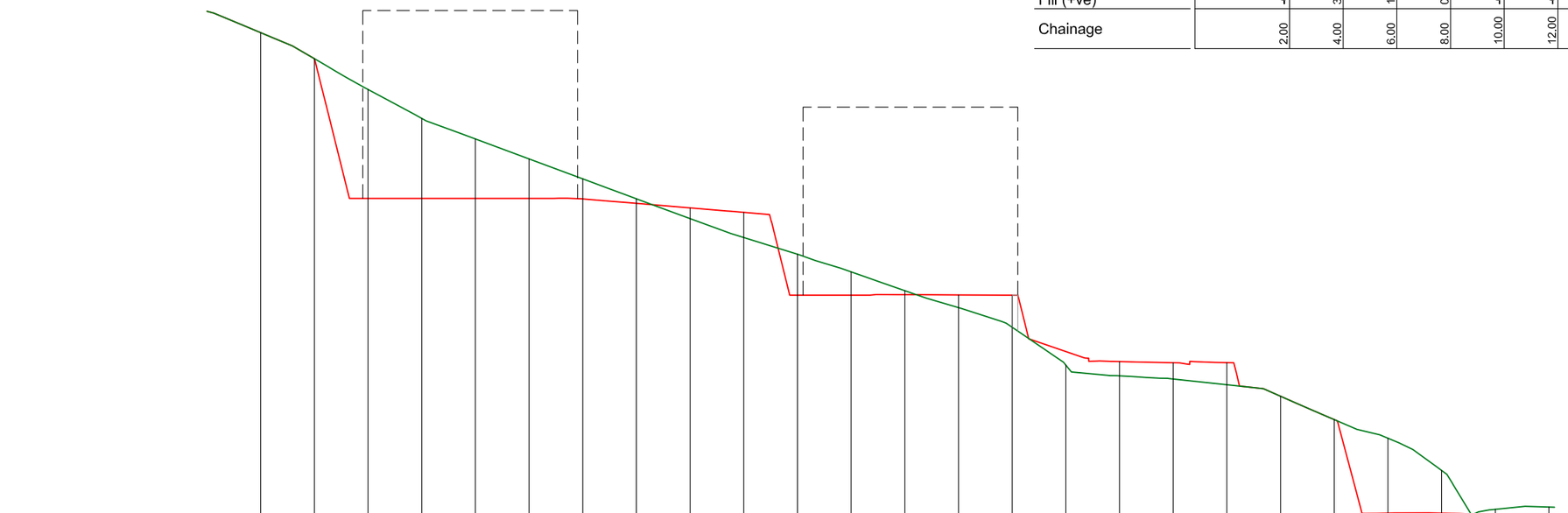
Natural Ground Levels	379.25	374.98	374.90	374.84	374.76	374.67	374.57	372.04	370.65	369.00	369.00	369.00	369.00	368.31	365.41	364.49						
Cut (-ve) Fill (+ve)	-0.00	3.16	1.54	0.30	-0.54	-0.63	-0.71	1.49	1.71	2.18	0.96	-0.33	-1.50	-1.86	0.00	0.00						
Chainage	2.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00	28.00	30.00	32.00						

SECTION D

Horizontal scale 1:200
Vertical scale 1:200



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Design Level	393.27	392.31	391.16	390.08	389.32	388.57	387.83	387.09	386.35	385.64	385.02	384.36	383.67	383.03	382.30	380.89	380.48	380.38	380.16	379.73	378.86	378.17	376.97	375.52	375.61
Natural Ground Levels	393.27	392.31	387.10	387.10	387.10	387.10	387.08	386.92	386.75	386.58	383.50	383.50	383.52	383.51	383.50	380.89	381.02	380.98	380.98	379.73	378.86	375.38	375.38	375.30	375.30
Cut (-ve) Fill (+ve)	-0.00	0.00	4.06	2.98	2.22	1.47	0.74	0.17	-0.40	-0.94	1.52	0.86	0.15	-0.47	-1.20	0.00	-0.54	-0.60	-0.82	-0.00	-0.00	2.79	1.59	0.22	0.30
Chainage	2.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00	28.00	30.00	32.00	34.00	36.00	38.00	40.00	42.00	44.00	46.00	48.00	50.00

SECTION E

Horizontal scale 1:200
Vertical scale 1:200

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS - SITE SECTIONS

Project number	140902	E108	
Date	02 Sept 2014		
Drawn	Jason Rhind Ph 0276080231	Issue	A
Checked by	WT	Scale	1:200

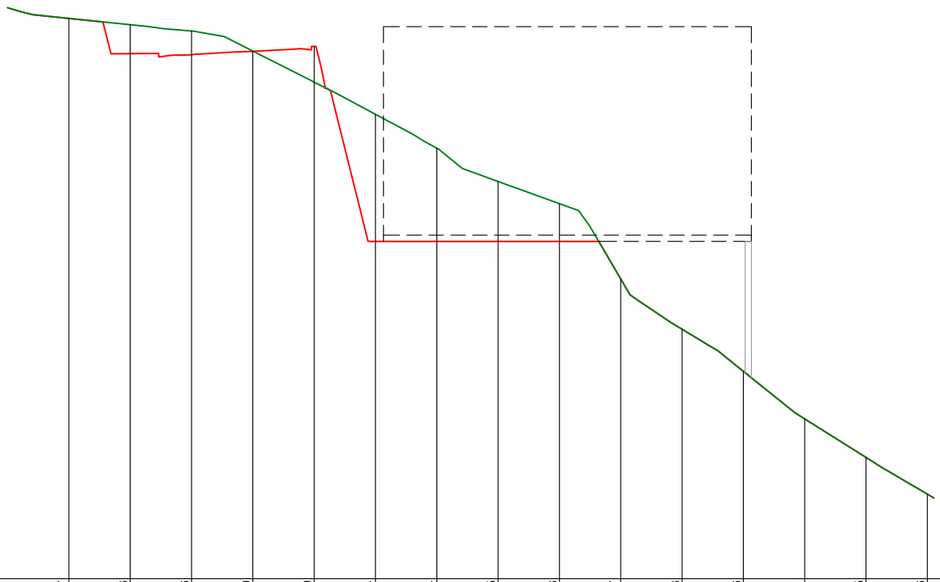
Document Set ID: 6890308
Version: 1, Version Date: 02/12/2014

ATC 30/09/14

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140714

Tuesday, 2 December 2014



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Design Level	389.27	389.06	388.86	388.20	387.19	386.14	385.04	383.95	383.23	380.77	379.13	377.76	376.21	374.95	373.76	
Natural Ground Levels	389.27	388.12	388.09	388.20	388.36	382.00	382.00	382.00	382.00	380.77	379.13	377.76	376.21	374.95	373.76	
Cut (-ve) Fill (+ve)	-0.00	0.94	0.77	0.01	-1.17	4.14	3.04	1.95	1.23	-0.00	0.00	-0.00	0.00	0.00	-0.00	
Chainage	2.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00	28.00	30.00	

SECTION F

Horizontal scale 1:200
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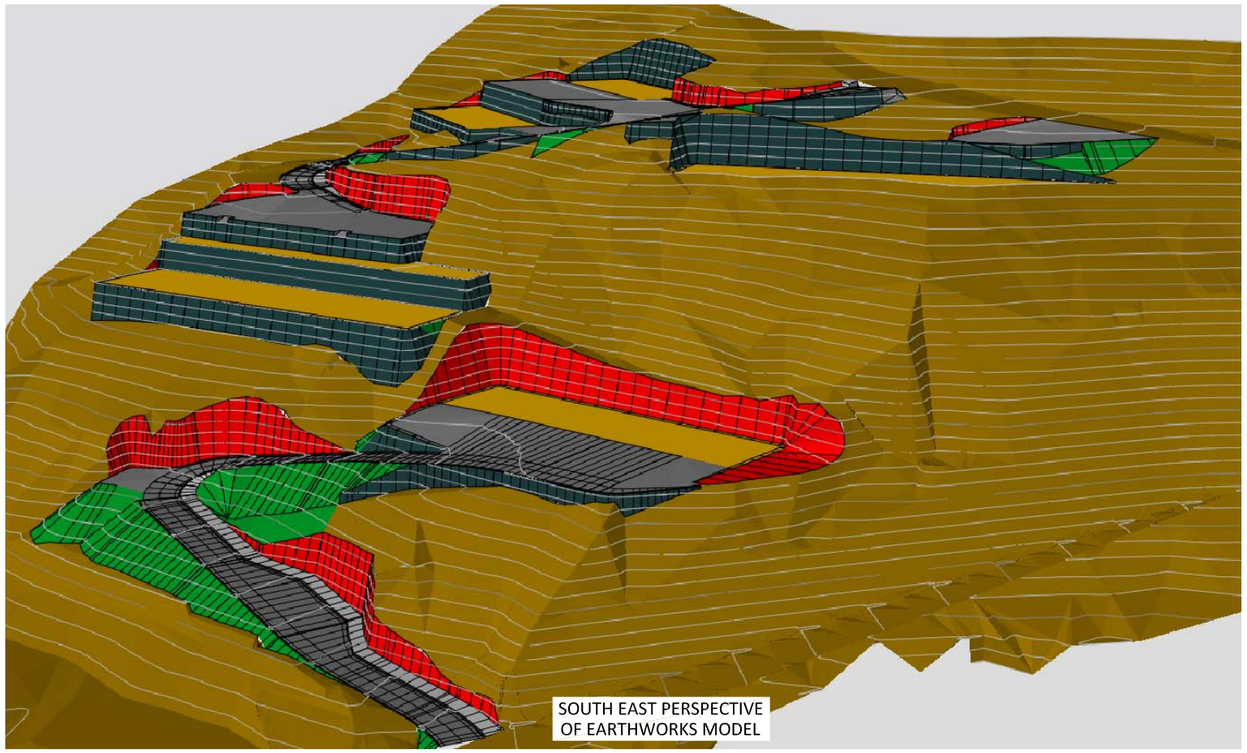

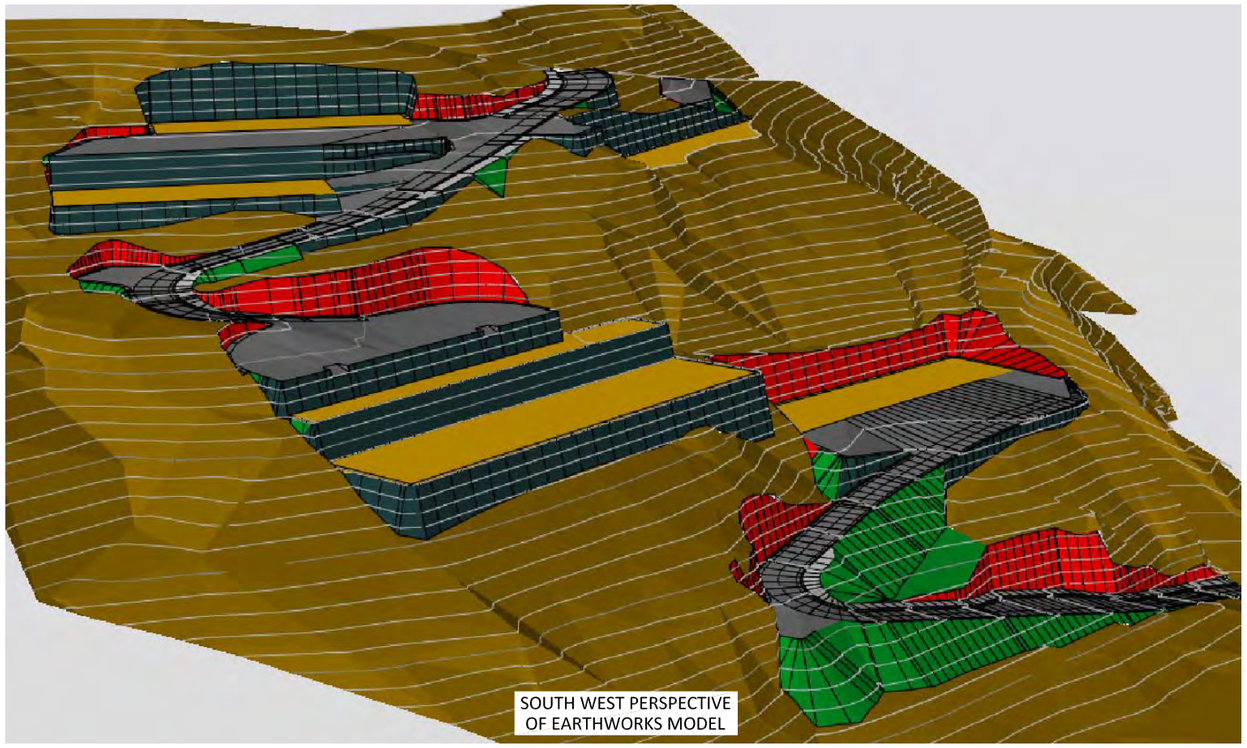

REV	DESCRIPTION	DATE
A	Initial Issue	02/09/14

Client: Will Taylor

Project: The Tiers
658A Frankton Road
Queenstown

EARTHWORKS - SITE SECTIONS

Project number	140902	E109	
Date	02 Sept 2014		
Drawn	Jason Rhind Ph 0276080231	Issue	A
Checked by	WT	Scale	1:200

Document Set ID: 6890308
Version: 1, Version Date: 12/12/2014

ATC 30/09/14

QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Q Donald
RM reference:	RM200911
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for the construction of two residential units with two residential flats; exceedance of building height; continuous building length; earthworks.
Location:	Lot 9 Highline Drive, Queenstown
Legal Description:	Lot 9 Deposited Plan 490069 held in Record of Title 706712
Zoning:	**ODP:** Low Density Residential **PDP:** Lower Density Suburban Residential
Activity Status:	**Non-complying**
Decision Date	**14 April 2021**

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Katrina Ellis, Resource Consent Team Leader on 14 April 2021 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 the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Katrina Ellis, Resource Consents Team Leader under delegated authority pursuant to Section 34A of the RMA.

Document Set ID: 6870302
Version: 1, Version Date: 14/05/2021

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to construct two residential units with two residential flats which will exceed the 7m building height limit, and will exceed the continuous building length requirement. Earthworks are also required in order to establish a suitable buildable area and to construct the driveway access.

The proposal is for a duplex arrangement with two, three-storey residential units, comprising a double garage at ground level and residential flat to the rear. The first floor of each building will include four bedrooms and four bathrooms, and the second floor will include the living and dining area. A 25m^2 balcony is proposed for each unit and will be located on the northern façade. A smaller 5m^2 balcony for each unit is proposed to the southern façade. The residential flats will each have a floor area of 45m^2, comprising a double bedroom, bathroom and living/kitchen area. A single parking space will be provided for each residential unit, these spaces will be located on a parking pad to the south of the building.

The building will be constructed with a gable roof design and using a variety of materials including timber, colour steel and schist.

A total volume of 2,125m^3 of earthworks are proposed to construct the building platforms, as well as the driveway access. These works will include substantial cuts of up to 7.0m in height. A geotechnical report has been provided as part of the application which includes further details on these matters.

The proposal was revised a number of times during the processing of the application; amendments and additions included:

- Revised internal layout of the proposed residential flats;
- Revised positioning of the building on the site.
- Shading diagrams.

Site Description

The site is located at the top of Potters Hill Drive, Queenstown. The site has a total area of 1110m^2, and a net site area of 940m^3 due to a right of way easement over the southern and south-eastern corner of the site.

The surrounding environment comprises apartment type development, at a density greater than that typical of the Lower Density Suburban Zone. Due to the steep topography of the surrounding environment, extensive earthworks have been undertaken to undertake development. It is noted that a number of other developments in the vicinity of the subject site have also exceeded the height limit.

For reference, the application site is depicted in the below aerial image, **Figure 1**:

Figure 1: *Aerial image of the application site (outlined in yellow) and surrounds (Source: QLDC GIS, 2021)*

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Version: 1, Version Date: 14/05/2021

2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, and notified its decisions on Stage 2 of the PDP on 21 March 2019. There are a number of appeals on these decisions. Decisions on Stage 3 and 3B of the PDP were notified on 1 April 2021, and the appeal period is currently open.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

2.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Lower Density Suburban in the ODP. There are no relevant rules under the ODP Low Density Zone given the relevant rules under the PDP are treated as operative pursuant to section 86F.

2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Lower Density Suburban Residential by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **restricted discretionary** activity pursuant to Rule 7.5.10 in regard to building length. The first floor northern façade will be 21m in length, where a maximum length of 16m is permitted. Council's discretion is restricted to:

    - External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.

- A **non-complying** activity resource consent pursuant to Rule 7.5.2 for the exceedance of the 7m building height for sloping sites. The building will have a maximum height of 9.5m.

- A **restricted discretionary** activity pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume of earthworks, being 300m^3 in the Lower Density Suburban Residential Zone, with a total of 2,125m^3 of earthworks proposed. Council's discretion is restricted to:

    - Soil erosion, generation and run-off of sediment;
    - Landscape and visual amenity values;
    - Effects on infrastructure, adjacent sites and public roads;
    - Land stability;
    - Effects on water bodies, ecosystem services and biodiversity;
    - Cultural heritage and archaeological sites;
    - Nuisance effects;
    - Natural hazards; and
    - Functional aspects and positive effects.

- A **restricted discretionary** activity pursuant to 25.5.15 for earthwork cut of 7.0m, exceeding the maximum permitted cut height of 2.4m. Council's discretion is restricted to:

    - Soil erosion, generation and run-off of sediment;
    - Landscape and visual amenity values;
    - Effects on infrastructure, adjacent sites and public roads;
    - Land stability;
    - Effects on water bodies, ecosystem services and biodiversity;
    - Cultural heritage and archaeological sites;
    - Nuisance effects;

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- Natural hazards; and
- Functional aspects and positive effects.

- A **restricted discretionary** activity pursuant to 25.5.16 for fill which will exceed a height of 2m. The proposal involves placement of fill up to 2.5m in height. Council's discretion is restricted to:

  - Soil erosion, generation and run-off of sediment;
  - Landscape and visual amenity values;
  - Effects on infrastructure, adjacent sites and public roads;
  - Land stability;
  - Effects on water bodies, ecosystem services and biodiversity;
  - Cultural heritage and archaeological sites;
  - Nuisance effects;
  - Natural hazards; and
  - Functional aspects and positive effects.

2.4 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 ("NES")

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.

2.5 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- a **non-complying** activity under the PDP.

Overall, the application is being considered and processed as a **non-complying** activity.

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NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

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 as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

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; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

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 notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

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

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Person (owner/occupier)	Address (location in respect of subject site)
Gavin Moore (sole director of Silver Creek Holdings Limited	Lot 2 DP 409336 (north and west of the application site)

Note: the applicant initially provided written approval from both Gavin Moore and The Middleton Family. During the process of the application the property was sold to Gavin Moore by the Middleton family. Silver Creek Holdings Limited is now the owner of Lot 2 DP 409336, and Gavin Moore is the sole director of this company.

Figure 2: *Aerial view of the application site (yellow) and location of persons who have provided approval (Source: QLDC GIS, 2021)*

Effects that <u>may</u> be disregarded:

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) – referred to as the "permitted baseline". The relevance of a permitted baseline to this application is provided in section 3.3.2 below.*

<u>3.3.2 Permitted Baseline (s95D(b))</u>

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 allows for one residential unit per 450m^2, subject to meeting bulk and location standards, and as per the definition a residential unit may include a residential flat. Built form standards include a maximum building coverage of 40%, landscaped permeable coverage of 30% (minimum), a 4.5m minimum setback from road boundaries and 2.0m from all other boundaries, as well as a maximum height of 7m. On this basis, it is considered feasible that two residential units and two residential flats can be constructed on the site.

With regard earthworks, a maximum volume of 400m^3 of earthworks can be undertaken with cut height of 2.4m and fill height of 2.5m. Given the steep topography of the application site, it is considered that substantial earthworks are required to establish a building platform for development. It is unlikely that a building could be constructed on the site without earthworks occurring.

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The permitted baseline is of relevance to the application, in terms of density and built form, and has been considered as part of the below assessment.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The activity is non-complying and therefore all potential effects on the environment can be considered.

Built form

The site, and immediate surroundings, is located on a significant slope which presents challenges for residential development. Apartment and multi-unit developments have been common in the immediate vicinity, this is reflected by the development to the east of the application site. Given the steep topography and need to accommodate adequate access and parking, the creation of outdoor living space at ground floor level is challenging. The applicant has proposed two balcony spaces for the units, with the principal space located on the northern side of the building, and a smaller balcony located on the southern (front) side of the building.

As prevalent in the surrounding area, due to the steepness of the topography and elevation, the development will appear dominant to some degree. The elements of built form beyond the 7m height plane will contribute to the buildings dominance, however it is not considered that it will materially exacerbate the presence of built form, or increase perceived dominance effects on the environment beyond an unacceptable threshold. This is due to the fact that only a portion of the roof is above the height limit, and the remainder of the building will comply with the built form standards for the site. The design of the building will be similar to other developments in the vicinity, which also have gable roof designs and which also exceed the 7m height limit of the zone.

Furthermore, the building is to be located in the northern part of the site, 28m from the front boundary. Given the substantial setback, the built form will be concentrated to the rear of the site and will mitigate the potential dominance effect when viewed from Potters Hill Drive.

With regards to the effects associated to the continuous building length, this only relates to the northern façade of the building. Due to the topography of the site, this elevation will not be visible from the wider environment and consequently it is considered that there will be no adverse effects upon the wider environment.

Based on the above comments it is considered that potential adverse effects on the wider environment associated with the built form will be less than minor.

Residential amenity

The design of the proposed residential flats was revised during the process of the application, and urban design comment was received on the revised layout (attached as **Appendix 3**). The design of the two flats is considered to represent an appropriate outcome, and the flats will contribute to the intended purpose of the zone, providing for additional accommodation within Queenstown. Following the urban design comment, the design was further revised to include a pergola covered courtyard at the northern façade, with sliding doors opening onto this area. Given the steep topography, this area will have limited view and solar access however will provide an appropriate outdoor space relative to the size of the flats.

In order to further enhance the amenity of the flats, details of the planting located along the western and eastern internal boundaries leading to the entrance to the two flats will be included prior to occupation of the units. A condition of consent is recommended to require details of this landscaping to be submitted. The applicant has accepted this condition and it is therefore adopted as part of the overall application.

Based on the above, the proposal is considered to result in less than minor adverse effects upon the wider environment.

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Earthworks

A total volume of 2,125m^3 of earthworks are proposed to establish a level building area as well as parking and access. It is noted that there are two conditions of Consent Notice 10449745.29 which require the provision of detailed geotechnical investigations prior to commencement of development on the site.

The applicant has provided a geotechnical report by Ground Consulting Limited (GCL) to support the proposed earthworks. Council's Development Engineer, Mr. Cameron Jones has reviewed the application and geotechnical report. Mr Jones accepts the findings of the geotechnical report that the proposal is feasible from a geotechnical perspective. Further, Mr. Jones considers that the report satisfies the requirements of the above Consent Notice conditions. Mr. Jones has recommended a condition that the works are undertaken in accordance with the recommendations of the GCL report. Overall, Mr Jones' assessment is adopted for the purposes of this assessment.

The ground predominantly comprises schist, and as such cutting of the rock will be required as part of the works. It is noted that this has also occurred as part of the development of sites within the vicinity.
A condition of consent is recommended to ensure any potential vibration effects that may arise as the result or the rock breaking can be appropriately mitigated. It is recognised that this condition has been placed on other developments within the immediate vicinity. Given the significant cut, there is the potential for rock breaking to result in adverse effects on buildings within the vicinity, although this is dependent upon the method used to undertake the breaking. Whilst no details have been provided in relation to the method which will be used it is considered that given there are no buildings within the immediate vicinity of the site there is a reduced risk of effects occurring. Notwithstanding, the applicant has volunteered a condition of consent which will require the earthworks subject to this consent to be given effect to prior to any development occurring on the directly adjoining sites. This condition will assist in avoiding potential damage to future adjoining neighbouring structures. This condition forms part of their consent and it is considered subject to adherence with it, effects on the wider environment will be mitigated so to be less than minor.

With regard other nuisance effects such as erosion, silt, sediment and dust, these will be managed through the conditions of consent which will require the preparation of an erosion and sediment control plan, and monitoring of this during the works. Further, an Environmental Management Plan (EMP) will ensure works will be managed to an extent that these effects are no more than minor on the wider environment.

Based on the above, it is considered that any potential effects associated with the earthworks phase of the development will be no more than minor on the wider environment.

Servicing

Mr. Jones has also reviewed the proposal in relation to servicing. Mr. Jones confirms that the site was fully addressed at the time of the underlying subdivision, and thus the two units can be adequately serviced. Overall no adverse effects are anticipated in relation to servicing and effects on the wider environment.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not 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.

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4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on 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

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

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 (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the *'any other activity'* category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

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 (a "permitted baseline"). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

4.3.1 [ii] Persons who have provided written approval (s95E(3))

The persons identified in Section 3.3.1 above have provided their **written approval** and as such adverse effects on these parties are disregarded for the purpose of s95E(3).

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4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 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:

- Lot 17 DP 490069 (east); and
- Lot 8 DP 490069 (south)

Figure 3: Aerial image showing properties (red) subject to the S95E assessment, in relation to the application site (yellow), with written approval being provided by persons at Lot 2 DP 409336 (blue).

Lot 17 DP 490069

This property is located to the east of the application site. The site is currently vacant and is grassed in pasture and shrub with some rock outcrop to the southern boundary, refer **Figure 4**.

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Figure 4: View west of Lot 17 DP 490069 from Potters Hill Drive.

Whilst this site is currently vacant, it is zoned Lower Density Suburban Residential and therefore it is anticipated that it would be developed for residential activity. As such, effects upon persons at this site associated with the proposed built form and exceedance of building height must be considered.

The majority of the building is compliant with the built form standards of the PDP, however, the northern end of the building will infringe the 7m height limit. Persons at this property will primarily view the eastern elevation of the building, as shown in **Figure 5** below. The area of roof highlighted yellow will be located above the 7m height limit. The remainder of the built form will comply with the required standards along this boundary.

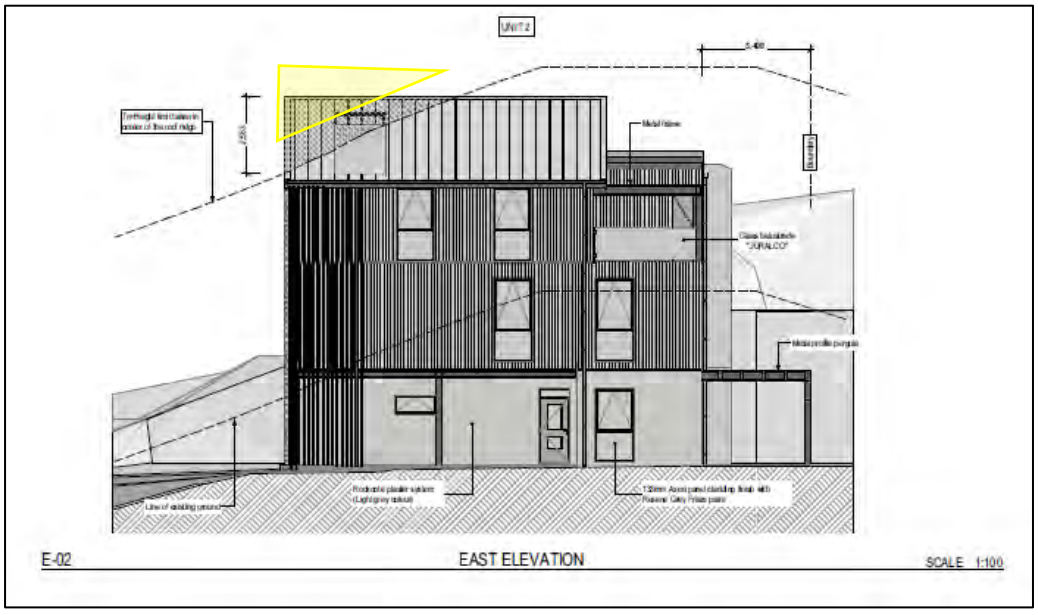

Figure 5: *View of the proposed building from Lot 17*

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The infringement will be to a maximum height of 2.5m, reducing to nil over a length of 5.2m. The infringement is at its greatest at the midpoint of the gable which is located 6.0m from the eastern boundary with Lot 17; given the gable roof design the infringement decreases in scale as the pitch of the roof meets the eaves. It is acknowledged that the building will appear dominant when viewed from Lot 17, and thus the extent of building above the 7m limit will add to this. However as stated earlier in this report, the topography of the application site and surrounding environment assists in mitigating this dominance effect. Further, concentrating the development towards the rear of the site is considered to mitigate the dominance of the development and provides for better outlook and access to views of Lake Wakatipu and the Remarkables for any future development on this site.

The applicant has provided shading analysis as part of their application including shading associated with the proposed development, a permitted 7m height development, and pre-development (i.e. vacant site). At 3pm on the shortest day, the application site and Lot 17 are already in shadow as a result of the topography to the north (Queenstown Hill). Whilst the proposal will slightly increase the amount of shading on Lot 17 (at this time), it is not considered that it will materially exacerbate the effect to be considered minor or more than minor.

In terms of privacy effects, the proposed height breach relates to the gable of the roof and will therefore not result in increased overlooking opportunity towards persons at Lot 17. Less than minor effects on the privacy of persons at Lot 17 is anticipated.

With regard the continuous building length, this relates to the northern façade of the building which will not be noticeable by persons at Lot 17. As such, any adverse effects associated with this non-compliance will have a negligible effect on persons at Lot 17.

With regards to the earthwork and construction phase of the development, these effects will be temporary in nature and will be undertaken in accordance with the conditions of consent. Rock breaking and associated effects such as vibration can have the potential to result in adverse effects upon neighbouring structures. In this sense, this property is currently vacant of built form and there have been no consents (building or resource) lodged with Council to develop the site. Notwithstanding, the applicant has volunteered a condition of consent as part of their application which requires them to give effect to the earthworks proposed in this resource consent prior to any construction being undertaken on the neighbouring property. It is considered that this condition will ensure any potential effects associated with the rock breaking and associated vibration will be mitigated. Subject to compliance with the conditions it is considered that the effects of the earthworks and construction phase of the development will be mitigated to be less than minor.

Overall, less than minor adverse effects are anticipated on persons at Lot 17.

Lot 8 DP 490069

This property is located to the south of the application site, on the adjacent side of Highline Road. The site is currently vacant, grassed in pasture with some rock outcrops. Given the steep topography, this site is located at a much lower elevation that the application site, refer **Figure 6** below. Whilst this site is currently vacant, it is zoned Lower Density Suburban Residential and therefore it is anticipated that it would be developed for residential activity. As such, effects upon persons at this site associated with the proposed built form and exceedance of building height must be considered.

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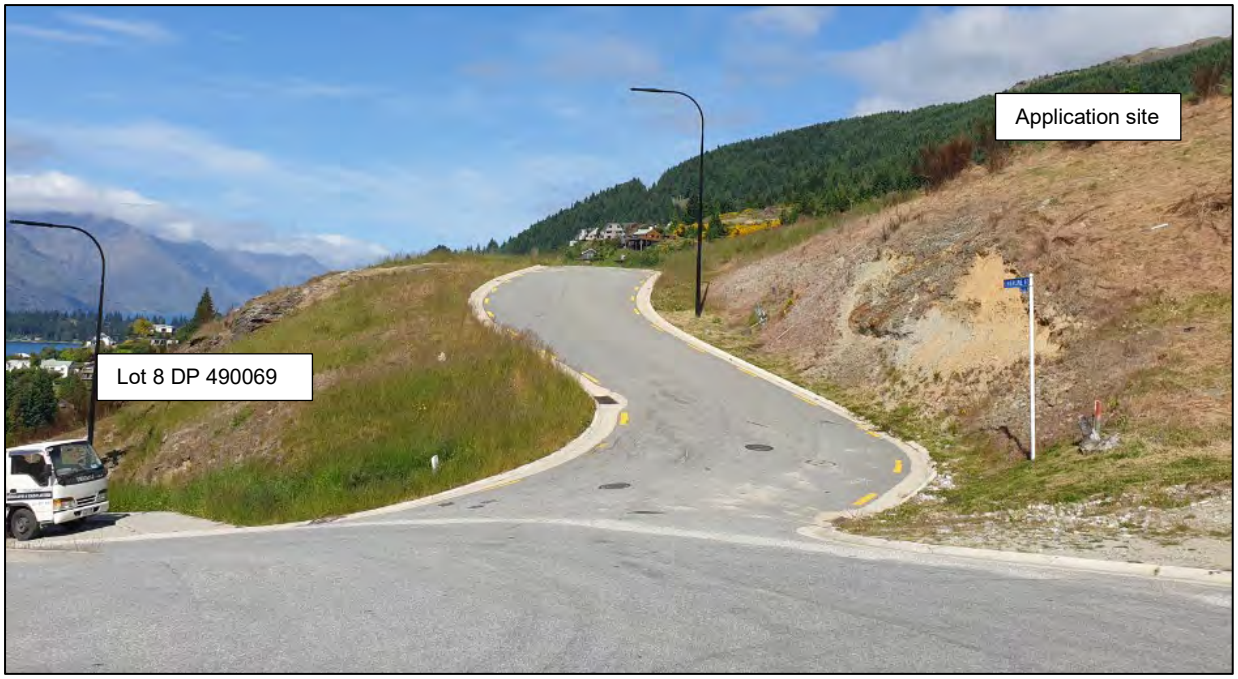

Figure 6: *Site photo showing the separation distance between the two sites*

The proposed buildings will be located at the northern end of the application site and will therefore be separated by an approximate distance of 25m from the northern boundary of Lot 8 DP 490069. This separation distance, in addition to the topography of the land means that any potential effects associated with the height exceedance and overall built form will be mitigated so to have a less than minor adverse effect on persons at this property.

Effects associated with the earthworks and construction phase of the development including potential nuisance (noise, dust, vehicle movements, and potential vibration) will be temporary and will be mitigated through the accepted conditions of consent.

Rock breaking and associated effects such as vibration can have the potential to result in adverse effects upon neighbouring structures. In this sense, this property is currently vacant of built form and there have been no consents (building or resource) lodged with Council to develop the site. Notwithstanding, the applicant has volunteered a condition of consent as part of their application which requires them to give effect to the earthworks subject to this resource consent prior to any construction being undertaken on the neighbouring property. It is considered that this condition will ensure any potential effects associated with the rock breaking and associated vibration will be mitigated.

Overall, any potential adverse effects on persons at Lot 8 DP 490069 will be less than minor.

Due to the level of separation, no other person is considered affected by the proposed development.

4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

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5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by

Georgia Brown
CONSULTANT PLANNER

Decision made by

Katrina Ellis
RESOURCE CONSENTS TEAM LEADER

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DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

6. S104 ASSESSMENT

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. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;
(ii) other regulations;
(iii) a national policy statement;
(iv) a New Zealand coastal policy statement;
(v) a regional policy statement or proposed regional policy statement;
(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

Operative District Plan

The relevant operative objectives and policies are contained within Part 7 (Residential) and Part 22 (Earthworks) of the ODP.

The proposed development is considered to be compatible with the neighbourhood and nature of Potters Hill Drive. The development will assist in providing a pleasant living environment, and generally provide a good level of amenity for future occupiers. The proposal is considered to achieve the outcomes of the relevant objectives and policies in Part 7.

With regard earthworks, the proposal will be undertaken in accordance with best practice, and in accordance with recommendations by the geotechnical report. On this basis it is considered that the development will mitigate effects on the wider environment so to be consistent with the outcomes of Chapter 22.

Proposed District Plan

The relevant operative objectives and policies are contained within Chapters 4 (Urban Environment), 7 (Lower Density Suburban Residential) and 24 (Earthworks) of the PDP.

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Chapter 4- Urban Environment

Policy 4.2.1.3 is to ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.

The application site is located within an Urban Growth Boundary and will provide for the efficient use of the urban land, providing a variety of residential accommodation. The proposal is considered consistent with the outcomes of Chapter 4 - Urban Environment.

Chapter 7 – Low Density Suburban Residential

Objective 7.2.1 is that development within the zone provide for a mix of compatible suburban densities and high amenity low density residential living environment for residents as well as users of public spaces within the zone.

The proposed development complies with the density anticipated in the Lower Density Suburban Residential Zone, and will provide a generally good amenity of living environment for future occupiers. Whilst the amenity of the residential flats will not be of the greatest, and could be improved, it is recognised that they will provide basic amenity that contribute to the intended purpose of the Lower Density Suburban Residential zone. Therefore, the development is not inconsistent, nor contrary to Objective 7.2.1.

Policy 7.2.1.2 is to 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.

Policy 7.2.1.3 is ensure that the height, bulk and location of development maintains the suburban intensity of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

With regards to the above policies, the proposal development is considered an efficient use of the land, and will be compatible with the scale and character of existing development in the vicinity. Noting the existing form of development comprises apartment style development of a higher density than typical of the Lower Density Suburban Residential zone, however this is considered an acceptable outcome in this location given the nature of surrounding built form.

The bulk and location of development has been considered acceptable so to maintain a high level of amenity for the neighbouring properties. Whilst aspects of the building will exceed the permitted height limit, it is considered that this will not detrimentally affect neighbouring properties access to sunlight, nor will it result in a loss of privacy.

Overall, the proposal is considered consistent with the relevant objective and policies of Chapter 7.

Chapter 25 – Earthworks

Objective 25.2.1 is that earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.

Policy 25.2.1.1 is to ensure earthworks minimise erosion, land instability, sediment generation and off-site discharge during construction activities associated with subdivision and development.

Policy 25.2.1.2 is to manage the adverse effects of earthworks to avoid inappropriate adverse effects.

Earthworks are required to construct the driveway access as well as building platforms for the residential units. The earthworks will be undertaken in accordance with the recommendations made in the applicant's geotechnical report, as well as with the accepted conditions of consent. Based on adherence with the geotechnical report and the conditions of consent the works will ensure erosion, land instability, sediment generation, noise and vibration and off-site discharge are minimised so to mitigate potential adverse effects on the surrounding environment.

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The proposal is considered consistent with the relevant objective and policies of Chapter 25.

Weighting between Operative District Plan and Proposed District Plan

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

6.3 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 been met in that the application will not 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 both of the gateway tests in s104D, consent can be granted for this non-complying activity.

6.4 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. The proposal is considered to meet the purpose as it will provide for the economic wellbeing of the applicants, whilst mitigating potential adverse effects on the environment.

Section 6 relates to matters of national importance. No matters of national importance are relevant to this application.

With regard Section 7 'other matters', the proposal is considered to provide for the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment.

With regard Section 8, the proposal will not offend against any principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

7.0 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to construct two residential units and two residential flats with associated earthworks subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

Prepared by

Georgia Brown
CONSULTANT PLANNER

Decision made by

Katrina Ellis
RESOURCE CONSENTS TEAM LEADER

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8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

Local Government Act 2002: Development Contributions

This proposal may require a development contribution under the Local Government Act 2002 in line with QLDC's Development Contribution Policy. Where a development contribution is determined as required, 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.

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries please contact resource consent on phone (03) 441 0499 or email resource.consent@qldc.govt.nz.

9.0 APPENDICIES LIST

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Engineering Memo
APPENDIX 3 – Urban Design Memo

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APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - 'Site Plan proposed – A102 date: 23 March 2021
   - 'Site Cut and Fill – A103 date: 23 March 2021
   - 'Parking and Manoeuvring Plan – A104' date: 23 March 2021
   - 'Ground Floor Plan – A105' date: 23 March 2021
   - 'First Floor – A106' date: 23 March 2021
   - 'Second Floor Plan – A108' date: 23 March 2021
   - 'Site Cut Cross Section – A201' date: 23 March 2021
   - 'North and East Elevations – A301' date: 23 March 2021
   - 'South and West Elevations – A302' date: 23 March 2021
   - 'Sun Studies – A601' date: 23 March 2021
   - 'Sun Studies – A602' date: 23 March 2021
   - 'Sun Studies – A603' date: 23 March 2021

   stamped as approved on 14 April 2021

   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. The consent holder shall ensure the consented excavation is undertaken prior to any development being undertaken on Lot 17 DP 490069, Lot 9 DP 490069 and Lot 8 DP 490069 for the purpose of mitigating the effects of rockbreaking and vibration on these properties. If development occurs on these sites prior to the consented excavation being given effect to, the applicant shall commission a report by a suitably qualified professional outlining the methods proposed for the rock-breaking and procedures which will be in place to manage vibration effects on the above properties. The report shall be provided to Council for certification prior to commencement of earthworks.

Landscaping

5. Prior to completion of the construction of the building, a landscaping plan shall be provided to Manager: Resource Consents for certification. The plan shall provide detail of the proposed landscaping treatment along the western and eastern access points to the respective residential flats.

6. The landscaping plan certified as part of Condition 4 shall be implemented within the first planting season of the completion of the building, and the plants shall thereafter be maintained and irrigated in accordance with the plan. If any plant or tree should die or become diseased it shall be replaced within the next planting season.

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General

7. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz/

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

8. 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.

9. Prior to commencing any work on the site the consent holder shall install a stabilised entrance in accordance with GD05, the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. All construction traffic shall use this to enter and exit the site. Wooden planks or similar shall be provided to protect the kerb from damage caused by construction traffic movements.

   The construction traffic crossing shall be upgraded in accordance with Condition (17) on completion of works.

10. 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.

11. 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 Ground Consulting Limited report ('*Quenton Donald. Lot 9, DP490069, Highline Road, Queenstown. Geotechnical Assessment for Proposed Residential Units.'* GCL ref R5341-1A, dated 25 October 2019) 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.

12. At least 15 working days prior to any works commencing on site the Consent Holder shall submit an Environmental Management Plan (EMP) to Council's Monitoring and Enforcement Team for review and acceptance HOLD POINT 1. This document must be prepared by a Suitably Qualified and Experienced Person. The EMP shall be in accordance with the principles and requirements of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans* and specifically shall address the following environmental elements as specified in the guidelines:

    a) Administrative Requirements

        (i) Weekly site inspections

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(ii) Notification and management of environmental incidents
(iii) Records and registers
(iv) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
(v) Site induction

b) Operational Requirements

(i) Erosion and sedimentation (including Erosion and Sediment Control Plan) to be prepared by a Suitably Qualified and Experienced Person
(ii) Water quality
(iii) Dust
(iv) Cultural heritage
(v) Noise
(vi) Vibration (to be prepared by a suitably qualified professional)

The EMP (and any sub-plans e.g. ESCP described below) shall also be consistent with any recommendations outlined in the geotechnical report by Ground Consulting Limited.

13. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the Consent Holder shall engage an Appropriately Qualified Person to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Monitoring and Enforcement Team for review and acceptance. This plan shall be a sub-plan of the overarching EMP and must be prepared in accordance with the requirements outlined on pages 13 – 18 in *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*. These plans must be updated when:

a) The construction program moves from one Stage to another; or

b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or

c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.

14. 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.*

15. 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.*

To be monitored throughout earthworks

16. The earthworks, batter slopes and retaining shall be undertaken in accordance with the recommendations of the report by Ground Consulting Limited ('*Quenton Donald. Lot 9, DP490069, Highline Road, Queenstown. Geotechnical Assessment for Proposed Residential Units.'* GCL ref R5341-1A, dated 25 October 2019).

17. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability.

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18. The consent holder shall ensure that construction of the retaining walls along the northern, eastern and western boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut will be left un-stabilised 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.

19. 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.

20. No earthworks that are not authorised by this consent, temporary or permanent, are to breach the boundaries of the site, except where written approval has been provided from the affected landowner.

21. 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 acceptance. The consent holder shall implement any measures proposed in the report that will mitigate any adverse effects of the vibration.

22. All works shall be undertaken in accordance with the most current version of the Environmental Management Plan (EMP) as certified by Council under condition 13.

23. The EMP shall be accessible on site at all times during work under this consent.

24. The Consent Holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the EMP at all times.

25. The Consent Holder shall develop and document a process of periodically reviewing the EMP as outlined on page 6 of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans. No ground disturbing activities shall commence in any subsequent stage of development until an EMP has been submitted and deemed suitable by Council's Monitoring and Enforcement Team.

26. The Consent Holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as detailed on pages 10 and 11 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.

27. 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:

    a) Report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.

    b) Provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined on page 9 of *Queenstown Lakes District Council's Guidelines for Environmental Management Plans.*

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28. Environmental records are to be collated onsite and shall be made available to QLDC upon request; immediately if the request is made by a QLDC official onsite and within 24 hours if requested by a QLDC officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined on page 9 of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.

Hours of Operation – Earthworks

29. Hours of operation for earthworks, shall be:

- Monday to Saturday (inclusive): 8.00am to 6.00pm.
- 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.

On completion of earthworks

30. On completion of the earthworks, and prior to the occupation of the residential units and/or residential flats the consent holder shall complete the following:

a) The provision of a sealed vehicular access point to the site from Highline Road that shall be constructed to the development to Council's standards.

b) The construction and sealing of all vehicle access, manoeuvring, and car parking areas to Council's standards. Provision shall be made for stormwater disposal.

c) Safety barriers shall be provided for vehicular safety where the internal accessways run parallel with land which drops away to a height of greater than 1m at an angle of greater than 45° within 2m of the edge of the accessway, in accordance with Clause 3.3.4 of QLDC's Land Development and Subdivision Code of Practice. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and approved by Council prior to installation. A PS4 producer statement shall be provided to Council following construction.

d) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.

e) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Surveyor's Certificate

31. In order to ensure that the proposed building is located exactly as proposed in the application and complies with the degree of infringement applied for, the consent holder shall employ an appropriately qualified surveyor at their expense who shall:

a) Certify to Council in writing that the foundations 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 the 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.

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Advice Notes

1. The consent holder is advised that any retaining walls, including stacked stone and gabion 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. A second water connection into this site will require approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and installation of the water connection approved by a Council Inspector prior to occupation of the residential units.

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 QLDC.

4. The consent holder is advised that if it is proposed to subdivide the units in future, then all services should be installed to the units in accordance with QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of any subdivision consent. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of any subdivision consent.

For Your Information

Monitoring
The conditions in your decision will advise if monitoring is required. 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

Environmental Management Plan
Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some advice to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance
You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the Engineering Acceptance Application Form and submit to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found here.

Development Contribution
If this 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, this information is available here.
If you wish to make a DC estimate calculation yourself, please use this link. Full details on current and past policies can be found here.

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APPENDIX 2 – ENGINEERING MEMO

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QUEENSTOWN LAKES DISTRICT COUNCIL
www.qldc.govt.nz

ENGINEERING REPORT

TO: **Georgia Brown**

FROM: **Cameron Jones**

DATE: **15/12/2020**

APPLICATION DETAILS	
REFERENCE	**RM200911**
APPLICANT	**Quenton Donald**
APPLICATION TYPE & DESCRIPTION	Land use consent is sought to construct two residential units and two residential flats.
ADDRESS	Lot 9 DP 490069, Highline Road, Frankton
ZONING	ODP: Low Density Residential PDP: Lower Density Suburban Residential
LEGAL DESCRIPTION	Lot 9 DP 490069
SITE AREA	1,115m²
ACTIVITY STATUS	Non-complying.

Application	**Reference Documents**	Documents provided with consent application.
	Previous Relevant Consents	RM050520, RM150928 & RM160038 (underlying subdivision & variations). RM191057 (application to construct two residential units; withdrawn).

Location Diagram

Comments		
	Existing Use	Vacant residential allotment.
	Neighbours	Highline Road (private access) to the south; otherwise surrounded by vacant residential land.
	Topography/Aspect	Moderately to steeply sloping down towards the south.

ENGINEERING			COMMENTS	Condition
TRANSPORT	Parking		The applicant proposes the construction of a double garage for each residential unit, along with two external parking spaces for the use of the occupiers of the residential flats. I am satisfied that the internal dimensions of the garages are adequate to accommodate two vehicles, and that the dimensions of the external parking spaces comply with District Plan requirements. The effective width of the garage spaces is 2.8m, and a 6.8m-wide aisle is provided. I am therefore satisfied that the dimensions of all parking spaces comply with District Plan requirements for unfamiliar (class 2) users. I am satisfied that all parking spaces will be sealed and flat. Swept paths have been provided, prepared by the applicant's architect. While these appear to be unrealistic, I am satisfied that on-site manoeuvring in accordance with District Plan requirements will be achievable, given the spaces' compliance with District Plan dimensional requirements. I recommend a condition that the parking and manoeuvring areas be formed and sealed prior to occupation of the units/flats.	X
	Access	Vehicle Crossings	A new vehicular access point onto Highline Road (a private right of way) is proposed. I am satisfied that this will comply with District Plan requirements for vehicle crossings for length, design, and break over angles. Sight distances are restricted by the end of Highline Road, but I am satisfied that this will not result in any unsafe traffic outcomes due to the low vehicle speeds and volumes expected. I note that Highline Road is subject to a right of way easement in favour of the land to the west (Lot 2 DP 409336), which is zoned for residential development. It can therefore be expected that Highline Road will be extended in the future to serve this land. Regardless, I am satisfied that the vehicle crossing will not result in any unsafe traffic outcomes following the extension of the road as vehicle speeds will still be low due to the proximity of the Potters Hill Drive intersection. I recommend a condition that the access point be formed and sealed in accordance with Council's standards prior to the occupation of the units / flats. Condition 2 of consent notice 10449745.29 requires the formation of a sealed vehicle crossing at the time a residential unit is constructed. I am satisfied that this condition will be satisfied as part of the proposed works.	X
		Access	A new access is proposed, with a maximum gradient of 1:5 and a width of 4.0m. As the majority of the access will have a shallower gradient than 1:5, I am satisfied that the access will comply with District Plan requirements for gradient. I am satisfied that the proposed width is appropriate. I recommend a condition that the access be formed and sealed in accordance with Council's standards prior to occupation of the units / flats. I recommend an appropriate condition regarding the provision of vehicular safety barriers, if necessary due to the relatively steep drop-off proposed.	X

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ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	**Description**	Earthworks as required to establish a level building area, and construct parking and access areas.	
		Cut / Fill Volume	From the architectural plans (more up to date than the earthworks plans): Cut: 1.845m^3 Fill: 280m^3	
		Total Volume	2,125m^3	
		Area Exposed	Not specified.	
		Max Height Cut/Fill	Max cut: 7.0m Max fill: approximately 2.5m.	
		Prox. to Boundary	Excavations with a depth of up to 7.9m are proposed over the north boundary of the site, with shallower cuts (up to roughly 5m) up to the east and west boundaries. Approval has been provided from the owners of the land to the north and west. I am satisfied that the excavations near the east boundary comply with the recommendations made in the applicant's geotechnical report, and can therefore be contained within the site appropriately. I recommend a condition with regard to containing the earthworks within the site.	**X**
	Stability	**Geotech assessment by**	Ground Consulting Limited (GCL).	
		Report reference	'*Quenton Donald. Lot 9, DP490069, Highline Road, Queenstown. Geotechnical Assessment for Proposed Residential Units.'* GCL ref R5341-1A, dated 25 October 2019.	
		Report comment	The report presents the results of a detailed literature review on the site and surrounds, along with intrusive investigations undertaken within the site. Recommendations are provided for the earthworks methodology, along with engineering recommendations for foundation and retaining design. I accept the report as evidence that the proposal is geotechnically feasible, and I recommend a condition that the works be supervised in accordance with the recommendations therein. I note that conditions 3 & 4 of consent notice 10449745.29 require the provision of detailed geotechnical investigations and recommendations to address geotechnical constraints identified in the geotechnical completion report for RM050520 prior to commencing works. I am satisfied that the GCL report provided with the application satisfies these conditions.	**X**
		Rock breaking	Rock breaking will be required.	
		Rock blasting		
		Preconstruction survey	Not required.	
		Retaining	The plans indicate that the fill and cut areas will be supported by retaining walls. A condition is recommended to ensure that all retaining is constructed to Council's standards and an advice note is recommended in regards to Building Act requirements for retaining structures.	**X**
		Recommendations on cut/batter slopes	As per the GCL report.	**X**

		Fill certification/specific foundation design required	Not required.	
		Engineers supervision	Required.	**X**
		Uncertified fill covenant	Not required.	
		Schedule 2A Certificate	Not required.	
		Clean fill only	Not required.	
	Site Management	**Report reference**	None provided with the application.	
		Specific sedimentation management	I recommend that the planner include conditions to ensure that the works are undertaken in accordance with QLDC's '*Guidelines for Environmental Management Plans.'*	
		Specific stormwater management		
		Neighbours	I am satisfied that the earthworks are feasible and no adverse effects will result on neighbouring sites.	
		Traffic management	Required to ensure Highline Road remains useable during construction.	**X**
		Construction crossing	An appropriate condition is recommended to ensure that a construction crossing is in place prior to works commencing.	**X**
		Revegetation	An appropriate condition is recommended to ensure all exposed areas are stabilised or re-vegetated at the completion of earthworks.	**X**

ENGINEERING			**COMMENTS**	**Condition**
SERVICES	**Existing Services**		The site was fully serviced at the time of the underlying subdivision. I recommend an advice note regarding servicing the units in accordance with Council's standards against the possibility of subdividing the units in the future.	
	Water	**Potable**	The site was provided with a 25mm diameter connection to Council's potable water reticulation at the time of the underlying subdivision. I am satisfied that the connection was appropriately assessed at that time and that a connection to the development will be a requirement of the Building Consent process and I make no recommendations in this regard.	
		Fire-fighting	There are existing fire hydrants within Potters Hill Drive, and I am satisfied that these will provide adequate firefighting water as required by SNZ PAS 4509:2008. I make no recommendations in this regard.	
	Effluent Disposal		The site was provided with a connection to Council's wastewater reticulation at the time of the underlying subdivision. I am satisfied that an appropriate connection to the development will be a requirement of the Building Consent process and I make no recommendations in this regard.	
	Stormwater		The site was provided with a connection to Council's stormwater reticulation at the time of the underlying subdivision. I am satisfied that an appropriate connection to the development will be a requirement of the Building Consent process and I make no recommendations in this regard.	

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	Power & Telecoms	The site has been provided with power and telecommunications connections. I am satisfied that any requirements for upgrades or additional connections are a private matter between the applicant and the asset owners. I am satisfied that power and telecommunications connections to the units will be a requirement of the Building Consent process. I make no recommendations in this regard.	

ENGINEERING		**COMMENTS**	**Condition**
PROJECT INFORMATION	**Developers Engineering Representative**	Not required.	
	Notice of commencement	Not required.	
	Traffic Management Plan	Required to ensure Highline Road remains useable during construction.	**X**
	Design Certificates	Not required.	
	Completion Certificates	Not required.	
	As builts	Not required.	**X**

ENGINEERING		**COMMENTS**	**Condition**
TITLE	**Covenants/consent notices**	Consent notice 10449745.29 is registered on the lot's title, and contains engineering conditions related to the following: • The requirement to form a sealed vehicle crossing; and • Geotechnical constraints identified in the geotechnical completion report for the underlying subdivision. These are discussed further in the relevant sections herein.	

RECOMMENDED CONDITIONS

It is recommended that the following conditions are included in the consent decision:

General

1. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz/

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

2. 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.

3. Prior to commencing any work on the site the consent holder shall install a stabilised entrance in accordance with GD05, the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. All construction traffic shall use this to enter and exit the site. Wooden

planks or similar shall be provided to protect the kerb from damage caused by construction traffic movements, in accordance with *'A Guide to Earthworks in the Queenstown Lakes District'* brochure, prepared by the Queenstown Lakes District Council.

The construction traffic crossing shall be upgraded in accordance with Condition (11) on completion of works.

4. 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.

5. 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 Ground Consulting Limited report ('*Quenton Donald. Lot 9, DP490069, Highline Road, Queenstown. Geotechnical Assessment for Proposed Residential Units.'* GCL ref R5341-1A, dated 25 October 2019) 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

6. The earthworks, batter slopes and retaining shall be undertaken in accordance with the recommendations of the report by Ground Consulting Limited ('*Quenton Donald. Lot 9, DP490069, Highline Road, Queenstown. Geotechnical Assessment for Proposed Residential Units.'* GCL ref R5341-1A, dated 25 October 2019).

7. Temporary retention systems shall be installed wherever necessary immediately following excavation to avoid any possible erosion or instability.

8. The consent holder shall ensure that construction of the retaining walls along the northern, eastern and western boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut 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.

9. 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.

10. No earthworks that are not authorised by this consent, temporary or permanent, are to breach the boundaries of the site, except where written approval has been provided from the affected landowner.

On completion of earthworks

11. On completion of the earthworks, and prior to the occupation of the residential units and/or residential flats the consent holder shall complete the following:

    a) The provision of a sealed vehicular access point to the site from Highline Road that shall be constructed to the development to Council's standards.

b) The construction and sealing of all vehicle access, manoeuvring, and car parking areas to Council's standards. Provision shall be made for stormwater disposal.

c) Safety barriers shall be provided for vehicular safety where the internal accessways run parallel with land which drops away to a height of greater than 1m at an angle of greater than 45° within 2m of the edge of the accessway, in accordance with Clause 3.3.4 of QLDC's Land Development and Subdivision Code of Practice. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design and approved by Council prior to installation. A PS4 producer statement shall be provided to Council following construction.

d) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.

e) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Note

1. The consent holder is advised that any retaining walls, including stacked stone and gabion 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. A second water connection into this site will require approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and installation of the water connection approved by a Council Inspector prior to occupation of the residential units.

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 QLDC.

4. The consent holder is advised that if it is proposed to subdivide the units in future, then all services should be installed to the units in accordance with QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of any subdivision consent. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020and subsequent amendments to that document up to the date of issue of any subdivision consent.

Prepared by:

Cameron Jones
LAND DEVELOPMENT ENGINEER

Reviewed by:

Michael Wardill
TEAM LEADER
RESOURCE MANAGEMENT ENGINEERING

APPENDIX 3 – URBAN DESIGN MEMO

Document Set ID: 6870302
Version: 1, Version Date: 14/05/2021

WILLIAMS & CO.

PLANNING / URBAN DESIGN / DEVELOPMENT

RM200911: Lot 9 Highline Road, Queenstown
URBAN DESIGN MEMO
DECEMBER 2020

A: INTRODUCTION

RM200911 is an application by Quenton Donald to establish two residential units, each with an attached residential flat at Lot 9 Highline Road, Queenstown.

QLDC have requested Urban Design Comment on the application, with scope limited to comment on the design of the proposed residential flats.

B: SITE & CONTEXT

The subject site is located in an elevated position in the 'Potters Hill' area which is located above Frankton Road with views over Lake Wakatipu to the south. The site has a net area of 940m2 and is accessed from Highline Drive to the south, with topography rising up from this point towards the northern boundary. The zoning of the property is Lower Density Suburban Residential (LDSR) under the Proposed District Plan.

The context of the site is a newly developing residential area on land with steep topography above Frankton Road and Lake Wakatipu characterised by development commonly multi-unit type, such as 'The Tiers'. The predominant aspect is to the south and out towards Lake Wakatipu and as such outdoor living space in the form of decking is common given the sloping nature of residential sites.

C: PROPOSAL

Consent is sought to establish two residential units on the subject site, each with a residential flat at the ground floor (garaging) level. The residential flats will be located at the rear (north) of the garaging for the primary residential units 1 & 2 above and accessed by pathway down the side of the garages (entry by gate). One on-site car parking space is proposed for each of the residential units, positioned to the south of the central vehicle court/manoeuvring area.

The design of the residential flats has been amended from the original application, with amended floor layout dated 28 November 2020 submitted to QLDC. The residential flats are each a mirror image of each other under each residential unit above and will be 41.5m2 in area, with a studio type layout, kitchen bathroom and living area in each one. A location for a rubbish & recycling bin store has been identified on the plans outside of the residential flats at the rear of the access path.

The proposed design of the residential flats (floor plan) in is illustrated in Figure 1 below:

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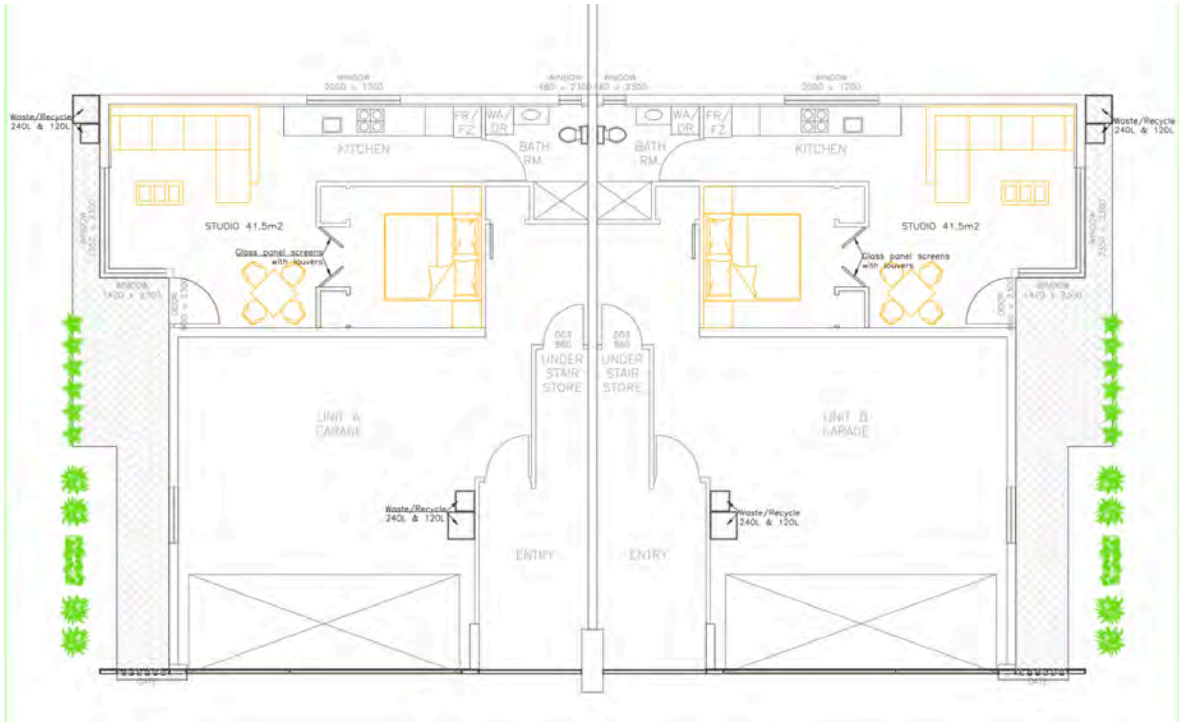

Figure 1: Proposed Floor Plan – Residential Flats (Drawing Table Limited)

D: ASSESSMENT

In terms of the framework for assessment, it is noted that on this site the establishment of two residential dwellings, and two residential flats (one associated with each dwelling) is a permitted activity.

There are no standards within the relevant plan (the PDP) in terms of performance standards relating to the design, size or amenity of a residential flat, with the exception that the flat may not be greater than 70m2 in area.

The establishment of residential flats is referred to in the zone purpose for LDSR:

non-subdividable residential flats that can be occupied by an independent household are enabled. The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres or as low as 1 unit per 1,000 square metres (or even less). The zone will help to provide a more diverse and affordable housing stock within the District.

However, beyond this there are no provisions (Objectives & Policies, or Rules) in the LDSRZ which are directive in terms of the anticipated outcomes for residential flats. The focus of the District Plan can therefore be concluded to be on the benefits of increasing housing stock.

The residential flats can be considered in terms of first principles of good design, and it is noted that Council has notified a *Residential Design Guide* as part of Stage 3 of the PDP. This Design Guide does include reference to the LDRSZ. While this document is not yet operative (impacting on the weight that can be given to it), for the purposes of this report it has been reviewed.

QLDC Residential Design Guide (Stage 3 PDP)

The only relevant Design Elements of the Design Guide are in this case are considered to be:

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Design Element 1: Housing Diversity & Adaptability
The proposal will positively contribute to housing diversity by adding to the provision of two residential flats.

Design Element 2: Well Defined Entrances & Detailing to Improve Legibility
It is considered that reasonable attempt has been given to establishing an appropriate separate entrance/legible entry to the residential flats beside the garages with a gate feature

Design Element 5: Providing Outdoor Living Space for Residents' Amenity
The residential flats will have access to the path, and a small widened area outside of the residential flat (courtyard type) at the entrance to the flat. It is noted that these areas will be relatively enclosed as dug 'into' the site and will have limited view or solar access, but would provide a simple stopping or potentially seating space outdoors. It is noted that there will be glazing and access between indoors and outdoors as mentioned in the guideline although the outdoor spaces will be low amenity spaces for the reasons set out above. An alternative, of 'communal open space' as mentioned in the guideline is not encouraged in the LSDRZ, rather each residence having their own separate space (as proposed) is listed as the preferred option.

As there are no performance standards for the requirements of outdoor space it is concluded that the proposal is appropriate given the size and nature of the flats.

Design Element 7: How to Integrate Waste & Service Areas as to not affect amenity.
A location has been shown on the plans by which to locate the rubbish/recycling bins as required by the plan standards. It is considered this is an reasonable solution for the bins for each flat, as it locates the bins to the rear of the flats and not outside any windows.

Design Element 11: Landscape Materials & Planting
The design guide outlines how materials and planting can assist with aesthetics and amenity. The plan associated with the flats indicates tree planting along the edge of path/retaining. This would be positive in terms of amenity - if this positive benefit is to be achieved in reality it may be necessary to confirm species and their method of establishment, as this may be a difficult area to plant successfully. Paving detail in this area has the potential to add amenity.

E: CONCLUSIONS

The amended floor plan for the proposed residential flats is considered to represent an appropriate outcome, the flats will contribute to the intended purpose of the LDRS zone as listed in the PDP and will not offend any District Plan standards (these being limited). In terms of design & amenity the flats will provide basic amenity however have a small outdoor area each and windows from living area to this space as is encouraged by the proposed Residential Design Guideline. Attention to paving and planting details could provide more assurance around further possible improvements to amenity.

Tim Williams
BRS, MUDD
3 December 2020

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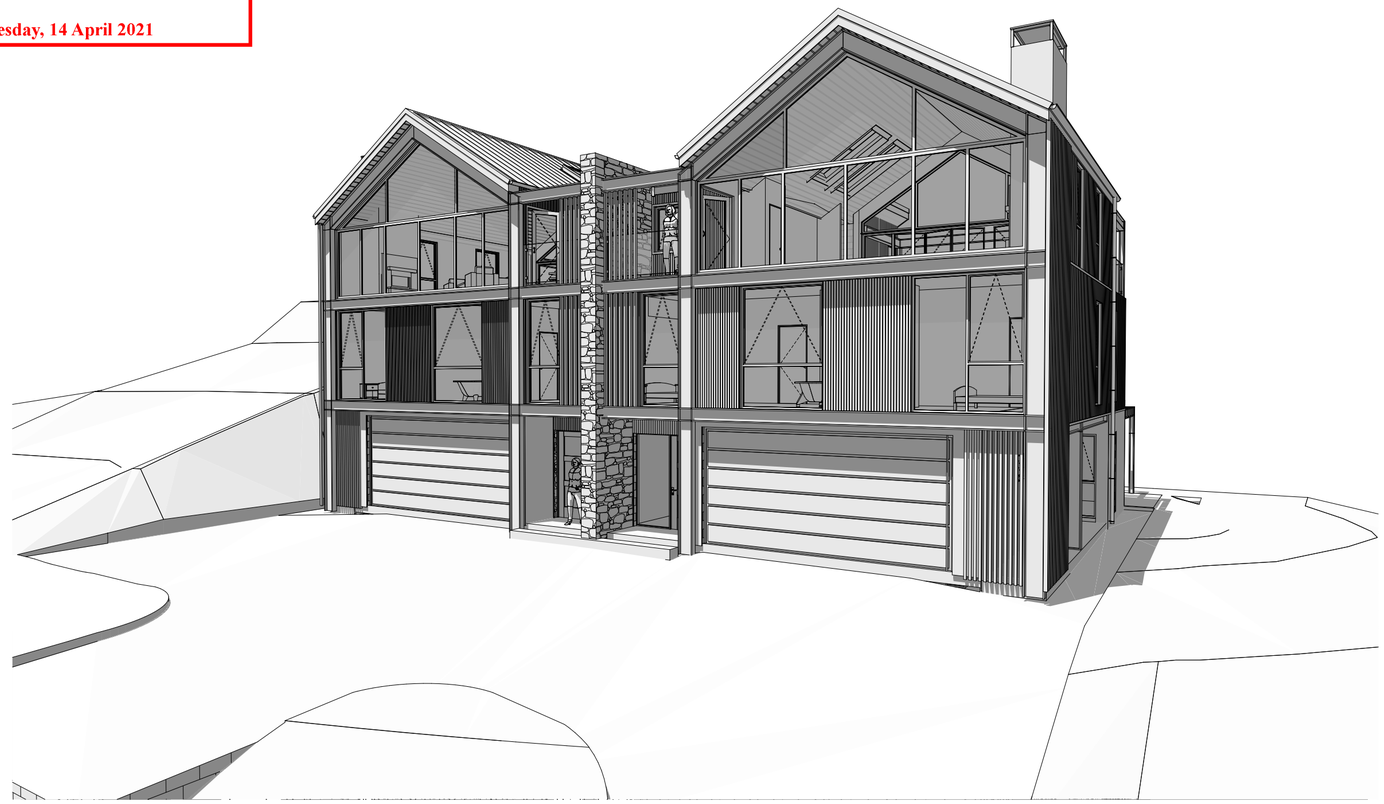
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200911

Wednesday, 14 April 2021



PROPOSED TWO TOWNHOUSES AND TWO FLATS

AT lot 9 DP 490069 HIGHLINE DRIVE, QUEENSTOWN

FOR

QUENTON DONALD

Sheet Index

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APPROVED PLAN:
RM200911

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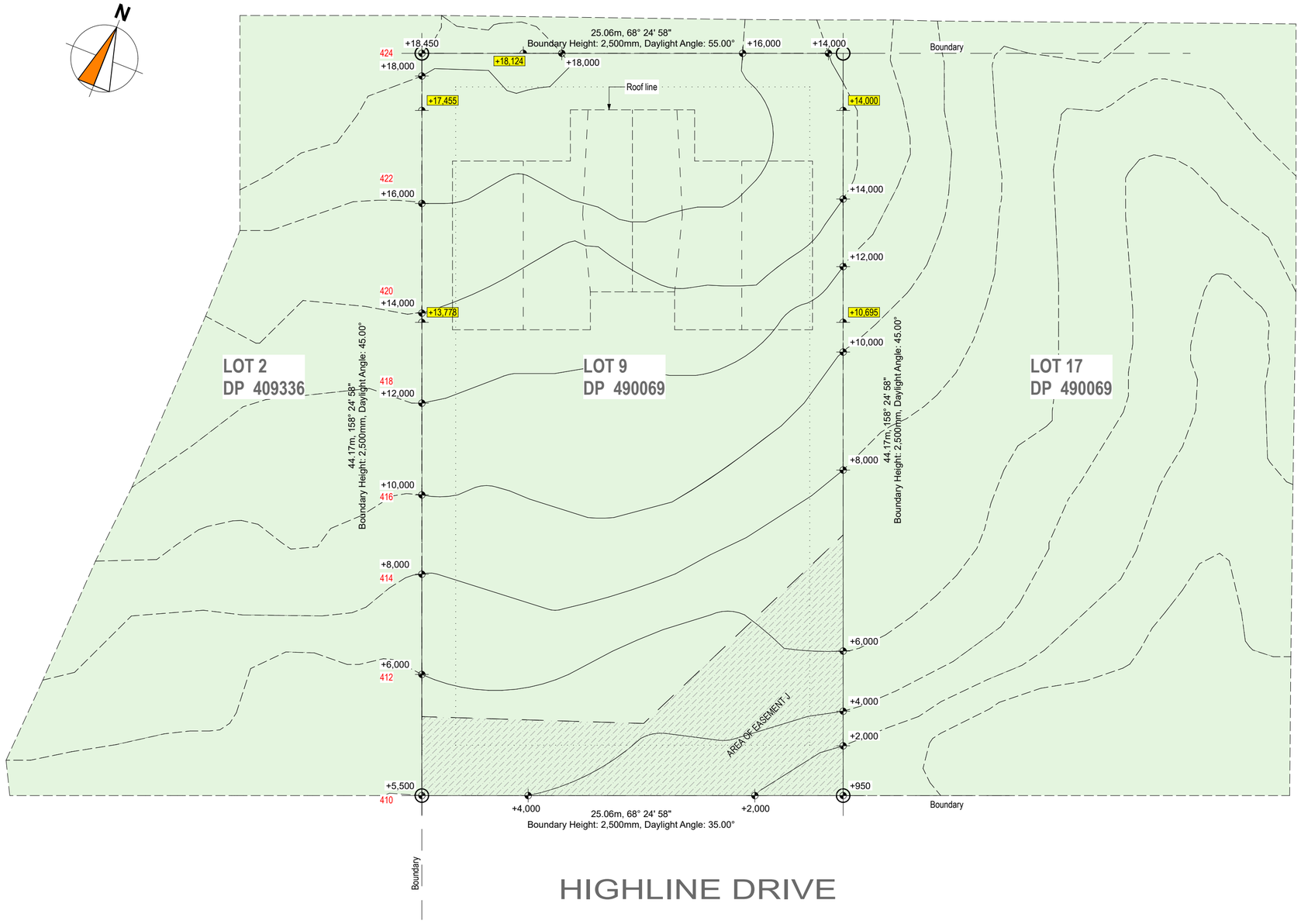
LOT 2
DP 409336



HIGHLINE DRIVE

01 SITE PLAN EXISTING SCALE 1:200

RESOURCE CONSENT ISSUE

No. BC-R2 STATUS: Build.

drawing table LTD
ARCHITECTURE
1 Riselaw Street, Shirley, Christchurch
p: 386 1592
m: 022 1721094
e: patrick@drawingtable.co.nz

CLIENT:
QUENTON DONALD

PROPOSED:
PROPOSED TWO TOWN-HOUSES

AT:
lot 9 Highline Drive, Frankton

DRAWN:	DATE:
P. Rokos BP 121600	Monday, 22 March 2021

SHEET:
Paper size A2
A101

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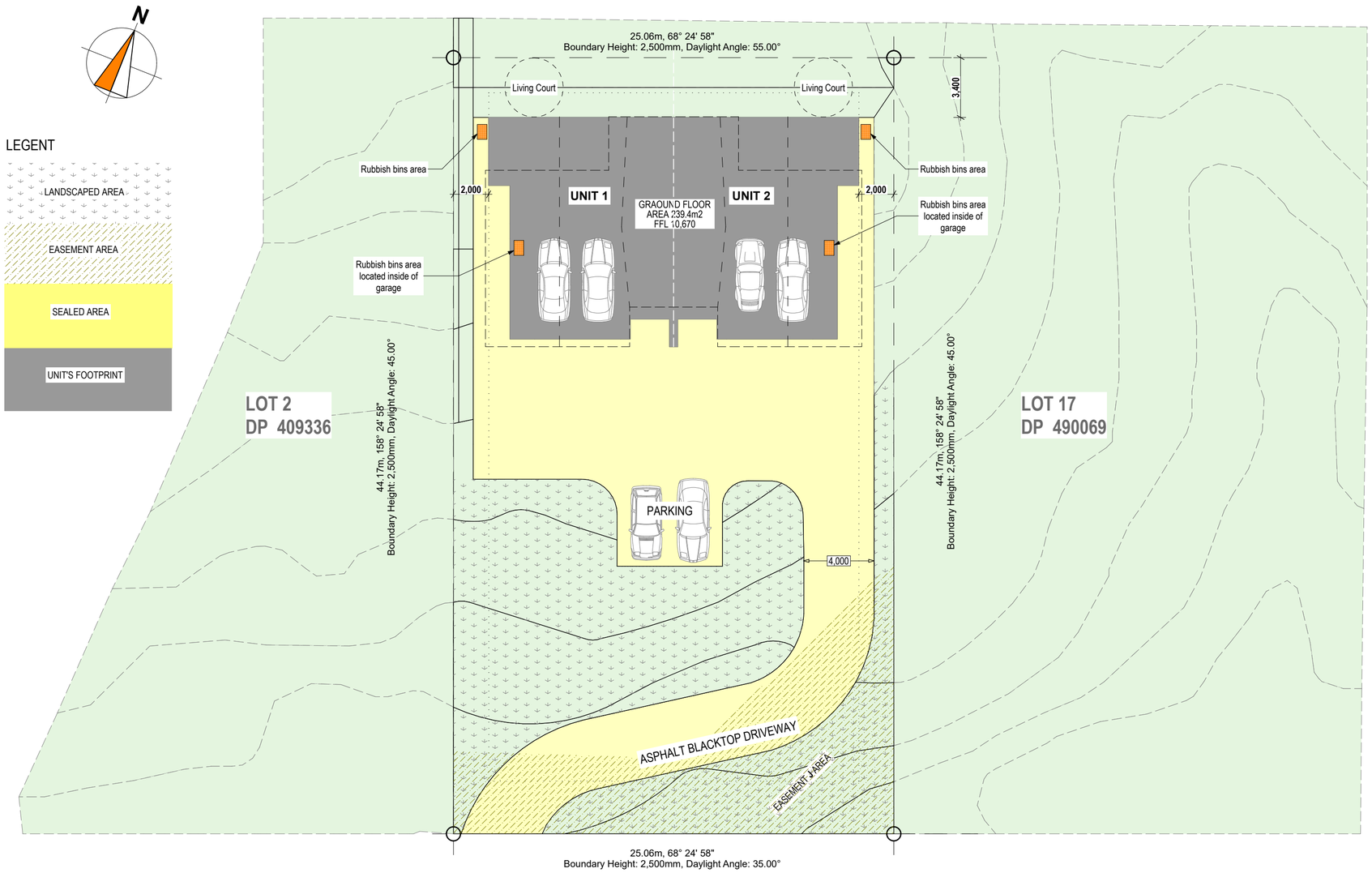

SITE DATA:

LEGAL DESCRIPTION
Lot 9 DP 490069
Zoning - Lower Density Suburban Residential (LDSR)
Wind Zone - Very High

SITE AREA	1115 m2	100%
HOUSE SITE COVERAGE	228.48 m2	20.49%

RECESSION PLANE	-	-
SITE COVERAGE	-	COMPLY
BUILDING HEIGHT	-	-
LIVING COURT	-	-
PARKING - 6 CAR PARKS	-	COMPLY
MANEUVERING ON SITE	-	COMPLY
BUILDING SETBACK	-	COMPLY
EXCAVATIONS approx. 1,845.0m^3	-	-
EARTHWORKS OVER THE BOUNDARY	-	-
FILL approx. 280m^3	-	-
SERVICE COURT	-	-
RETAINING	-	-
CONTINUOUS BUILDING LENGTH	-	-
PRIVACY FOR NEIGHBOURING SITES	-	-
VISITOR ACCOMMODATIONS	-	-

RESOURCE CONSENT ISSUE

01-A SITE PLAN PROPOSED SCALE 1:200

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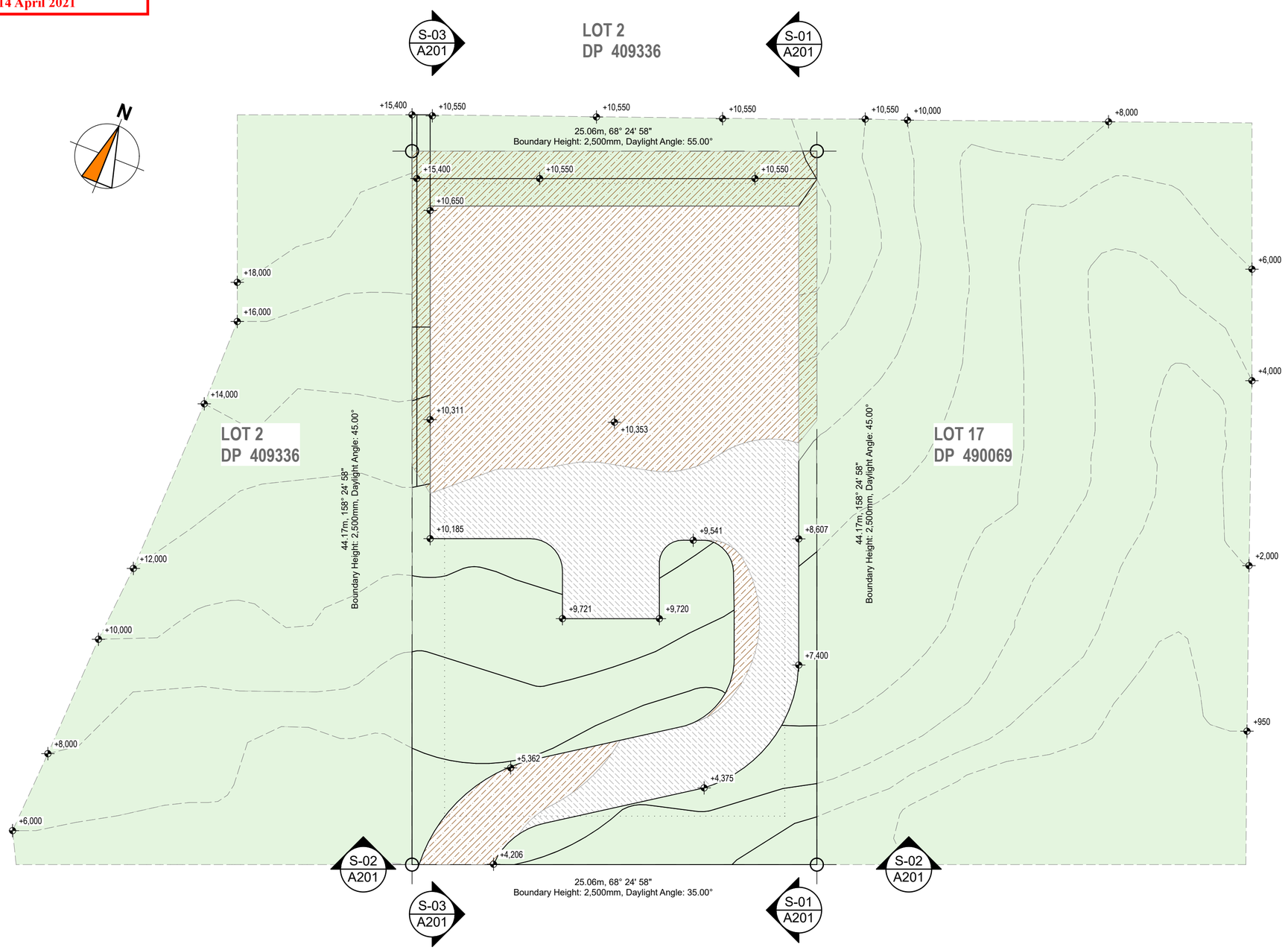

LEGEND

CUT aprox. 1,800m^3

FILL aprox. 280m^3

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01-C SITE CUT AND FILL 1:200

No. BC-R2 STATUS: Build.

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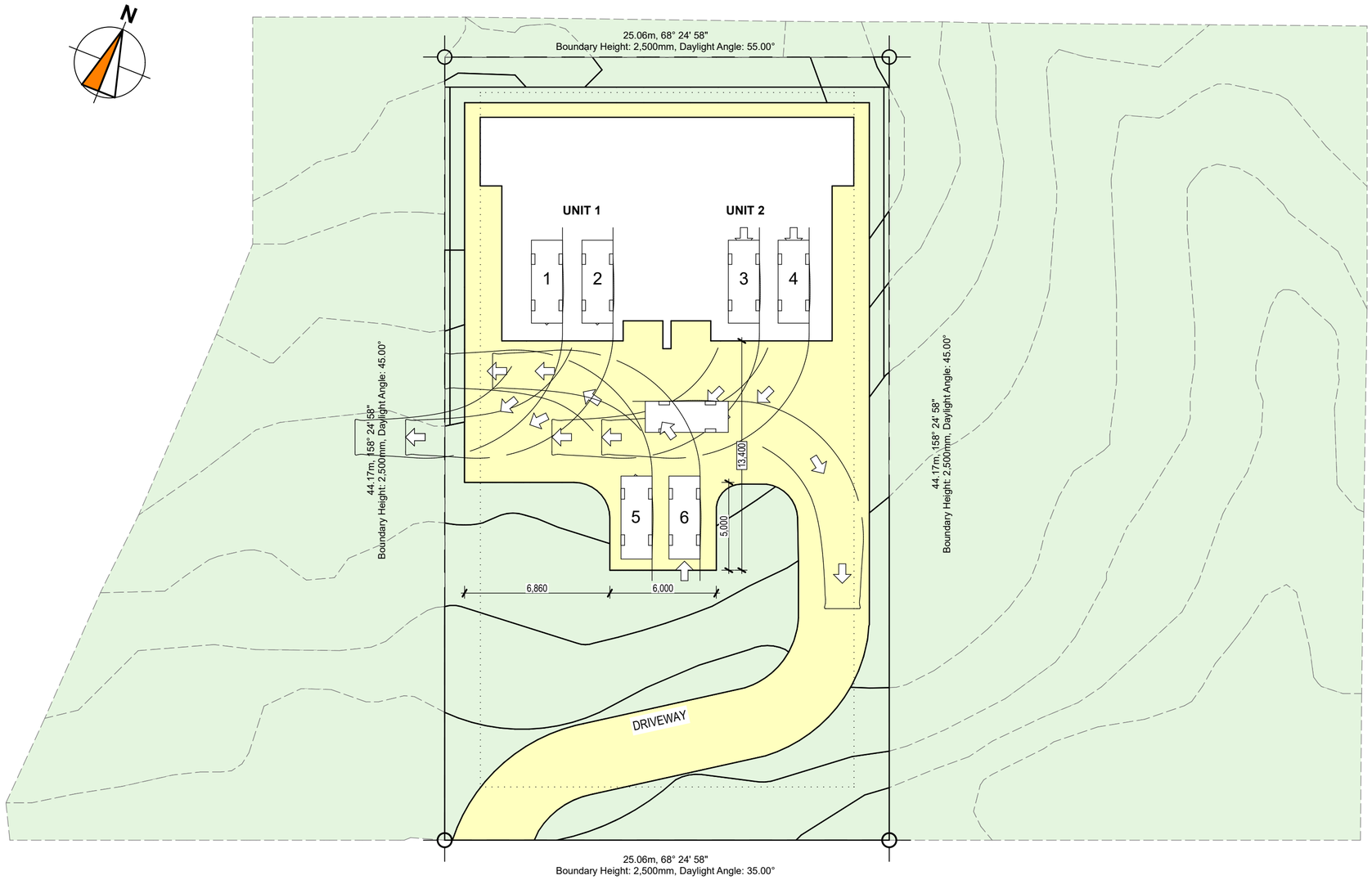

01-B PARKING AND MANOUVERING PLAN 1:200

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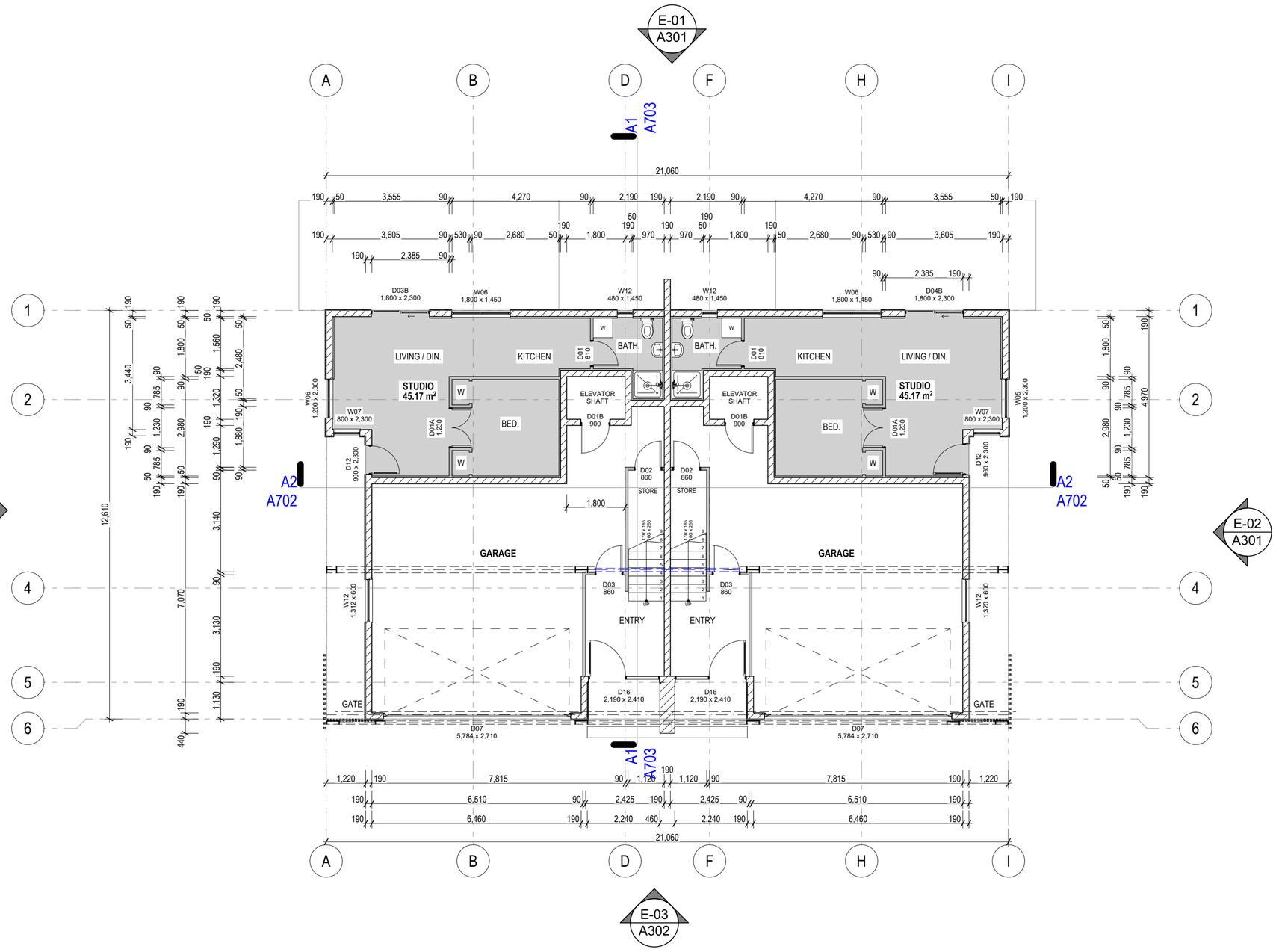

02-A GROUND FLOOR PLAN SCALE 1:100

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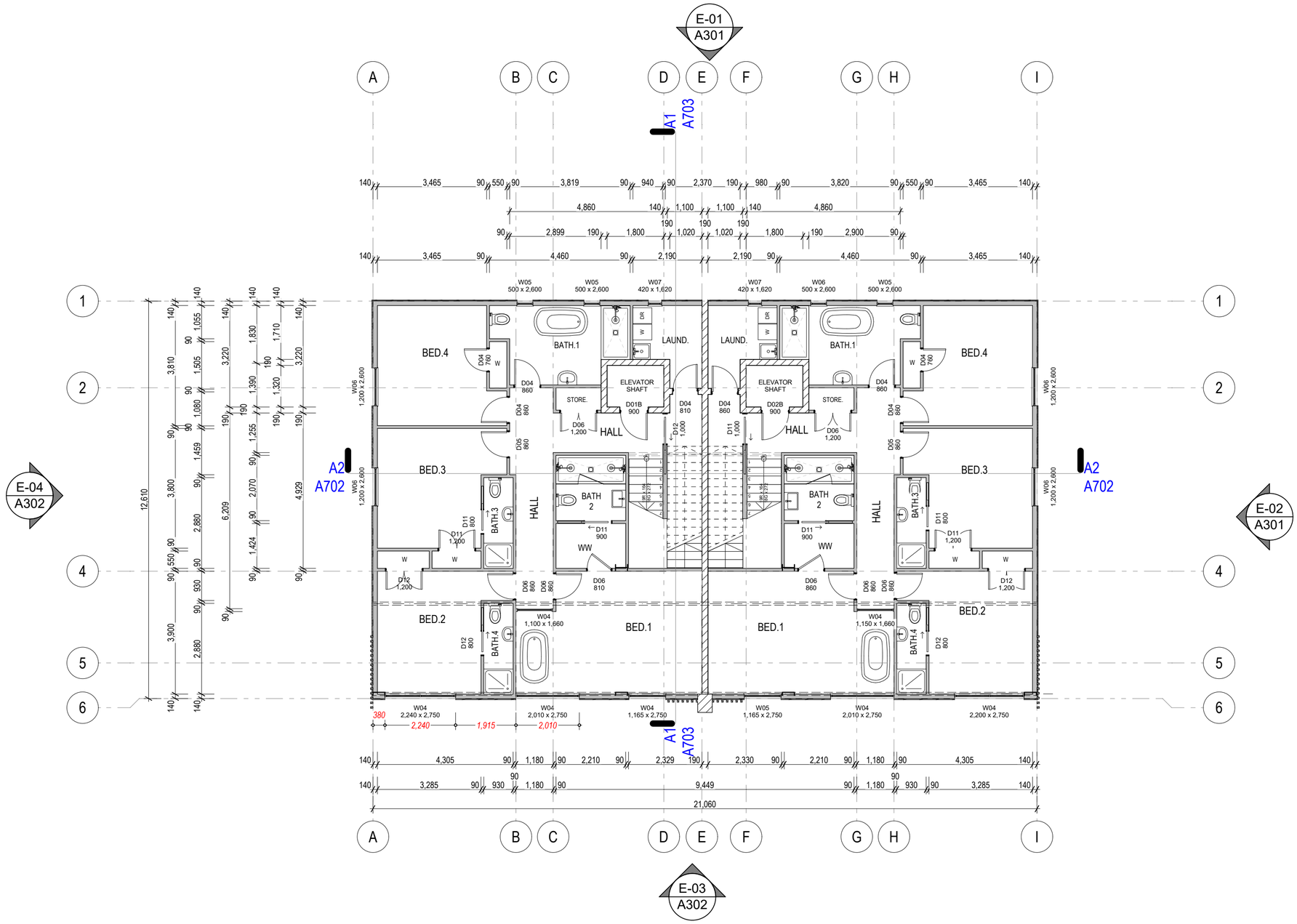

2. First Floor SCALE 1:100

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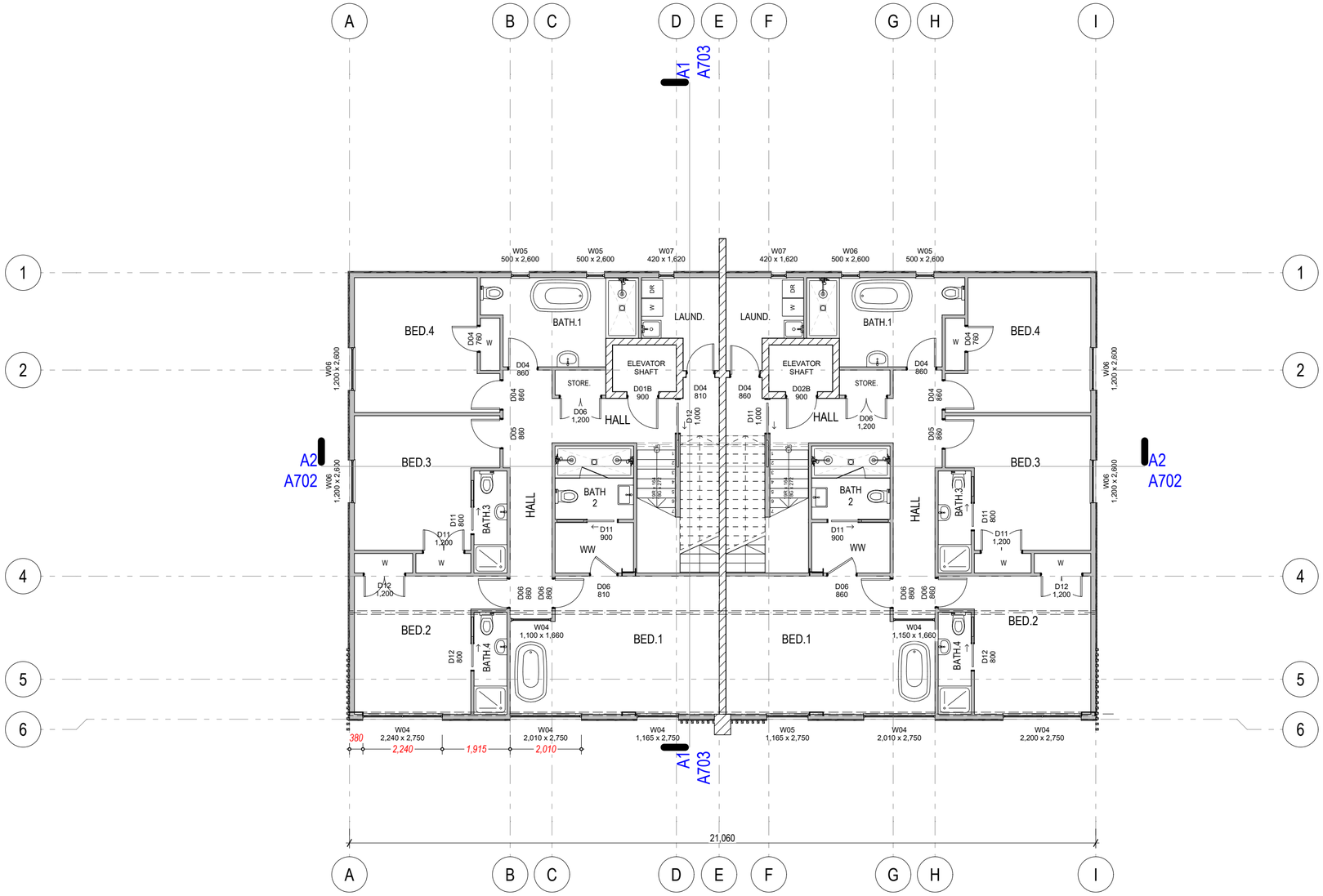

03-B FIRST FLOOR PLAN OPENING SIZES SCALE 1:100

RESOURCE CONSENT ISSUE

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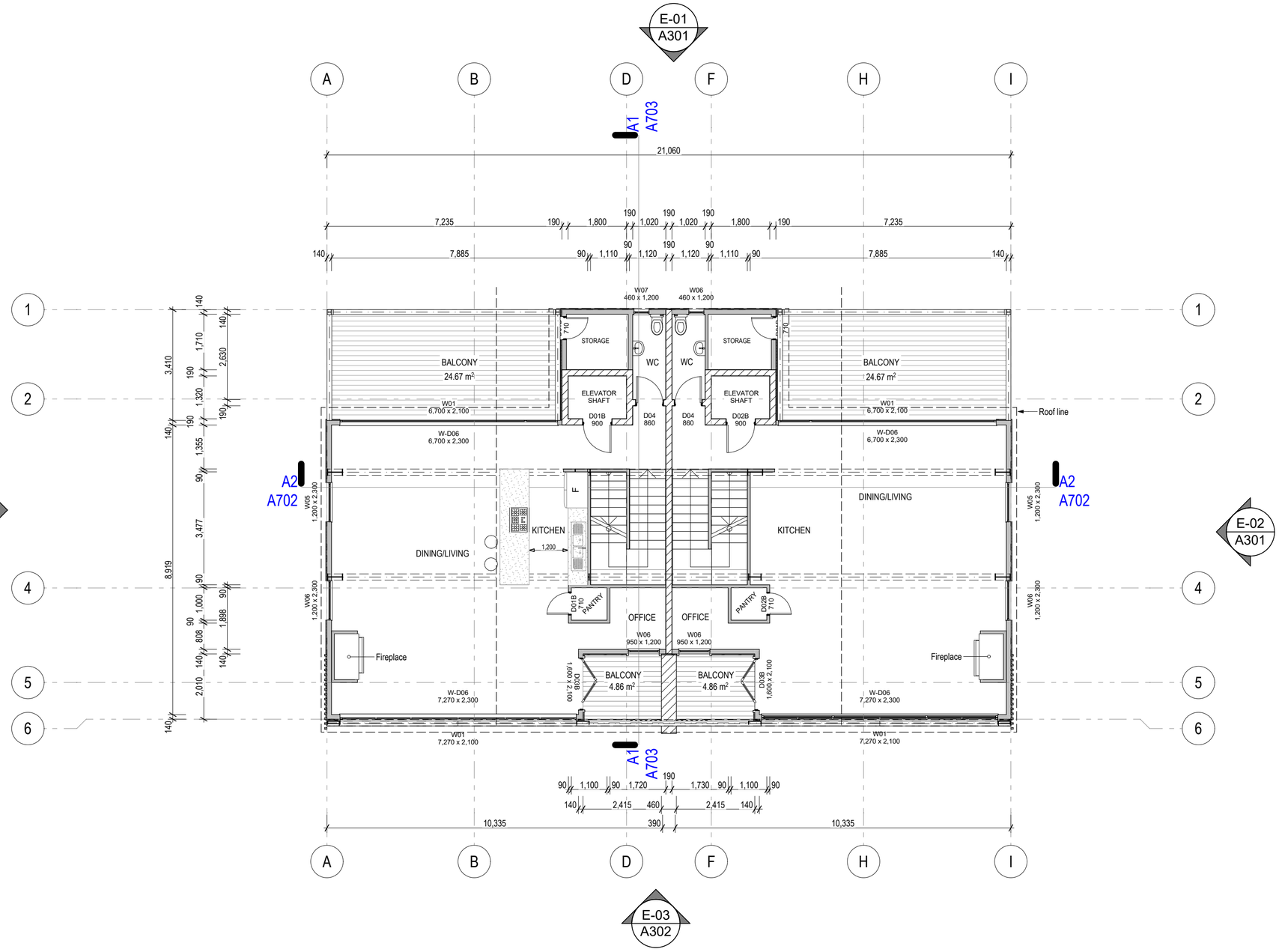

04 SECOND FLOOR PLAN SCALE 1:100

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APPROVED PLAN:
RM200911

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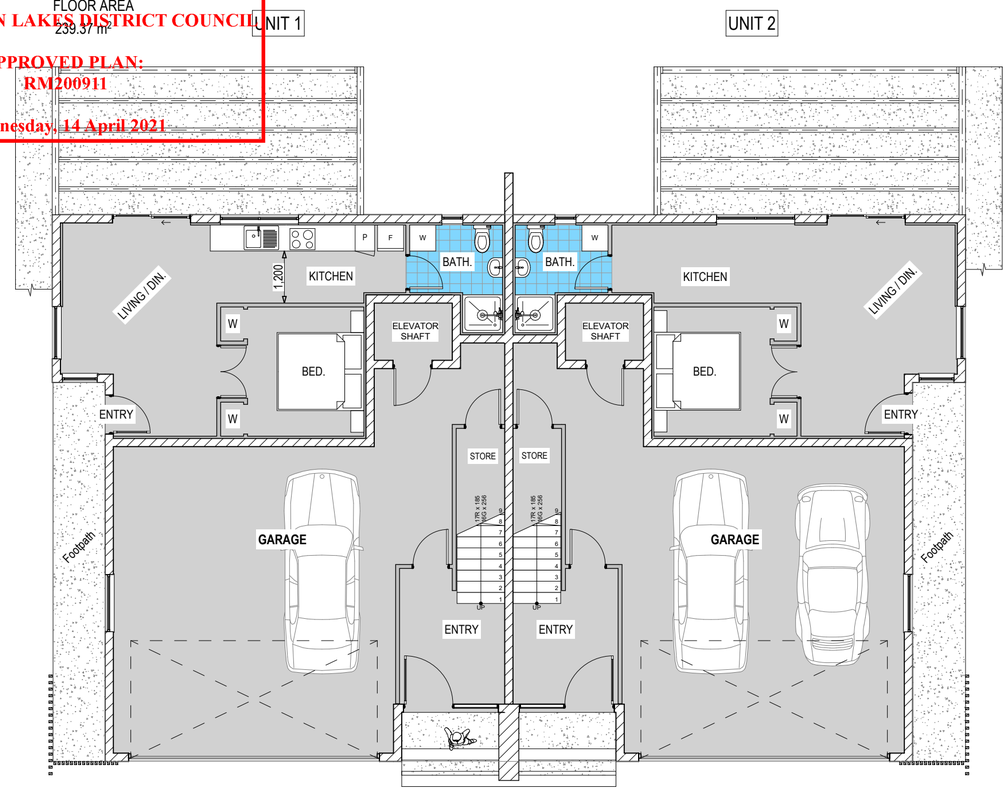
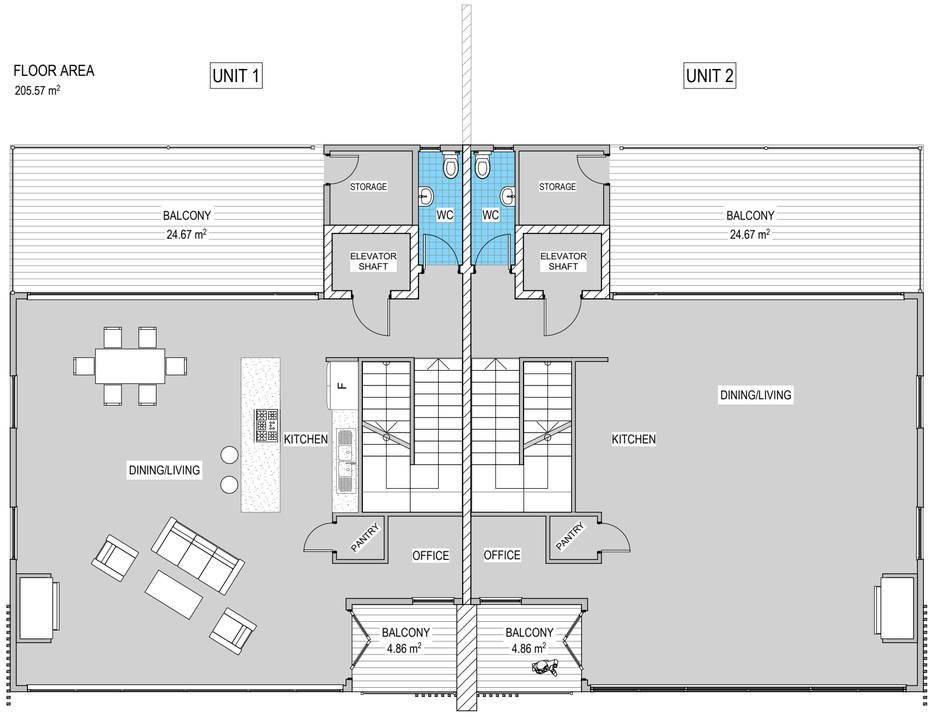
FLOOR AREA
239.37 m²



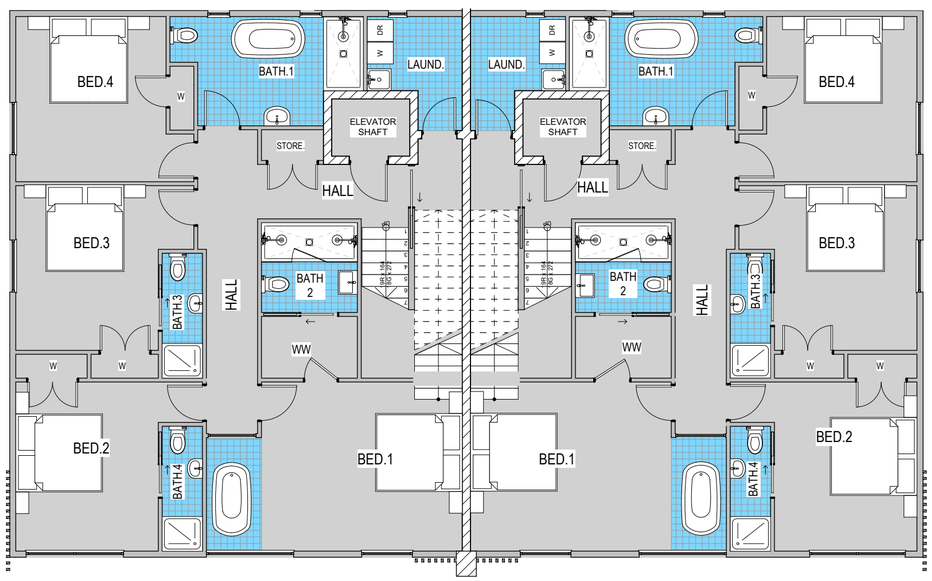
02-A GROUND FLOOR PRESENTATION SCALE 1:100

FLOOR AREA
205.57 m²



04-A SECOND FLOOR PRESENTATION SCALE 1:100

FLOOR AREA
265.55m²



03-A FIRST FLOOR PRESENTATION SCALE 1:100

RESOURCE CONSENT ISSUE

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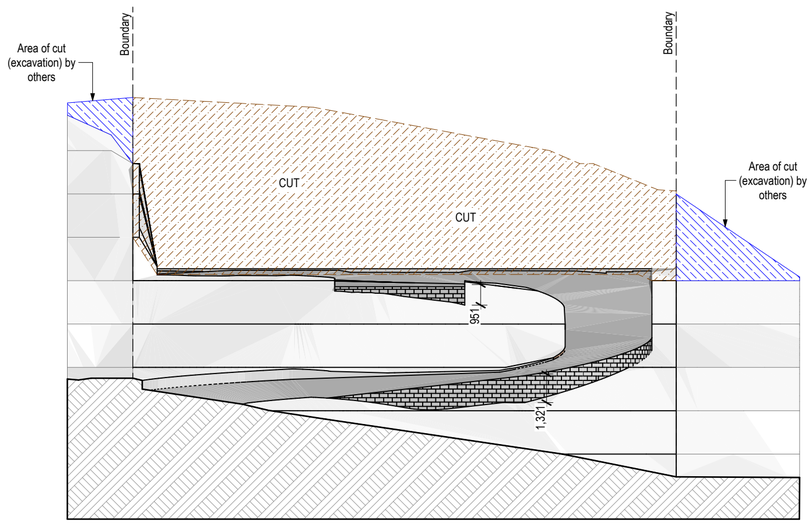
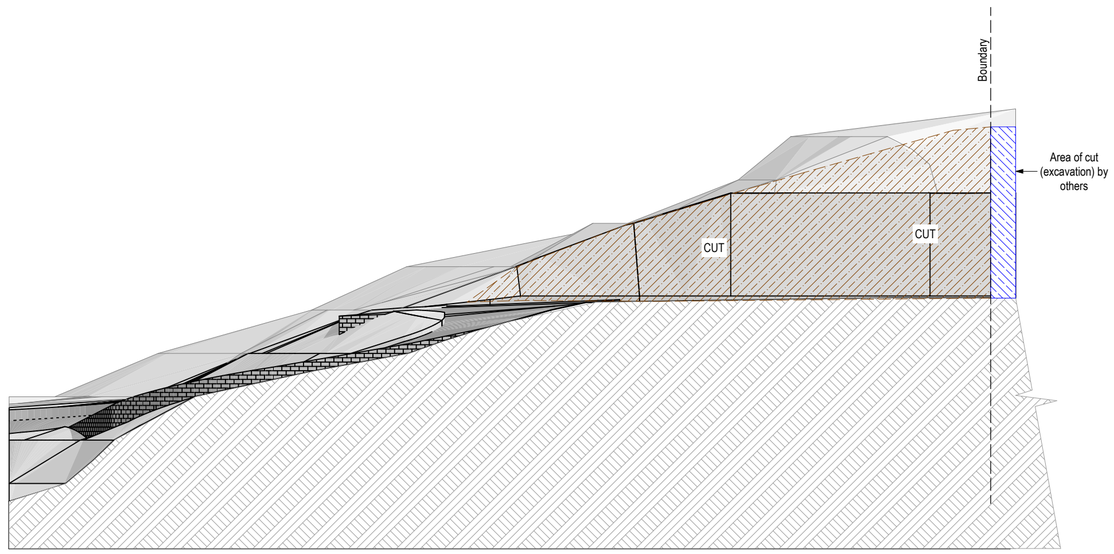
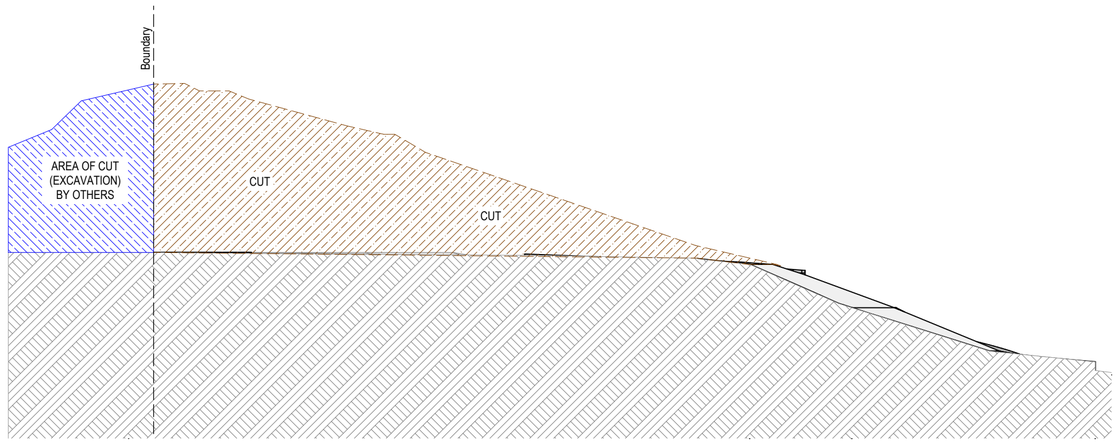


S2 SITE CUT CROSS SECTION 1:200
A103



S-01 SITE CUT CROSS SECTION 1:200
A103



S-03 SITE CUT CROSS SECTION 1:200
A103

RESOURCE CONSENT ISSUE

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e: patrick@drawingtable.co.nz

CLIENT:

QUENTON DONALD

PROPOSED:

PROPOSED TWO TOWN-HOUSES

AT:

lot 9 Highline Drive, Frankton

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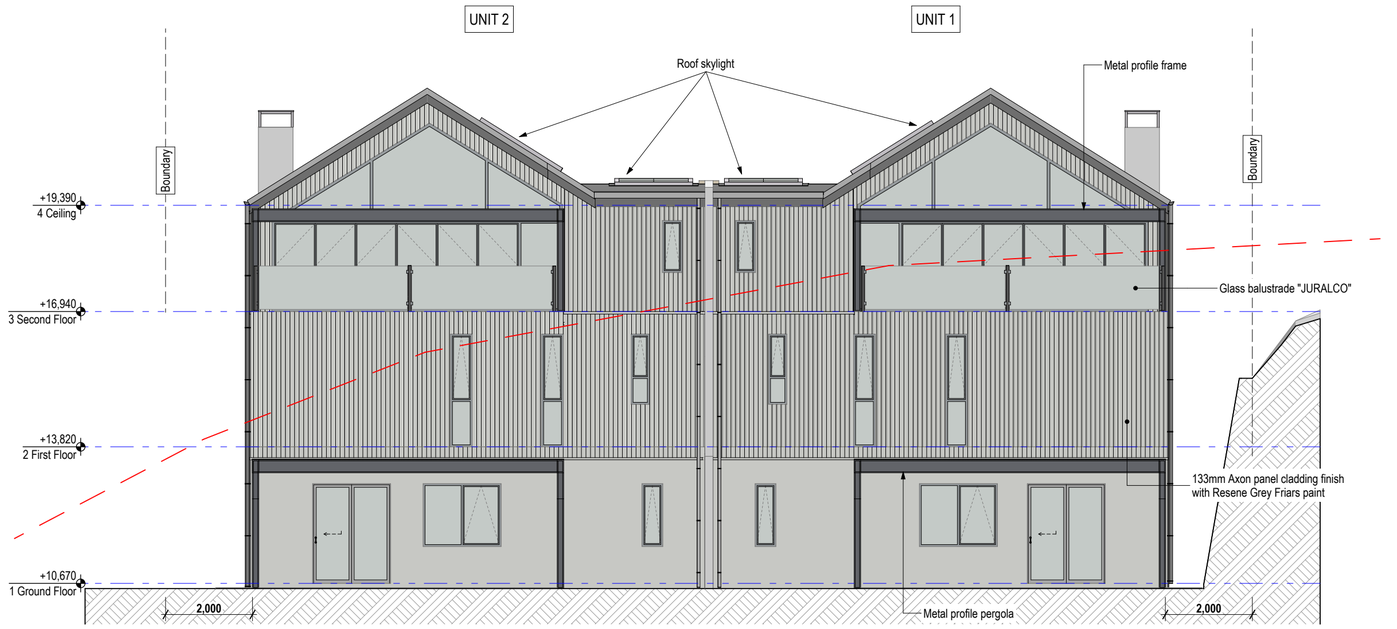
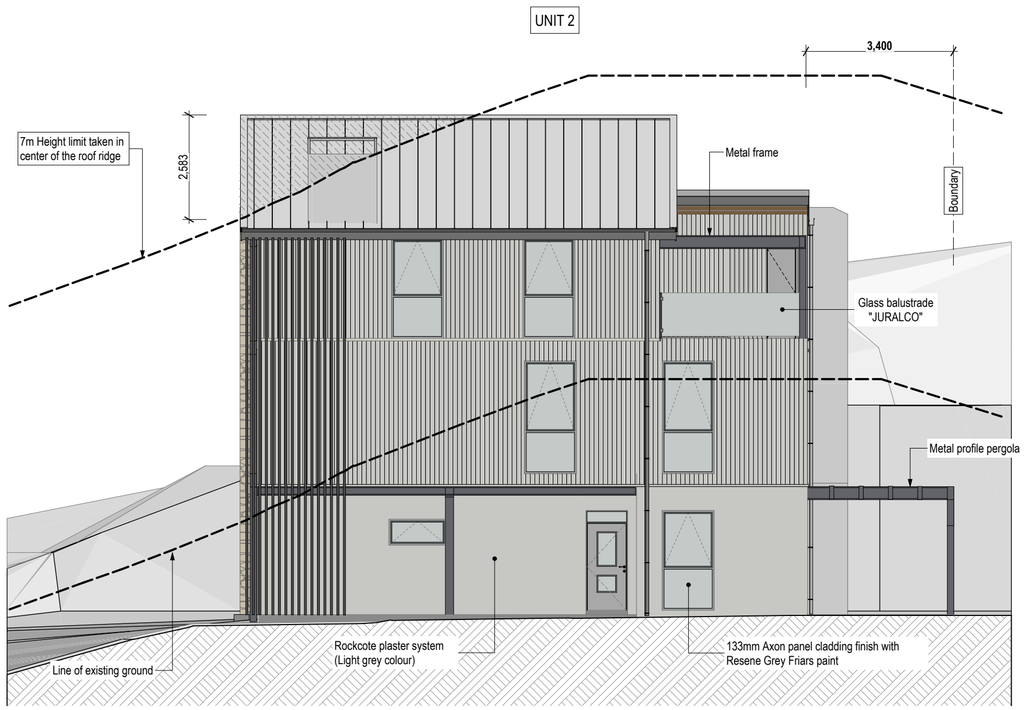
QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM200971
Wednesday, 14 April 2021

RESENE COLOUR SYSTEM - EXTERIOR

Facade Element	Material	Elevation	Colour Selection	Colour Swatch
Entrance door	Aluminium	E-03	Resene Half Grey Friars	
Aluminium joinery	Aluminium	All	Resene Half Grey Friars	
Juralco balusters	Aluminium	All	Resene Half Grey Friars	
133mm Axon panel cladding	J. Hardie	E-02,E-01,E-04	Resene Grey Friars	
75mm Shiplap cladding	Timber	E-03	Resene Grey Friars	
Steel portals & beamd	Steel	E-02,E-03,E-04	Resene Half Grey Friars	
Inter tenancy wall between units	Schist	E-03	Hyde Grey Schist	
Garage door	Aluminium	E-03	Resene Double Cod Grey	
Vertical battens feature	Aluminium	E-02,E-04	Resene Double Cod Grey	
Gutters and Downpipes	Steel	E-02,E-04	Resene Grey Friars	
Roofing	Steel	-	Resene Grey Friars	
Plaster cladding	Rockcoat plaster	E-02,E-03,E-04	Resene Quill Grey	
Soffits and iterior ceiling	Vulkan Timber paneling	Vulkan Patina finish		



E-01 NORTH ELEVATION SCALE 1:100



E-02 EAST ELEVATION SCALE 1:100

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RESOURCE CONSENT ISSUE

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ARCHITECTURE
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CLIENT:
QUENTON DONALD

PROPOSED:
PROPOSED TWO TOWN-HOUSES

AT:
lot 9 Highline Drive, Frankton

DRAWN:	DATE:
P. Rokos BP 121600	Monday, 22 March 2021

SHEET:
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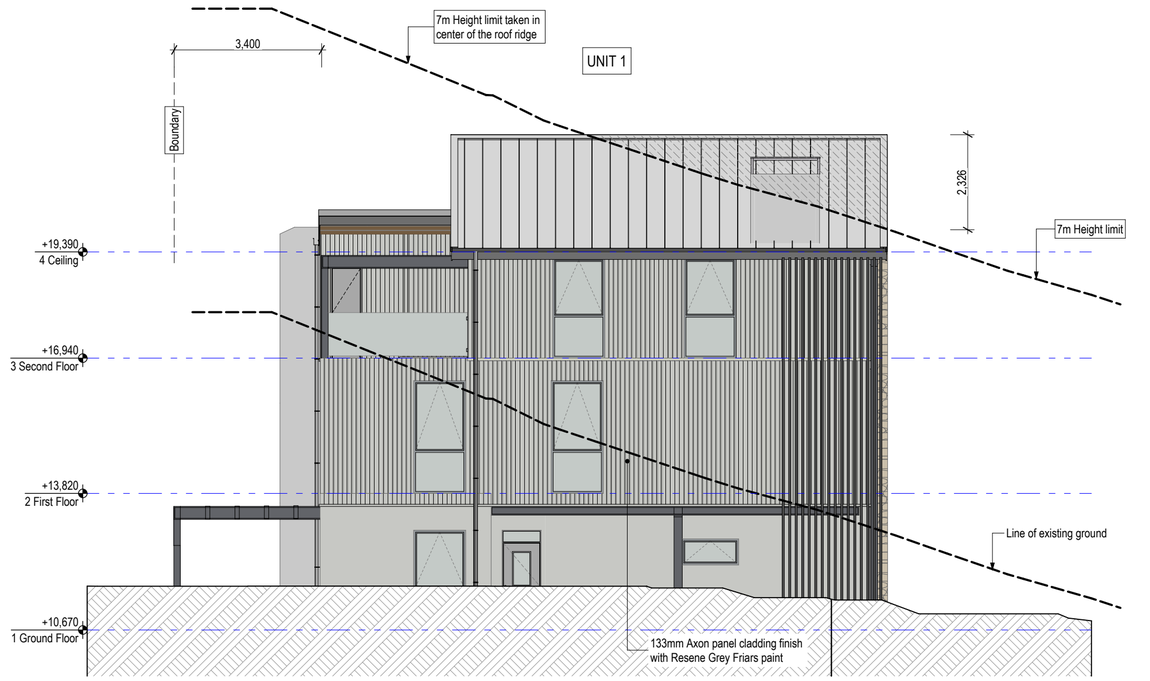
QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM200971
Wednesday, 14 April 2021

RESENE COLOUR SYSTEM - EXTERIOR

Facade Element	Material	Elevation	Colour Selection	Colour Swatch
Entrance door	Aluminium	E-03	Resene Half Grey Friars	
Aluminium joinery	Aluminium	All	Resene Half Grey Friars	
Juralco balusters	Aluminium	All	Resene Half Grey Friars	
133mm Axon panel cladding	J. Hardie	E-02,E-01,E-04	Resene Grey Friars	
75mm Shiplap cladding	Timber	E-03	Resene Grey Friars	
Steel portals & beamd	Steel	E-02,E-03,E-04	Resene Half Grey Friars	
Inter tenancy wall between units	Schist	E-03	Hyde Grey Schist	
Garage door	Aluminium	E-03	Resene Double Cod Grey	
Vertical battens feature	Aluminium	E-02,E-04	Resene Double Cod Grey	
Gutters and Downpipes	Steel	E-02,E-04	Resene Grey Friars	
Roofing	Steel	-	Resene Grey Friars	
Plaster cladding	Rockcoat plaster	E-02,E-03,E-04	Resene Quill Grey	
Soffits and iterior ceiling	Vulkan Timber paneling		Vulkan Patina finish	

E-03 SOUTH ELEVATION SCALE 1:100



E-04 WEST ELEVATION SCALE 1:100

RevID	ChID	Revision	Date

RESOURCE CONSENT ISSUE

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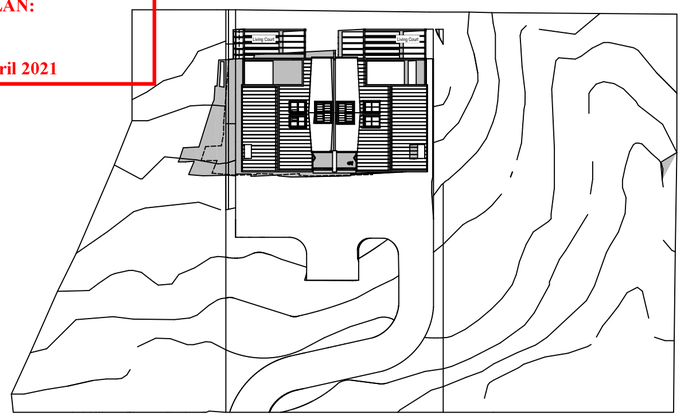

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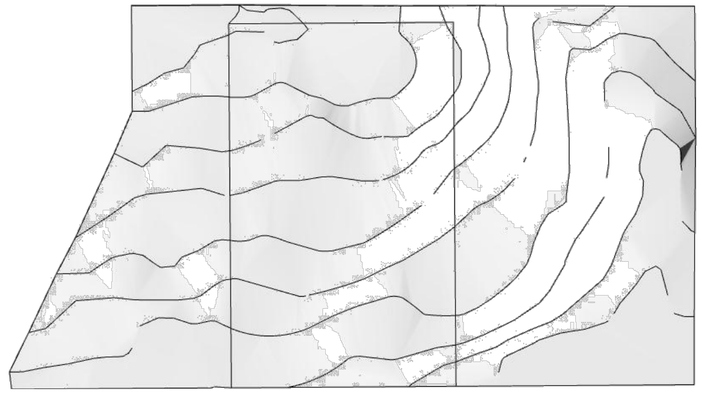

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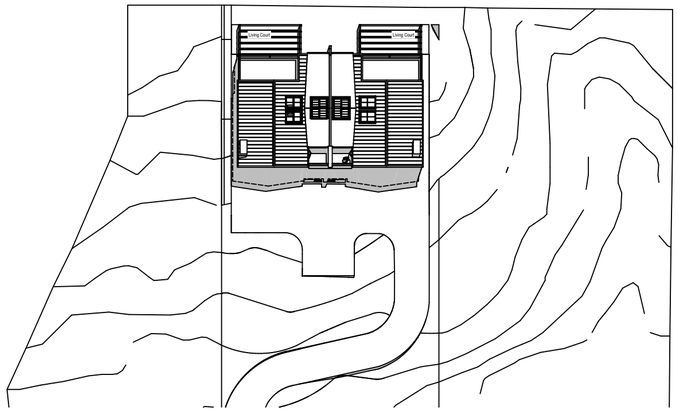

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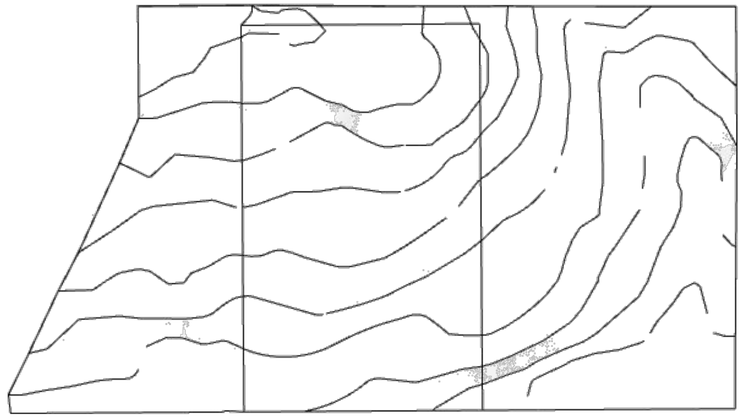

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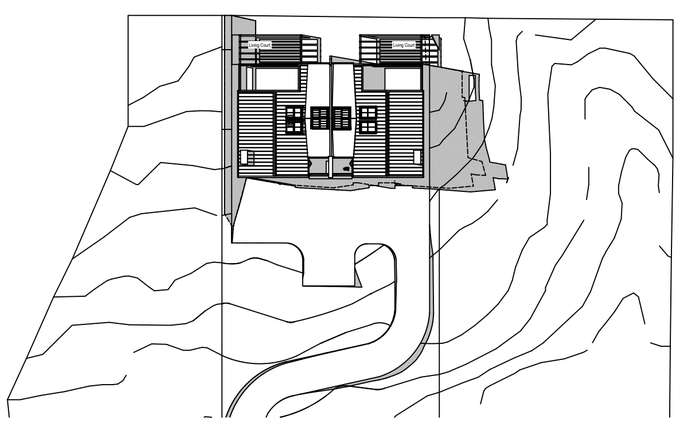

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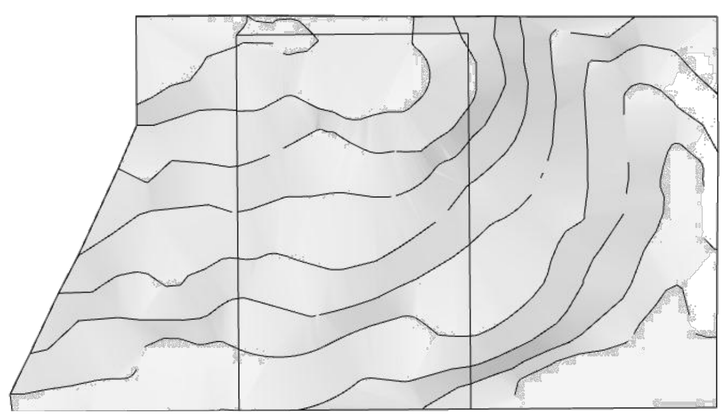

3 Pre-development Sun Study dec @ 3pm

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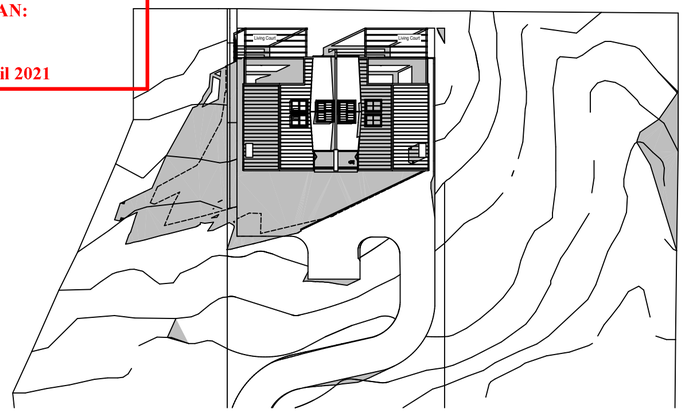

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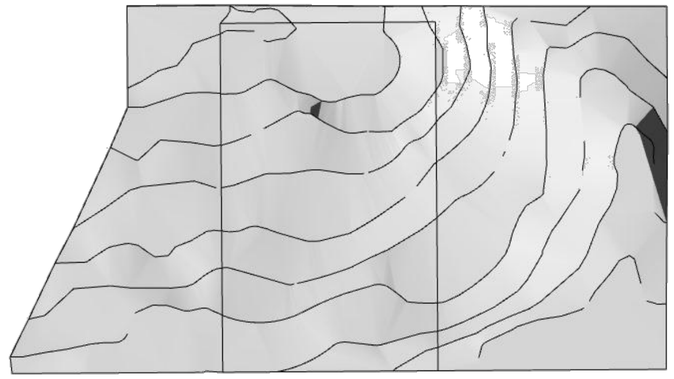

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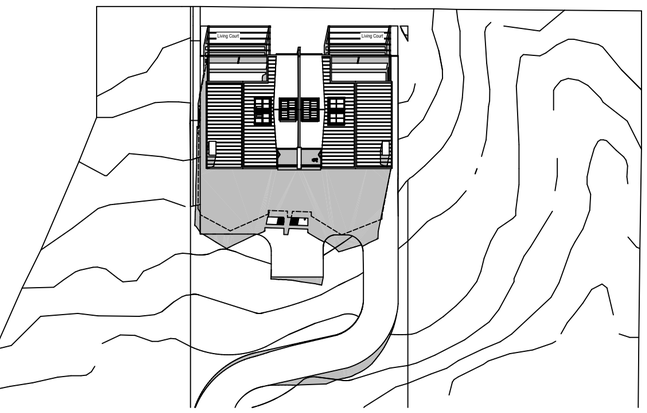

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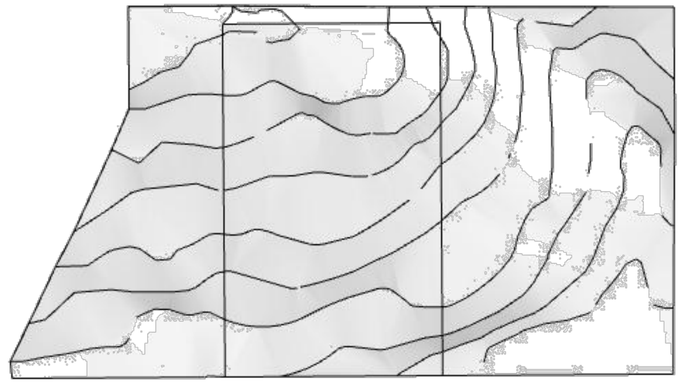

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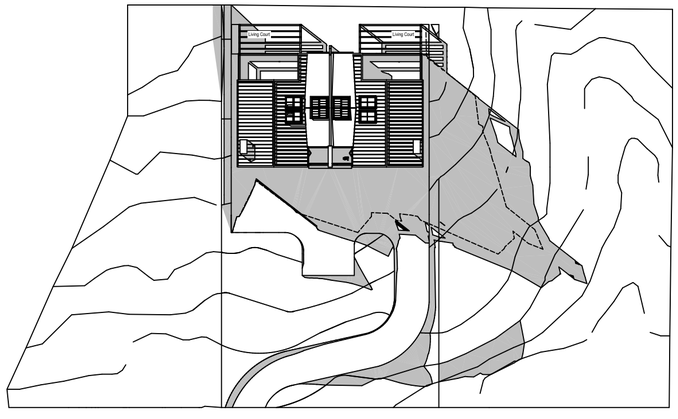

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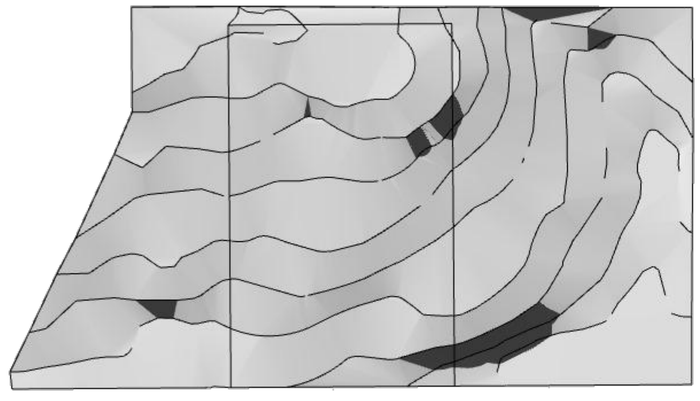

6 Pre-development Sun Study Mar / Sep 22 @ 3pm

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AT:
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DRAWN:	DATE:
P. Rokos BP 121600	Monday, 22 March 2021

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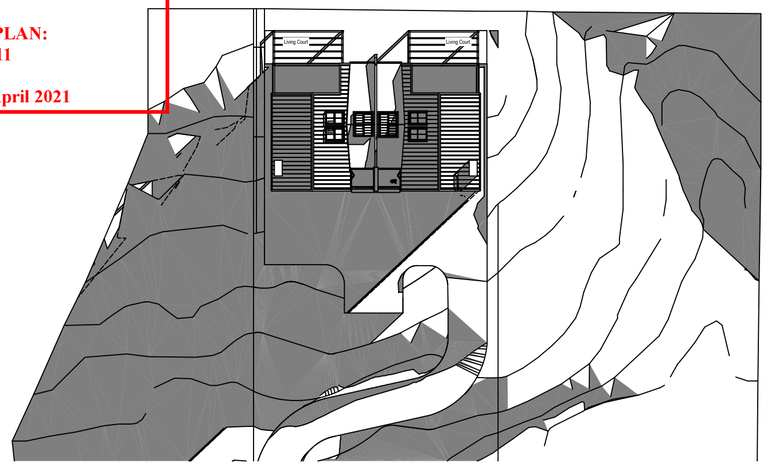

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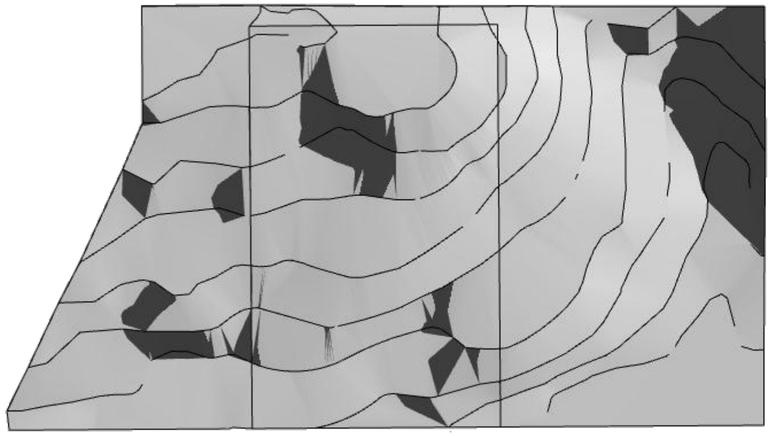

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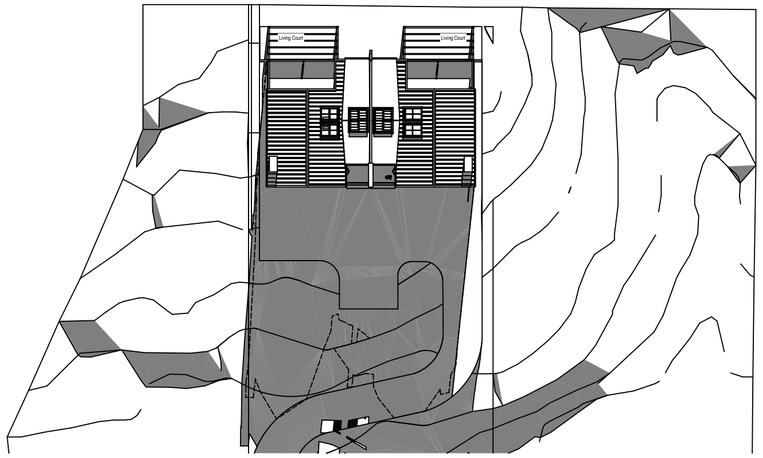

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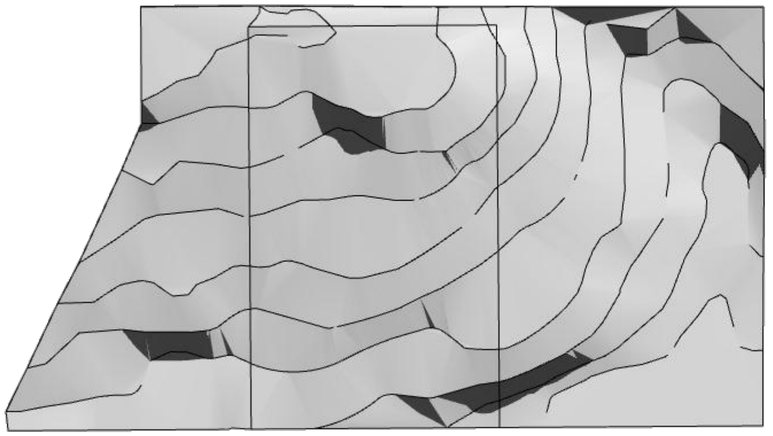

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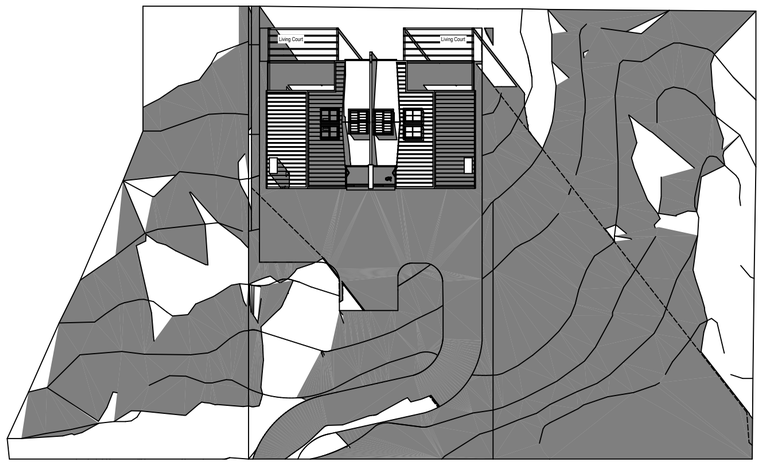

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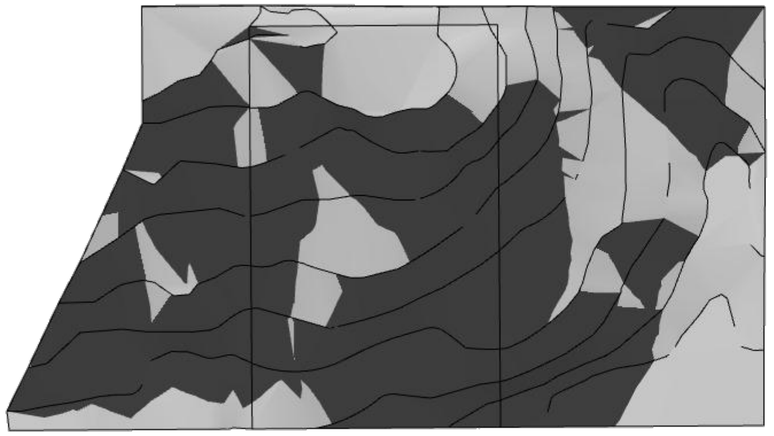

9 Pre-development Sun Study Jun 22 @ 3pm

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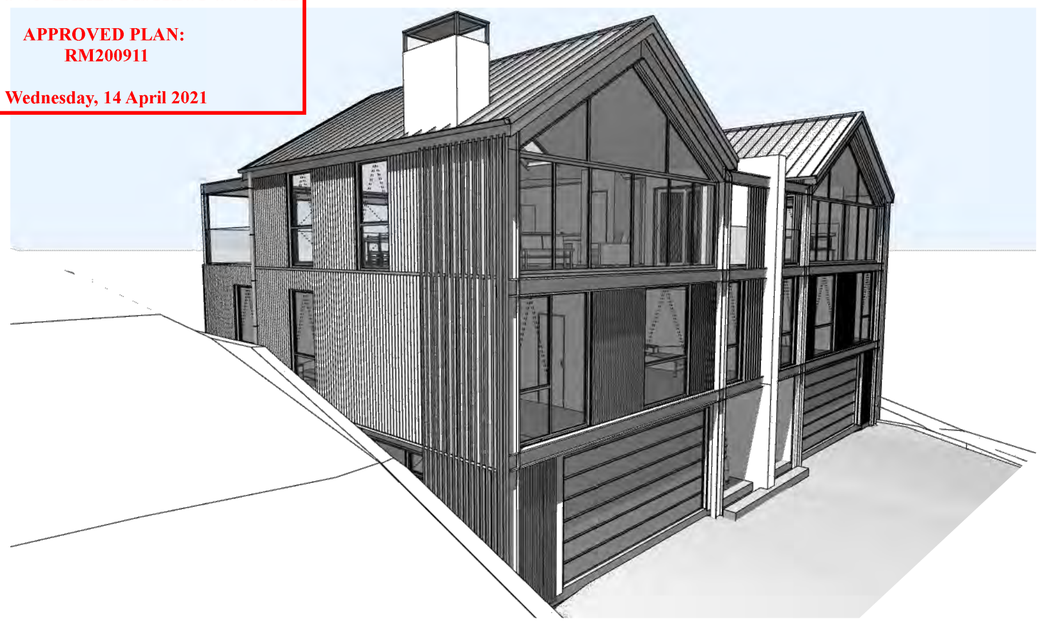

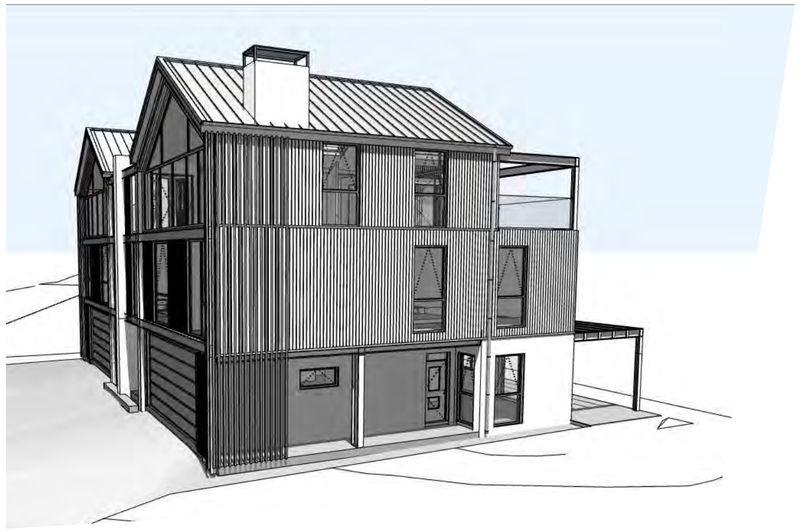

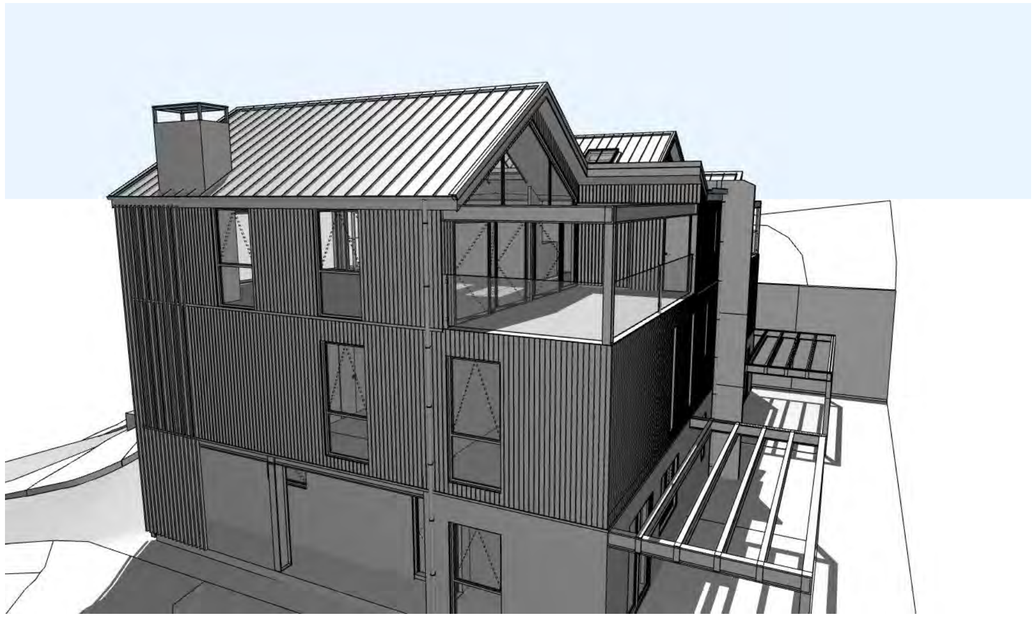

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QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	7 Potters Hill Limited
RM reference:	RM200948
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct three residential units with building length and internal boundary setback infringements, associated earthworks, and residential visitor accommodation for up to 180 nights per year with parking shortfalls. Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a three-lot subdivision around the proposed residential units.
Location:	Lot 7 DP 490069 Potters Hill Drive, Queenstown
Legal Description:	Lot 7 Deposited Plan 490069 held in Record of Title 706710
Zoning:	**ODP:** Low Density Residential **PDP:** Lower Density Suburban Residential Wāhi Tupuna
Activity Status:	**Non-complying**
Decision Date	**16 February 2021**

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Andrew Woodford, Senior Planner, on 16 February 2021 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 the Section 104 decision imposed pursuant to Section 108 and 220 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Andrew Woodford, Senior Planner, under delegated authority pursuant to Section 34A of the RMA.

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1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to construct three attached residential units which will breach building length and internal boundary setbacks on the southern boundary. It is proposed to undertake 645.89m^3 of earthworks, with a maximum fill height of 4m, to prepare a suitable building platform and access.

It is proposed to use each unit for residential visitor accommodation for up to 180 nights per year, each for up to six (6) guests. The units will be two-storeyed, with three double bedrooms each, and a single garage on the ground floor.

Consent is also sought to undertake a three-lot subdivision of the site, with proposed lots 1, 2 and 3 having a total area of 302m^2, 290m^2, and 332m^2, respectively.

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 "*7 Potters Hill Limited Application for resource consent,*" prepared by Rosalind Devlin of Strategy Resource Consents and Planning Ltd, 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:

Relevant Site History

It is noted that there are a number of consented visitor accommodation activities for sites in the immediate area, as identified in Figure 1 below:

Figure 1: *Aerial of subject site and surrounds, indicating sites with consented visitor accommodation activities (yellow stars) and current notified visitor accommodation applications (red stars).*

RM171226 – 16 Highlands Close
RM170718 – 14 Highlands Close

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RM180028 – 9 Highlands Close
RM180470 – Units 6 and 9, Potters Hill Drive
RM180738 – 10 Highlands Close
RM180782 – Unit 7, Potters Hill Drive
RM180800 – Unit 8, Potters Hill Drive
RM181254 – 3 Tier Lane
RM181535 – Units 11 and 14, Potters Hill Drive (now surrendered)
RM181920 – Unit 1, Potters Hill Drive, Queenstown
RM181921 – Unit 3, Potters Hill Drive, Queenstown
RM181922 – Unit 4, Potters Hill Drive, Queenstown
RM190342 – Units 12 and 13, Potters Hill Drive, Queenstown (withdrawn)
RM190542 – Unit 1 and 2, Woods Lane, Queenstown

2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, and notified its decisions on Stage 2 of the PDP on 21 March 2019. There are a number of appeals on these decisions. Stage 3 of the PDP was notified on 19 September 2019 and Stage 3B on 31 October 2019, and decisions on submissions are pending.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

2.1 OPERATIVE DISTRICT PLAN

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

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4i for visitor accommodation in the Low Density Residential zone. It is proposed to undertake visitor accommodation activities for up to 180 nights per year for up to six (6) guests per unit. Council's discretion is restricted to:

    - The location, external appearance and design of buildings;
    - The location, nature and scale of activities on site;
    - The location of parking and buses and access;
    - Noise; and
    - Hours of operation.

2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Lower Density Suburban Residential by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

Land Use:

- A **restricted discretionary** activity pursuant to Rule 7.4.8 for the proposed development which exceeds a density of one residential unit per 450m^2 net area but does not exceed one residential unit per 300m^2 net area. Council's discretion is restricted to:

    - How the design advances housing diversity and promotes sustainability either through construction methods, design or function;
    - Privacy for occupants of the subject site and neighbouring sites;
    - Street activation;
    - Building dominance;

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- Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;
- Design and integration of landscaping;
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:

    - The nature and degree of risk the hazard(s) pose to people and property;
    - Whether the proposal will alter the risk to any site; and
    - The extent to which such risk can be avoided or sufficiently mitigated.

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.10 in regard to building length. The first-floor building façade will be 24.3m in length, where a maximum length of 16m is permitted. Council's discretion is restricted to:

    - External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.

- A **discretionary** activity resource consent pursuant to Rule 7.5.8 for the proposed internal boundary setback infringement. The southern deck on Lot 3 infringes the 2m boundary setback by up to 0.585m.

- A **non-complying** activity resource consent pursuant to Rule 7.5.11 for the proposed site density which exceeds one residential unit per 300m^2 net site area. Lots 1, 2 and 3 will have net site areas of 280m^2, 258m^2 and 285m^2, respectively.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume of earthworks, being 300m^3 in the Lower Density Suburban Residential Zone. Council's discretion is restricted to:

    - Soil erosion, generation and run-off of sediment;
    - Landscape and visual amenity values;
    - Effects on infrastructure, adjacent sites and public roads;
    - Land stability;
    - Effects on water bodies, ecosystem services and biodiversity;
    - Cultural, heritage and archaeological sites;
    - Nuisance effects;
    - Natural hazards; and
    - Functional aspects and positive effects.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.16 in regard to maximum fill height. The proposed fill height is 4m, where a maximum of 2m is permitted. Council's discretion is restricted to the matters above.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.18.2 in regard to earthworks supported by retaining walls. It is proposed to construct a 1.5m retaining wall along the northern boundary and approximately 1m from the western boundary. Council's discretion is restricted to the matters above.

- A **restricted discretionary** activity resource consent pursuant to Rule 29.5.1 in regard to minimum parking requirements for visitor accommodation activities. Rule 29.8.13 requires a minimum of two carparks per unit for unit-type visitor accommodation, whereas each unit will be provided with only one carpark. Council's discretion is restricted to:

    - The number of parking spaces provided; and
    - The allocation of parks to staff/guests and residents/visitors.

- A **restricted discretionary** activity resource consent pursuant to Rule 29.5.5 in regard to mobility parking spaces. One mobility parking space is required where 1 to 10 spaces are provided by an activity, whereas no mobility parking spaces are proposed. Council's discretion is restricted to:

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

- A **restricted discretionary** activity resource consent pursuant to Rule 29.5.1 in regard to minimum parking requirements. Rule 29.8.7 requires a minimum of two carparks per unit, whereas each unit will be provided with only one carpark. Council's discretion is restricted to:

  - The number of parking spaces provided; and
  - The allocation of parks to staff/guests and residents/visitors.

- A **restricted discretionary** activity resource consent pursuant to Rule 29.5.1 in regard to minimum parking requirements. Rule 29.8.13 requires a minimum of two carparks per unit for unit-type visitor accommodation in the Low Density Residential Zone, whereas each unit will be provided with only one carpark. Council's discretion is restricted to the matters above.

Subdivision:

- A **restricted discretionary** activity resource consent pursuant to Rule 27.5.7 for subdivision in the Lower Density Suburban Residential Zone. Council's discretion is restricted to:

  - Subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  - Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  - Property access and roading;
  - Esplanade provision;
  - The adequacy of measures to address the risk of natural hazards;
  - Fire fighting water supply;
  - Water supply;
  - Stormwater design and disposal;
  - Sewage treatment and disposal;
  - Energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
  - Open space and recreation;
  - Ecological and natural values;
  - Historic heritage; and
  - Easements.

- A **non-complying** activity resource consent pursuant to Rule 27.5.19 for subdivision that does not comply with the minimum lot areas specified in Part 27.6. A minimum lot area of 450m^2 is required in the Lower Density Suburban Residential Zone, whereas the proposed lot areas for lots 1, 2 and 3 are 302m^2, 290m^2 and 332m^2, respectively.

- A **non-complying** activity resource consent pursuant to Rule 27.7.16 for a subdivision application not complying with Rule 27.7.15, which requires minimum lot dimensions of 15m by 15m in the Lower Density Suburban Residential Zone.

Rules with legal effect, that are not yet treated as operative under s.86F are:

- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.18.1 for residential visitor accommodation for 180 nights per year. Council's discretion is restricted to:

  - The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;
  - The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;

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- The scale and frequency of the activity, including the number of guests on site per night;
- The management of noise, use of outdoor areas, rubbish and recycling;
- The location, provision, use and screening of parking and access;
- The compliance of the residential unit with the Building Code as at the date of the consent;
- Health and safety provisions in relation to guests;
- Guest management and complaints procedures;
- The keeping of records of RVA sue, and availability of records for Council inspection; and
- Monitoring requirements, including imposition of an annual monitoring charge.

2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 ("NES")

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.

2.4 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- a **restricted discretionary** activity under the ODP; and
- a **non-complying** activity under the PDP.

Overall, the application is being considered and processed as a **non-complying** activity.

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NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

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 as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

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; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

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 notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

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

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Person (owner/occupier)	Address (location in respect of subject site)
Sreeraj Balachandran and	Lot 8 DP 490069 Potters Hill Drive (north)
Stephen Burns	12 Highlands Close (south)
New Zealand Transport Agency	N/A

Figure 2: *Aerial of site and surrounds indicating APAs received (red stars).*

Effects that <u>may</u> be disregarded:

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) – referred to as the "permitted baseline". The relevance of a permitted baseline to this application is provided in section 3.3.2 below.*

<u>3.3.2 Permitted Baseline (s95D(b))</u>

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, under the PDP, the permitted baseline includes the construction of two residential units and two residential flats, subject to compliance with bulk and location controls. The permitted baseline also includes the residential use of the units, and associated noise, parking and traffic generation.

Under the ODP, two residential units are also permitted, subject to compliance with the relevant bulk and location controls. As above, the permitted baseline also includes the residential use of the units, and associated noise, parking and traffic generation.

The permitted baseline in terms of the building bulk is therefore relevant.

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3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The Assessment of Effects provided at section 3.4 of the applicant's AEE, is generally comprehensive and is considered accurate. It is therefore adopted for the purposes of this report, with the following additional assessment:

Earthworks

QLDC's Development Engineer, Mr Ockert Vermeulen, has assessed the application and his report is attached as *Appendix 4.* The applicant has provided a geotechnical letter prepared by GeoSolve which confirms that the proposed earthworks are feasible and will not result in land instability beyond the site's boundaries and Mr Vermeulen has accepted their recommendations. Overall, Mr Vermeulen's assessment is adopted and it is considered that adverse effects associated with the proposed earthworks will be adequately mitigated so to no more than minor on the wider environment.

Servicing

Mr Vermeulen has confirmed that the proposed units can be adequately serviced, and adverse effects in this regard are considered to be less than minor.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not 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. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on 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

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

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 (s95B(6)(a)).

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Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the *'any other activity'* category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

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 (a "permitted baseline"). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.

b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

4.3.1 [ii] Persons who have provided written approval (s95E(3))

The persons identified in Section 3.3.1 above have provided their **written approval** and as such adverse effects on these parties are disregarded for the purpose of s95E(3).

4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 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:

Adjacent sites are as follows and are identified in Figure 3 below:

- 12 Highlands Close (south) – APA obtained
- 16 Highlands Close (south)
- 634 Frankton Road (west)
- Lot 13 DP 490069 Potters Hill Drive (east)
- Lot 8 DP 490069 Potters Hill Drive (north) – APA obtained

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Figure 3: *Aerial depicting the subject site and adjacent sites, as marked by stars.*

In terms of the proposed earthworks, Mr Vermeulen is satisfied that the works will not breach the site boundaries or cause land instability on adjacent sites. Adverse sedimentation and runoff effects will also be appropriately managed and mitigated. Therefore, adverse effects on the owners/occupiers of adjacent sites in regard to earthworks are considered to be less than minor.

The density of the proposed subdivision is greater than is anticipated in the zone as it does not comply with the minimum site area of 450m^2. However, this is considered to be in keeping with the density of the surrounding residential environment. Sites on Wood Lane to the east of the site, for example, are as small as 173m^2, whereas the proposed lots are at least 290m^2. Therefore, no persons are considered to be adversely affected by the proposed subdivision.

Site-specific assessments follow:

16 Highlands Close

This site is also located directly to the south of the subject site and is occupied by a residential unit which is oriented away from the subject site. The northern elevation of the unit at 16 Highlands Close (i.e. facing the subject site) has no glazing and comprises the garage and front entranceway. Due to the topography of the site and surrounds, there is significant separation between the unit and proposed units. It is also noted that the site has resource consent for year-round visitor accommodation, for up to six guests (RM190636).

In terms of the proposed use for visitor accommodation activities, the applicant has provided a Site Management Plan which will manage noise, guest numbers and the use of outdoor areas. Furthermore, the outdoor area at 16 Highlands Close is located to the south of the unit and is setback substantially from the outdoor areas of the proposed units on the subject site. It is therefore considered that adverse noise effects on the owners/occupiers of this site will be less than minor.

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In terms of residential cohesion, given the significant visual and physical separation between the sites, and that the unit is used for visitor accommodation activities year-round, adverse effects in regard to residential cohesion on the owners/occupiers of this site are considered to be less than minor.

Overall, given the above, adverse effects on the owners/occupiers of this site are considered to be less than minor.

634 Frankton Road

This site is located to the west of the subject site and is zoned Medium Density Residential under the PDP within the Frankton Road Visitor Accommodation Sub-Zone. It is therefore anticipated that the majority of future sites will accommodate visitor accommodation activities. Given that the proposed units comply with building height, planes and boundary setbacks on the western boundary, adverse bulk, shading and dominance effects on the owners/future occupiers of this site will be less than minor.

The applicant's Site Management Plan will ensure that noise, guest numbers and the use of outdoor areas will be appropriately managed, and adverse effects on persons in respect of the proposed use are considered to be less than minor.

Lot 13 DP 490069 Potters Hill Drive

This site is located to the east of the subject site, on the opposite side of Potters Hill Drive and is currently vacant. It could be reasonably anticipated that the site will be developed similarly to other sites in the immediate area, being a multi-unit development. Given the topography and orientation of the site, it is likely that the units will be designed in a north-south orientation with outdoor areas oriented towards the south to take advantage of views of Lake Wakatipu and the Remarkables, similar to the development to the east at 4 Rocha Lane. The Potters Hill Drive road reserve provides a 15m separation between the sites, and the unit on proposed Lot 3 is setback an additional 5m to 7.7m from the eastern boundary. The eastern elevation of the building has limited glazing, and the outdoor living area is located to the south, i.e. not oriented towards Lot 13. Furthermore, the building complies with the road setback and maximum height. Given the above, adverse bulk, dominance, amenity and privacy effects on the owners/future occupiers of this site are considered to be less than minor.

Visitor accommodation activities also have the potential to diminish residential cohesion and character due to the short-term and often one-off stays of guests, and it can become difficult for people to form relationships with and get to know their neighbours. It is proposed to use each unit for visitor accommodation up to 180 nights per year for up to six guests, and for residential use for the remaining 185 nights of the year. This could include renting the units to tenants for longer periods throughout the year, use as holiday homes, or leaving the units vacant for the remainder of the year.

In this case, without knowing the intended future use of this site and proposed building design, it is difficult to determine the potential effects on residential cohesion. However, given the physical separation of the sites and that there is unlikely to be much of a visual connection, or a sense of cohesion, between the two sites once Lot 13 is developed, adverse effects on the owners/future occupiers of this site with regard to residential cohesion are considered to be less than minor.

In terms of noise, the applicant's Site Management Plan will ensure that noise, guest numbers and the use of outdoor areas will be appropriately managed, and adverse effects on persons in this regard are considered to be less than minor.

Overall, adverse effects on the owners/future occupiers of this site are considered to be less than minor.

4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

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4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by

Danielle Ter Huurne
PLANNER

Decision made by

Andrew Woodford
SENIOR PLANNER

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DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

6. S104 ASSESSMENT

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. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;
(ii) other regulations;
(iii) a national policy statement;
(iv) a New Zealand coastal policy statement;
(v) a regional policy statement or proposed regional policy statement;
(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 and s220 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

An assessment of the relevant objectives and policies of the ODP and PDP is provided at Section 5.0 of the Applicant's AEE. This is considered accurate and is adopted for the purpose of this report.

Weighting between Operative District Plan and Proposed District Plan

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

6.3 OTHER RELEVANT PROVISIONS (s104(1)(b)(i)-(v))

National Policy Statement on Urban Development 2020 (NPS UD)

The NPS UD is of relevance to the application, in particular Policy 11 in relation to car parking. This directs tier 1-3 territorial authorities (including QLDC) to remove minimum car parking requirements, other than for accessible car parks. The direction of the NPS UD is to instead manage effects through comprehensive parking management plans.

The proposal involves a parking shortfall of one carpark for each of the proposed units, however, the site is in close proximity to Frankton Road, the cycleway and public transport (there are two bus stops within walking distance of the site on Frankton Road), and the parking provided is considered to be sufficient to meet the demands of the proposed visitor accommodation activities. Overall, the proposal is considered to align with the direction of the NPS UD.

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6.4 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 been met in that the application will not 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 both of the gateway tests in s104D, consent can be granted for this non-complying activity.

6.5 SECTION 106 FOR SUBDIVISIONS

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, each lot will have adequate service, and physical and legal access. The proposed subdivision will not exacerbate natural hazard risk.

6.6 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. The proposal is considered to satisfy the sustainable management purpose of Part 2 of the RMA as the proposal will provide for the wellbeing of the applicants, whilst mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development. No matters of national importance are relevant to this application.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment. It is considered the proposal will maintain amenity values and the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. The proposal does not offend against the principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

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7.0 DECISIONS ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

7.1 Land use consent is **granted** to construct three residential units with associated earthworks and parking infringements and to undertake residential visitor accommodation for up to 180 nights per year, subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

7.2 Subdivision consent is **granted** to undertake a three-lot subdivision, subject to the conditions outlined in *Appendix 2* of this decision report imposed pursuant to Section 220 of the RMA.

Prepared by

Danielle Ter Huurne
PLANNER

Decision made by

Andrew Woodford
SENIOR PLANNER

8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE 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 any application for certification pursuant to section 224(c) of the RMA.

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries please contact Danielle Ter Huurne on phone (03) 441 0499 or email Danielle.terhuurne@qldc.govt.nz

9.0 APPENDICES LIST

APPENDIX 1 – Land Use Consent Conditions
APPENDIX 2 – Subdivision Consent Conditions
APPENDIX 3 – Applicant's AEE
APPENDIX 4 – QLDC Engineering Report
APPENDIX 5 – Site Management Plan

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APPENDIX 1 – LAND USE CONSENT CONDITIONS

ADVICE NOTE: The consent holder is advised that Resource consent RM200948 authorises the use of the residential units as Residential Visitor Accommodation, which means there is both guest use AND residential use of the site in any given year. Resource consent RM200948 does NOT cover sole use of a property for visitor (guest) accommodation. If the consent holder is not intending to continue the Residential Visitor Accommodation use, they may provide written confirmation to Council that they are seeking to surrender resource consent RM200948.

General Conditions

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

   - 'Site Plan,' page no. L01A dated 13/11/20
   - 'Earthworks Plan,' page no. L01B, dated 13/11/20
   - 'Landscape Plan,' page no. L01C, dated 13/11/20
   - 'Upper Floor Plan,' page no. L02, dated 13/11/20
   - 'Lower Floor Plan,' page no. L03, dated 13/11/20
   - 'Elevations,' page no. L04, dated 13/11/20

   stamped as approved on 16 February 2021

   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.

Environmental Management

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

4. At least 15 working days prior to any works commencing on site the Consent Holder shall submit an Environmental Management Plan (EMP) to Council's Monitoring and Enforcement Team for review and acceptance HOLD POINT 1. This document must be prepared by a Suitably Qualified and Experienced Person. The EMP shall be in accordance with the principles and requirements of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans* and specifically shall address the following environmental elements as specified in the guidelines:

   a) Administrative Requirements

      (i) Weekly site inspections
      (ii) Notification and management of environmental incidents
      (iii) Records and registers
      (iv) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
      (v) Site induction

   b) Operational Requirements

      (i) Erosion and sedimentation (including Erosion and Sediment Control Plan) (to be prepared by a Suitably Qualified and Experienced Person)
      (ii) Water quality

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(iii) Dust
(iv) Cultural heritage
(v) Noise
(vi) Vibration

The EMP (and any sub-plans e.g. ESCP described below) shall also be consistent with any recommendations outlined in the geotechnical review letter prepared by GeoSolve.

5. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the Consent Holder shall engage an Appropriately Qualified Person to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Monitoring and Enforcement Team for review and acceptance. This plan shall be a sub-plan of the overarching EMP and must be prepared in accordance with the requirements outlined on pages 13 – 18 in *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*. These plans must be updated when:

   a) The construction program moves from one Stage to another; or

   b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or

   c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.

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.*

During construction:

8. All works shall be undertaken in accordance with the most current version of the EMP as accepted as suitable by Council.

9. The EMP shall be accessible on site at all times during work under this consent.

10. The Consent Holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the EMP at all times.

11. The Consent Holder shall develop and document a process of periodically reviewing the EMP as outlined on page 6 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans.* No ground disturbing activities shall commence in any subsequent stage of development until an EMP has been submitted and deemed suitable by Council's Monitoring and Enforcement Team.

12. The Consent Holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as detailed on pages 10 and 11 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.

13. 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:

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a) Report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.

b) Provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined on page 9 of *Queenstown Lakes District Council's Guidelines for Environmental Management Plans.*

14. Environmental records are to be collated onsite and shall be made available to QLDC upon request; immediately if the request is made by a QLDC official onsite and within 24 hours if requested by a QLDC officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined on page 9 of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans.

Earthworks

General

15. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz/

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

16. 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.

17. 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.

18. Prior to commencing any work on the site the consent holder shall install a stabilised entrance in accordance with GD05, the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. All construction traffic shall use this to enter and exit the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements.

19. 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.

20. 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-

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professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve geotechnical report Ref: 200749, Dated 10 November 2020, based on geotechnical completion report by GeoSolve ref: 140412, dated April 2016, and who shall supervise the earthworks procedures and retaining wall construction and ensure compliance with the recommendations of this report.

21. 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 (15), to detail the following requirements:

    a) The provision of a water supply to each residential unit in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder. The details shall include capping the redundant water connection at the Council main if not utilised in the site solution.

    b) The provision of a foul sewer connection from each residential unit 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 the provision of a 150mm foul sewer lateral from the development to the Council reticulated sewer network.

    c) The provision of a connection from all potential impervious areas within the Lot to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot. The details shall include upgrading the existing stormwater lateral or capping at the Council main if not utilised in the site solution.

    d) The construction and sealing of all vehicle access, manoeuvring and car parking areas to Council's standards. Provision shall be made for stormwater disposal.

    e) 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.

To be monitored throughout earthworks

22. The earthworks and retaining shall be undertaken in accordance with the recommendations of the GeoSolve geotechnical report Ref: 200749, Dated 10 November 2020, based on geotechnical completion report by GeoSolve ref: 140412, dated April 2016.

23. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).

24. 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.

25. 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

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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.

26. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of service installation and vehicle connections.

On completion of earthworks and prior to construction

27. On completion of earthworks within the building footprint and prior to the construction of the residential unit, the consent holder shall ensure that either:

    a) Certification from a suitably qualified geo-professional experienced in soils investigations is provided to the Manager of Resource Management Engineering at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a suitably qualified geo-professional;
    or
    b) The foundations of the residential unit shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

On completion of earthworks and prior to occupation

28. On completion of earthworks and prior to the occupation of any residential units, 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 reviewed and accepted works detailed in Condition (21) above.

    c) A water meter for each connection shall be provided to Council's maintenance contractor Veolia as per condition 21a) above, and evidence of supply shall be provided to Council's Subdivision Inspector.

    d) The submission of Completion Certificates from both the Contractor and Accepted Engineer for all infrastructure 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 the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

    e) Any power supply and/or telecommunications connections to the residential units shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.

    f) Where there is a likelihood of people being present at the top of a retaining wall greater than 1m in height a minimum 1.1m high non-climbable fence/barrier shall be constructed for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.

    g) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.

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h) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Operational Conditions

29. The consent holder shall ensure the visitor accommodation activity is undertaken in accordance with the approved site management plan (Appendix 5), and the following conditions (30 – 39).

Advice Note: The management plan may be updated from time to time, which 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 (30 – 39) are met, and shall include the contact details of the property manager available for any complaints.

30. Each unit shall be rented to a maximum of one (1) group at any one time.

31. The maximum number of persons within each unit in association with the visitor accommodation use shall be restricted to six (6) persons at any one time.

32. Regarding the use of outdoor space:

a. The use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.

b. Three (3) signs (minimum A4 size) shall be erected within each unit 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 areas.

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.

33. The property may be used for visitor accommodation for no more than 180 nights per calendar year.

34. 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 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.

35. The consent holder shall ensure that no coaches are to service the authorised activity.

36. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection utilised, rubbish and recycling shall only be placed on the street the day of or day prior to collection.

Should Council kerbside collection of rubbish and recycling not be available to the consent holder, the consent holder must submit details of an alternate private collection service to Council for certification prior to such a service being utilised. Details shall include but not necessarily be limited to, the location of rubbish and recycling areas on site, collection method and day of collection.

Note: *The management plan may be required to be updated to address a change in rubbish and recycling services.*

37. Within three (3) months of the property changing ownership, the consent holder shall provide to the Council's Monitoring department, in writing, confirmation that they intend to continue operating

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the Residential Visitor Accommodation, and the nature of the residential use, and also (if required) update the visitor accommodation management plan required under Condition (29) of RM200948.

38. Prior to the use of the building for visitor accommodation activities authorised by this consent, and within ten working days of each anniversary of the date of this decision (and within 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:

    - 12 Highlands Close
    - 16 Highlands Close
    - 634 Frankton Road
    - Lot 13 DP 490069 Potters Hill Drive
    - Lot 8 DP 490069 Potters Hill Drive

    The consent holder shall ensure that all adjacent properties are served with a copy of the conditions of RM200948, approved plans, approved visitor management plan (which contains contact details of the property manager) and a cover letter. The cover letter shall outline the consented activity and the property managers contact details for receiving any complaints. The cover 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 a list of documentation including the covering letter to the Council Monitoring Department for monitoring purposes within 10 working days of each letter drop.

39. 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

40. 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 30 39 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).

41. As part of the review clause stated in Condition 40 of this consent, the Council may have the site management plan audited at the consent holder's expense.

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Advice Notes:

1. The consent holder is advised that any retaining walls, including stacked stone and gabion 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. 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.

3. The consent holder is advised to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed works. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised.

4. 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.

5. 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.

6. 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.

7. 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.

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For Your Information

Monitoring
The conditions in your decision will advise if monitoring is required. 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

Environmental Management Plan
Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some advice to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance
You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the Engineering Acceptance Application Form and submit to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found here.

Development Contribution
If this 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, this information is available here.
If you wish to make a DC estimate calculation yourself, please use this link. Full details on current and past policies can be found here.

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APPENDIX 2 – SUBDIVISION CONSENT CONDITIONS

General Conditions

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

   - 'Proposed Subdivision Plan Lots 1-3 being a Proposed Subdivision of Lot 7 DP 490069,' Sheet No. 1, dated 13/11/20

   stamped as approved on 16 February 2021

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

2. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz

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 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.

4. 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.

5. 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 (2), to detail the following requirements:

   a) The provision of a water supply to Lots 1, 2 and 3 in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder. The details shall include capping the redundant water connection at the Council main if not utilised in the site solution.
   b) The provision of a foul sewer connection from Lots 1, 2 and 3 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to

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drain the buildable area within each lot. This shall include the provision of a 150mm foul sewer lateral from the development to the Council reticulated sewer network.

c) The provision of a connection from all potential impervious areas within Lots 1, 2 and 3 to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot. The details shall include upgrading the existing stormwater lateral or capping at the Council main if not utilised in the site solution.
d) The construction and sealing of all vehicle right of ways, access, manoeuvring and car parking areas to Council's standards. Provision shall be made for stormwater disposal
e) 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.

To be completed before Council approval of the Survey Plan

6. 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. 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

7. 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/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).
b) The completion and implementation of all works detailed in Condition (5) above.
c) A water meter shall be provided to Council's maintenance contractor Veolia for Lots 1, 2 and 3 as per condition 5a) above, and evidence of supply shall be provided to Council's Subdivision Inspector.
d) All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all lots within the subdivision.

   The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. 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.
e) 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

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f) All newly constructed foul sewer 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.
g) Earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, 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.

Ongoing Conditions/Consent Notices

8. In the event that the Engineering Acceptance issued under Condition (5) 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].

9. The following condition of consent shall be registered on the title of proposed Lots 1, 2 and 3 by way of Consent Notice pursuant to s.221 of the Act:

   a. The residential units shall be constructed in accordance with the plans as approved under RM200948.

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 Council.

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APPENDIX 3 - APPLICANT'S AEE

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7 Potters Hill Limited

Application for resource consent

Potters Hill Drive

November 2020

LIST OF ATTACHED DOCUMENTS

Form 9

Record of Title & Instruments

Location Plan

Proposed Subdivision Plan (Paterson Pitts Group)

Proposed Building Plans (DK Designs)

3D Perspectives

Geotechnical Letter (GeoSolve)

Supply letters: Chorus and Aurora

Site Management Plan for Residential Visitor Accommodation

Travel Management Plan

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Applicant:	7 Potters Hill Limited
Landowner:	7 Potters Hill Limited
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct three residential units that will breach building length and an internal boundary setback, earthworks retaining that will breach distance to boundary, ODP visitor accommodation and PDP Residential Visitor Accommodation, with transport breaches; and Application under Section 88 of the Resource Management Act 1991 (RMA) for subdivision consent to subdivide Lot 7 Deposited Plan 490069 into three fee simple allotments around the proposed residential units.
Location:	Potters Hill Drive, Queenstown
Legal Description:	Lot 7 Deposited Plan 490069 held in Record of Title 736554
Site area:	926m^2
Valuation Number:	2910321157
Zoning:	**ODP:** Low Density Residential **PDP:** Lower Density Suburban Residential
Notations:	Wāhi Tūpuna #20 Te Tapunui
Activity Status:	**Non-complying**

1.0 Site Description and Proposal

1.1 Site Description

The site is irregular in shape and 926m^2 in area, with a services easement along the southern part of the site. The site is elevated above Lake Wakatipu maintaining views over the lake and towards the Remarkables. The site is currently vacant, with varying topography including parts with a steep gradient. Legal and physical access is from Potters Hill Drive (legal road). The site is bordered by a large undeveloped land parcel to the west, a vacant and steeply sloping site to the north, and residential units to the south on Highlands Close. The site and its surrounds are shown in Figure 1 below and the attached Location Plan.

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Figure 1 – location (source: Council GIS)

1.2 Title & Interests

The site is legally described as Lot 7 Deposited Plan 490069 held in Record of Title 736554; copy attached.

There are a number of easements registered on the title that relate to services, a pedestrian right of way, and a Council right (in gross) to drain stormwater marked 'A' that runs across the lower (southern) part of the site (Easement Instrument 10449745.22 attached).

Consent Notice 10449745.29

Requires geotechnical reporting, vehicle crossing, plans prepared by a suitability qualified engineer details the proposed mitigation measures and/or remedial works to address geotechnical constraints, and additional headworks fees for more than one residential unit.

The application includes a geotechnical report (attached), a crossing will be constructed as required, and headworks fees will be paid via Development Contributions.

10497110.3 Variation of Consent Notice 10449745.29

This variation cancelled conditions (7) and (8) in relation to connection to high pressure water reticulation and private ownership of infrastructure.

1.3 Site History

Resource consent RM050520 (as varied by RM130069, RM050520.01, RM150928 and RM160038) was granted on 20 May 2008 to subdivide the underlying site in three stages. The subject site was created by this subdivision.

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1.4 The Proposal

Land use

Resource consent is sought for the development of three attached residential units on the site. Proposed design plans are attached (DK Designs). The plans show:

- Ground floor: Pedestrian entrance, single garages, bedroom 1, living area;
- First floor: Bedrooms 2 and 3; outdoor decks.

In terms of compliance with relevant PDP Chapter 7 rules, the following table is provided:

Rule & Standards	**Proposed**	**Complies?**
7.4.3 density one unit per 450m^2	Three units less than 300m^2 net area each	No
7.4.6 RVA 90 nights	180 nights is proposed	No
7.4.8 density between 300m^2 and 450m^2	Three units less than 300m^2 net area each	No
7.5.2.2 building height sloping sites 7m	Height up to 7m	Yes
7.5.3 sites less than 900m^2	Site is 926m^2	N/A
7.5.4 Airport Noise	Site is not within Air Noise or Outer Control Boundaries	N/A
7.5.5 Building coverage 40%	35%	Yes
7.5.6 Landscape coverage 30%	37%	Yes
7.5.7 Recession planes	Site is sloping	N/A
7.5.8 Setbacks	An area of outdoor deck at first floor level will extend into the southern 2m setback	**No – resource consent needed**
7.5.9 Building Separation	Units will be attached	N/A
7.5.10 Building Length 16m	24.3m at first floor level	**No – resource consent needed**
7.5.11 Density 300m^2	Three units will have less than 300m^2 net area each	**No – resource consent needed**
7.5.12 Storage space	Screened service areas for each unit	Yes
7.5.13 Glare	Will comply	Yes
7.5.14 State Highway noise	Site is ~120m from SH6A	N/A
7.5.18 RVA	180 nights, no heavy vehicles, does not comply with parking requirements	**No – resource consent needed**

Earthworks

Earthworks are proposed as follows:

- Total volume 645.89m^3
- Total area 586.83m^2
- Cut depth 1.8m
- Fill height 4m, this will be primarily backfilling under the building, with up to 1.8m fill along the eastern side of the site
- Engineered retaining walls up to 1.5m high along the northern and western boundaries

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Natural hazards and Geotechnical Reporting

QLDC's GIS maps identify the site as subject to liquefaction (nil to low risk). As outlined in the attached Geotechnical letter (Geosolve), the proposed development is feasible from geotechnical perspective.

Visitor Accommodation

Resource consent is sought to operate ODP Visitor Accommodation or PDP Residential Visitor Accommodation (RVA) from each proposed unit for up to 6 guests (18 guests in total on the site prior to subdivision), for up to 180 nights per year. A residential component e.g. long-term rental, owner-occupancy, or holiday home usage, will be retained for each unit.

Each unit will be let to one group per stay, and not let by rooms, with no more than 2 adults per bedroom.

A Site Management Plan is attached with house rules and operational matters, including restricting the use of outdoor areas to the hours of 7am to 10pm.

Parking

The residential units will be serviced by a single garage each. The ODP visitor accommodation and PDP RVA shall not be provided with coach or mobility parking. In terms of District Plan requirements:

Activity	**ODP**	**PDP**
Residential unit Visitor accommodation	2 per residential unit 2 per visitor accommodation unit	2 per residential unit 2 per visitor accommodation unit
Total required:	6 parks for residential or VA 1 coach park	6 parks for residential or VA Mobility park for more than 5 VA guests
Total provided:	3 parks, no coach park	3 parks, no mobility park
Complies?	Residential – **no** VA – **no** Coach park - **no**	Residential – **no** RVA – **no** Mobility park - **no**

Subdivision

Subdivision consent is sought to subdivide the site into three allotments around the residential units. Party wall easements will be required for the internal boundaries. A subdivision plan is attached (Paterson Pitts Group). The proposed subdivision will result in the following:

- Proposed Lot 1 – 302m^2 total / 280m^2 net area.
- Proposed Lot 2 – 290m^2 total / 258m^2 net area.
- Proposed Lot 3 – 332m^2 total / 285m^2 net area.

It is proposed to complete construction of the building (roof on) before titles are sought.

Access

A 6m wide vehicle crossing will be constructed from Potters Hill Drive, as required by Consent Notice 10449745.29. Each unit/proposed Lot will have legal and practical access via a right of way from the road.

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The gradient for the right of way will be 1:7. Cars can reverse out of the garages, turn with one manoeuvre and exit the site in a forwards direction.

Services

The proposed residential units/Lots will connect to all existing reticulated services, including water supply, firefighting hydrants (the nearest hydrant is along the Potters Hill Drive boundary), wastewater, stormwater, and power and telecommunications connections. Connections to Council Services will be sought. Supply letters from Chorus and Aurora are attached.

2.0 Activity Status

2.1 Operative District Plan (ODP)

The subject site is zoned Low Density Residential in the ODP. The PDP rezoning is not under appeal, and neither are most land use and subdivision provisions pertaining to this application. The only remaining relevant appeals in Chapter 7 (Lower Density Suburban Residential) of the PDP relate to Residential Visitor Accommodation, and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4i. for visitor accommodation. Council's discretion is restricted 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 Consent Order on Chapter 29 (Transport) was recently issued; however, appeals relating to minimum parking requirements are yet to be resolved. The proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3 (ii) for a breach of Site Standard 14.2.4.1 (ii) Minimum Parking Space Numbers whereby six parking spaces are required but three are provided. Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3 (ii) for a breach of Site Standard 14.2.4.1 (ii) Minimum Parking Space Numbers whereby a coach park is required for visitor accommodation – unit type construction. A coach park will not be provided. Council's discretion is restricted to this matter.

Appeals relating to earthworks have been resolved by Consent Order, with remaining appeals relating to non-notification of applications for restricted discretionary activities that exceed the area (m^2) standard, which has not been applied for. Part 22 (Earthworks) of the ODP is therefore considered of no further relevance.

All other ODP rules are therefore treated as inoperative under section 86F of the RMA for the purposes of this application.

The application is considered to be a **restricted discretionary** activity under the ODP.

2.2 Proposed District Plan (PDP)

Council notified its decisions on Stage 1 of the Proposed District Plan on 7 May 2018. Council notified its decisions on Stage 2 of the Proposed District Plan on 21 March 2019. Council

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notified Stage 3 of the PDP on 19 September 2019 and Stage 3b of the PDP was notified on 31 October 2019. The site is zoned Lower Density Suburban Residential under the PDP (Stage 1) and the proposed activity requires resource consent for the following reasons:

Rules that are treated as operative under s86F:

Subdivision

- A **restricted discretionary** activity pursuant to Rule 27.5.7 for all urban subdivision activities, unless otherwise provided for, within the following zones: 1. Lower Density Suburban Residential Zone. Council's discretion is restricted to:
  a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  c. property access and roading;
  d. esplanade provision;
  e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision;
  f. fire fighting water supply;
  g. water supply;
  h. stormwater design and disposal;
  i. sewage treatment and disposal;
  j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
  k. open space and recreation;
  l. ecological and natural values;
  m. historic heritage;
  n. easements.

- A **non-complying** activity pursuant to Rule 27.5.19 for a subdivision that does not comply with the minimum lot areas specified in Part 27.6. The minimum lot area specified by Rule 27.6.1 for the Lower Density Suburban Residential Zone is 450m^2. It is proposed to create three lots 280m^2, 258m^2, and 285m^2 in net area where the lots do not (yet) contain established residential units.

- A **non-complying** activity pursuant to Rule 27.5.15 whereby the new allotments will not accommodate a 15m by 15m shape factor in accordance with Rule 27.7.14.

Note: It is noted that the minimum lot area (Rule 27.6.1) within the LDSR zone is 450m² and the minimum dimensions (Rule 27.7.11) specify that lots are required to accommodate a square of 15m x 15m. The Lots are proposed to be 290m^2 – 332m^2 in (gross) area and the lot dimensions proposed cannot accommodate a square with these dimensions. However, the residential units are only proposed to be subdivided after construction and Rule 27.7.13 (infill development) specifies that these rules do not apply where the allotments to be created each contain a residential unit.

Land use: Chapter 7

- A **discretionary** activity pursuant to Rule 7.5.8 Minimum boundary Setbacks where part of an outdoor deck will extend into the southern internal boundary at first floor level (58.5cm by 1.603m, approx. 1m^2).

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- A **restricted discretionary** activity pursuant to Rule 7.5.10 building length (16m). The building length at first floor level (southern and northern elevations) is proposed to be 24.3m. Council's discretion is restricted to:
  a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
  b. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.

- A **non-complying** activity pursuant to Rule 7.5.11 whereby the maximum site density shall be one residential unit per 300m^2 net site area. It is proposed to construct three attached residential units that will have 280m^2, 258m^2, and 285m^2 net site areas.

Land use: Chapter 25

- A **restricted discretionary** activity pursuant to Rule 25.4.2 for earthworks that do not comply with the maximum volumes in Table 25.2. The maximum permitted volume of earthworks is 300m^3. In this case, the proposal seeks consent to undertake up to 102.4m^3 of cut and 543.49m^3 of fill across the site (654.89m^3 total).

- A **restricted discretionary** activity pursuant to Rule 25.5.18.2 for earthworks supported by retaining walls which are not set back at least equal to the height of the retaining. In this case, the proposed retaining along the northern and western boundaries will be 1.5m high against the boundary.

  For all restricted discretionary earthworks activities discretion shall be restricted to the following matters:
  - Soil erosion, generation and run-off of sediment.
  - Landscape and visual amenity.
  - Effects on infrastructure, adjacent sites and public roads.
  - Land stability.
  - Effects on water bodies, ecosystem services and biodiversity.
  - Cultural, heritage and archaeological sites.
  - Nuisance effects.
  - Natural Hazards.
  - Functional aspects and positive effects.

Land use: Chapter 29

Rules that have legal effect under s86B(1) but are not yet treated as operative are:

- A **restricted discretionary** activity pursuant to Rule 29.5.5 which requires the provision of one mobility parking space for a visitor accommodation activity with 6 or more guests. No mobility car park will be provided, and the site (prior to subdivision) will provide for 18 guests. Council's discretion is restricted to:
  a. the number, location, and design of mobility parking spaces, including the accessibility of the spaces to the buildings; and
  b. effectiveness of the associated signage.

- A **restricted discretionary** activity pursuant to Rule 7.5.18.1 and 7.5.18.3 for Residential Visitor Accommodation up to 180 nights per year that does not comply with the minimum parking requirements. Council's discretion is restricted to:
  a. The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;
  b. The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;

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c. The scale and frequency of the activity, including the number of guests on site per night;
d. The management of noise, use of outdoor areas, rubbish and recycling;
e. The location, provision, use and screening of parking and access;
f. The compliance of the residential unit with the Building Code as at the date of the consent;
g. Health and safety provisions in relation to guests;
h. Guest management and complaints procedures;
i. The keeping of records of RVA use, and availability of records for Council inspection; and
j. Monitoring requirements, including imposition of an annual monitoring charge.

Note: The residential units will be used by the owners as holiday homes or long term residential rentals/occupation when not in use as RVA. As such, the proposal meets the definition of RVA and triggers the rules outlined above under the PDP so long as there remains a residential activity when not in use as a RVA activity.

- A **restricted discretionary** activity pursuant to Rule 29.5.1 for a breach of Standard 29.8.7 whereby 2 car parks per residential unit are required. It is proposed that each residential unit shall have a single garage. Council's discretion is restricted to:
  a. The number of parking spaces provided.
  b. The allocation of parks to staff/ guests and residents/ visitors.

- A **restricted discretionary** activity pursuant to Rule 29.5.1 for a breach of Standard 29.8.13 whereby 2 car parks per unit-type visitor accommodation are required in the Low Density Residential Zone [Lower Density Suburban Residential Zone]. It is proposed that each RVA unit shall have a single garage. Council's discretion is restricted to:
  a. The number of parking spaces provided.
  b. The allocation of parks to staff/ guests and residents/ visitors.

The application is considered to be a **non-complying** activity under the PDP.

2.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

A review of both the Otago Regional Council's database of contaminated sites and Queenstown Lakes District Councils Hazard Register do not show that the piece of land to which this application relates is a Hazardous Activities and Industries List (HAIL) site, and therefore the NES does not apply.

3.0 Assessment of Effects on the Environment (s95D)

3.1 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)).

3.2 Permitted Baseline (s95D(b))

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.

Operative District Plan

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The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

The construction of two residential units (one unit per 450m^2) is permitted so long as the bulk and location standards are met.

Visitor accommodation over 90 nights under the ODP requires resource consent. A house or flat may be let as a Registered Holiday Home for 90 nights. In addition, a residential flat as part of a residential unit may be let as a Registered Homestay.

All subdivisions require resource consent.

As much of the ODP is now considered inoperative, the permitted baseline under the ODP is of limited relevance.

Proposed 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.

The construction of two residential units is permitted (one unit per 450m^2) so long as the bulk and location standards such as height, setback from boundaries, and building coverage are met. Each residential unit may have a residential flat and accessory buildings.

Homestays are permitted, subject to standards, but all Residential Visitor Accommodation activities require resource consent.

All subdivisions require resource consent.

The permitted baseline under the PDP is considered to be of relevance in regard to land use (e.g. bulk and location). Only adverse effects over and above development and activities that could arise from the permitted baseline have been taken into account in the following assessment.

3.3 Receiving Environment

The surrounding environment is characterised by comprehensively developed residential and visitor accommodation land uses, including The Tiers and Beechwood apartments. The land in this area has been developed in response to the steep topography with outlooks over the lake, and is not conventionally suburban in appearance. Much of the neighbouring land has been development and subdivided relatively intensively. The Highland Close sites are as small as 258m^2. The Beechwood Apartments are similar in site size as unit titles. Similarly, the Tiers contain sites as small as 173m^2. The vacant land to the west is zoned Medium Density Residential with a Visitor Accommodation Sub-Zone.

3.4 Assessment: Effects on the Environment

The relevant assessment matters are found in Parts 7 (Residential) and 14 (Transport) of the Operative District Plan, and Chapters 7 (Lower Density Suburban Residential), 25 (Earthworks), 27 (Subdivision and Development), 29 (Transport) and 39 (Wāhi Tūpuna) and have been taken into consideration in the assessment below.

3.4.1 Operative District Plan

Visitor accommodation in a residential area has the potential to adversely affect surrounding residential amenity values in regard to hours of operation, noise and general disturbance and loss of social cohesion. The applicant proposes to address these matters by restricting visitor

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accommodation to 180 nights per year and with the mitigation measures outlined in the attached Site Management Plan. These measures will ensure that adverse effects from visitor accommodation activities can be managed such that they will be less than minor, and the residential character will be retained.

The site includes three on-site parking spaces within a single garage for each unit. Site access from Potters Hill Drive will be constructed as part of the development and subdivision proposal.

The car parking shortfall of three parking spaces is considered minor in scale for 3-bedroom units, noting that the same amount of parking is required no matter how many bedrooms are provided. In addition, the National Policy Statement on Urban Development 2020 (NPS-UD) has been gazetted and came into effect on 20 August. The application site is within a Tier 2 urban environment and the objectives and policies apply from 20 August. The NPS-UD requires the Council to remove provisions in plans relating to minimum parking rates (excluding mobility spaces) by no later than 20 February 2022. This means that the car parking breach is essentially technical, and limited weight should be applied in light of the NPS-UD. By way of alternatives to private vehicle use, a Travel Demand Management Plan is attached, and the attached Site Management Plan will require all cars to only be parked within the garages to avoid adverse effects on the functioning and amenity of Potters Hill Drive.

No coaches are to service the visitor accommodation activity (discussed further below for PDP visitor accommodation). This is considered appropriate as there is no provision for a coach to park or manoeuvre on site, and a coach would be unlikely to be required for 6 guests per unit or 118 guests per site (if all units were let to one group). It is noted that coaches can stop on Frankton Road at the bus stop on a temporary basis. Adverse effects of the breach of coach parking are considered to be less than minor.

Overall, it is considered that adverse effects in regard to visitor accommodation and transport matters will be less than minor.

3.4.1 Proposed District Plan

Design and Housing Diversity

The design of the building is modern in nature and will achieve articulation and modulation through responding to the underlying topography. The proposed development will increase housing diversity within the district as they will provide smaller residential units and enable efficient use of urban zoned land.

The increased density and associated built form are not anticipated to have adverse effects on the character of the area; adverse effects on residential amenity due to building height, bulk and location are considered to be less than minor; and transport effects (discussed below) are considered to be less than minor.

Although intrinsically linked, it is also important to not just consider density in terms of built form, but also in terms of the increase in residential use or density of household units and any associated effects in terms of residential amenity. In this regard, it is important to consider the receiving environment and the scale of the residential units proposed. It is considered that the three attached units are of a similar overall scale to other multi-bedroom and multi-level developments within the wider Potters Hill Drive neighbourhood. As such, it is considered that the scale of development and density would of a similar scale to that within the surrounding environment.

The intrusion into the 2m southern setback by a deck at first floor level is considered relatively minor in scale and will maintain amenity values, including for the adjoining property to the south. Given the orientation of the application site and the existing development on the

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southern adjoining site towards the lake, the setback breach will not result in adverse effects on privacy or access to sunlight that would be more than minor.

Overall, taking into consideration the above, the design of the residential units and the diversity of these units will have a less than minor effect on the wider environment.

Privacy

All proposed residential units will have outdoor living spaces relatively separated from each other (due to topography) and neighbours. The location of the outdoor areas (decks) will not adversely affect the general privacy of this area. Sufficient privacy will be afforded to future occupants by screens between the outdoor decks.

Street Activation

The units will not face Potters Hill Drive, but will provide outlook over the lake. Notwithstanding this, the front doors of the residential units will be partly visible from the road. It is assessed that no further activation is necessary or practical due to topography of the site.

Overall, it is assessed that the effect on street activation on the wider environment as a result of the two residential units will be less than minor.

Building dominance

The scale and built form of the proposed attached units, together with the complementary materials, will be similar in scale to other developments in the receiving environment. Building dominance is considered to be aligned with the character of the receiving environment and associated adverse effects on residential character is considered to be no more than minor.

Design and Integration of Landscaping

Whilst the building coverage will be higher than permitted, there is sufficient room around the residential units for landscaping to integrate and soften the built form. Overall, it is considered that the design proposed is in keeping with the surrounding residential neighbourhood, and will have a less than minor effect on the wider environment.

Building Length

The building length breach is relatively minor in scale, and will ensure efficient use of the site while maintaining the amenity of the area. The topography of the site and surrounding land, and building articulation and form (including windows and decks) will ensure that the infringement will not result in adverse dominance or a monolithic building form.

Overall, it is considered any adverse effects arising from the building length breach will be less than minor.

Parking and access

The proposed parking, turning, and access will have appropriate dimensions. No reversing onto Potters Hill Drive will be required.

The National Policy Statement on Urban Development 2020 (NPS-UD) requires the Council to remove provisions in plans relating to minimum parking rates, excluding mobility spaces. A Travel Demand Management Plan is attached that describes viable alternative transport modes for residents and visitors that will mitigate the shortfall of onsite parking. Overall, the

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provision of a single garage per unit is considered to be acceptable in this context, and adverse effects in this regard will be less than minor.

In the event that RVA guests require a mobility park, the turning area could be utilised as a temporary accessible space or drop off/pick up point. As such, adverse effects as a result of a lack of mobility space are considered to be less than minor.

Overall, it is considered any adverse effects as a result of access and parking, including the lack of a dedicated mobility space, will be less than minor.

Residential Visitor Accommodation

The matters of discretion for 91-180 nights RVA are addressed below.

a. The location, nature and scale of activities;

Residential visitor accommodation is enabled in this zone, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated. The number of guests (6 per unit or 18 per site) and guest nights per year (180) is considered an appropriate scale and character for the site and zone, and will maintain neighbouring residential amenity values. Site Management Plan restrictions and house rules, with anticipated conditions of consent, will ensure that adverse effects of the nature and scale of RVA activities will be no more than minor.

b. The location, provision, use and screening of parking and access;

As noted above, the provision of a single garage per unit is considered to be acceptable in light of the NPS-UD, and adverse effects in this regard will be less than minor.

In the event that RVA guests require a mobility park, the turning area could be utilised as a temporary accessible space or drop off/pick up point. Any adverse effects as a result of a lack of mobility spaces are considered to be less than minor.

The activity does not propose any vehicle movements by heavy vehicles, coaches or buses to and from the site, and a condition in this respect is anticipated.

c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling;

The attached Site Management Plan outlines restrictions on noise, lighting and use of outdoor areas. Rubbish and recycling will be managed by guests and the Property Manager to ensure the site is kept tidy and hygienic, and bins are not left on the street. These measures will ensure that adverse effects in this regard will be no more than minor.

d. The compliance of the residential unit with the Building Code as at the date of the consent;

This is not yet relevant as the units have not been constructed.

e. Health and safety provisions in relation to guests;

The units will be compliant with all relevant requirements e.g. safety barriers on outdoor decks, smoke alarms, fire extinguishers.

f. Guest management and complaints procedures;

Records will be maintained and the Property Managers' phone number made available to neighbours.

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g. The keeping of records of RVA use, and availability of records for Council inspection; and

Records will be maintained as required.

h. Monitoring requirements, including imposition of an annual monitoring charge.

These requirements will be met.

Overall, it is considered that adverse effects in regard to the proposed RVA will be no more than minor.

Subdivision

a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;

The subdivision and building plans show that each lot can accommodate sufficient space for anticipated residential activities, and it is noted that titles will not be sought until the building is complete (roof on). Each lot will provide a high level of residential amenity for future occupiers. The site is located within a residential neighbourhood along Potters Hill Drive where similar sized (and smaller) allotments containing residential units are common. The proposal is consistent with the character of the surrounding area.

Overall, adverse effects in regard to subdivision design are considered to be less than minor.

b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;

Not relevant for this proposal.

c. property access and roading;

Each lot will have legal access from Potters Hill Drive and a vehicle crossing will be formed to Council standards. The driveway (right of way) will have an appropriate gradient of 1:7.

It is considered that any adverse effects with regard to access will be less than minor.

d. esplanade provision;

Not applicable to this site.

e. the adequacy of measures to address the risk of natural hazards;

The proposal has been considered by the attached Geotechnical Letter, and therefore it is considered that any adverse effects in regard to natural hazards will be less than minor.

f. fire fighting water supply;
g. water supply;
h. stormwater design and disposal;
i. sewage treatment and disposal;

Services to the site have been installed to service one residential unit; however, additional connections should be feasible and will be able to be provided at building consent stage.

Overall, it is considered that any adverse effects in regard to these matters will be less than minor.

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j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;

Aurora and Chorus have confirmed that the proposed allotments can be supplied with energy and telecommunications. New connections will be installed as required.

It is considered that any adverse effects in regard to these matters will be less than minor.

k. open space and recreation;
l. ecological and natural values;

These matters are not relevant for this urban 3-lot subdivision.

m. historic heritage;

The site does not contain any listed heritage features.

n. easements.

Easements for the right of way are shown on the subdivision plan, and existing easements will carry onto the new titles.

Earthworks

The subject site has irregular topography with an overall slope from north down to south. Earthworks are proposed to form a building platform with cut to the rear (north) of the site to form the driveway, and fill underneath the building and along the eastern side of the site.

The cut area at the rear of the site will be retained up to 1.5m high along the boundary. All retaining will be engineered and undertaken to ensure that the works will not result in land instability beyond the site boundaries, and would be feasible according to the Geotechnical Letter.

Conditions of consent are volunteered for all earthworked areas to be top-soiled and revegetated before occupation of residential unit. Additional conditions are volunteered in regard to adhering to the recommendations in the Geotechnical Letter.

Overall, it is considered that any such adverse effects on the environment as a result of the earthworks will be less than minor.

Wāhi Tūpuna

The site is located within the notified Wāhi Tūpuna #20 Te Tapunui. The maunga Te Tapunui is one of several significant landmarks within this wāhi tūpuna area, which includes Tahuna (area around central Queenstown) and Te Nuku o Hakitekura (Kelvin Heights Golf Course).

The values associated with Te Tapunui are listed as wāhi taoka (resources, places and sites treasured by tangata whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District) and the listed threats include 'subdivision and development'.

Given the scale and nature of the proposed urban development and subdivision, being appropriately located in an urban zone within an Urban Growth Boundary, it is considered that the proposal is not inconsistent with the Ngai Tahu Ki Murihiku Natural Resource Management Plan and the Kai Tahu ki Otago Natural Resource Management Plan.

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It is noted that Council's Reporting Officer for the PDP Stage 3 Hearing Stream 16 has recommended that the provisions be amended to remove the urban areas within a wāhi tūpuna from being subject to rules of Chapter 39, earthworks, or subdivision, stating:

"I make this recommendation as the extent of modification to urban areas means that further development will have limited impact, as the degree of modification to date has been confirmed by Kā Rūnaka as having less sensitivity. I recommend that the 'urban environment' be used to reference these areas, being those zones contained within Part 3: Urban Environment of the PDP and Open Space and Recreation Zones within the Urban Growth Boundary." [1]

Given all of the above, it is considered that adverse effects on cultural values are likely to be less than minor.

4.0 Effects on Persons

- Consultation has been initiated with adjacent neighbours to the north and south; however, no approvals have yet been obtained.

- A copy of the application has been sent to Waka Kotahi NZ Transport Agency for their comment or approval for additional units using the intersection with SH6A.

- A Build Over Services application has been submitted to the Council's Property and Infrastructure Department in regard to building works near the stormwater easement, earthworks fill being placed within the easement, and landscaping (trees and shrubs) with the easement.

The proposed development and subdivision can be accommodated on this site, and within the Potters Hill Drive neighbourhood, without adversely affecting residential amenities. The setback breach and building length are reasonably minor in scale, and will not result in adverse dominance or shading of adjoining properties beyond the permitted baseline.

As discussed above, all adverse effects arising from residential visitor accommodation activities may be managed and mitigated by the Site Management Plan and anticipated conditions. Provided the Site Management Plan and conditions are adhered to, the proposed activity should not disturb any owners and occupiers of neighbouring residential sites more than permitted residential use. The site is elevated and separated from the units below on Highlands Close. The Highlands Close units similarly face the lake, so that guest activities at the application site would not intrude into residents' privacy. The proposed building and adjoining sites are generally oriented towards the south overlooking Lake Wakatipu (not towards neighbouring properties). As such the opportunities for interaction with neighbours will be limited. Overall, residential amenity values for the owners/occupiers of neighbouring sites will not be compromised to a minor or more than minor extent.

Access and parking can be appropriately provided for, given the context of the NPS-UD, and will not adversely affect any person.

Adverse noise effects resulting from construction of the building will be of a temporary nature and no ongoing adverse effects are anticipated. Provided the recommendations of the Geotechnical Report are adhered to, along with expected standard conditions of consent, adverse effects in terms of stability on the owners and occupiers of adjacent properties as a result of the construction, with minor earthworks, will be less than minor.

[1] Summary of Evidence of Sarah Pichard for QLDC – Hearing Stream 16 - Wāhi Tūpuna: https://www.qldc.govt.nz/media/g5mjltsl/final-picard-s-summary-of-evidence-hs16-wahi-tapuna-33731373-v-1.pdf

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As discussed above, it is considered that the proposal would not adversely affect the values held by Manawhenua for the Wāhi Tūpuna.

The development and subdivision can be accommodated without adverse effects on Potters Hill Drive users or wider road network users.

Provided approvals can be obtained from immediate neighbours, Waka Kotahi NZ Transport Agency, and provided the Council approvals works within the stormwater easement, then no other persons are considered affected. Council's determination in this regard is anticipated.

5.0 Relevant District Plan Provisions (s104(1)(b)(vi))

5.1 Operative District Plan

As some provisions within the PDP are under appeal, the relevant objectives and policies are also contained within Parts 4 (District Wide), 7 (Residential Areas) and 14 (Transport) of the ODP.

In this instance, the proposal will be undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values. The ODP minimum lot size is no longer operative. It is considered that the proposed development and subdivision is compatible with the neighborhood and the nature of Potters Hill Drive, and will ensure the intensity and nature of additional residential activities is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.

Overall, given the receiving environment and the rezoning under the PDP, the proposal is considered to be consistent with the relevant objectives and policies of the ODP.

5.2 Proposed District Plan

The relevant objectives and policies are contained within Chapters 3 (Strategic Direction), 4 (Urban Development), 7 (Lower Density Suburban Residential), 25 (Earthworks) 27 (Subdivision and Development), 29 (Transport), and 39 (Wāhi Tūpuna) of the PDP.

Chapter 4 – Urban Environment

Policy 4.2.1.3 - Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.

The proposed urban subdivision and development is located within an Urban Growth Boundary provides for efficient use of urban zoned land. The proposal is consistent with the above policy and strategic direction of the PDP.

Chapter 7 – Lower Density Suburban Residential

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.

The proposal represents an intensity of development that maximises the efficient use of land in a way that is compatible with the scale and character of Potters Hill Drive and the wider zone. The development will maintain residential amenity values by utilising two storey building heights and by largely complying with height, bulk and location requirements. The proposal will

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maintain the amenity values enjoyed by neighbouring residents, including privacy and access to sunlight.

Policy 7.2.3.1 Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:

The proposal will manage dominance effects on neighbours through measures such as deeper setbacks along the northern boundary and most of the southern boundary, sensitive building orientation and design, and use of building articulation and landscaping. The development will achieve a reasonable level of privacy between neighbours through screening between outdoor decks.

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.

The scale, intensity and frequency of 180 nights residential visitor accommodation will ensure that the zone maintains a residential character. The Site Management Plan and residential use for the remainder of each year will ensure that the proposal will be compatible with the surrounding residential context and maintain residential character and amenity values.

Chapter 25 – Earthworks

25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.

The earthworks will be undertaken in accordance with standard site management measures to minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development. The works can be designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

Overall, the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of Chapter 25.

Chapter 27 – Subdivision and Development

Objective 27.2.1 - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.

Objective 27.2.2 - Subdivision design achieves benefits for the subdivider, future residents and the community.

Objective 27.2.3 - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.

Objective 27.2.5 - Infrastructure and services are provided to new subdivisions and developments.

The proposed urban subdivision will be consistent with the Council standards and responds to the neighbourhood context and the opportunities and constraints of the application site. The allotments will be of a suitable size and shape to accommodate the associated land use development, and are able to be serviced and accessed. The subdivision design responds to the local context and landforms by providing opportunities for extensive views over Lake

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Wakatipu for each allotment. Each lot will allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy.

Overall, the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of Chapter 27.

Chapter 29 – Transport

Objective 29.2.2 and associated policies relate to parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone.

In this instance the proposal does not include a mobility parking space; however, there will be space for an accessible drop off/pick up area within the right of way, should this be required.

The parking provision is considered to be compatible with the character and amenity of the surrounding environment.

Overall, the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of Chapter 29.

Chapter 39 – Wāhi Tūpuna

39.2.1 Objective -The values held by Manawhenua, in particular within wāhi tūpuna areas, are recognised and provided for, and considered as part of decision making.

As discussed above in section 3.4, it is considered that any adverse effects on wāhi tūpuna values will be less than minor, and no remediation or mitigation is required. As such, the proposal generally aligns with the provisions of Chapter 39.

6.0 Residential Design Guidelines 2019 (Guidelines)

The Guidelines note that "there is provision to allow sites down to 300m^2 in area". The PDP Zone Purpose [7.1] clearly states that "The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres". It is therefore considered that the PDP and the Guidelines enable comprehensively designed developments such as the proposed attached units within this application. Given the surrounding context of Potters Hill Drive, the proposal will contribute positively to the zone.

In response to the Guidelines, the proposed residential units have been designed to a high quality that will reflect the character of the surrounding area on Potters Hill Drive, and the wider zone in terms of form, materials, colour, setbacks and landscaping. The proposal is assessed against the design elements as follows:

1. Entrances and detailing – the front doors will be as visible as possible from the street, but due to the topography of the site the doors will not face the street directly. Views from the street will not, however, be of large blank walls. The site falls away from the street meaning that there will be no visual domination of the streetscape.

2. Building Height and roof form – the proposal utilises a single, uncomplex mono-pitch roof form.

3. Sunlight and recession planes – not applicable to this sloping site.

4. Site coverage and low impact design – no specific design responses have been included.

5. Connections to open space – the site does not adjoin any open space or parks.

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6. Outdoor living space – each residential unit will have access to south facing decks for lake views, which is appropriate for this area. The lower level deck is accessed from living area. The units will have windows on the north, west and east elevations for sunlight.

7. Accessibility – the garaging, turning area and driveway has been designed in response to site constraints but will have minimal visibility from the streetscape.

8. Waste and service areas – screened service areas will be provided for each unit.

9. Creating private and safe places – the decks will be beside each other but will have screening to provide privacy between residential units, while allowing expansive views over the lake.

10. Materials and environmental sustainability – the proposed materials reflect the local character and vernacular while not creating maintenance issues. While most windows face south for views, there will be additional windows facing north, east, and west for access to sunlight.

11. Landscape – landscaping is proposed consisting of specimen trees and native shrubs, which will assist in softening the building form.

Overall, it is considered that the proposed development is consistent with the Guidelines.

7.0 National Policy Statement on Urban Development 2020 (NPS-UD)

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The NPS-UD intensification provisions seek to enable infill or higher density development in appropriate locations. The application site is appropriately located within the urban centre of Queenstown where people can access many jobs, services and amenities. The site is located close to regular public transport services along Frankton Road and is within walking and cycling distance of some destinations (e.g. recreational areas along the lake, the Queenstown Town Centre and Frankton). The proposed development will enable more housing in an area where people want to live, and may also increase the number of people using public transport, therefore enabling these services to be improved.

Policy 11: In relation to car parking:

(a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

(b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

In regard to general parking provision, the proposal is consistent with the NPS-UD, which seeks to enable more housing, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities. The application site is well serviced by public transport and cycling and walking trails.

Overall, the proposal is considered to be consistent with the NPS-UD and will contribute to a well-functioning urban environment.

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8.0 Particular Restrictions for Non-Complying Activities (S104(D))

With respect to the assessment above, it is considered that the proposal will meet both gateway tests for a non-complying activity, as the application will not have an adverse effect on the environment which is more than minor, and the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

9.0 Other Matters – Subdivision (s106)

All proposed allotments will have legal and physical access from Potters Hill Drive. Natural hazards have been addressed.

10.0 Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment, which are likely to arise from such use:

Not applicable.

11.0 Where the activity includes the discharge of any contaminant:

The proposed units/Lots will be connected to reticulated networks.

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

Mitigation is provided by the measures described above and anticipated conditions of consent (EMP, Geotechnical, RVA Site Management Plan, Travel Management Plan).

13.0 An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:

Consultation has been initiated with adjoining neighbours and Waka Kotahi NZ Transport Agency. A Build Over Services application has been made to Council.

14.0 Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom:

No additional monitoring is required beyond anticipated conditions of consent.

15.0 Part 2 of the RMA Considerations

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The proposal will enable the applicant to provide for their social and economic wellbeing through the construction of residential units, while ensuring any adverse effects on amenity values are avoided, remedied or mitigated. The associated subdivision can be accessed and serviced. The overall proposal will provide a high level of residential amenity for future lot owners and occupiers. The proposed subdivision and development will protect the surrounding lower density residential amenity values, while enabling efficient use of urban

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zoned land. The proposed residential visitor accommodation is of an appropriate scale and can be manged to ensure that the surrounding amenity is maintained.

Overall, it is considered the proposal is keeping with the purpose and principles of the RMA.

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APPENDIX 4 – QLDC ENGINEERING REPORT

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QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

ENGINEERING REPORT

TO: **Danielle Ter Huurne**

FROM: **Ockert Vermeulen**

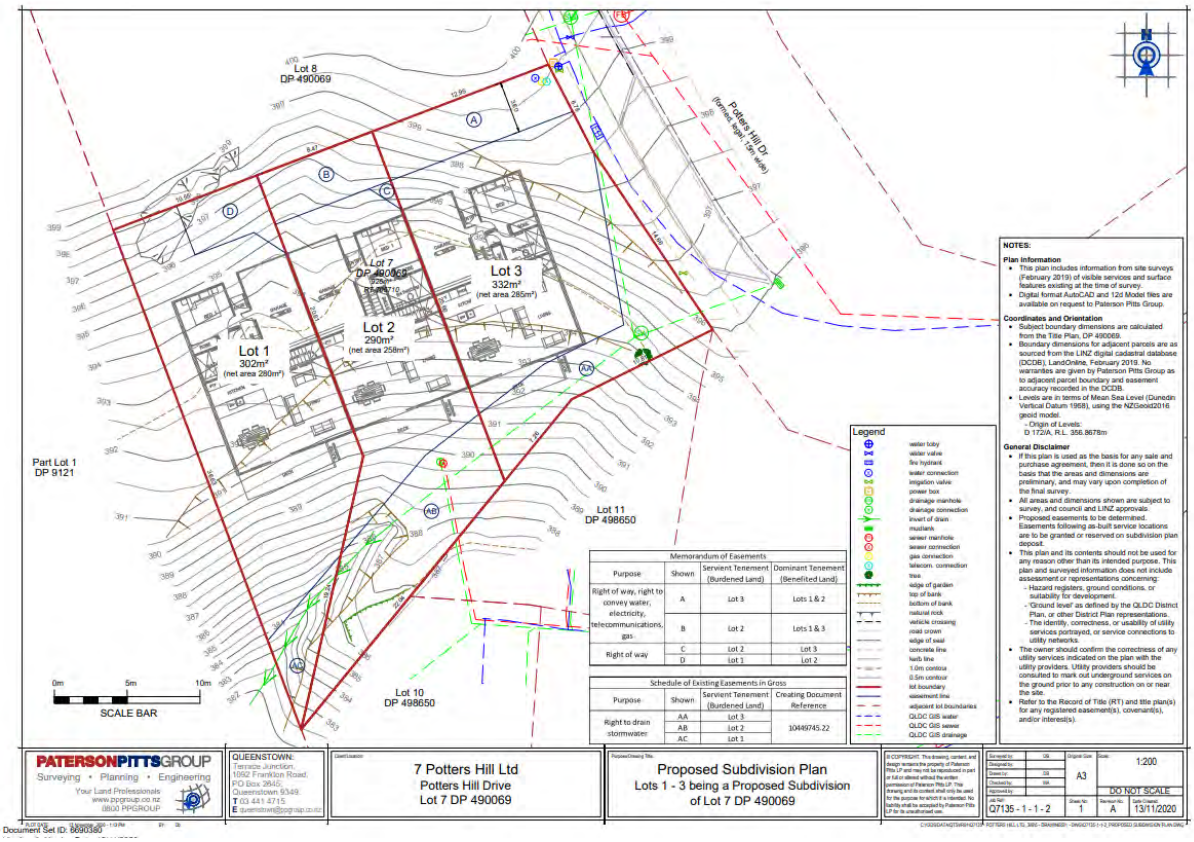
DATE: **10/02/2021**

APPLICATION DETAILS	
REFERENCE	RM200948
APPLICANT	7 Potters Hill Limited
APPLICATION TYPE & DESCRIPTION	Land use and subdivision – construction of three residential units with associated earthworks and transport breaches, and three-lot subdivision.
ADDRESS	7 Potters Hill Drive
ZONING	Lower Density Suburban Residential
LEGAL DESCRIPTION	Lot 7 DP 490069
SITE AREA	911m^2
ACTIVITY STATUS	Non-complying

Application	**Reference Documents**	Application information
	Previous Relevant Consents	None
	Date of site visit	27/11/2020

Location Diagram

Scheme Plan



Comments		
	Existing Use	Vacant serviced LDSR lot.
	Neighbours	Numbers 12 & 16 Highlands Close borders the southern boundary and a vacant lot legally described as Lot 8 DP 490069 borders the northern boundary of the subject lot.
	Topography/Aspect	The site is irregular in shape and contains a steep south-western decline from Potters Hill Drive.
	Water Bodies	No water bodies were identified near the site.

ENGINEERING			COMMENTS	Condition
		Means of Access	**Access** Under this proposal, the new proposed dwellings will gain access from Potters Hill Drive via a new 3.5m wide vehicle crossing. From the vehicle crossing the driveway will increase in width to 6m. I am satisfied that the proposed access will not negatively affect the existing street parking located on Potters Hill Drive. The driveway long section provided by the applicant demonstrated that the access will have a maximum gradient of 1:6 before levelling off at the proposed parking and manoeuvring areas. The applicant demonstrated that sufficient onsite manoeuvring area will be provided that will allow vehicles to enter and exit the subject lot in a forward direction. The minimum two-way aisle width required by the District Plan is 3.7m wide for 3 dwelling units. The proposed aisle width is 5.74m and therefore complies. Overall, I am satisfied with the proposed access, in terms of width and gradient and manoeuvring areas proposed, and that it is appropriate to service the proposed development. To this regard, I recommend a condition that the access and manoeuvring areas shall be formed prior to occupation of the units.	**X**
	Access	**Vehicle crossing**	**Vehicle crossings** The applicant proposes to construct a new 3.5m wide vehicle crossing to Potters Hill Drive. I am satisfied that the break-over angles will comply with the District Plan requirements. The proposed vehicle crossing will be located adjacent to the intersection of Potters Hill Drive and Rocha Lane. With Potters Hill Drive being a local road, the vehicle crossing is not permitted to be within 25m of the aforementioned intersection according to site standard rule 14.2.4.2(vi) of the ODP. However, it is my opinion that because clear sight distances are available to and from both the intersection and proposed vehicle crossing, no negative traffic related outcomes will be caused as a result of the proximity of the vehicle crossing to the intersection. Also, development was anticipated on the subject lot and with the existing on street parking constructed at the time of the underlining subdivision, no other suitable vehicle crossing location is available to this lot. According to Site Standard Rule 14.2.4.2 iv of the ODP the available sight distance from the vehicle crossing should not be less than 45m on roads with a speed limit of 50km/h. I am satisfied that the available sight distances from the proposed crossing will exceed this requirement. The intersection of Potters Hill Drive and State Highway (SH6A, Frankton Road) can only accommodate a limited number of residential units before upgrading of the intersection is required. The applicant provided written approval from NZTA stating that the proposed development will not negatively affect the intersection. Taking all the above into consideration, it is my opinion, that the proposed vehicle crossing is acceptable and I only recommend appropriate conditions relating the formation and sealing of the vehicle crossing prior to occupation of the units.	**X**

ENGINEERING			COMMENTS	Condition
THWORK	**Extent**	**Description**	Earthworks are required for the creation of a buildable area for the new units and associated access.	

		Cut /Fill Volume (m^3)	Cut = 102.4m^3 Fill = 543.49m^3	
		Total Volume (m^3)	645.89m^3	
		Area Exposed (m^2)	586.83m^2	
		Max Height Cut/Fill (m)	Cut = 1.8m Fill = 2.4m	
		Prox. to Boundary	The application will breach Site Standard Rule 22.3.3 (b)(iii) of the ODP that require the vertical height of any cut or fill to not be greater than the distance of the top of the cut or the toe of the fill from the site. The applicant proposed retained cuts of up to 1.5m high along the northern boundary of the subject lot. The applicant provided a geotechnical letter from GeoSolve, confirming that the proposed earthworks are feasible and will not result in any land instability beyond the site boundaries provided the recommended conditions are applied. I accept the expert opinion provided by GeoSolve and recommend a condition that all earthworks are conducted in accordance to the recommendations outlined in the geotechnical letter. I also recommend a condition to be monitored throughout any earthworks that the earthworks will be contained within the boundaries of the subject lot.	**X**
		Prox. to Water	No water bodies were identified near the site.	
	Stability	**Geotech assessment by**	GeoSolve	
		Report reference	Ref: 200749, Dated 10 November 2020, based on geotechnical completion report by GeoSolve ref: 140412, dated April 2016.	
		Report Comment	The letter outlined general geotechnical issues for the site, and also provided broad recommendations in regards to excavation and fill, stability and foundation design. I re-recommend a condition of consent that all earthworks will be conducted according to the recommendations provided within this geotechnical report.	**X**
		Rock breaking	Required, an appropriate condition is recommended relating to possible vibration.	**X**
		Rock blasting	Not proposed	
		Preconstruction survey	An advice note is added advising the applicant to undertake a pre-construction survey	
		Retaining	The majority of excavations will be retained by the main structure of the proposed unit. However, an independent retaining wall of 1.5m high will be required for the creation of the manoeuvring along the northern boundary of the subject lot. The retaining wall will not be subjected to any additional surcharge loads and will not be located within the zone of influence from any building foundations. However due to the height of the proposed retaining wall, I recommend a condition that the retaining wall shall be constructed to Council standards and construction be supervised by a suitably qualified engineer. I also recommend that a fence be constructed on top of all retaining walls exceeding 1.0m in height for the purposes of personal safety.	**X** **X**
		Recommendations on cut/batter slopes	I recommend a condition of consent that permanent batters shall not be formed at an angle exceeding 1:2 V:H	**X**

		Fill certification/specific foundation design required	The plans submitted with the application indicate that there will be areas of fill placed within the building footprint. The applicants will need to ensure that either the fill is placed in accordance with NZS 4431:1989 or that the foundations of the building are designed appropriately according to soil conditions. An appropriate condition is recommended.	**X**
		Engineers supervision	Required	**X**
		Uncertified fill covenant	Not required	
		Geotechnical Completion report / Schedule 2a Certificate	Based on the geotechnical report hazards are not an issue at this location with the exception of proposed landuse earthworks and these are addressed by compliance with the geotechnical report. No GCR or S2a required.	
		Clean fill only	Not required	
	Site Management	**Report reference**	**I understand the Council planner will assess any site management requirements for the site against the provisions and requirements of the Council adopted Guidelines for Environmental Management Plans dated June 2019 (EMP) and provide any necessary comment and/or conditions.**	
		Specific sedimentation management	Required.	**X**
		Specific stormwater management	Not required	
		Neighbours	I am satisfied that the earthworks are feasible and no land instability will result on neighbouring sites provided the recommended conditions are applied.	
		Traffic management	Construction of access to site will require an approved traffic management plan.	**X**
		Construction crossing	Required	**X**
		Revegetation	An appropriate condition is recommended to ensure all exposed areas are stabilised or re-vegetated at the completion of earthworks.	**X**
	Summary		In summary, earthworks for this development are feasible and in my opinion will not result in any land instability beyond the site boundaries provided the recommended conditions are applied.	

SERVICES	**Existing Services**	Existing three waters services as well as power and telecoms are available within Potters Hill Drive. New connections to these services are proposed and are discussed in further detail below. An existing 450mm Council owned stormwater main traverses the southern and eastern side of the subject lot within an easement in gross. The applicant has obtained an approved building over services application from Council for the proposed works near this easement.	

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	Water	Potable	A 125mm Council owned water main is located east of the subject lot on Potters Hill Drive and an existing 25mm lateral was installed to the subject lot as part of the underlying subdivision. It is my opinion that the increase in demand can be accommodated by the existing water main however, separate water connections are required to be installed to each lot within the proposed subdivision. Therefore, I recommend a condition of consent that the applicant install suitable water connections from the Council water main and obtain Engineering Approval for the proposed connections.	X
		Fire-fighting	An existing fire hydrant is located adjacent to the subject lot on Potters Hill Drive with a further hydrant located approximately 55m away. I am satisfied that these hydrants are sufficient to cater for the proposed development and are within a serviceable service in the event of an emergency. No recommendation is required.	
	Effluent Disposal		An existing 100mm sewer lateral was installed to the subject lot under the underlying subdivision. As the application requires up to three residential units the 100mm later will need to be upgraded to at least 150mm to accommodate the increase in density. The applicant proposes to install an additional 150mm wastewater lateral within the registered easement and connect to the 150mm Council wastewater main within Highlands Close. Confirmation from Council Engineering Acceptance team was obtained confirming that a second lateral within the easement is appropriate. To this regard, I recommend a condition of consent that the applicant obtain Engineering Approval for the proposed lateral and connection to Council owned infrastructure.	X
	Stormwater		As with sewer disposal, an existing 100mm stormwater lateral was installed to the subject lot under the underlying subdivision. The applicant provided stormwater calculations demonstrating that the existing 100mm stormwater main can accommodate the proposed three residential units. I confirmed with Council Property and Infrastructure team that the calculations are acceptable and that the 100mm stormwater lateral can adequately service the proposed development. To this regard, I recommend that the connection shall be made prior to the occupation of any units on site.	X
	Power & Telecoms		The applicant provided a letter from Aurora and Chorus confirming the availability of electrical and telecommunications supply to the proposed development. To this regard, I recommend that the connections shall be extended underground to the development.	X
	Management Entity		Not required	
	O&M Manuals		Not required	

NATURAL HAZARDS	Hazards on or near the site	The QLDC Hazard Register Maps show the site falls within the LIC1 liquefaction hazard categories. The LIC1 risk has an assessed liquefaction risk being “Nil to Low”. Based on this hazard category, 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.	

N E	Staging	Not proposed	

	Developers Engineering Representative	Required	**X**
	Notice of commencement	Not required in this instance	
	Traffic Management Plan	Required for the construction of the proposed access to Potters Hill Drive	**X**
	Design Certificates	Required for new connections to council services	**X**
	Completion Certificates	Required	**X**
	As builts	Required.	**X**

TITLES	**Consent Notices**	No engineering relevant consent notices or covenants are registered against the title for Lot 1 and 2 DP 22030.	
	Easements	No easements are proposed as part of this subdivision	
	Road Names on title plan	Not required	
	Building platforms	Not required	
	Amalgamation Condition	Not required	

1.0 RECOMMENDED CONDITIONS – LAND USE

It is recommended that the following conditions are included in the consent decision:

General

1. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz/

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 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.

3. 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.

4. Prior to commencing any work on the site the consent holder shall install a stabilised entrance in accordance with GD05, the Erosion and Sediment Control Guide for Land Disturbing

Activities in the Auckland Region. All construction traffic shall use this to enter and exit the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements..

5. 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.

6. 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 geotechnical report Ref: 200749, Dated 10 November 2020, based on geotechnical completion report by GeoSolve ref: 140412, dated April 2016, and who shall supervise the earthworks procedures and retaining wall construction and ensure compliance with the recommendations of this report.

7. 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 (1), to detail the following requirements:

   a) The provision of a water supply to each residential unit in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder. The details shall include capping the redundant water connection at the Council main if not utilised in the site solution.

   b) The provision of a foul sewer connection from each residential unit 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 the provision of a 150mm foul sewer lateral from the development to the Council reticulated sewer network in Highlands Close.

   c) The provision of a connection from all potential impervious areas within the Lot to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot. The details shall include upgrading the existing stormwater lateral or capping at the Council main if not utilised in the site solution.

   d) The provision of a sealed vehicle crossing from Potters Hill Drive that shall be constructed to the development to Council's standards.

   e) The construction and sealing of all vehicle access, manoeuvring and car parking areas to Council's standards. Provision shall be made for stormwater disposal.

   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.

To be monitored throughout earthworks

8. The earthworks and retaining shall be undertaken in accordance with the recommendations of the GeoSolve geotechnical report Ref: 200749, Dated 10 November 2020, based on geotechnical completion report by GeoSolve ref: 140412, dated April 2016.

9. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).

10. 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.

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. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of service installation and vehicle connections.

On completion of earthworks and prior to construction

13. On completion of earthworks within the building footprint and prior to the construction of the residential unit, the consent holder shall ensure that either:

    a) Certification from a suitably qualified geo-professional experienced in soils investigations is provided to the Manager of Resource Management Engineering at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a suitably qualified geo-professional;
    or
    b) The foundations of the residential unit shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

On completion of earthworks and prior to occupation

14. On completion of earthworks and prior to the occupation of any residential units, 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 reviewed and accepted works detailed in Condition (7) above.

    c) A water meter for each connection shall be provided to Council's maintenance contractor Veolia as per condition 7a) above, and evidence of supply shall be provided to Council's Subdivision Inspector.

d) The submission of Completion Certificates from both the Contractor and Accepted Engineer for all infrastructure 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 the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

e) Any power supply and/or telecommunications connections to the residential units shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.

f) Where there is a likelihood of people being present at the top of a retaining wall greater than 1m in height a minimum 1.1m high non-climbable fence/barrier shall be constructed for the purpose of personal safety in compliance with NZBC Clause F4/AS1 1.1.

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/Consent Notices

15. In the event that the Engineering Acceptance issued under Condition (7) 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 Records of Title 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].

Recommended Advice Notes

1. The consent holder is advised that any retaining walls, including stacked stone and gabion 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. 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.

3. The consent holder is advised to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed works. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised.

2.0 RECOMMENDED CONDITIONS – SUBDIVISION

It is recommended that the following conditions are included in the consent decision:

General

1. All engineering works, including the construction of retaining walls, 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 8th October 2020 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: https://www.qldc.govt.nz

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 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.

3. 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.

4. 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 (1), to detail the following requirements:

   a) The provision of a water supply to Lots 1, 2 and 3 in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder. The details shall include capping the redundant water connection at the Council main if not utilised in the site solution.

   b) The provision of a foul sewer connection from Lots 1, 2 and 3 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 the provision of a 150mm foul sewer lateral from the development to the Council reticulated sewer network in Highlands Close.

   c) The provision of a connection from all potential impervious areas within Lots 1, 2 and 3 to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot. The details shall

include upgrading the existing stormwater lateral or capping at the Council main if not utilised in the site solution.

d) The provision of a sealed vehicle crossing from Potters Hill Drive that shall be constructed to the development site to Council's standards.

e) The construction and sealing of all vehicle right of ways, access, manoeuvring and car parking areas to Council's standards. Provision shall be made for stormwater disposal

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.

To be completed before Council approval of the Survey Plan

5. 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. 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

6. 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/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).

b) The completion and implementation of all works detailed in Condition (4) above.

c) A water meter shall be provided to Council's maintenance contractor Veolia for Lots 1, 2 and 3 as per condition 4a) above, and evidence of supply shall be provided to Council's Subdivision Inspector.

d) All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all lots within the subdivision.

The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. 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.

e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) 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 QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

f) All newly constructed foul sewer 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.

g) Earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, 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.

Ongoing Conditions/Consent Notices

7. 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. 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.

Prepared by:

Ockert Vermeulen
LAND DEVELOPMENT ENGINEER

Reviewed by:

Mike Wardill
TEAM LEADER ENGINEER

Site Management Plan: Visitor Accommodation at Lot 7 Potters Hill Drive

Introduction

This Site Management Plan (SMP) provides management measures for noise and amenity associated with visitor accommodation at Lot 7 Potters Hill Drive to ensure that the surrounding residential units are not adversely affected.

The SMP relates to the control of noise from guests using both indoor and outdoor areas, and operations in general. The SMP will ensure that the visitor accommodation is well managed and that residential amenities are maintained.

The Property Manager will be familiar with the procedures set down in this SMP.

Guest numbers

The Property Manager will ensure that there shall be no more than 2 (adult) guests per bedroom. Each residential unit shall be let to one group i.e. the bedrooms shall not be let separately.

Register

The Property Manager will keep a register of guests and make this available to the Council if requested. The Property Manager will ensure that the Council has up-to-date contact details, including a phone number.

House Rules

All activities will be managed to ensure that noise meets the District Plan zone standard.

Two signs will be placed in each unit, one in the living area and one in the outdoor living area stating that guests must:

- Check in times will be between 9am and 9pm.
- Have consideration for residential neighbours at all times and especially after 10pm.
- Not engage in activities which generate excessive noise levels.
- Ensure that any music played within the unit must be at a ‘background’ level and not be amplified. A ‘background’ level is defined as a level which allows two guests over one metre apart to hold a conversation at normal voice levels or 70 dBA, whichever is lower.
- Close all external doors and windows after 10pm and not use any outdoor living areas after 10pm and before 8am.
- Ensure that all vehicles are parked within the allocated parking spaces (garages) only and shall not park in the driveway, or over the footpath on Potters Hill Drive.
- All outdoor lights facing towards residential neighbours shall be turned off after 10pm.

Communications and complaints

The Property Manager will make contact details, including a 24 hour phone number, available to residential neighbours that they can use for any concerns.

Review

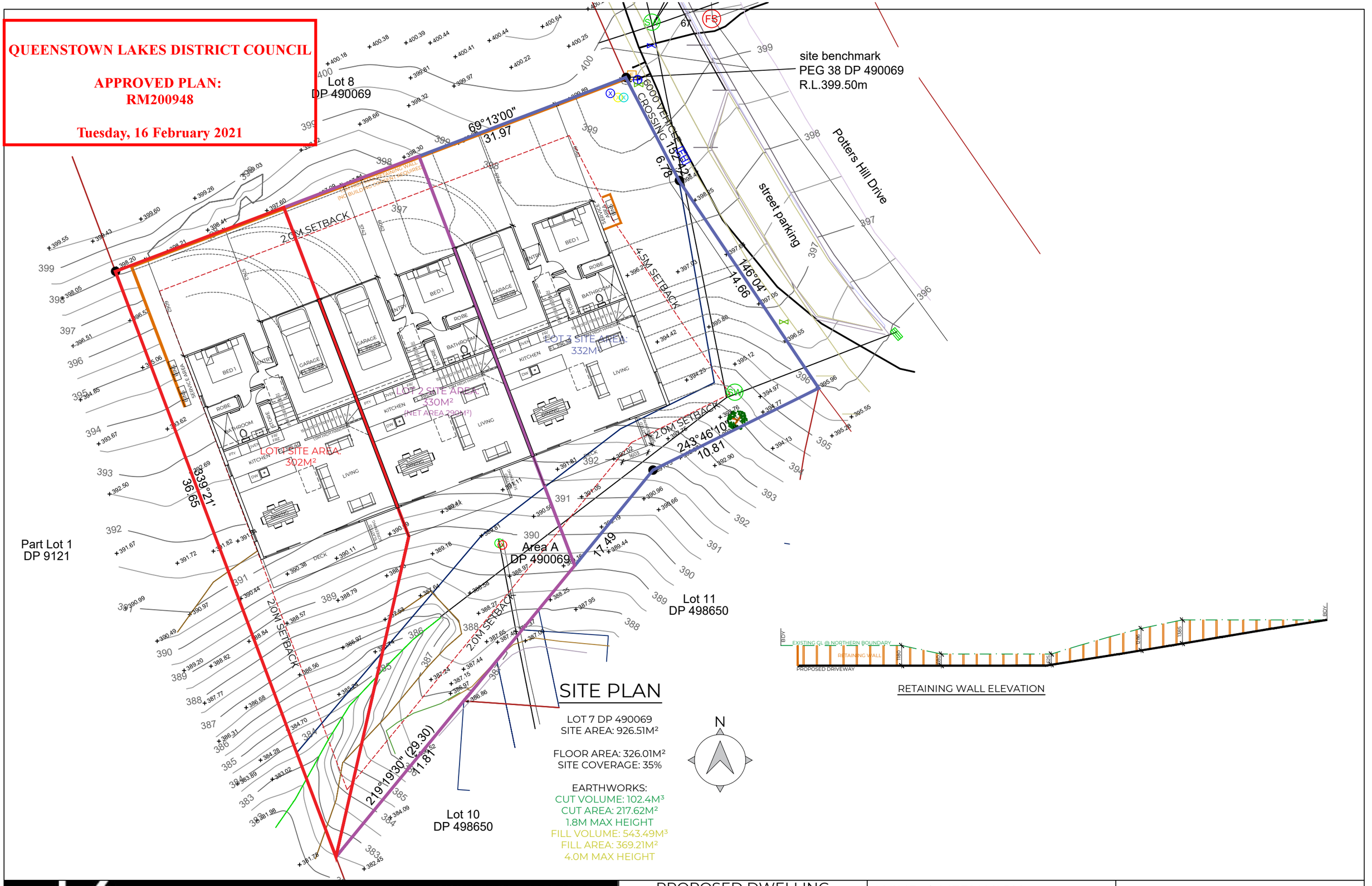
The SMP is a living document, and may be amended, changed or reviewed as required such that best practices are adopted, to ensure the purposes and objectives of the SMP are continually being met.

Document Set ID: 6870370
Version: 1, Version Date: 19/05/2020

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

Tuesday, 16 February 2021



SITE PLAN

LOT 7 DP 490069
SITE AREA: 926.51M²

FLOOR AREA: 326.01M²
SITE COVERAGE: 35%

EARTHWORKS:
CUT VOLUME: 102.4M³
CUT AREA: 217.62M²
1.8M MAX HEIGHT
FILL VOLUME: 543.49M³
FILL AREA: 369.21M²
4.0M MAX HEIGHT

N

RETAINING WALL ELEVATION

DKDESIGNS
Danny Kissell | Dip Arch Tech
021 110 9163 | danny@dkdesigns.co.nz
2 Terrington Court | Jacks Point 9371
PO Box 91005 | Wakatipu 9349

PROPOSED DWELLING
FOR
MATT CARTER
LOT 7 DP 490069

QUEENSTOWN

WIND | VERY HIGH	PAGE CONTENT | SITE PLAN	
EARTHQUAKE | ZONE 3		
SNOW | N5 (2.0kPa)	DATE | 13/11/20	PAGE NO. | L01A
EXPOSURE | ZONE B	SCALE | 1:200	

Docu 6
Version: 1, Version Date: 19/05/2020

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

Tuesday, 16 February 2021

site benchmark
PEG 38 DP 490069
R.L.399.50m
Potters Hill Drive
street parking
Lot 8
DP 490069
Part Lot 1
DP 9121
Area A
DP 490069
Lot 11
DP 498650
Lot 10
DP 498650
6000 VEHICLE CROSSING
69°13'00"
31.97
6.78
2.0M SETBACK
4.5M SETBACK
146°04'
14.66
243°46'10"
10.81
17.49
339°21'
36.65
219°19'30" (29.30)
41.81
CUT AREA 150.38M²
1.5M MAX HEIGHT
CUT AREA 67.24M²
1.8M MAX HEIGHT
FILL AREA 369.21M²
4.0M MAX HEIGHT
BED 1
BED 2
BED 3
BED 4
ROBE
ENTRY
BATHROOM
GARAGE
KITCHEN
LIVING
DINING
DECK
LAUNDRY
PANTRY
OFFICE
TANK
RETAINING WALL
INTERNAL STAIRWELL
INTERNAL LIFT
SKYLIGHT
SOLAR PANELS
SOLAR HOT WATER
SOLAR PV
SOLAR PANEL AREA
SOLAR HOT WATER TANK
SOLAR PV INVERTER
SOLAR HOT WATER PUMP
SOLAR HOT WATER CONTROLLER
SOLAR PV METER
SOLAR HOT WATER METER
SOLAR HOT WATER BOOSTER
SOLAR HOT WATER BOOSTER TANK
SOLAR HOT WATER BOOSTER PUMP
SOLAR HOT WATER BOOSTER CONTROLLER
SOLAR HOT WATER BOOSTER MET

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

Tuesday, 16 February 2021

SITE PLAN

LOT 7 DP 490069
SITE AREA: 926.51M²

FLOOR AREA: 326.01M²
SITE COVERAGE: 35%

EARTHWORKS:
CUT VOLUME: 102.4M³
CUT AREA: 217.62M²
1.8M MAX HEIGHT
FILL VOLUME: 543.49M³
FILL AREA: 369.21M²
4.0M MAX HEIGHT

N

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021 110 9163 | danny@dkdesigns.co.nz
2 Terrington Court | Jacks Point 9371
PO Box 91005 | Wakatipu 9349

PROPOSED DWELLING
FOR
MATT CARTER
LOT 7 DP 490069

QUEENSTOWN

WIND | VERY HIGH
EARTHQUAKE | ZONE 3
SNOW | N5 (2.0kPa)
EXPOSURE | ZONE B

PAGE CONTENT |
LANDSCAPE PLAN

DATE | 13/11/20
SCALE | 1:200

PAGE NO. |
L01C

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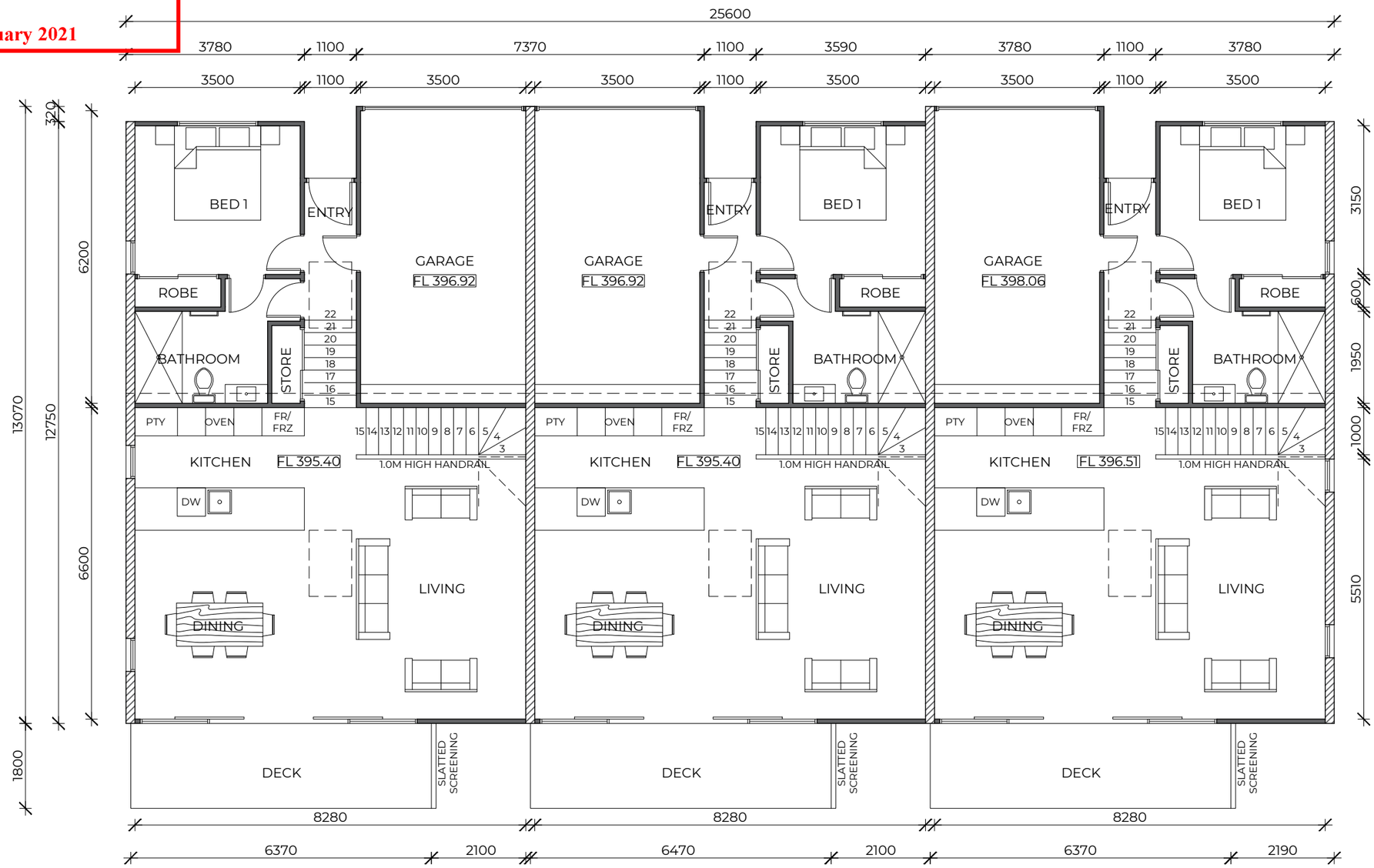
Version: 1, Version Date: 19/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

Tuesday, 16 February 2021



UPPER FLOOR PLAN

FLOOR AREA: 326.01M²

DKDESIGNS

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2 Terrington Court | Jacks Point 9371
PO Box 91005 | Wakatipu 9349

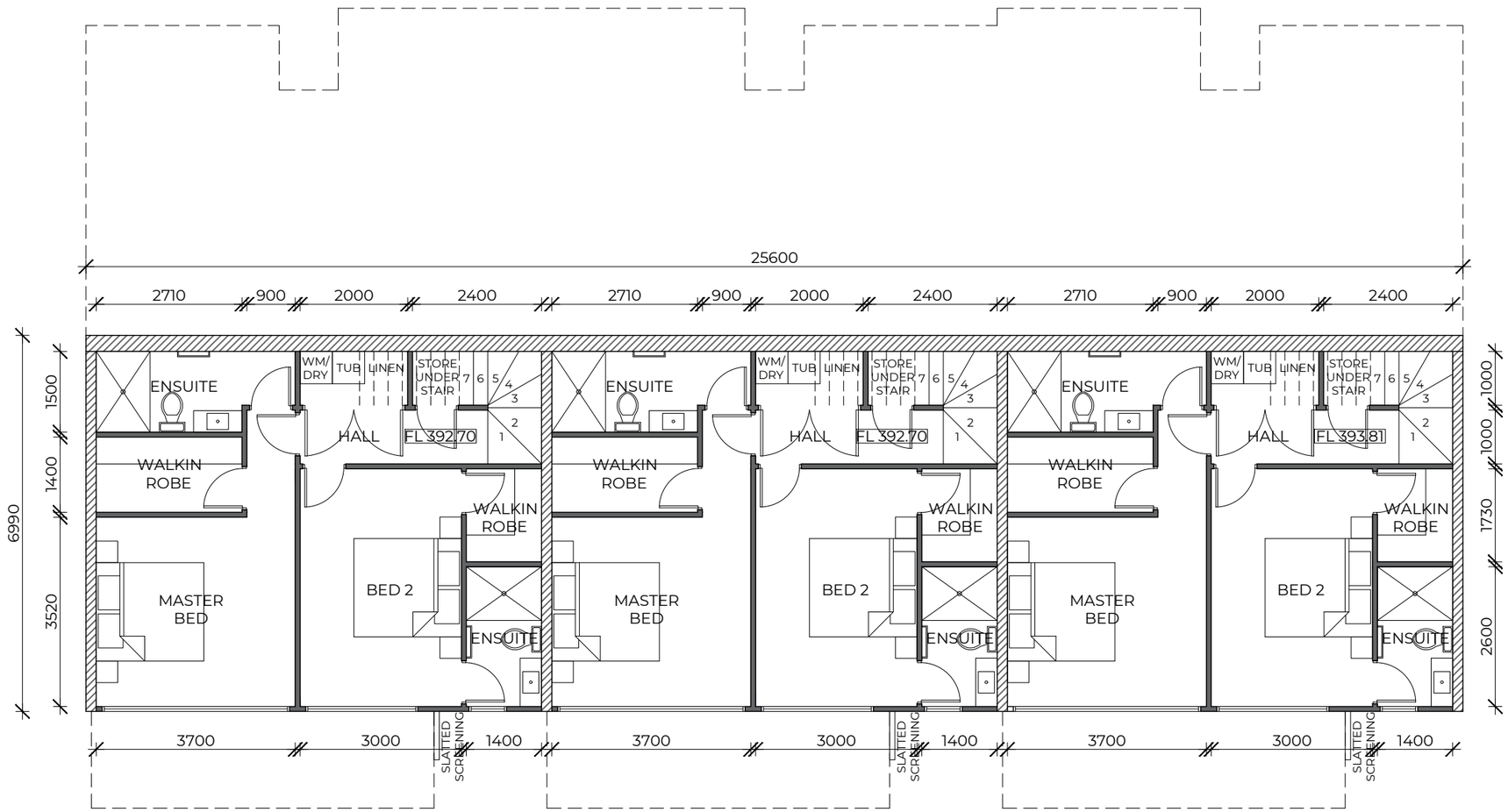
PROPOSED DWELLING FOR MATT CARTER LOT 7 DP 490069 QUEENSTOWN	WIND | VERY HIGH	PAGE CONTENT | UPPER FLOOR PLAN	
	EARTHQUAKE | ZONE 3		
	SNOW | N5 (2.0kPa)	DATE | 13/11/20	PAGE NO. | L02
	EXPOSURE | ZONE B	SCALE | 1:100	

Version: 1, Version Date: 19/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

Tuesday, 16 February 2021



LOWER FLOOR PLAN

FLOOR AREA: 178.94M²

DKDESIGNS

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021 110 9163 | danny@dkdesigns.co.nz
2 Terrington Court | Jacks Point 9371
PO Box 91005 | Wakatipu 9349

PROPOSED DWELLING
FOR
MATT CARTER
LOT 7 DP 490069

QUEENSTOWN

WIND | VERY HIGH	PAGE CONTENT | LOWER FLOOR PLAN
EARTHQUAKE | ZONE 3	
SNOW | N5 (2.0kPa)	DATE | 13/11/20
EXPOSURE | ZONE B	SCALE | 1:100

PAGE NO. \| L03

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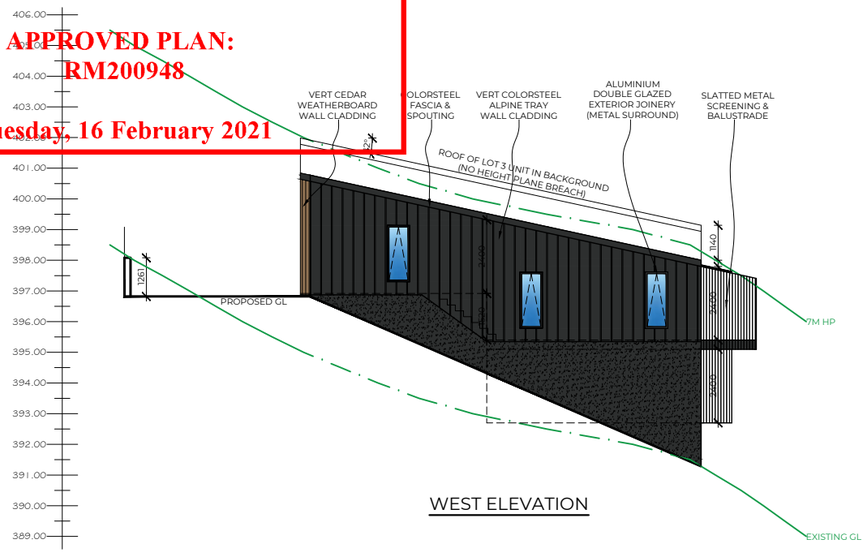
Version: 1, Version Date: 10/05/2021

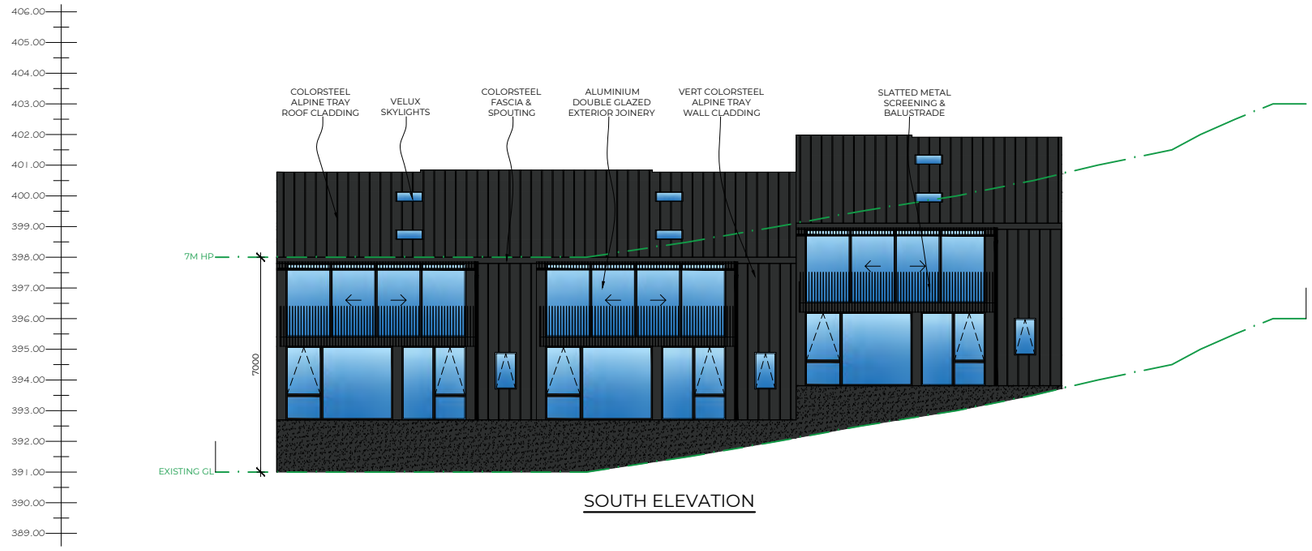
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM200948

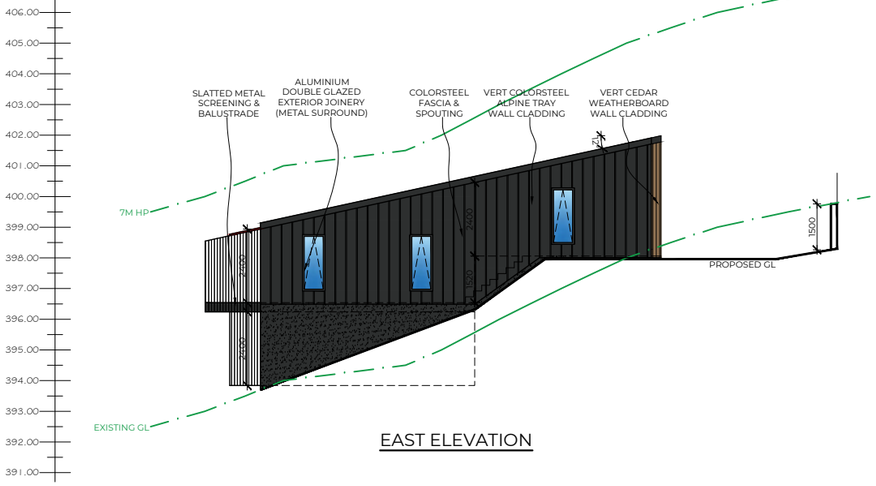
Tuesday, 16 February 2021



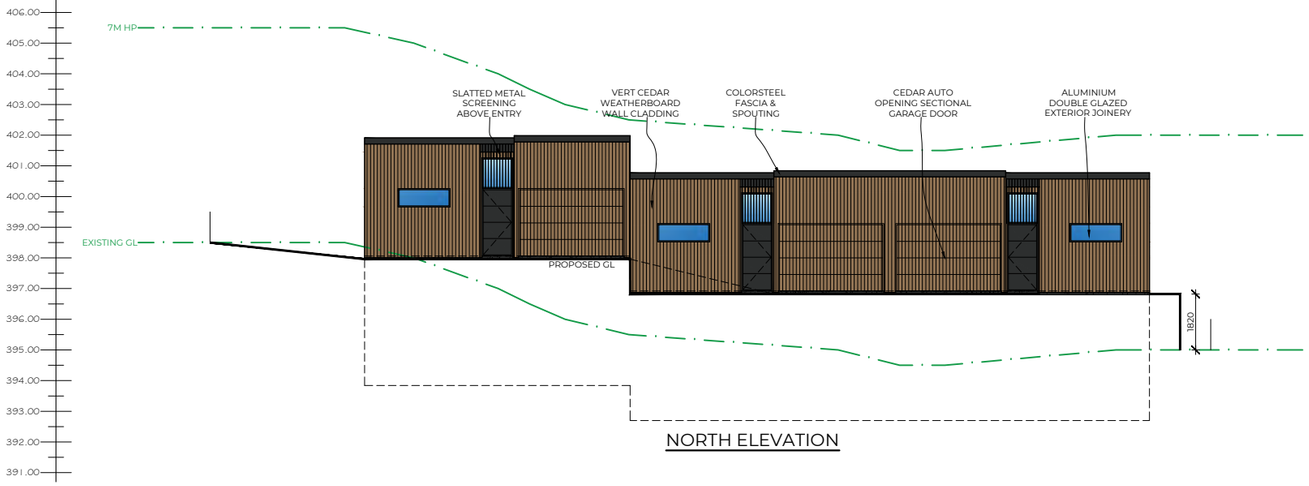
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

DKDESIGNS
Danny Kissell | Dip Arch Tech
021 110 9163 | danny@dkdesigns.co.nz
2 Terrington Court | Jacks Point 9371
PO Box 91005 | Wakatipu 9349

PROPOSED DWELLING
FOR
MATT CARTER
LOT 7 DP 490069

QUEENSTOWN

WIND | VERY HIGH	PAGE CONTENT | ELEVATIONS
EARTHQUAKE | ZONE 3	
SNOW | N5 (2.0kPa)	DATE | 13/11/20
EXPOSURE | ZONE B	SCALE | 1:200

PAGE NO. \| L04

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Version: 1, Version Date: 19/05/2021

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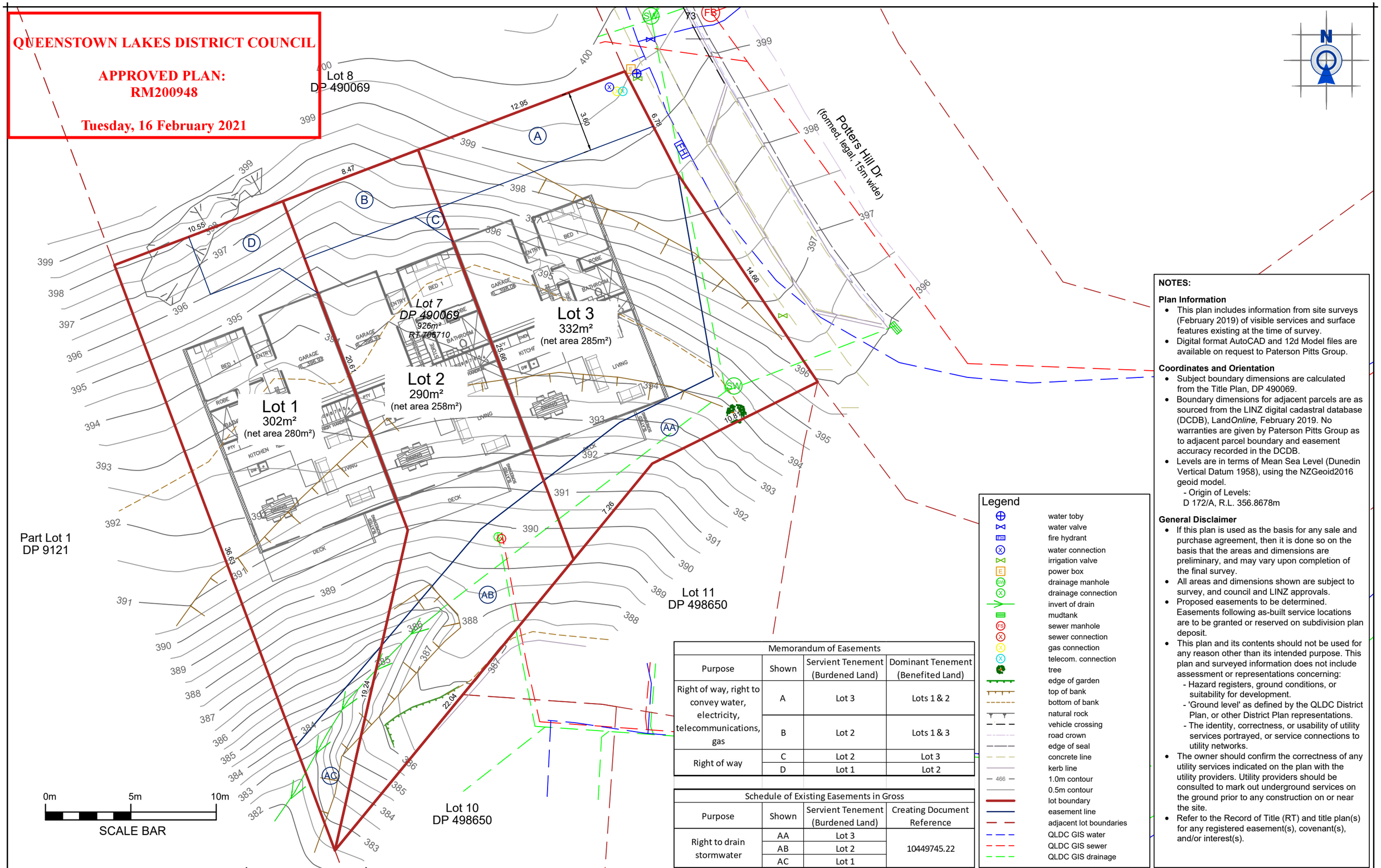
APPROVED PLAN:
RM200948

Tuesday, 16 February 2021



Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way, right to convey water, electricity, telecommunications, gas	A	Lot 3	Lots 1 & 2
	B	Lot 2	Lots 1 & 3
Right of way	C	Lot 2	Lot 3
	D	Lot 1	Lot 2

Schedule of Existing Easements in Gross			
Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Right to drain stormwater	AA	Lot 3	10449745.22
	AB	Lot 2	
	AC	Lot 1	

Legend

- water toby
- water valve
- fire hydrant
- water connection
- irrigation valve
- power box
- drainage manhole
- drainage connection
- invert of drain
- mudtank
- sewer manhole
- sewer connection
- gas connection
- telecom. connection
- tree
- edge of garden
- top of bank
- bottom of bank
- natural rock
- vehicle crossing
- road crown
- edge of seal
- concrete line
- kerb line
- 1.0m contour
- 0.5m contour
- lot boundary
- easement line
- adjacent lot boundaries
- QLDC GIS water
- QLDC GIS sewer
- QLDC GIS drainage

NOTES:

Plan Information

- This plan includes information from site surveys (February 2019) of visible services and surface features existing at the time of survey.
- Digital format AutoCAD and 12d Model files are available on request to Paterson Pitts Group.

Coordinates and Orientation

- Subject boundary dimensions are calculated from the Title Plan, DP 490069.
- Boundary dimensions for adjacent parcels are as sourced from the LINZ digital cadastral database (DCDB), Land*Online*, February 2019. No warranties are given by Paterson Pitts Group as to adjacent parcel boundary and easement accuracy recorded in the DCDB.
- Levels are in terms of Mean Sea Level (Dunedin Vertical Datum 1958), using the NZGeoid2016 geoid model.
  - Origin of Levels:
  D 172/A, R.L. 356.8678m

General Disclaimer

- If this plan is used as the basis for any sale and purchase agreement, then it is done so on the basis that the areas and dimensions are preliminary, and may vary upon completion of the final survey.
- All areas and dimensions shown are subject to survey, and council and LINZ approvals.
- Proposed easements to be determined. Easements following as-built service locations are to be granted or reserved on subdivision plan deposit.
- This plan and its contents should not be used for any reason other than its intended purpose. This plan and surveyed information does not include assessment or representations concerning:
  - Hazard registers, ground conditions, or suitability for development.
  - 'Ground level' as defined by the QLDC District Plan, or other District Plan representations.
  - The identity, correctness, or usability of utility services portrayed, or service connections to utility networks.
- The owner should confirm the correctness of any utility services indicated on the plan with the utility providers. Utility providers should be consulted to mark out underground services on the ground prior to any construction on or near the site.
- Refer to the Record of Title (RT) and title plan(s) for any registered easement(s), covenant(s), and/or interest(s).

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0800 PPGROUP

QUEENSTOWN:
Terrace Junction,
1092 Frankton Road.
PO Box 2645,
Queenstown 9349.
T 03 441 4715
E queenstown@ppgroup.co.nz

Client/Location:
7 Potters Hill Ltd
Potters Hill Drive
Lot 7 DP 490069

Purpose/Drawing Title:
Proposed Subdivision Plan
Lots 1 - 3 being a Proposed Subdivision of Lot 7 DP 490069

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Surveyed by:	DB	Original Size:	Scale:
Designed by:		A3	1:200
Drawn by:	DB		DO NOT SCALE
Checked by:	MA		
Approved by:			
Job Ref: Q7135 - 1 - 1 - 2		Sheet No: 1	Revision No: A
			Date Created: 13/11/2020

PLOT DATE: 13 November, 2020 - 1:12 PM BY: Db

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Document Set ID: 6890380
Version: 1, Version Date: 19/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Alpha Commercial Limited
RM reference:	RM181616
Application:	Application under section 88 of the Resource Management Act 1991 to undertake unit title subdivision of two existing residential units
Location:	Potters Hill Drive, Frankton, Queenstown
Legal Description:	Lot 16 Deposited Plan 512588 held in Record of Title 789692

Operative District Plan Zoning: Low Density Residential

Proposed District Plan (Stage 1 – Decisions Version 2018) Zoning: Lower Density Suburban Residential

Proposed District Plan (Stage 2) Zoning: N/A

Activity Status:	**Controlled**
Date	**15 March 2019**

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of this report. This decision is made by Kenny Macdonald, Senior Planner, on 15 March 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. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Kenny Macdonald, Senior Planner as delegate for the Council.

Document Set ID: 6870299
Version: 1, Version Date: 14/05/2021

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to subdivide a site containing two residential units approved by resource consent (RM160258) by way of a unit title subdivision. Figure 1 below shows the site location and surrounding area, and the existing units are shown in Figures 2 and 3.

Figure 1: Subject site (highlighted in red) (*Source: QLDC GIS Maps*)

Figures 2 and 3:(L) West elevation of existing residential units on subject site; (R) East elevation of existing residential units (*Source: Processing Planner)*

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 *Assessment of Effects on the Environment, Alpha Commercial Ltd, Unit Title 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 2). This description is considered accurate and is adopted for the purpose of this report.

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2. ACTIVITY STATUS

The proposal requires consent for the following reasons:

OPERATIVE DISTRICT PLAN (ODP)

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

- A **controlled** subdivision activity consent, pursuant to Rule 15.2.3.2(b) which states that any subdivision activity that complies with the site and zone standards shall be processed as a controlled activity. Council's control is with respect to matters specified in 15.2.6 -15.2.18 including sizes and dimensions of lots for access, utilities, reserves and roads, subdivision design, property access, landscaping and recreational access, natural and other hazards, water supply, stormwater disposal, sewerage treatment and disposal, energy supply and telecommunications, open space and recreation, vegetation and landscape, easements and earthworks.

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 Lower Density Suburban Residential by the Stage 1 Appeals Version 2018 and the proposed activity requires resource consent for the following reasons:

Rules that are treated as operative under s86F:

- A **controlled** subdivision activity pursuant to Rule 27.5.5 where land use consent is approved for residential development and a unit title subdivision is under taken in accordance with the approved land use consent. Control is reserved to the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; and the effects of and on infrastructure provision.

PROPOSED DISTRICT PLAN - STAGE 2 NOTIFIED VERSION

Council notified Stage 2 of the Proposed District Plan (Stage 2 Notified Version 2017) on 23 November 2017. The subject site is not zoned by the Stage 2 Notified Version 2017 the PDP and there are no rules with immediate legal effect which are relevant to this proposal.

Overall, the application is considered to be a **controlled** activity under the ODP and the Stage 1 Decisions Version 2018.

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

Based on the applicants review of Council records, undertaken as part of RM160258, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

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 as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

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The application does not involve 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 a controlled subdivision activity, therefore, public notification is precluded.

The proposal is a prescribed activity (s95A(5)(b)(i-iv)).

3.3 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on 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 (s95B(2)-(4)).

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 (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is a subdivision and is not a prescribed activity (s95B(6)(b)).

4.3 Step 3: if not precluded by step 2, certain other affected persons must be notified

If limited notification is not precluded by step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

The proposed activity falls into the ‘any other activity’ category (s95B(8), and the effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Effects That May Be Disregarded

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, there is no permitted baseline for subdivision.

4.3.3 Assessment: Effects on Persons

Taking into account the exclusions in section 95E(2) and (3) as set out in section 4.3.1 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:

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The Assessment of Effects provided at section 2 of the applicant's AEE is equally relevant to the effects on persons. It is therefore adopted for the purposes of this report.

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 (s95B(10))

Special circumstances do not apply that require limited notification.

5. OVERALL NOTIFICATION DETERMINATION

In reliance on the assessment undertaken in sections 3 and 4 above, the application is to be processed on a non-notified basis.

6. S104 ASSESSMENT

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a))

The relevant assessment matters are found in Section 15 of the ODP and Chapter 27 of the PDP (Stage 1 Decisions Version 2018) and have been considered in the assessment below. Matters of control under the ODP are with respect to matters specified in 15.2.6 -15.2.18 including sizes and dimensions of lots for access, utilities, reserves and roads, subdivision design, property access, landscaping and recreational access, natural and other hazards, water supply, stormwater disposal, sewerage treatment and disposal, energy supply and telecommunications, open space and recreation, vegetation and landscape, easements and earthworks. Under the PDP control is reserved to the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; and the effects of and on infrastructure provision. The Assessment of Effects provided as Sections 2 and 4 of the applicants AEE is considered accurate and is adopted along with the following additions:

Lot Size, Dimensions and Subdivision Design

The subdivision has been designed around consented residential units. The proposed lots are of sufficient size and dimensions to effectively fulfil the intended purpose of the subdivision which has been determined by the zoning associated with the site. As a result any adverse effects on the environment with respect to lot size and subdivision design which are less than minor.

Property Access

Councils Development Engineer, Mr Wardill notes that the access, parking and manoeuvring was approved under RM160258, and recommends these areas are formed prior to completion of the proposed subdivision. Accordingly, any adverse effects associated with access are considered to be less than minor,

Hazards

Council's Development Engineer, Mike Wardill reviewed the underlying consent RM160258 which identified a need for Schedule 2a and geotechnical completion report (GCR) prior to starting construction. Mr Wardill considers the GCR and Schedule 2a (which relates to Condition 4G of RM160258), to have been addressed and is not required to be included as a condition of the subdivision consent

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Infrastructure

Council's Development Engineer Michael Wardill has reviewed the application and provides the following comments in respect to infrastructure:

The Council servicing connections were similarly (to above access) reviewed through RM160258 with conditions requiring engineering approval prior to starting work onsite. It is noted that no such approvals are held in Council records and the applicant would appear to be in breach of RM160258 conditions by starting construction. In any case I am satisfied that servicing can still be provided and will continue to require an engineering approval as per the underlying consent and as volunteered by the applicant…I recommend related conditions similar to those imposed by RM160258 for consistency.

Accordingly, the servicing connection conditions which formed conditions for RM160258 have been included as consent conditions for the proposed subdivision activity and the servicing arrangements for the two lots are considered appropriate as the subdivision will not generate additional demand for services beyond what is already provided for by the underlying land use consent. With the imposition of these conditions it is considered that adverse effects with respect to infrastructure are appropriately addressed and will be less than minor.

6.2 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall, the proposed activity is not likely to have adverse effects on the environment that are more that minor.

6.3 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The objective and policies assessment provided at section 3 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report, along with the following additions.

Proposed District Plan (Stage 1 – Appeals Version 2018)

The relevant operative objectives and policies are contained within Chapter 27 (Subdivision and Development). Objective 27.2.1 supports subdivision which will enable quality environment to ensure the District is a desirable place to live, visit, work and play. Associated policies 27.2.1.1 requires subdivision infrastructure to be constructed and designed so it is fit for purpose, while Policy 27.2.1.3 requires that all allotments are a suitable size and shape and are able to be serviced/developed for the anticipated land use under the relevant zone provisions. Objective 27.2.2 seeks subdivision design which benefits the subdivider, future residents and the community. Policy 27.2.2.1 seeks to ensure subdivision design provides a high level of amenity by aligning road and allotments to maximise sunlight access. Policy 27.2.2.6 encourages innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter. Having considered these provisions, the proposed subdivision aligns and is considered appropriate to grant consent for the application as proposed.

Proposed District Plan (Stage 2 Notified Version)

Council notified Stage 2 of the Proposed District Plan on 23 November 2017. There are no relevant objectives and policies within the Proposed District Plan (Stage 2 Notified Version) applicable to this application.

6.4 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, the proposed subdivision is not considered to be subject to or likely to accelerate damage from natural hazards and legal and physical access will be provided to each unit.

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6.5 PART 2 OF THE RMA

The proposal is consistent with the purpose of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. It is considered the proposed does promote sustainable management and is keeping with the purpose and principles of the RMA.

6.6 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** for subdivision consent to unit title the two residential units at Lot 16 Deposited Plan 512588, subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the RMA.

7.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE 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 may be required. Payment will be due prior to any application for certification pursuant to section 224(c) of the RMA

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries please contact Kenny Macdonald on phone (03) 441 0499 or email kenny.macdonald@qldc.govt.nz.

Report prepared by

Helen Pickles
CONSULTANT PLANNER

Decision made by

Kenny Macdonald
SENIOR PLANNER

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Applicant's AEE
APPENDIX 3 – Engineering emails dated 30/1/19 and 25/02/19

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APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - Basement Level, Sheet 001
   - Ground Floor Level, Sheet 002
   - First Floor Level, sheet no. 003
   - Roof Top Car Park, sheet no. 004
   - Section views, sheet no. 005

   stamped as approved on 15 March 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

General

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. 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.

6. The consent holder shall obtain and implement an approved 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.

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7. 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 (5), 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. The costs of making these connections shall be borne by the consent holder. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated July 2017, for each unit located at the road reserve boundary.

   b) The provision of a foul sewer connection to Units 1 & 2 in accordance with Council's standards and connection policy. The costs of making these connections shall be borne by the consent holder.

   c) The provision of connections to the private reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The costs of making these connections shall be borne by the consent holder.

   d) The construction of a vehicle crossing to Units 1 & 2 to Council's standards.

   e) The provision of an access, parking facility and vehicle manoeuvring area that serves Units 1 & 2 that shall be constructed to Council's standards.

   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 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.

<u>To be completed before Council approval of the Survey Plan</u>

8. 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.
   b) A schedule of Accessory Units and their allocation to the Principal Units shall be attached to the Survey Plan and shall be consistent with the parking arrangements shown on the plans approved under resource consent RM160258.

<u>To be completed before issue of the s224(c) certificate</u>

9. 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/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).
   b) The completion and implementation of all works detailed in Condition (7) above.
   c) 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.

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d) 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.
e) 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

10. 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.

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. 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.

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 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 with our monitoring planner added to the email at 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/

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APPENDIX 2 – APPLICANT'S AEE

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ATTACHMENT [A]

Assessment of Effects on the Environment

Alpha Commercial Ltd

UNIT TITLE SUBDIVISION

February 2018

Prepared by: Nick Geddes

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

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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 16 DP 512588, being 0.0901 hectares in area and contained within computer freehold register identifier 789692. A recent search of computer freehold register is contained within Attachment [B].

Figure 1: QLDC GIS

The topography of the site rises dramatically from its southern boundary to the northern.

Potters Hill Drive is a public road and provides access to the subject site.

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

1.3 Site History

RM050520	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.

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RM160258	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent for 2 units and associated earthworks. Approved 14th July 2016.

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

1.4 The Proposal

RM160258 was approved for the construction of two residential units on the subject site. The applicant has now constructed these and would like to progress towards subdividing each by unit title. The proposed scheme plan is contained in Attachment [D]:

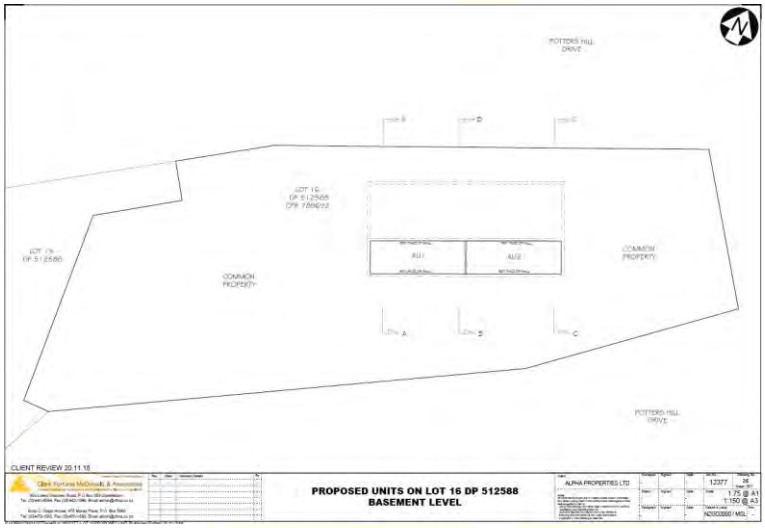

Figure 2: Proposed Subdivision, Attachment [D].

The site is 901m^2 and the minimum lot size for the Low Density Residential Zone is 600m^2. Notwithstanding, 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".

The subject dwellings have been constructed so the above provision is applicable.

1.4.1 Services

An engineering assessment has been undertaken as part of the processing of RM160258 and is contained in Attachment [E]. In relation to services, this report states:

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"Water supply, firefighting water supply, effluent and stormwater disposal, power and telecommunications were all installed at the time of the underlying subdivision and I am satisfied that capacity exists. I make an appropriate recommendation that connections are in accord with Council standards."

The applicant has been constructed 15 residential units on the neighbouring site which have now been subdivided and sold. A further 13 residential units are to be constructed by the applicant on Lot 10 above the subject site and these will be subdivided also. Based upon the installation of services to facilitate the previous and current subdivisions the applicant remains confident that the proposed allotments can be adequately serviced subject to the following volunteered conditions:

Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and 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 (5), to detail the following requirements:

- *The provision of a water supply to Lots 1 & 2 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.*

- *The provision of a foul sewer connection from Lots 1 & 2 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. The costs of the connections shall be borne by the consent holder.*

- *The provision of fire hydrants with adequate pressure and flow to service the development with a Class FW2 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008. Any lesser risk must be approved in writing by Fire Service NZ.*

Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

- *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 boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.*

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- *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 boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.*

1.4.2 Access

Access and egress to and from the site has been assessed and approved as part of the previous landuse consent RM160258 and the QLDC Engineering report which supported this decision is contained in Attachment [E].

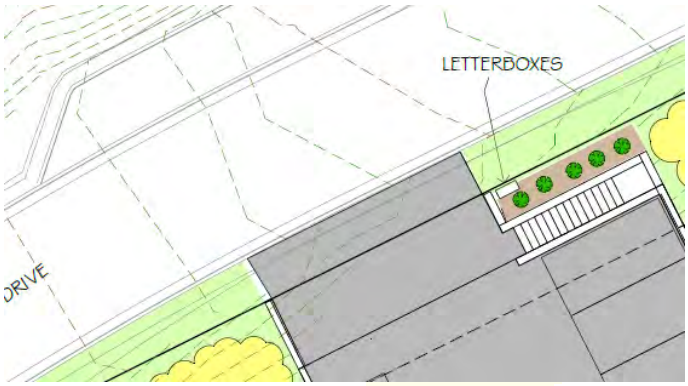

Figure 2: Approved access RM160258.

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. The reasons for resource consent are set out below:

A **controlled** activity resource consent pursuant to Rule 15.2.3.2 (b) for a fee simple subdivision. Council's control is with respect to the matters specified in 15.2.6 - 15.2.19 including; lot size and dimension, subdivision design, property access, landscaping and recreational access, natural and other hazards, water supply, storm water disposal, sewage treatment and disposal, energy supply and telecommunications, open space and recreation, vegetation and landscape, easements, and earthworks.

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

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The subject site is located within the Lower Density Residential Zone of the Proposed District Plan (PDP) and contains no known protected items or areas of significant vegetation. The reasons for resource consent are set out below:

A **controlled** activity resource consent pursuant to Rule 27.5.5 as a land use consent has been approved for a residential development and a unit title subdivision is proposed where criteria (a) to (c) have been met. Council's control is with respect to the following matters:

a. The effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;

b. The effects of and on infrastructure provision.

The matters of control listed above are discussed within parts 2, 4 & 4 of this application document.

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

Detailed site reviews have been undertaken as part of RM160258 and no records have been found that would suggest an activity on the HAIL has been carried out in the past. Details of the previous NES assessment have been included as Attachment [G] to this application for completeness.

1.5.4 Classes of Activities

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

Land Covenant 10097957.3, surrendered by 10449745.10.

Land Covenant 10154387.10 & **10449745.28** require 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. Conditions (c) and (d) are extinguished by 10497110.2.

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**

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which removes conditions (7) and (8) in relation to water pressure and the responsibilities of a management company respectively.

An assessment of potential geotechnical constraints was undertaken by Geosolve Ltd as part of the approved landuse consent RM160258.

Consent Notice 10436055.13, 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.

Overall, with full consideration of part 1.5, 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

The current application is for subdivision where no permitted baseline is considered to exist.

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

All buildings, landscaping and earthworks have been approved as part of the previous landuse consent RM160258. The current application does not result in any physical changes to what has already been approved. Therefore, it is considered that there are no adverse effects above or beyond the approved consent RM160258 in terms of the locality, including any landscape and visual effects.

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

As discussed in part 1.4.2 above, the current application does not seek to change the parking and access arrangement approved under RM160258. As such, it is considered that there are no adverse

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effects above or beyond the approved consent RM160258 in terms of the wider community including any social, economic or cultural effects.

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 RM050520 and RM160258, 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 has been undertaken by Geosolve Ltd as part of RM160258.

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.

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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 POLCIES ASSESSMENT

3.1 District Wide Objectives and Polices

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.

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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 detraction 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

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(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

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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 two fee simple titles 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.

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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 density achieved on the site has been approved by previous resource consent.
- 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 two fee simple titles in a developing area of 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.

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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.

A condition limiting the hours of construction is already imposed under RM160258.

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.

The current application does not include any building works.

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.

Addressed as part of RM160258.

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.

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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 Polices

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 as part of the underlying subdivision completed under RM050520. RM160258 confirmed connections to the two residential units currently under construction. As such, it is considered that connections to these existing services can be provided and a condition of consent is offered in Attachment [E] which ensures the same.

3.3.2 Objective 2 - Cost of Services to be Met by Subdividers

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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 POLCIES ASSESSMENT

Proposed District Plan 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 "strategic" provision set. Part 4 has been addressed in part 3.1 above.

At the time this application was lodged the minimum allotment size in the lower density residential zone is subject to appeal, sufficiently so, that it is considered that Part 15 of the ODP is the dominant "subdivision" provision set.

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Notwithstanding the above, the Objectives and Policies contained in Chapter 27 have been assessed and it is considered that these are sufficiently aligned to confirm the proposal is consistent with each for the reasons set out in part 3 above.

5.0 OPERATIVE DISTRICT PLAN: RULES AND ASSESSMENT CRITERIA

5.1 Lot Size, Average and Dimension

Proposed lot sizes and dimensions are depicted on the subdivision plan contained in Attachment [E] of this application. The lot sizes are a direct reflection of apartment style living and compact urban form.

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 residential unit on the site is required. The residential unit is to be completed to a stage where it is fully measurable (ie, the walls, floors and roof shall be constructed)".

5.7 Property Access

Access to each proposed unit is confirmed through the schedule of easements which appears on the subdivision plan contained in Attachment [E]. Car parking and access have already been approved under RM160258 and the current application does not change this approved arrangement.

5.8 Landscaping

There is no landscaping requirement contained in the District Plan. A landscape plan has been approved as part of RM160258.

5.9 Hazards

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Geotechnical constraints have been addressed as part of RM160258.

5.10 Water Supply, Stormwater, Effluent Disposal, Energy Supply and Telecommunications

An engineering assessment has been undertaken as part of the processing of RM160258 and is contained in Attachment [E]. In relation to services, this report states:

"Water supply, firefighting water supply, effluent and stormwater disposal, power and telecommunications were all installed at the time of the underlying subdivision and I am satisfied that capacity exists. I make an appropriate recommendation that connections are in accord with Council standards."

The applicant has been constructed 15 residential units on the neighbouring site which have now been subdivided and sold. A further 13 residential units are to be constructed by the applicant on Lot 10 above the subject site and these will be subdivided also. Based upon the installation of services to facilitate the previous and current subdivisions the applicant remains confident that the proposed allotments can be adequately serviced subject to the volunteered conditions contained in Attachment [F].

6.0 PROPOSED DISTRICT PLAN OBJECTIVES AND POLCIES

Consent is not required under the Proposed District Plan.

Strategic Chapters of the PDP afford limited weighting based upon the scope of appeals. However, without a reason for consent an assessment under Chapters 3-6 is not considered necessary. Notwithstanding, an assessment against the District Wide provisions of the ODP has been undertaken in part 3 above where the proposal is considered to be consistent with relevant Objectives and Policies of the ODP.

7.0 RESOURCE MANAGEMENT ACT 1991: PART 2

The proposal aligns with the Objectives and Policies of the Operative District Plans Low Density Residential Zone and District Wide Chapter. 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

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28th February 2018

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ATTACHMENT [B]…… Certificate of Title

ATTACHMENT [C]…… Site Location Plan

ATTACHMENT [D]…… Consent History

ATTACHMENT [E]…… Proposed Scheme Plan

ATTACHMENT [F]…… Offered Conditions of Consent

ATTACHMENT [G]…… RM160258 NES Assessment

Figure 1……..QLDC GIS Image

Figure 2……..Proposed Scheme Plan, Attachment E

Figure 3……..Approved Access Arrangement, RM160258

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APPENDIX 3 – ENGINEERING EMAILS DATED 30/1/19 AND 25/02/19

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From: Michael Wardill
To: Helen Pickles
Subject: Engineering Comment - RM181616 Alpha Commercial Limited
Date: Wednesday, 30 January 2019 4:00:43 PM
Attachments: image001.png

Hi Helen
I have reviewed the application and confirm familiarity with the subject site resultant from previous site visits and from both underlying & neighbouring consents. I provide the following assessment comments:

The access, parking and manoeuvring was approved under RM160258 and I recommend these areas are formed prior to subdivision completion.

The Council servicing connections were similarly (to above access) reviewed through RM160258 with conditions requiring engineering approval prior to starting work onsite. **It is noted that no such approvals are held in Council records and the applicant would appear to be in breach of RM160258 conditions by starting construction.** In any case I am satisfied that servicing can still be provided and will continue to require an engineering approval as per the underlying consent and as volunteered by the applicant. The alternative would be for the applicant to o0btain I recommend related conditions similar to those imposed by RM160258 for consistency.

The proposed UT subdivision results in development contributions being levied against the additional dwelling unit/demands on Council infrastructure, roading etc and I recommend related advice notes.

The underlying consent RM160258 identified a need for Schedule 2a and geotechnical Completion Report prior to starting construction to permit considerations, if any, to be catered by foundation designs etc. **No such evidence of compliance with this requirement is held on Council RMA records and the applicant would again appear to be in breach of RM160258 conditions by starting construction. Council planner may wish to consider advising Council monitoring of these noted breaches in case the UT SD does not progress.** This therefore needs addressed under this subdivision as part of the EA process and prior to titles.

I recommend the following engineering conditions:

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 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

2. 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.

3. The consent holder shall obtain and implement an approved 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.

4. 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 (1), 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. The costs of making these connections shall be borne by the consent holder. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated July 2017, for each unit located at the road reserve boundary.
   b) The provision of a foul sewer connection to Units 1 & 2 in accordance with Council's standards and connection policy. The costs of making these connections shall be borne by the consent holder.
   c) The provision of connections to the private reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The costs of making these connections shall be borne by the consent holder.
   d) The construction of a vehicle crossing to Units 1&2 to Council's standards.
   e) The provision of an access, parking facility and vehicle manoeuvring area that serves Units 1&2 that shall be constructed to Council's standards.
   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 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.
   g) The provision of a Schedule 2a and Geotechnical Completion report from a suitably qualified geotechnical professional demonstrating that both proposed Principal Units on Lot 16 have been designed (and constructed where retrospective) in full consideration of all identified geotechnical requirements and

recommendations of the GeoSolve Geotechnical Report Reference 140412, submitted with RM160258 consent application, to ensure that earthworks stability at/beyond the site is maintained. Specifically the reporting shall also identify shortfalls, if any, between the geotechnical recommendations and constructed units and these shortfalls shall be rectified to Council satisfaction prior to subdivision completion.

To be completed before Council approval of the Survey Plan

5. 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.

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

6. 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/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).
   b) The completion and implementation of all works detailed in Condition (4) above.
   c) 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.
   d) 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.
   e) 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

7. 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.

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.

Please let me know if you have any questions.

Regards
Mike

Michael Wardill | Team Leader - Resource Management
Engineering, Subdivision and Development Contributions

Planning & Development
Queenstown Lakes District Council
DD: +64 3 450 0359 | P: +64 3 441 0499 | M: +64 27 600 8807
E: michael.wardill@qldc.govt.nz

From: Helen Pickles
Sent: Monday, 28 January 2019 3:08 PM
To: QLDC RMEngineering
Subject: Internal Report Request ENGINEERING - RM181616 Alpha Commercial Limited

APPLICATION DETAILS	
REFERENCE	RM181616
APPLICANT	Alpha Commercial Limited
APPLICATION TYPE & DESCRIPTION	Unit title subdivision of Lot 16 DP 512588
ADDRESS	Lot 16 DP 512588, Potters Hill Road
ZONING	LDR
SITE AREA	901
ACTIVITY STATUS	NC
VALUATION NUMBER	29XXXXXXXX

REQUEST DETAILS	
FROM (PROCESSING PLANNER)	**Helen Pickles**
DATE OF REQUEST	25/1/19
WORKING DAYS AT TIME OF REQUEST	**6**
FINAL DATE FOR FURTHER INFORMATION REQUESTS	**1 Feb 2019**
DATE REPORT REQUIRED BY:	**11 Feb 2019**
INDICATION OF NOTIFICATION	Non
TYPE OF COMMENT REQUIRED	Email Comment/Memo
REQUESTED AREAS OF COMMENT	Provide the necessary engineering conditions

	required for unit subdivision– have attached original subdivision approval and engineering report from the land use consent for the construction of two units. Please let me know if you have any questions, Helen 021 708 737

Document Set ID: 6870299
Version: 1, Version Date: 14/05/2021

From: Michael Wardill
To: Helen Pickles
Subject: RE: Engineering Comment - RM181616 Alpha Commercial Limited
Date: Monday, 25 February 2019 3:57:15 PM
Attachments: image001.png
image002.png

Hi Helen
The servicing conditions reflected the applications own volunteered conditions of consent under **Attachment F** and the **AEE Section 1.4.1.**
I agree the geotechnical requirement for GCR and Schedule 2A (Condition 4G below) can be removed as already addressed.
Please let me know if further advice is needed.
Cheers
Mike

Michael Wardill | Team Leader - Resource Management
Engineering, Subdivision and Development Contributions
Planning & Development
Queenstown Lakes District Council
DD: +64 3 450 0359 | P: +64 3 441 0499 | M: +64 27 600 8807
E: michael.wardill@qldc.govt.nz

From: Helen Pickles
Sent: Monday, 25 February 2019 12:51 PM
To: Michael Wardill
Subject: RE: Engineering Comment - RM181616 Alpha Commercial Limited
Hi Mike,
The agent has provided the following comment, partly in response to the engineering comment received 30 January 2019.
I am unsure what any servicing conditions as part of RM160258 would be achieving. The site has been serviced for two units as part of the underlying subdivision consent which created Lot 16. As part of the current consent I would expect conditions requiring plans as part of Engineering Acceptance for location of services and then as-builts to be submitted for 224c. I think we can "carry over" any of these conditions from RM160258 and into the current consent for signoff as part of completion certificates.
The geotechnical completion report for the subdivision of Lot 16 is attached. The buildings under construction on the subject site have been issued building consent. Not sure what more we would be providing in terms of Geotech prior to construction.
Please advise if the above matters are satisfactory, and if not, provide any further questions and I can forward to the agent.
With thanks
Helen

From: Michael Wardill
Sent: Wednesday, 30 January 2019 4:01 PM
To: Helen Pickles <Helen.Pickles@qldc.govt.nz>
Subject: Engineering Comment - RM181616 Alpha Commercial Limited
Hi Helen
I have reviewed the application and confirm familiarity with the subject site resultant from previous site visits and from both underlying & neighbouring consents. I provide the following assessment comments:
The access, parking and manoeuvring was approved under RM160258 and I recommend these

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Version: 1, Version Date: 14/05/2021

areas are formed prior to subdivision completion.

The Council servicing connections were similarly (to above access) reviewed through RM160258 with conditions requiring engineering approval prior to starting work onsite. **It is noted that no such approvals are held in Council records and the applicant would appear to be in breach of RM160258 conditions by starting construction.** In any case I am satisfied that servicing can still be provided and will continue to require an engineering approval as per the underlying consent and as volunteered by the applicant. The alternative would be for the applicant to o0btain I recommend related conditions similar to those imposed by RM160258 for consistency.

The proposed UT subdivision results in development contributions being levied against the additional dwelling unit/demands on Council infrastructure, roading etc and I recommend related advice notes.

The underlying consent RM160258 identified a need for Schedule 2a and geotechnical Completion Report prior to starting construction to permit considerations, if any, to be catered by foundation designs etc. **No such evidence of compliance with this requirement is held on Council RMA records and the applicant would again appear to be in breach of RM160258 conditions by starting construction. Council planner may wish to consider advising Council monitoring of these noted breaches in case the UT SD does not progress.** This therefore needs addressed under this subdivision as part of the EA process and prior to titles.

I recommend the following engineering conditions:

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 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

2. 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.
3. The consent holder shall obtain and implement an approved 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.
4. 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 (1), 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. The costs of making these connections shall be borne by the consent holder. This shall include an Acuflo GM900 toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated July 2017, for each unit located at the road reserve boundary.

b) The provision of a foul sewer connection to Units 1 & 2 in accordance with Council's standards and connection policy. The costs of making these connections shall be borne by the consent holder.

c) The provision of connections to the private reticulated stormwater system that dispose of stormwater generated from all impervious areas within the site. The costs of making these connections shall be borne by the consent holder.

d) The construction of a vehicle crossing to Units 1&2 to Council's standards.

e) The provision of an access, parking facility and vehicle manoeuvring area that serves Units 1&2 that shall be constructed to Council's standards.

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 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.

g) The provision of a Schedule 2a and Geotechnical Completion report from a suitably qualified geotechnical professional demonstrating that both proposed Principal Units on Lot 16 have been designed (and constructed where retrospective) in full consideration of all identified geotechnical requirements and recommendations of the GeoSolve Geotechnical Report Reference 140412, submitted with RM160258 consent application, to ensure that earthworks stability at/beyond the site is maintained. Specifically the reporting shall also identify shortfalls, if any, between the geotechnical recommendations and constructed units and these shortfalls shall be rectified to Council satisfaction prior to subdivision completion.

To be completed before Council approval of the Survey Plan

5. 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.

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

6. 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/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).

   b) The completion and implementation of all works detailed in Condition (4) above.

   c) 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.

d) 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.

e) 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

7. 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.

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.

Please let me know if you have any questions.

Regards

Mike

Michael Wardill | Team Leader - Resource Management
Engineering, Subdivision and Development Contributions

Planning & Development
Queenstown Lakes District Council
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E: michael.wardill@qldc.govt.nz

From: Helen Pickles
Sent: Monday, 28 January 2019 3:08 PM
To: QLDC RMEngineering
Subject: Internal Report Request ENGINEERING - RM181616 Alpha Commercial Limited

APPLICATION DETAILS	
REFERENCE	RM181616
APPLICANT	Alpha Commercial Limited
APPLICATION TYPE & DESCRIPTION	Unit title subdivision of Lot 16 DP 512588
ADDRESS	Lot 16 DP 512588, Potters Hill Road
ZONING	LDR
SITE AREA	901
ACTIVITY STATUS	NC
VALUATION NUMBER	29XXXXXXX
REQUEST DETAILS	
FROM (PROCESSING PLANNER)	**Helen Pickles**

DATE OF REQUEST	25/1/19
WORKING DAYS AT TIME OF REQUEST	**6**
FINAL DATE FOR FURTHER INFORMATION REQUESTS	**1 Feb 2019**
DATE REPORT REQUIRED BY:	**11 Feb 2019**
INDICATION OF NOTIFICATION	Non
TYPE OF COMMENT REQUIRED	Email Comment/Memo
REQUESTED AREAS OF COMMENT	Provide the necessary engineering conditions required for unit subdivision– have attached original subdivision approval and engineering report from the land use consent for the construction of two units. Please let me know if you have any questions, Helen 021 708 737

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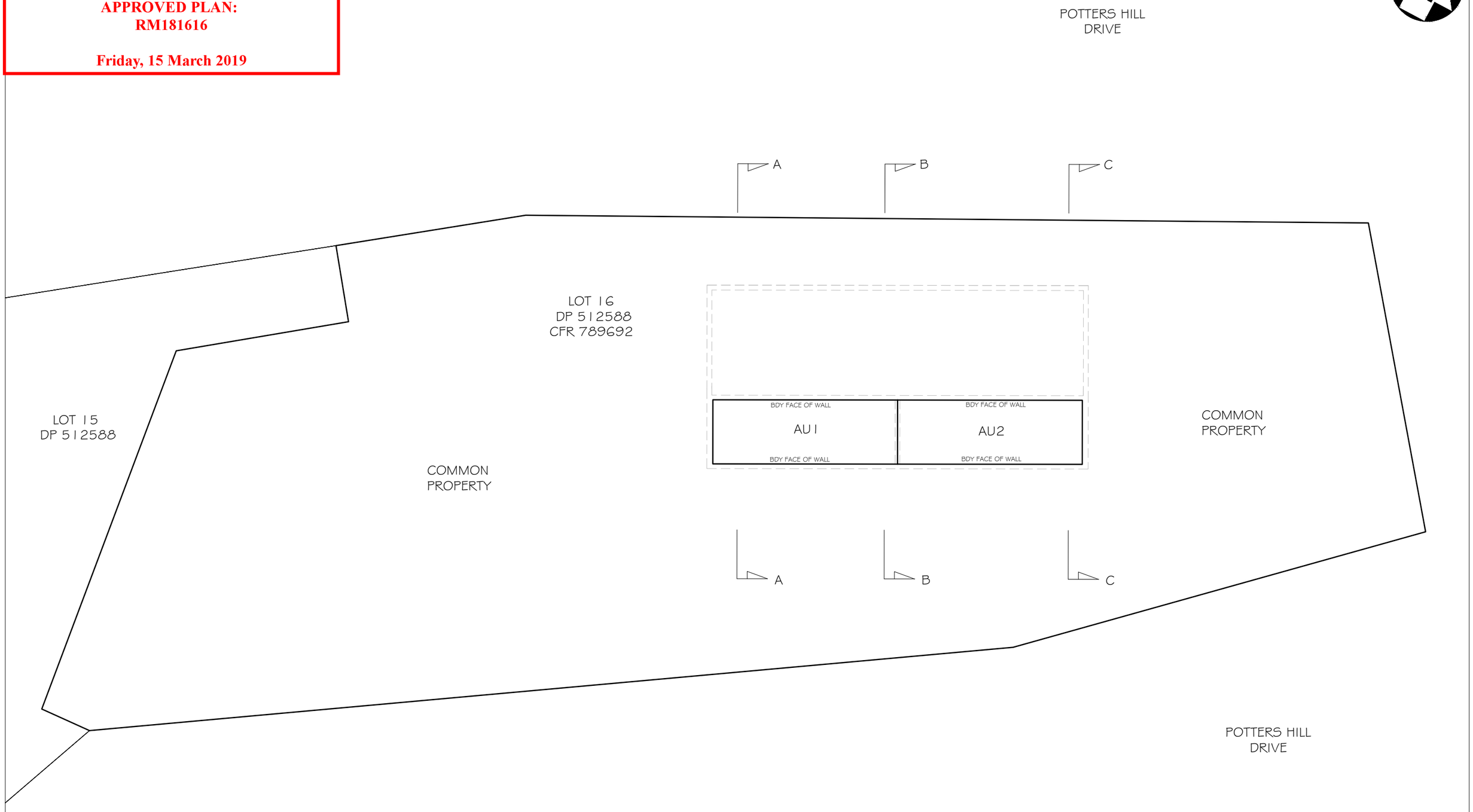
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181616

Friday, 15 March 2019



CLIENT REVIEW 20.11.18

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
-	-	-	-

PROPOSED UNITS ON LOT 16 DP 512588
BASEMENT LEVEL

Client: ALPHA PROPERTIES LTD

Notes:
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Designed	**Signed**	**Date**	**Datum & Level**	**Rev.**
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Version: 1, Version Date: 13/03/2019

QUEENSTOWN LAKES DISTRICT COUNCIL

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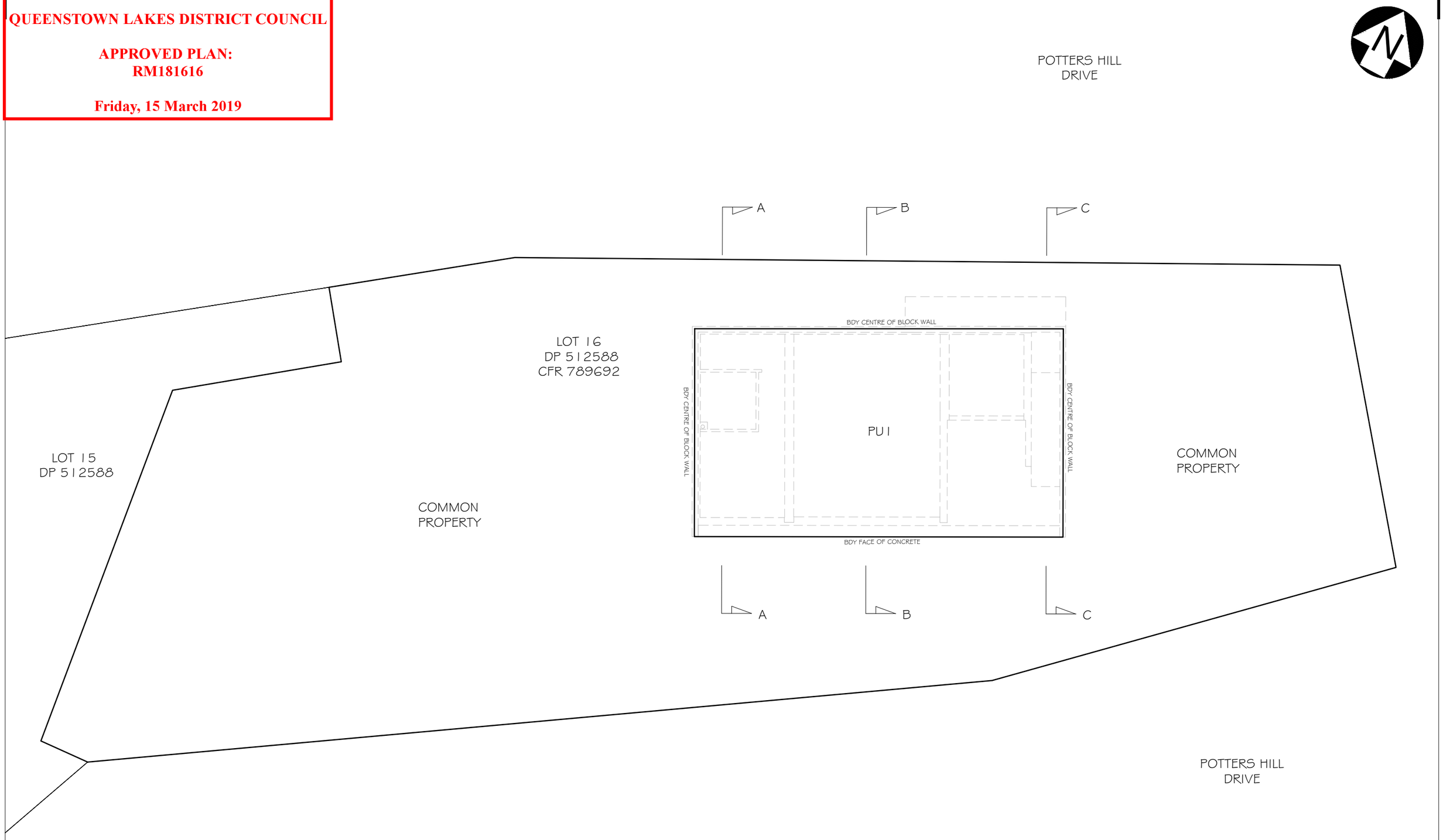
RM181616

Friday, 15 March 2019



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PROPOSED UNITS ON LOT 16 DP 512588
GROUND FLOOR LEVEL

Client: ALPHA PROPERTIES LTD

Notes:
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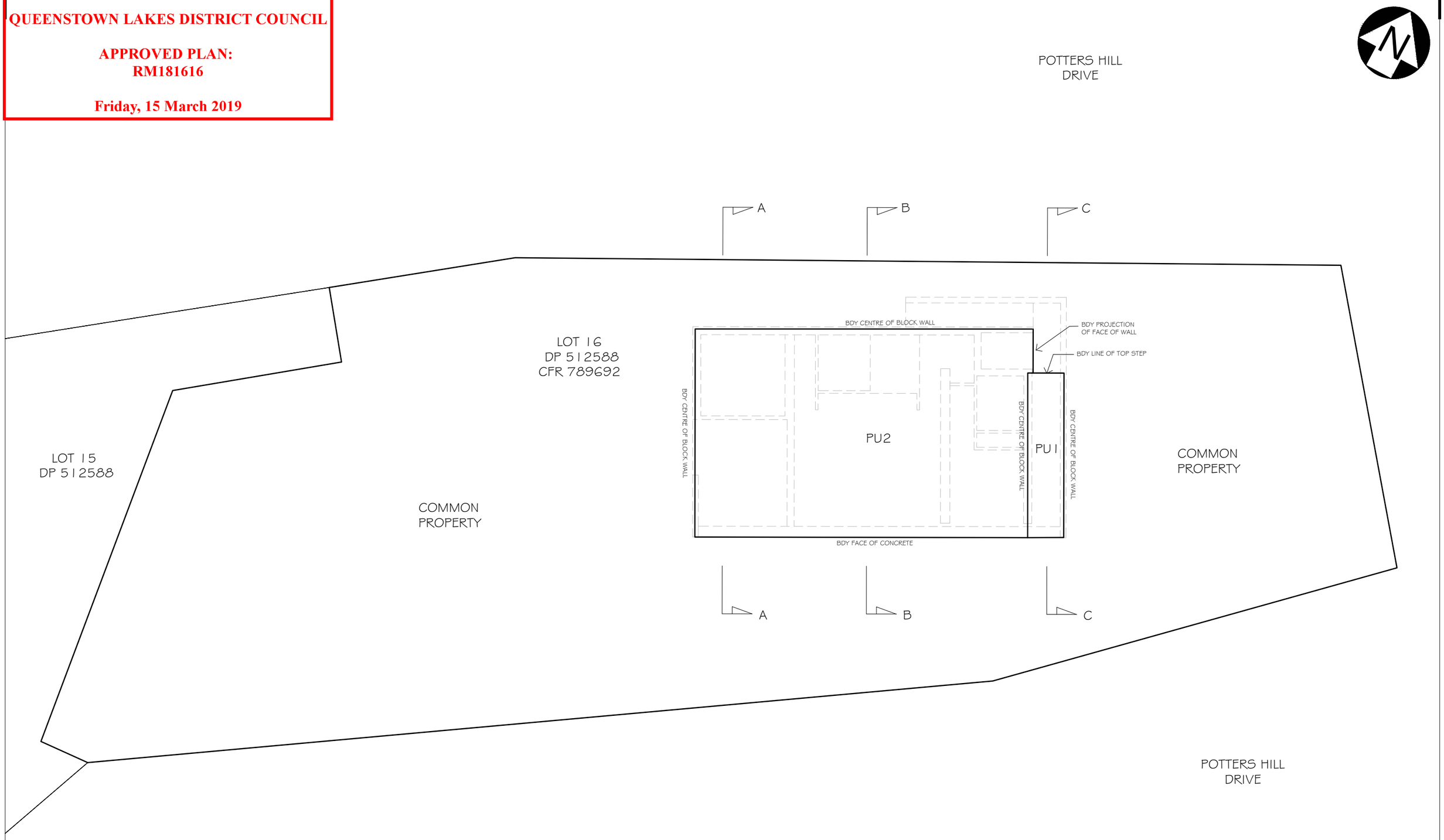
Version: 1, Version Date: 13/12/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181616

Friday, 15 March 2019



CLIENT REVIEW 20.11.18

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Rev.	Date	Revision Details	By
-	-	-	-

PROPOSED UNITS ON LOT 16 DP 512588
FIRST FLOOR LEVEL

Client: ALPHA PROPERTIES LTD

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Version: 1, Version Date: 03/12/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181616

Friday, 15 March 2019

POTTERS HILL DRIVE

A B C

LOT 16
DP 512588
CFR 789692

LOT 15
DP 512588

COMMON PROPERTY

COMMON PROPERTY

2.5

AU3

5

AU5

5

5

AU4

2.6

A B C

POTTERS HILL DRIVE

CLIENT REVIEW 20.11.18

Shotover Design Limited trading as
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Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
-	-	-	-

PROPOSED UNITS ON LOT 16 DP 512588
ROOF TOP CARPARK

Client: ALPHA PROPERTIES LTD

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Designed	Signed	Date	Datum & Level	Rev.	
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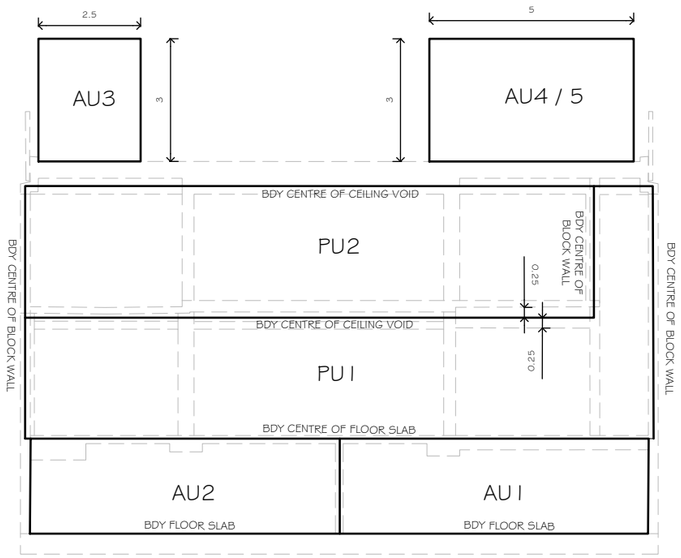
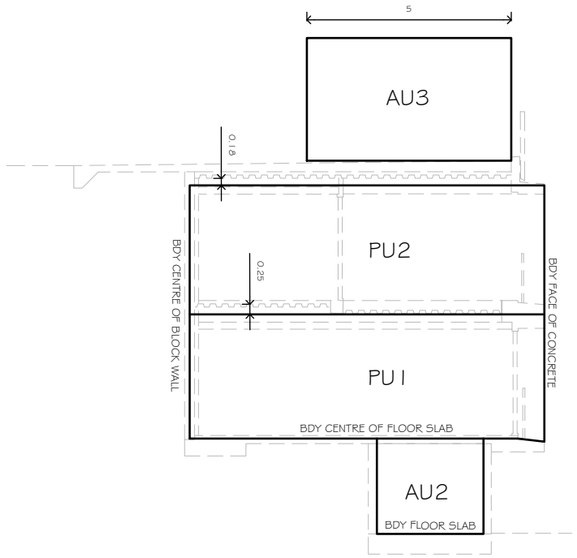
Version: 1, Version Date: 13/03/2019



COMMON PROPERTY



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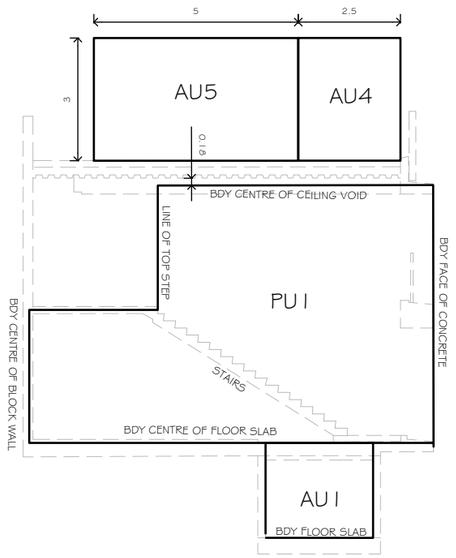
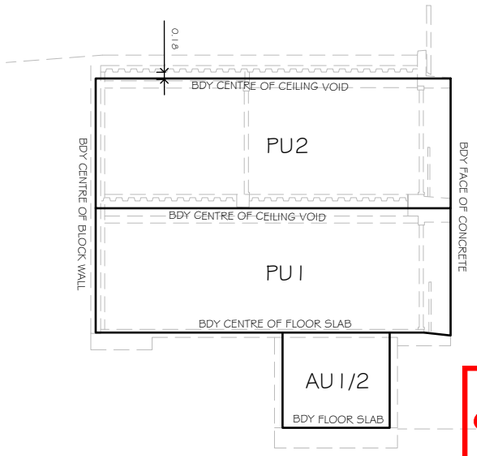


COMMON PROPERTY



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181616

Friday, 15 March 2019

CLIENT REVIEW 20.11.18

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
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Rev.	Date	Revision Details	By
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PROPOSED UNITS ON LOT 16 DP 512588
SECTION VIEWS

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	12377	26 Sheet 005
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Version: 1, Version Date: 03/05/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Chandler Properties Limited
RM reference:	RM180738
Application:	Application under section 88 of the Resource Management Act 1991 for a land use consent to undertake visitor accommodation for up to four guests for up to 365 days per year from an existing residential unit.
Location:	10 Highlands Close, Kelvin Peninsula, Queenstown
Legal Description:	Lot 12 Deposited Plan 498650 held in Computer Freehold Register 741320
Operative District Plan Zoning:	Low Density Residential
Proposed District Plan (Stage 1 – Decisions Version 2018) Zoning:	Lower Density Suburban Residential
Proposed District Plan (Stage 2) Zoning:	N/A
Activity Status:	**Restricted Discretionary**
Date	**8 June 2018**

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**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 Andrew Woodford, Senior Planner, on date 7 June 2018 under delegated authority pursuant to Section 34A of the RMA.

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

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. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Andrew Woodford, Senior Planner as delegate for the Council.

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Version: 1, Version Date: 14/05/2021

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake visitor accommodation within an existing dwelling at 10 Highland Close, Kelvin Peninsula, Queenstown. The applicant has proposed to let out the dwelling to paying customers for 365 days a year. The maximum number of guests is proposed to be four people. This application makes no physical changes to the building.

The applicant has provided a detailed description of the proposal, the site and locality in Section(s) 1 and 2 of the report entitled *Assessment of Effects on the Environment Visitor Accommodation Use of 10 Highlands Close For Chandler Properties Limited, March 2018*, prepared by Hayley Mahon of John Edmonds and 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 with the following additions:

Figure 1 (L): *Southern elevation of 10 Highland Close (with garage to west of balcony)*; **Figure 2** (R): *Allocated parking space for subject site* (Source: processing planner)

Figure 3: *Allocated parking space – no. 12, highlighted in red* (Source: Car Parking Layout plan)

Relevant Site History

The wider subdivision was established under resource consent (RM050520) granted in May 2008 for the development of 17 fee simple lots and associated earthworks. A number of subsequent consents followed to vary the subdivision consent. There are no other consents considered to be of relevance to this application.

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Version: 1, Version Date: 14/05/2021

2. ACTIVITY STATUS

The proposal requires consent for the following reasons:

2.1 OPERATIVE DISTRICT PLAN (ODP)

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

- A **discretionary activity** pursuant to Rule 7.5.3.4(i) in respect of Visitor Accommodation within the Low Density Residential Zone, in respect of:

  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.

Given that the wording of the rule lists specific issues in respect to visitor accommodation, overall, the application is considered to be a **restricted discretionary** activity.

2.2 PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

The Council withdrew all provisions relating to visitor accommodation activities in urban areas from Stage 1 of the District Plan Review. Visitor accommodation provisions were notified as part of Stage 2 of the District Plan Review on 23 November 2017. While the objectives and policies of the PDP have immediate legal effect pursuant to s86A(2) of the Act, the PDP contains no rules with immediate legal effect which are relevant to this proposal.

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

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 as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve 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; or a restricted discretionary or discretionary subdivision or residential activity; or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB; therefore, public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv).

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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 3.3.1 below:

3.3.1 Effects that must be disregarded (s95D(a)-(e))

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), a permitted baseline assessment is undertaken (if applicable) in 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)).

3.3.2 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 permitted baseline includes the residential occupation of the unit, including associated adverse effects such as car parking demand, traffic generation, noise, and impact on privacy.

The definition of residential activities excludes the use of land or buildings for visitor accommodation. Notwithstanding this, there are a number of visitor accommodation type scenarios that could feasibly take place as a permitted activity. These are:

- A single annual let for one or two nights.
- Homestay accommodation for up to 5 guests in a Registered Homestay.
- Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home.

Whilst the effects generated from the residential occupation of the residential unit as outlined above are similar, they are not the same as the commercial letting of the residential unit for visitor accommodation. Visitor accommodation activities require restricted discretionary consent in the Low Density Residential zones, as specified in Section 7 Residential Areas of the District Plan, as such there is no permitted baseline in terms of the proposed visitor accommodation activity. The permitted baseline is not a relevant consideration and has not been applied in this instance.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The relevant assessment matters are found in Section 7.7.2(vii) of the Operative District Plan and have been considered in the assessment below.

The Assessment of Effects provided at section 5 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

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3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, overall the proposed activity will not 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. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on 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 (s95B(2)-(4)).

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 (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity (s95B(6)(b)).

4.3 Step 3: if not precluded by step 2, certain other affected persons must be notified

If limited notification is not precluded by step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity / Prescribed activity

The proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity (s95B(7)).

Any other activity

If not a boundary activity or prescribed activity, the proposed activity falls into the 'any other activity' category (s95B(8), and the effects of the proposed activity are to be assessed in accordance with section 95E (see the assessment below in section 4.3.3).

4.3.1 Assessment Of Effects On Persons (s95E)

Effects That May Be Disregarded

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 3.3.2 above.

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4.3.3 Assessment: Effects on Persons

Taking into account the exclusions in section 95E(2) and (3) and 3.3.2 (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:

Character, Amenity and Scale

Following a search of Council records, it appears 9, 14 and 16 Highlands Close (RM180028, RM170718 and RM171226, respectively) have resource consent to operate as a visitor accommodation. The cumulative extent of visitor accommodation uses in the immediate area are not considered to be of such a number as to noticeably alter the residential character of the area or have significant detrimental effects on neighbourhood cohesion to a minor or more than minor extent on people. The scale of the activity is not considered significant enough to cause a noticeable change (minor or more than minor) in the character of the area to owners and occupiers of adjacent properties.

The proposed use can also have potential amenity effects when rubbish is left out for collection and there is an extended period of time between the end of a rental and the scheduled rubbish collection day. However, this can be mitigated by an appropriate condition of consent, which has been agreed to by the applicant. It is also considered that appropriate conditions of consent, including an annual review clause will allow Council to monitor the effects of the consent in terms of character, amenity and neighbourhood cohesion to ensure that they are less than minor of people.

Noise and Nuisance

The immediately surrounding properties are most likely to be affected if at all by the proposed visitor accommodation activity. Conditions have been volunteered with regard to use of outdoor areas and car parking. These conditions limit the use of the outdoor areas between the hours of 0700 and 2200, and to ensure only two cars utilise the allocated parking areas – one in the garage and the other in the allocated parking space. The outdoor area is screened on the western side with wooden fencing of 1.5m in height and a stone wall, up to roof height on the eastern side of the balcony. The existing screening and the conditions of consent will ensure the visitor accommodation activity would be of a nature and scale similar to the permitted residential use of the property. Effects will therefore be adequately avoided or mitigated. For the reasons outlined above, adverse effects on surrounding owners and occupiers in terms of noise and nuisance will be less than minor.

Privacy

The proposed visitor accommodation use could result in a loss of privacy within a residential area. In this case, the dwelling is located within a residential area, where dwellings are generally single storey dwellings in relatively close proximity to one another. Therefore a high level of privacy is not anticipated in the zone and property owners generally use landscaping and fencing to provide a greater level of privacy. The primary outdoor living area on the southern side of the house is screened on the western side with wooden fencing of 1.5m in height and a stone wall, up to roof height on the eastern side of the balcony. While the screening will not prevent overlooking, it is considered that any privacy effects already exist. The proposed visitor accommodation use will not result in a loss of privacy much greater than that anticipated by residential use of the site, however it is acknowledged that the proposed visitor accommodation has the potential to affect privacy due to the change in use from longer term occupants to use by different groups as visitor accommodation. A suitably worded condition of consent has been included to ensure the use of the outdoor areas is restricted to the hours of 0700 and 2200 will mitigate any potential adverse effects on people to be less than minor

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Traffic Generation and parking

Noise vibration and lighting from vehicles entering and leaving the site will be compatible with the levels acceptable in a low-density residential environment given that the visitor accommodation proposed relates to the rental of a single holiday home. Traffic generated would therefore be of a similar scale to permanent residential occupation of the dwelling and the proposal has car parking which complies with the district plan requirements. A condition of consent is included to ensure cars are to be parked on site, which has been accepted by the applicant. As such, there will be no adverse effects on persons in respect to traffic generation.

It is considered that any effects on persons will 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 (s95B(10))

Special circumstances do not apply that require limited notification.

5. OVERALL NOTIFICATION DETERMINATION

In reliance on the assessment undertaken in sections 3 and 4 above, the application is to be processed on a non-notified basis.

6. S104 ASSESSMENT

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 3 and 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))

Section 6.1 of applicant's AEE (*Appendix 1*) details the relevant objectives and policies of the ODP and is adopted accordingly.

Proposed District Plan (Stage 2 Notified Version)

Council notified Stage 2 of the Proposed District Plan on 23 November 2017, which contains certain rules that have immediate legal effect pursuant to section 86B(3) of the RMA. No rules with immediate legal effect are relevant to this proposal, however there are objectives and policies which are relevant. Proposed Objective 7.2.8 seeks to maintain the residential character of the zone through the management of the location, scale and intensity of visitor accommodation. Proposed Objective 7.2.9 seeks to manage the establishment of residential visitor accommodation to ensure that residential units are predominantly used for residential activities and maintain the character of the zone. Accordingly, visitor accommodation in Low Density Residential zones is not considered to be compatible with these objectives, nor their associated policies.

Weighting between Operative District Plan and Proposed District Plan (Stage 1 Decisions Version 2018 and Stage 2 Notified Version)

As these provisions have only been notified, limited weighting is given to these provisions. Therefore, the objectives and policies of the Operative District Plan are considered to take precedence in this case.

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6.3 PART 2 OF THE RMA

As in this case the relevant planning provisions are valid, have complete coverage and are certain, the above assessment under s104 against those planning provisions gives substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the RMA.

6.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to undertake visitor accommodation activity at 10 Highlands Close for up to four guests for 365 days a year subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

7.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE 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 change of use from residential to visitor accommodation.

Payment will be due to a commencement of the consent.

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries please contact Andrew Woodford on phone (03) 441 0499 or email Andrew.woodford@qldc.govt.nz.

Report prepared by

Helen Pickles
CONSULTANT PLANNER

Decision made by

Andrew Woodford
SENIOR PLANNER

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Applicant's AEE
APPENDIX 3 – Approved Management Plan

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APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - Car parking layout, dated 13/4/2015
   - Elevations, dated May 2015
   - Ground Floor Plan, dated May 2015
   - First Floor Plan, dated May 2015

   stamped as approved on 7 June 2018

   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. The consent holder shall ensure the visitor accommodation activity is undertaken in accordance with the approved site management plan (Appendix 3). The approved site management plan must be implemented in perpetuity for the operation of the site. Any changes to the site management plan must be certified by the Manager: Resource Consents prior to being implemented.

   The objective of the site management plan is to outline the management techniques that will be used to ensure conditions (4 – 11) are met and shall include the contact details of the property manager available for any complaints.

4. The maximum number of persons on site in association with the visitor accommodation use shall be restricted to four (4) persons at any one time.

5. Regarding the use of outdoor space:

   a) When visitor accommodation is undertaken on the site, there shall be no use of the outdoor living areas between 10 pm and 7 am the following day.

   b) Two 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 inside of the dwelling and a weatherproof sign (e.g. laminated) shall be installed within each of the outdoor areas.

   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 Planning Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.

5. The property shall be rented to a maximum of one (1) group at any one time.

6. All vehicles, including those belonging to people visiting guests, shall be parked on the site in identified carparking spaces indicated in Condtion 1 and no guest shall block or restrict use of Highlands Close. The consent holder must advise all guests of this condition.

7. The consent holder shall ensure that no coaches or buses are to serve the site.

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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. If the unit is to be managed by a letting agent / property manager, the name and contact details of that agent shall be supplied to Council prior to use of the site for short term visitor accommodation.

10. All rubbish and recycling shall be disposed of appropriately. Kerbside collection for rubbish and recycling shall only be placed on the street the day of, or the day prior to collection.

Review

11. 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, 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).

12. As part of the review clause stated in Condition 11 of this consent, the Council may have the Visitor Accommodation/noise management plan audited at the consent holder's expense.

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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 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 with our monitoring planner added to the email at 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/

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APPENDIX 2 – APPLICANT'S AEE

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Assessment of Effects on the Environment

Visitor Accommodation Use of 10 Highlands Close

For **Chandler Properties Limited**

March 2018

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Appendix 2 Site Plans, Elevations, Floor Plans

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1.0 INTRODUCTION

1.1 Overview

This Assessment of Effects on the Environment report (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;
- A description of the proposal;
- Identification and assessment of relevant RMA statutory provisions; and
- A conclusion.

The applicant seeks resource consent to allow for the visitor accommodation use of 10 Highlands Close, Queenstown. It is proposed to allow for up to a maximum of four guests to be accommodated on the property, for up to 365 days of the year.

1.2 Consultation and Notification

The adverse effects of the proposal are considered to be less than minor and no other persons are considered to be affected by the proposal. It is therefore considered appropriate to process this application on a non-notified basis.

2.0 DESCRIPTION OF THE PROPOSAL

2.1 Site Location and Legal Description

The site is located at 10 Highlands Close and has a gross floor area of 130m^2. The legal description of the site is Lot 12 Deposited Plan 498650 and held in Computer Freehold Register 741320 (a copy of which has been attached as **Appendix 1**). There are no instruments listed on the title of which Council has an interest that will influence the current resource consent application.

Figure 1 below shows an aerial view of the site.

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Figure 1: Aerial view of site (outlined in red)

The site is part of a multi-unit development known as 'The Tiers'. The unit subject to the current application is a two bedroom, two storey dwelling that is the situated in the middle of 3 units within Block 4 of The Tiers development. The lower floor consists of a single garage, bedroom, bathroom and laundry. The upper floor consists of the second bedroom, bathroom and open-plan kitchen, living and dining area. A 17m^2 decking area adjoins the living/dining area. The unit is denoted as Unit 12 in the plans at **Appendix 2**.

The site is accessed via Highlands Close which runs to the south-east of the site. The site shares a driveway area with the two other units within Block 4. The site has exclusive use of a further carpark, which is directly across the driveway to the south of the unit. This carpark is denoted as carpark 12 in the site plan at **Appendix 2**.

It is noted that other units within The Tiers have been granted Visitor Accommodation consent with a higher number of guests accommodated for.

2.2 Description of Proposed Activity

Land use consent is sought to allow for the visitor accommodation use of 10 Highlands Close, Queenstown. It is proposed to allow for up to a maximum of four people to stay at the property at any one time.

The site will be managed by Stay Here Queenstown who will provide an off-site manager as detailed within the proposed Management Plan (attached as **Appendix 3**). This management plan has outlined measures to be implemented onsite to appropriately manage the proposed visitor accommodation use. These measures include;

- Restrictions on outdoor living areas
- Requirement to comply with conditions of the relevant resource consent decision

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- Management of rubbish
- Management of parking areas

3.0 DISTRICT PLAN PROVISIONS

3.1 Operative District Plan (ODP)

The site is zoned as Low Density Residential Zone. The Plan states that 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…"*

Under the Queenstown Lakes District Plan the proposed activity requires the following consent:

1. A **discretionary** activity pursuant to Rule 7.5.3.4(i) in respect of Visitor Accommodation within the Low Density Residential Zone, in respect of:
    - The location, external appearance and design of buildings;
    - The location, nature and scale of activities on site;
    - The location of parking and buses and access;
    - Noise; and
    - Hours of operation.

Overall consent for a **discretionary** activity is required.

3.2 Proposed District Plan (PDP)

There are no rules in the PDP which will impact the current resource consent application that have immediate legal effect.

4.0 SECTION 104(1)(B) CONSIDERATIONS

Section 104 and 104B of the Resource Management Act (RMA) set out the relevant assessment matters for resource consent applications carrying the discretionary activity status.

> ***104 Consideration of applications***
> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
> *(b) any relevant provisions of—*
> *(i) a national environmental standard:*
> *(ii) other regulations:*
> *(iii) a national policy statement:*
> *(iv) a New Zealand coastal policy statement:*
> *(v) a regional policy statement or proposed regional policy statement:*
> *(vi) a plan or proposed plan; and*
> *The assessment under these documents must include a discussion of any — (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).*

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104B Determination of applications for discretionary or non-complying activities
After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

(a) May grant or refuse the application; and
(b) If it grants the application, may impose conditions under section 108

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Visitor Accommodation Use

The following assessment matters are listed under section 7.7.2(vii) of the ODP. The following is an assessment of the current proposal against these matters;

(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*
- *(ii) The nature of the development in the context of the permitted future uses on nearby sites*
- *(iii) Loss of privacy*
- *(iv) The proximity of outdoor facilities to residential neighbours*
- *(v) Hours of operation*
- *(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*

The proposed activity will allow for the conversion of an existing unit from residential to visitor accommodation use. The scale of the activity is appropriate within the site context, given what can be achieved through the residential use of the unit. The size and orientation of the outdoor decking area in combination with the proposed management regime and standard conditions of consent will reduce the actual or potential effects of the proposal on neighbouring sites to less than minor.

(b) Any adverse effects in terms of:
- *(i) The adequacy and location of car parking for the site*
- *(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.*
- *(iii) Loss of privacy.*
- *(iv) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.*
- *(v) Pedestrian safety in the vicinity of the activity.*
- *(vi) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*
- *(vii) Provision for coaches to be parked off-site*
- *(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 unit has adequate parking for the proposed activity, with two parking spaces available for the exclusive use of this unit. One parking space is available in the garage on the lower floor of the unit and the second carpark is available across the driveway from the unit. The unit is directly accessed from a driveway off Highlands Close. As the proposed activity is small in scale with the maximum number of people accommodated for in the unit being four, traffic generation is expected to be of a similar level to residential use of the unit. For these reasons, it is

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considered that there are unlikely to be any adverse effects associated with vehicle or pedestrian movements to and from the site, or in the vicinity.

(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.

The only outdoor living area associated with the unit is located on the south side of the unit and oriented to provide views towards Lake Wakatipu and the surrounding landscape. The decking areas for the neighbouring units are not joined to the decking area for this unit (as demonstrated in the plans at **Appendix 2**) which reduces the potential or actual noise effects on the neighbouring properties. The proposed activity is of a small, similar scale to the residential use of the unit with the maximum number of people accommodated for in the unit being four. The management plan for the unit prohibits guests from using the outdoor decking area between the hours of 10pm and 7am. These limits on the use of the outdoor area will aid in reducing the actual or potential effects of the activity and it is considered that effects towards neighbouring properties would be less than minor.

(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.

Development contributions will appropriately address any potential effects on Council services from the proposed visitor accommodation use.

5.2 Neighbourhood Effects

The site will be managed in accordance with the management plan attached as **Appendix 2**. These in combination with standard conditions of consent will ensure that any actual or potential effect on neighbouring sites is less than minor.

5.3 Traffic, Parking and Access

The site has two car parks that are available for the exclusive use of the unit in accordance with car parking requirements set forth in the Operative District Plan.

Any effects on traffic will not be detrimental to the safety or efficiency of the shared access and any vehicle movement will be consistent with that which would occur through the residential use of the property. As such it is considered that any effect on traffic parking or access will be negligible.

5.4 Summary of Assessment of Environmental Effects

Overall, it is considered that any actual or potential effect of the proposal would be less than minor.

6.0 OBJECTIVES AND POLICY ASSESSMENT

6.1 Objectives and Policies of the Operative District Plan

The objective and policies relevant to the current application can be found in Part 7 – Residential Areas of the ODP. Those objectives and policies of direct relevance to the current application have been reproduced below;

7.1.2 District Wide Residential Objectives and Policies

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Version: 1, Version Date: 14/05/2021

Objective 3 – Residential Amenity

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Policies:

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.

The proposed visitor accommodation will be of a small scale and will be appropriately managed through conditions of consent and the property manager. Restrictions on the use of outdoor living areas by guests will aid in reducing potential noise effects on neighbouring properties, while the small scale of the activity will aid in further reducing associated effects of the activity. As such it is considered that the proposed activity will be consistent with Objective 3 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.***
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.***

Policies:

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.*

As discussed in the AEE above, the proposal will have a less than minor effect on the residential amenity of the receiving environment. The nature and scale of the proposed visitor accommodation will be appropriate within the site context and not adversely impact the existing neighbourhood character of the units. Further controls implemented through the Management Plan and standard conditions of consent will appropriately address the actual or potential effects of the proposal. As such it is considered that the proposed visitor accommodation use can be achieved on the site without having a detrimental effect on the residential amenity of the receiving environment.

6.2 Objectives and Policies of the Proposed District Plan

The Proposed Queenstown Lakes District Plan was notified on the 26 August 2015. Within the proposed plan the site is to be rezoned Low Density Residential Zone or "Lower Density Suburban Residential". Provisions relating to visitor accommodation were withdrawn from Stage 1 of the District Plan Review on the 23 October 2015, and are to be addressed as part of Stage 2.

Stage 2 of the PDP was notified on 23 November 2017. The further submission period has recently closed and hearings on Stage 2 are set for July 2018. As such, these rules are not in effect yet but an assessment against the relevant objectives and policies from the PDP has been included below.

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

Objective 7.2.8
The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.
Policies:

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 residential housing is achieved.

As discussed in the AEE above, any actual or potential effects of the proposed use can be appropriately managed through measures prescribed by the applicant and standard conditions of consent. As such it is considered that the proposed activity can be undertaken on the site without diminishing the residential character of the receiving environment.

7.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

In this instance, the purpose of the Act is to ensure that amenity values will not be adversely affected by the visitor accommodation use of the dwelling. The AEE above has identified that the actual and potential effects of the proposal will have on the site will not result in detrimental effects to the residential amenity values of the receiving environment. The proposal will also allow for the landowners to provide for their economic wellbeing and visitors social wellbeing. As such it is considered that the proposal will not be contrary to any of the matters set forth in Part 2.

8.0 SUMMARY

As discussed in the AEE above, any actual or potential effect of the visitor accommodation use of the site will be less than minor. Car parks provided on the site will meet the requirements set forth by the QLDP. The proposed management scheme in combination with standard conditions of consent will ensure that any actual or potential effects of the proposal are less than minor. As such it is considered appropriate to process this application on a non-notified basis.

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

APPENDIX 3 – APPROVED MANAGEMENT PLAN

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

Management Plan

10 Highlands Close, Queenstown, 9300

This Management Plan applies to the use of [property address] for visitor accommodation in accordance with resource consent RM 180738

Property Manager

The details of the property manager for the site have been outlined below;

Name:	Stay Here Limited
Email:	bookings@stayhere.co.nz
Phone (24hr):	027 309 9867

The Property Manager shall have the following responsibilities:

- To provide the tenants with a copy of the House Rules and get confirmation from the tenants that they agree to the rules as a condition of staying at the property.
- To check that the number of tenants does not exceed [insert number of guests] persons at any one time.
- To check that the on-site compendium contains a copy of the House Rules and a copy of the conditions of resource consent RM**180738.**
- To enforce the house rules.
- To allocate and manage car parking during visitor accommodation use.
- To ensure all conditions of the resource consent are met at all times.
- To ensure rubbish bins are put on the roadside for collection on Tuesdays

House Rules

- Only guests that are part of the visitor accommodation activity can sleep at the property.
- Consideration must be shown to neighbours at ALL times.
- There shall be no use of any other outdoor entertainment areas between 10 pm and 7 am.
- Guests shall only park in assigned parking bays.

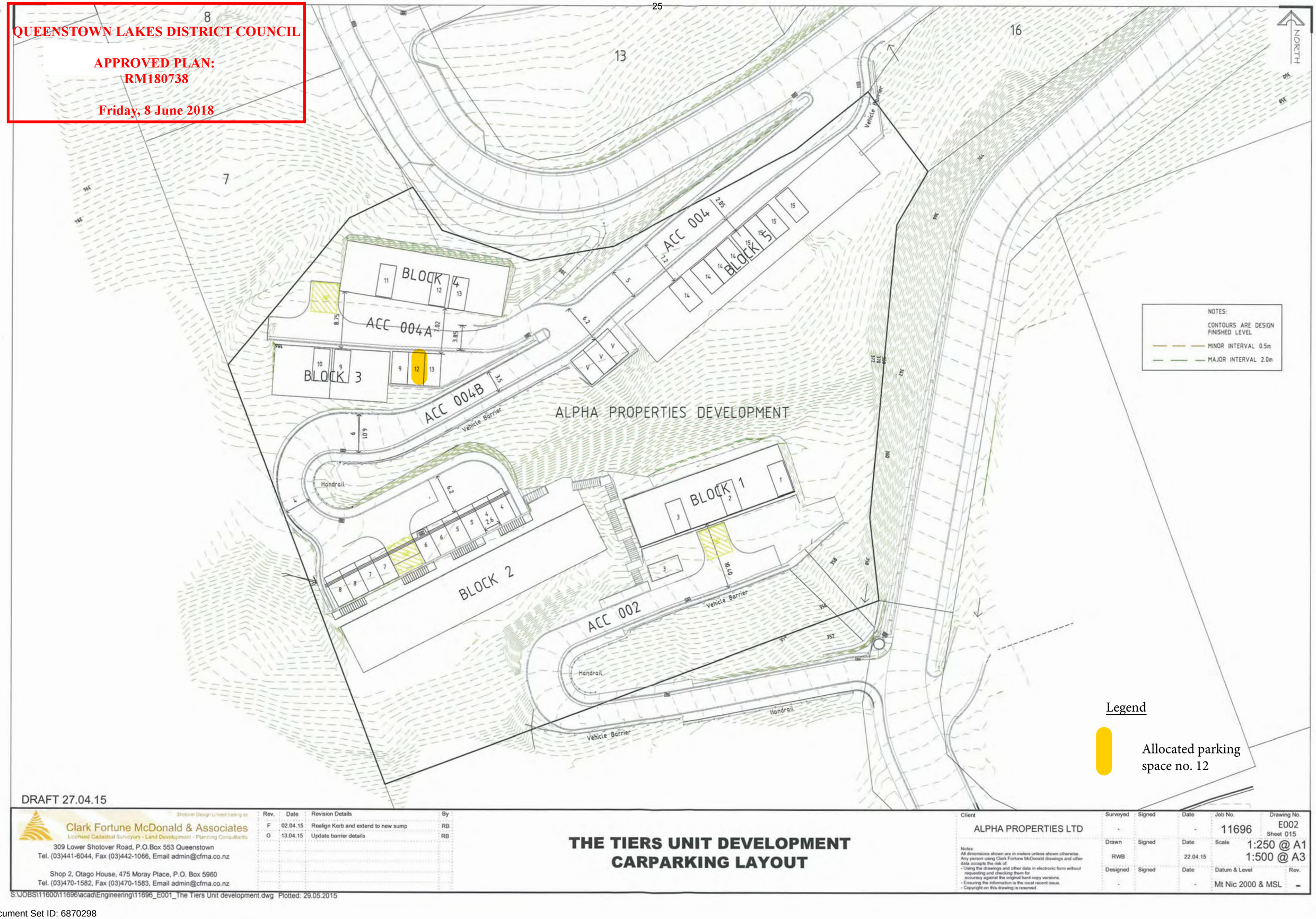
Other Matters

- Signs are to be placed on doors leading to outside entertainment areas stating, "**Outdoor entertainment areas are not to be used between 10pm and 7am daily**".

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180738

Friday, 8 June 2018



DRAFT 27.04.15

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
F	02.04.15	Realign Kerb and extend to new sump	RB
G	13.04.15	Update barrier details	RB

THE TIERS UNIT DEVELOPMENT
CARPARKING LAYOUT

Client	Surveyed	Signed	Date	Job No.	Drawing No.
ALPHA PROPERTIES LTD	-		-	11696	E002 Sheet 015
	Drawn	Signed	Date	Scale	1:250 @ A1 1:500 @ A3
	RWB		22.04.15		
	Designed	Signed	Date	Datum & Level	Rev.
	-		-	Mt Nic 2000 & MSL	-

Notes:
All dimensions shown are in meters unless shown otherwise.
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- 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.

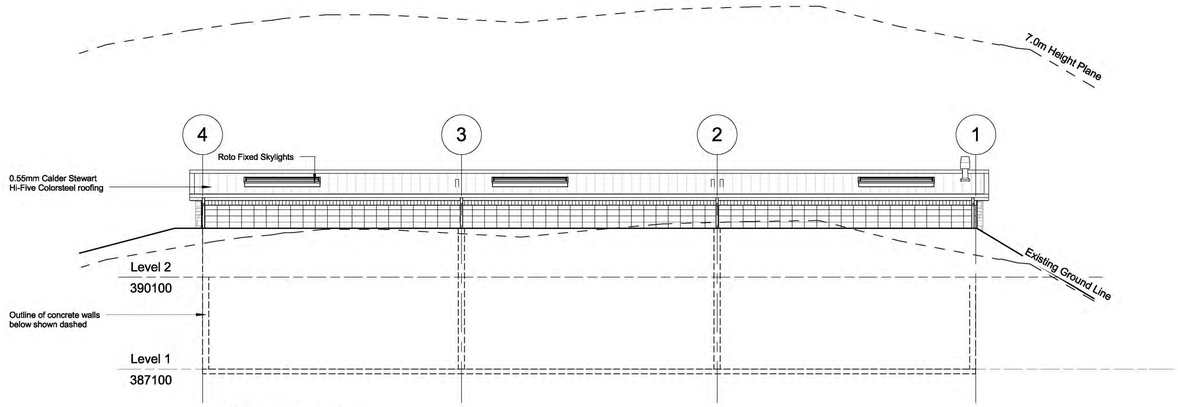
S:\JOBS\11600\11696\acad\Engineering\11696_E001_The Tiers Unit development.dwg Plotted: 29.05.2015

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

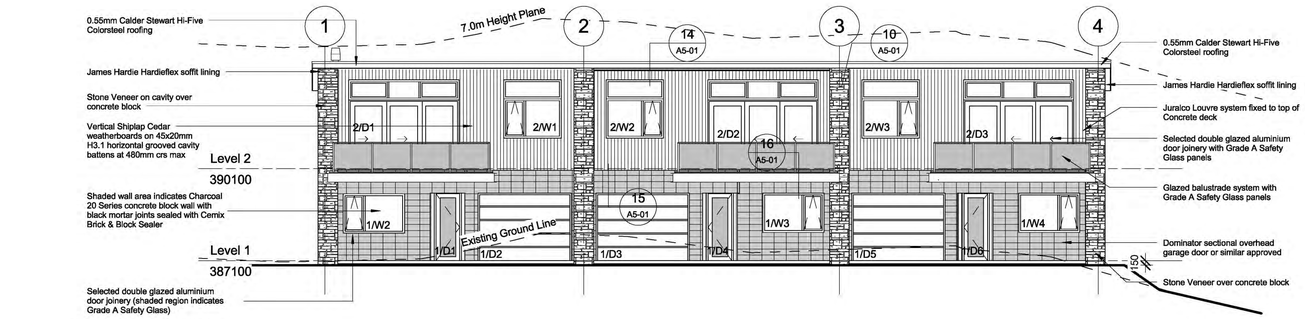
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180738

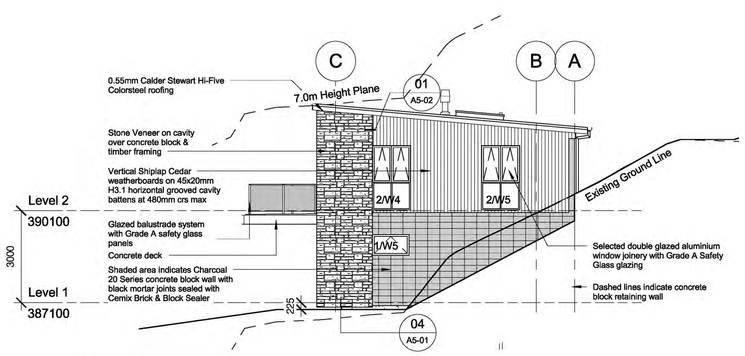
Friday, 8 June 2018



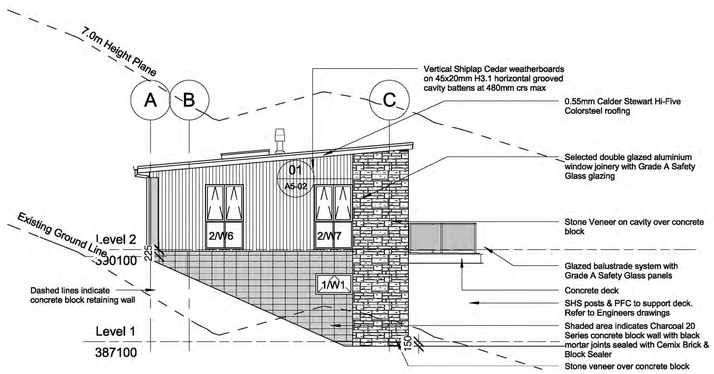
North Elevation
1 : 100



South Elevation
1 : 100



East Elevation
1 : 100



West Elevation
1 : 100

ELEVATION:NORTH ELEVATION	RISK SEVERITY								
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	1	2	2		2
Number of Storys	0	0	0	1	0	2	0	4	0
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	0	2	2		2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	0	2	0	4	0	6	0
							Total Risk Score:		4

ELEVATION:SOUTH ELEVATION	RISK SEVERITY								
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	1	2	2		2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	1	1	0	3	0	5	1
Eaves Width	0	0	1	1	0	2	0	5	1
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
							Total Risk Score:		8

ELEVATION:EAST ELEVATION	RISK SEVERITY								
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	1	2	2		2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	2	2	0	5	2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
							Total Risk Score:		8

ELEVATION:WEST ELEVATION	RISK SEVERITY								
Risk Factor	Low		Medium		High		Very High		Subtotals
Wind Zone	0	0	0	0	1	2	2		2
Number of Storys	0	0	0	1	2	2	0	4	2
Roof / Wall intersection design	0	0	0	1	0	3	0	5	0
Eaves Width	0	0	0	1	2	2	0	5	2
Envelope Complexity	0	0	0	1	0	3	0	6	0
Deck Design	0	0	2	2	0	4	0	6	2
							Total Risk Score:		8

NOTE
ALL EXPOSED BLOCKWORK IS TO BE SEALED
WITH CEMIX BRICK AND BLOCK SEALER

Phone: (03) 489 4196
Fax: (03) 489 6076
12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
WJ CADZOW & Associates Ltd

Date	Revision Description	No.
01/09/15	Issue for Consent	1

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Contract:
The Tiers Development - Block 4
for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn: MD
Date: May 2015
A1 Scales: 1 : 100
A3 Scales: 1:200

Sheet Title :
Elevations

Contract: 14041-01
Sheet: A3-01
Of
CAD File Name:
Revision: 1

CONSENT ISSUE — A1

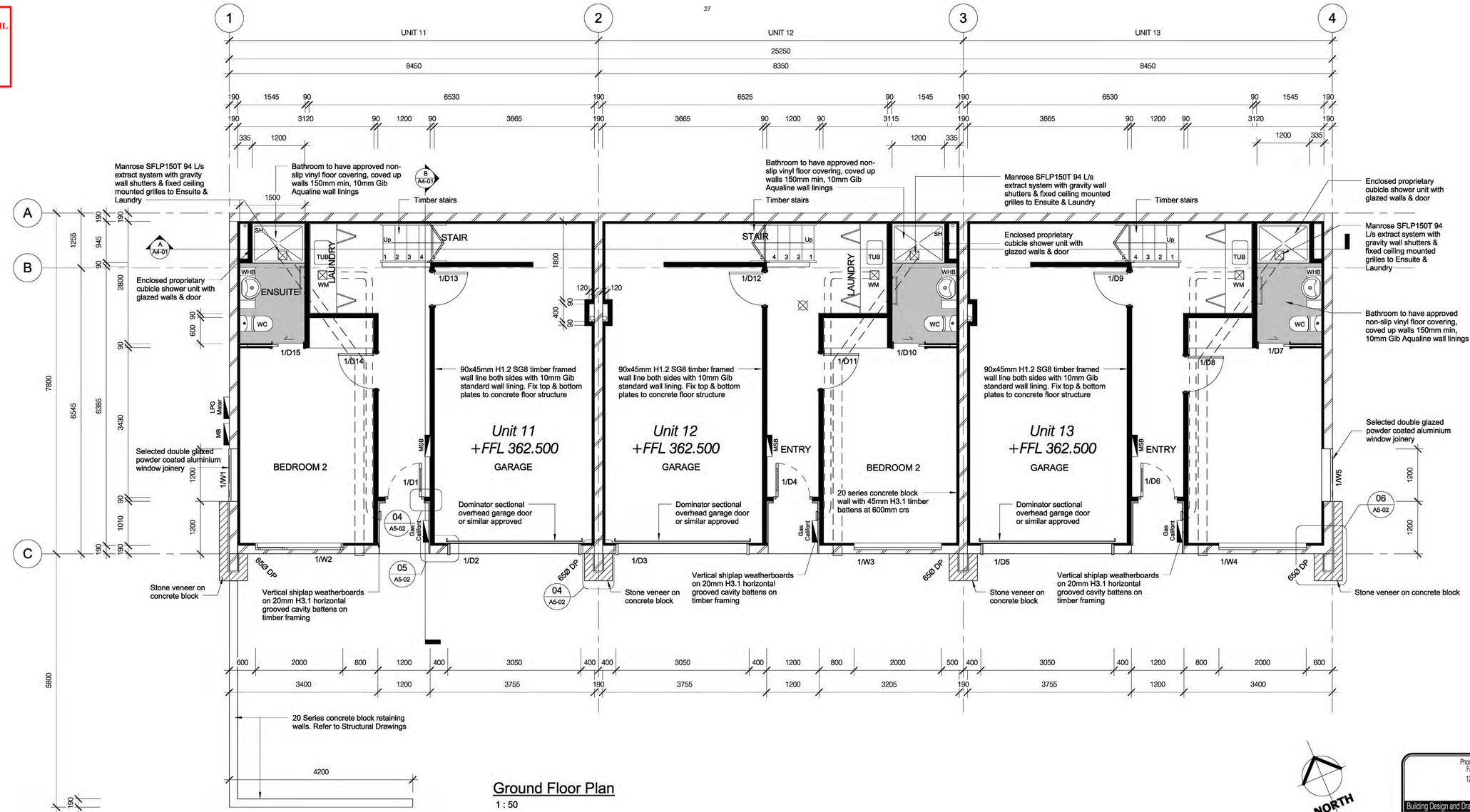
ORIGINAL SIZE A1

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180738

Friday, 8 June 2018



Ground Floor Plan

1 : 50

WALL LEGEND

- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior
- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior Pink Batts R2.8 wall insulation 45x20mm H3.1 Cavity Battens @480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- **TIMBER LOAD BEARING WALL, REFER TO ENGINEERS DRAWINGS** 10mm Gib Standard to interior
- New 140x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to both sides
- New 40x45mm H1.2 SG8 framing Studs @ 400mm crs max. Dwangs @ 480mm crs max. 10mm Gib Standard to interior Pink Batts R4.0 wall insulation 45x20mm H3.1 horizontal grooved cavity battens @ 480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- 20 Series Concrete block Ardex Shelterseal 5000HD tanking system to exterior 45x45mm H3.1 timber battens over Thermakraft Covertek 403 building wrap 40mm Expol Platinum Board insulation 10mm Gib Standard to interior
- 20 Series Concrete block 45x45mm H3.1 timber battens both sides over Thermakraft Covertek 403 building wrap 10mm Gib Standard both sides
- SD Type 1 Domestic Smoke Detector
- MB Electrical Meter Board
- MSB Electrical Main Switch Board to each Unit
- LPG Meter Gas Meter Board

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise
2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise
3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 600mm crs max. Bolts to be complete with 50x50x3mm washers
4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max
5. All bottom plates to have a minimum of two fixings per plate
6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)
7. All timber lintels to top storey to be fixed in accoardance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection
8. All trimmer studs to lintels to be in accordance with Fig. 8.15 and Table 8.5 of NZS3604:2011
9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type E (2/90x3.15 skew nails + 2 wire dogs
10. All purlins to be fixed to rafters in accordance with Table 10.10 NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)
11. All other timber frame construction to comply strictly in accordance with NZS3604:2011
12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap
13. All timber battens shot fixed to concrete block wall at 600mm crs both ways
14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs
15. All wet areas to have approved vinyl flooring coved up walls 150mm min. with 10mm Gib Aqualine wall linings
16. All showers to be Englefield enclosed shower units or similar approved.

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.

GROUND FLOOR AREAS

Unit 13 Ground Floor Area =	65.90m²
Unit 12 Ground Floor Area =	65.10m²
Unit 11 Ground Floor Area =	65.90m²
TOTAL GROUND FLOOR AREA =	**196.90m²**

FLOOR FINISHES

- Tarkett Optima flooring vinyl with slip resistance of 0.3 to all Bathrooms, Ensuites, Laundry's & Kitchen areas
- All other areas to be selected carpet
- Garge to be concrete

ORIGINAL SIZE A1

Phone: (03) 489 4196
Fax: (03) 489 6078
12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
WJ CADZOW & Associates Ltd

Date	Revision Description	No.
01/09/15	Issue for Consent	1

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Contract:
The Tiers Development - Block 4 for Alpha Properties NZ Ltd.
Frankton Road
Queenstown

Drawn:	Date:
MD	May 2015
A1 Scales: 1 : 50	A3 Scales: 1:100

Sheet Title:
Ground Floor Plan

Contract: 14041-01
CAD File Name:
Sheet: **A2-01**
Of
Revision: 1

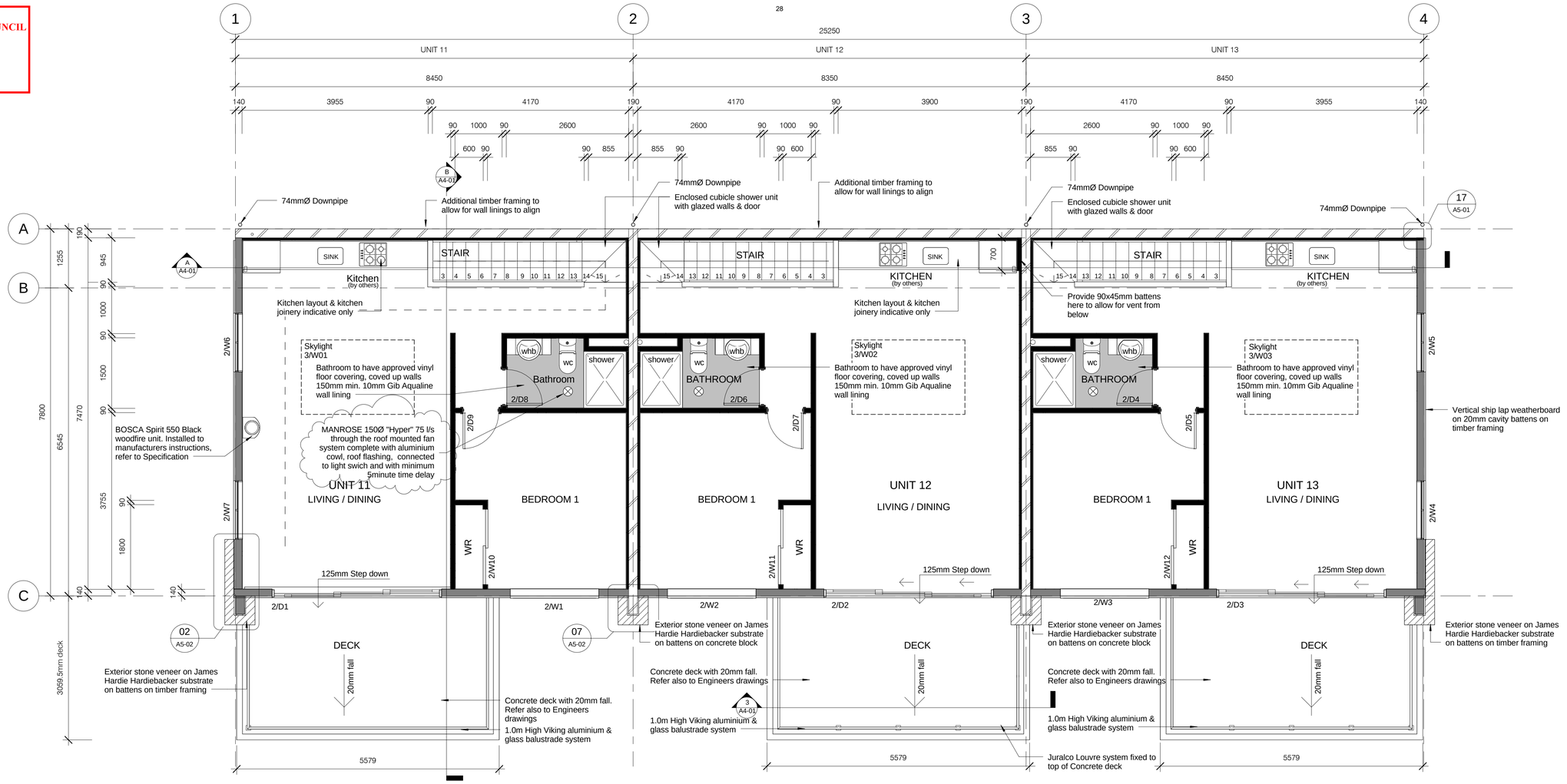
CONSENT ISSUE A1

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180738

Friday, 8 June 2018



First Floor Plan

1 : 50

WALL LEGEND

- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior
- New 90x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to interior Pink Batts R2.8 wall insulation 45x20mm H3.1 horizontal grooved cavity battens @ 480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
- New 140x45mm H1.2 SG8 framing Studs @ 400mm crs max. 10mm Gib Standard to both sides
- New 140x45mm H1.2 SG8 framing Studs @ 400mm crs max. Dwangs @ 480mm crs max. 10mm Gib Standard to interior Pink Batts R4.0 wall insulation 45x20mm H3.1 horizontal grooved cavity battens @ 480mm crs Thermakraft Covertek 403 building wrap Vertical Shiplap Cedar Weatherboards
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- 20 Series Concrete block 45x45mm H3.1 timber battens both sides over Thermakraft Covertek 403 building wrap 10mm Gib Standard both sides
- SD — Type 1 Domestic Smoke Detector
- MB — Electrical Meter Board
- MSB — Electrical Main Switch Board
- LPG Meter — Gas Meter Board

GENERAL NOTES

1. Stud spacings to all exterior framed walls to be 400mm, unless noted otherwise

2. Stud spacings to all interior non-loadbearing walls to be 600mm unless noted otherwise

3. All bottom plates to exterior wall framing to be fixed to concrete slab with M12 galvanised anchor bolts @ 600mm crs max. Bolts to be complete with 50x50x3mm washers

4. All bottom plates to internal framed walls to be fixed to concrete slab with M12 Trubolts @ 800mm crs max

5. All bottom plates to have a minimum of two fixings per plate

6. All top plates to be fixed to all studs in accordance with Table 8.18 NZS3604:2011, Fixing Type B (2/90x3.15 end nails + 2 wire dogs)

7.All timber lintels to top storey to be fixed in accoardance with Fig. 8.12 NZS3604:2011 for concrete slab and with strap to lintel / stud connection

8. All trimmer studs to lintels to be in accordance with Fig. 8.15 and Table 8.5 of NZS3604:2011

9. All rafters to be fixed to top plates in accordance with Table 10.1 Fixing Type E (2/90x3.15 skew nails + 2 wire dogs

10. All purlins to be fixed to rafters in accordance with Table 10.10 NZS3604:2011 fixing Type T (1/10g self drilling screw, 80mm long)

11. All other timber frame construction to comply strictly in accordance with NZS3604:2011

12. All timber framed external walls to be wrapped with Thermakraft Covertek 403 building wrap

13. All timber battens shot fixed to concrete block wall at 600mm crs both ways

14. All timber toplates to internal non-loadbearing walls to be be shot fixed to underside of floor system at 800mm crs

15. All wet areas to have approved vinyl flooring coved up walls 150mm min. with 10mm Gib Aqualine wall linings

16. All showers to be Englefield enclosed shower units or similar approved.

Refer to Engineers Drawings & Specifications for slab & foundation details, sizing, location & lintel sizes.

FIRST FLOOR AREAS

Unit 13 First Floor Area =	65.90m²
Deck Area =	17.30m²
Unit 12 First Floor Area =	65.10m²
Deck Area =	17.30m²
Unit 11 First Floor Area =	65.90m²
Deck Area =	17.30m²
TOTAL FIRST FLOOR AREA =	**248.80m²**

LINTEL SCHEDULE

2/140x45mm SG8	2/W4, 2/W5, 2/W6, 2/W7, 2/W8, 2/W9, 2/W10, 2/W11, 2/W12, 2/W13
2/190x45mm SG8	2/W1, 2/W2, 2/W3
PFC Portal	2/D1, 2/D2, 2/D3

FLOOR FINISHES

Tarkett Optima flooring vinyl with slip resistance of 0.3 to all Bathrooms, Ensuites, Laundry's & Kitchen areas

All other areas to be selected carpet

Garge to be concrete

NORTH

ORIGINAL SIZE A1

Phone: (03) 489 4196
Fax: (03) 489 6078
12 Thames Street
Mosgiel 9024
New Zealand
Building Design and Draughting Services
WJ CADZOW & Associates Ltd

Date	Revision Description	No.
08-09-15	Consent RFI Dated 07 Sept 2015	2
01/09/15	Issue for Consent	1

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Contract:
The Tiers Development - Block 4 for Alpha Properties NZ Ltd. Frankton Road Queenstown

Drawn : MD
Date: May 2015
A1 Scales: 1 : 50
A3 Scales: 1:100
Sheet Title : First Floor Plan
Contract: 14041-01
Sheet: A2-02
CAD File Name:
Of
Revision: 2
CONSENT ISSUE
A1

Document Set ID: 6870298
Version: 1, Version Date: 14/05/2021

QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

CHANGE OF CONDITION – SECTION 127 AND LAND USE – SECTION 88

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Albatross QT Limited
RM reference:	RM160038
Application:	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.
Location:	658A Frankton Road, Queenstown
Legal Description:	Lot 1 Deposited Plan 485139 held in Computer Freehold Register 688943
Zoning:	Low Density Residential
Activity Status:	**Discretionary**
Decision Date:	**5 April 2016**
Reissue Date:	**13 May 2016**

Document Set ID: 6870296
Version: 1, Version Date: 14/05/2021

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 8 April 2016 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 127 of the RMA, consent is **GRANTED** subject to the change to conditions outlined in Section 7.4 of this decision. An updated set of conditions of RM050520.01 is provided in Appendix 1 of this decision. 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.

3. Pursuant to section 104 of the RMA, consent is **GRANTED** subject to the changes to conditions outlined in Section 7.4 of this decision. 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.

4. This decision was reissued on 12 May 2016 under section 133A of the Act with respect to Condition 5(e) to ensure that this condition was applicable to all lots. This reissue was made to amend this error and with the agreement of the applicant including the extension of relevant timeframes under s37 of the Act. This reissue decision was made by Paula Costello, Senior Planner, as delegate for the Council.

Document Set ID: 6870296
Version: 1, Version Date: 14/05/2021

1. SITE DESCRIPTION

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 1.1, 1.2 and 1.3 of the report entitled Albatross QT Ltd Variation to Conditions RM050520.01, prepared by Nick Geddes of Clark Fortune McDonald and Associates, dated Final December 2015 on the report pages and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 3). These descriptions are considered accurate and are adopted for the purpose of this report.

The following site history is relevant to the application:

- RM050520 was notified and subsequently approved on 20 May 2008, this consent granted consent to subdivide a site into 17 fee simple 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.

- An extension to the lapse date of RM050520 was granted pursuant to Section 125 of the Act on 21 December 2012. RM050520 now lapses on 20 May 2016.

- RM130069 was granted 24 March 2014 for a variation of conditions 1 and 6(g) of RM050520, subject to the imposition of additional 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.

- Resource consent RM150928 was granted 18 December 2015 to vary condition 1 of RM050520.01 to make changes to easements and realign boundaries.

PROPOSAL

The application has been amended since it was lodged to include a land use consent application to breach the minimum site distance visibility for Access P and F. This has resulted in a revised AEE, the most recent version is dated February 2016. The most recent approved Scheme Plan approved by resource consent RM150928 on 18 December 2015, prepared by Clark Fortune McDonald and Associates, Reference 9074 Revision M is dated 11/12/2015.

Variation/cancellation of condition

The application seeks consent to undertake a number of variations to conditions of subdivision RM050520 as amended by consent decisions RM050520.01 and RM150928.

The application has been assessed by Council's consulting engineer, Mr Alan Hopkins. Mr Hopkins has advised that the majority of the physical works for this subdivision have been completed and certification under section 224c of the RMA will be sought in the near future. He further notes that matters relating to geotechnical certification (items 2, 6 and 7 below) have been based largely on further geotechnical investigations which have been undertaken by the applicant's consultants Tonkin & Taylor and Geosolve Limited.
It should be clarified that although the application refers to an amalgamation of Lots 10 and 11, it is not proposed to amalgamate these lots in the typical subdivision process, but rather the applicant seeks to join approved Lots 10 and 11 together, creating a larger lot.

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The proposal seeks consent to achieve the following;

1. Amalgamate Lots 10 and 11 due to unfavourable geotecnical conditions;
2. Remove building platforms and revise geotechnical certification for Lots 7,8,9 10 and 17,
3. Remove private water supply requirements,
4. Revise indented parking arrangements on Road 6,
5. Remove requirement to form Access G,
6. Formalise geotechnical Zone E on a scheme plan and amend geotechnical certification for Zone E,
7. Formalise geotechnical Zone D on a scheme plan and amend geotechnical certification for Zone D.

The above variation to the resource consent affects the following conditions imposed by RM150520 as amended by RM150520.01 and RM150928.

- Condition 1 of resource consent RM050520.01 and as amended by RM150928,
- Condition 4a of resource consent RM050520 as amended by RM050520.01
- Condition 4c of resource consent RM050520 as amended by RM050520.01
- Condition 4k of resource consent RM050520 as amended by RM050520.01
- Condition 4m of resource consent RM050520 as amended by RM050520.01
- Condition 5e of resource consent RM050520 as amended by RM050520.01
- Condition 6a of resource consent RM050520 as amended by RM050520.01
- Condition 6c of resource consent RM050520 as amended by RM050520.01
- Condition 6d of resource consent RM050520 as amended by RM050520.01

The following changes are sought:

Condition 1

Condition 1 as amended by RM150928 currently states;

*1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 01.01.14, Referenced 9074-21 Revision M and titled The Tiers Subdivision Lots 2, 7-17 and 200 Being a Subdivision of Lot 2 DP 305273 (**stamped as approved 18 December 2015**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.*

The applicant seeks the following changes, shown as underlined:

*1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated ~~01.01.14~~ 19.01.2016, Referenced 9074-21 Revision ~~M~~ N and titled The Tiers Subdivision Lots 2, 7- 10, 12 - 17 and 200 Being a Subdivision of Lot 2 DP 305273 (**stamped as approved ~~18 December 2015~~ March 2016**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.*

Condition 4a

Condition 4a of RM050520.01 currently states;

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

a. *The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.*

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The applicant seeks the following changes shown as strikethrough:

~~*(a) The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.*~~

Condition 5e

Condition 5e of RM050520.01 currently states;

5. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

e) A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.

The applicant seeks the following changes shown as strikethrough and underlined:

~~*e) A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.*~~

e) 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 engineer as defined in Section 1.2.2 and demonstrates to Council that all lots are suitable for building development

In the event that the site conditions on any lot 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 approval 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.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that no building construction would be suitable within the lot or on any part of a lot. The consent notice condition shall refer to the Schedule 2A statement and record that no residential development may be undertaken on the lot or on the relevant part of the lot.

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Condition 6c

Condition 6c of RM050520.01 currently states;

6. *Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:*

    c) *Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.*

The applicant seeks the following changes, shown as strikethrough and underlined:

~~c) *Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.*~~

c) A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 7, 8, 9 & 17 providing for the performance of any ongoing requirements for building construction as outlined in Condition 5(e) (above).

Condition 4c

Condition 4c of RM050520.01 currently states;

4. *Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:*

    c) The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.

The applicant seeks the following changes, shown as strikethrough;

~~*c) The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.*~~

Condition 4k

Condition 4k of RM050520.01 currently states;

4. *Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:*

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k) The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

The applicant seeks the following changes, shown as strikethrough and bold;

k) Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of ~~either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum~~ ***4 lots of bays to hold two cars****. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.*

Condition 4m

Condition 4m of RM050520.01 currently states;

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

m) "Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

The applicant seeks the following changes, shown as strikethrough;

~~m)"Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.~~

Condition 6a

Condition 6a of RM050520.01 currently states;

6. Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

a. *No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.*

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The applicant seeks the following changes, shown as strikethrough and underlined;

~~(a) No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.~~

a) No building shall be constructed within AREA PA DP xxxxxx 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 building. No building consent will be issued for any proposed building within AREA PA DP xxxxxx without Council's approval of the geotechnical report. Council may require that this report is peer reviewed.

Condition 6d

Condition 6d of RM050520.01 currently states;

6.Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

d) A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

The applicant seeks the following changes, sown as strikethrough and underlined;

~~c) A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.~~

c) 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 in Areas PB, PC, PD & L DP xxxxx (refer Zone D on Tonkin & Taylor report, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

The application can be assessed under section 127 as the proposal relates to a variation to consent conditions and will not result in a change to the consented activity.

Land Use

Land use consent is sought to allow a reduction to the minimum site distance specified in the District Plan for Accesses F and P. Condition 4k of RM050520.01 requires the formation of eight indented parking spaces within the legal width of Access Road 6. Due to the steep topography and bedrock outcrops the consent holder has stated that locating these parks in accordance with District Plan standards for the Low Density zone is difficult to achieve. The consent holder has therefore applied to breach *rule 14.2.4.2 iv Minimum Site Distances from Vehicle Access* of the District Plan in regard to Accesses P and F. This rule requires a minimum sight distance of 45m within a 50km/hr speed limit.

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2. ACTIVITY STATUS

2.1 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

Cancellation/Variation

- 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.

Land Use

- A **restricted discretionary** activity consent pursunat to Rule 14.2.4.2 iv Minimum Site Distances from Vehicle Access in regard to Accesses P and F. This rule requires a minimum sight distance of 45m within 50km/hr speed limit. Council's discretion is with respect to this matter.

Overall the application is assessed as a **discretionary activity.**

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)).*

No written approvals have been provided in support of the application.

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, no permitted baseline has been applied.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account Sections 4.1 and 4.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on the environment more than minor:

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As part of the processing of this application, a report was received from Council's consulting Resource Management Engineer, Mr Alan Hopkins. Mr Hopkins's report is accepted and his findings are relied on for the purposes of this assessment.

Cancellation/Variation to Consent Conditions

Subdivision Condition 1 of RM050520 as amended by subsequent decisions RM050520.01 and RM150928: Amalgamate Lots 10 and 11

Resource consent RM050520.01 approved a scheme plan (as amended by RM150928) that specified building platforms on certain lots where further geotechnical investigation were considered necessary, the geotechnical investigations were to be completed prior to certification of the subdivision under section 224c of the RMA. Condition 4(a) of RM050520.01 requires '*The provision for building platforms on lots 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.'*

The consent holder engaged Geosolve Ltd to undertake the required additional geotechnical investigation. In a letter dated 23 November 2015 (Geosolve Ref: 140412) Geosolve confirmed that considerable remedial work would be required within the building platform on Lot 10 in order to be able to build on the platform. The applicant states that due to the considerable costs associated with this remedial work they now seek to remove the building platform and join together Lots 10 and 11 creating a larger Lot 10 with the buildable area over previous Lot 11.

Mr Hopkins states that the removal of the building platform and the joining together of these lots is well founded and recommends Condition 1 of RM050520.01 is varied to reflect the change. The advice of Mr Hopkins is accepted. Any adverse effect of creating a larger lot will not result in adverse effects of a more than minor nature.

The recommended wording for condition 1 is:

1.That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 01.01.14 19.01.16, Referenced 9074-21 Revision ~~M~~ N and titled The Tiers Subdivision Lots 2, 7-~~17~~10,12-17 and 200 Being a Subdivision of Lot 2 DP 305273 (stamped as approved ~~December 2015~~ April 2016) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.

RM050520.01 Conditions 1, 4a, 5e and 6c: Geotechnical Constraints Lots 7, 8, 9, 10 and 17

The approved conditions of RM050520.01 require further geotechnical investigation to confirm the geotechnical requirements to construct buildings in the platforms contained in Lots 7, 8, 9, 10 & 17. As discussed above, it is proposed that the Lot 10 building platform will be removed and the lot joined together with Lot 11.

The applicant states that the geotechnical investigations on Lots 7, 8, 9 & 17 have determined that the original intentions sought by conditions 4a, 5e & 6c would be better served by a more detailed consent condition, as proposed as revised condition 5(e).

Mr Hopkins has reviewed the proposal and is satisfied that the intent of the original conditions will be maintained and that the revised condition will provide a more detailed and logical approach. Mr Hopkins recommends that condition 1 be amended as above, condition 4a be cancelled, and conditions 6c and 5e be amended as proposed. The advice of Mr Hopkins is accepted. Any adverse effects will remain no more than minor.

The recommended amendments are;

Condition 1. Amended as above.

Condition 4(a): Deleted as follows;

~~*4a.The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical*~~

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~~*design and under suitably qualified geotechnical professional supervision.*~~

Condition 6c: Amended as follows;

~~*6c. Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.*~~

6c. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 7, 8, 9 & 17 providing for the performance of any ongoing requirements for building construction as outlined in Condition 5(e) (above).

Condition 5e: Amended as follows;

~~*5(e): A suitably qu*~~

~~*page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.*~~

5(e) 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 engineer as defined in Section 1.2.2 and demonstrates to Council that all lots are suitable for building development

In the event that the site conditions on any lot 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 approval 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.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that no building construction would be suitable within the lot or on any part of a lot. The consent notice condition shall refer to the Schedule 2A statement and record that no residential development may be undertaken on the lot or on the relevant part of the lot.

RM050520.01 Condition 4c: Private Water Supply

Condition 4c relates to the provision of a private water storage scheme. The application states that the original private water supply solution anticipated by RM050520.01 for the site has been problematic and therefore an alternative water connection has been made by the consent holder to the Council network in Middleton Road. The applicant has therefore applied to cancel Condition 4c relating to the provision of a private water storage scheme.

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Mr Hopkins has provided advice that Council gave engineering approval on 19 November 2015 for a new water supply connection. This line has been installed and will be vested to Council under the section 224c subdivision certification process. Mr Hopkins has reviewed the new water supply connection and notes that it is fed relatively directly from the Council reservoir with limited pipe loss and is satisfied that the subdivision will be provided with the required flows and pressures as per Council standards. He notes that conditions 4d of RM050520.01 requires the consent holder to confirm suitable firefighting flows and pressures prior to section 224c certification, and that this condition remains in place and will ensure that these flows and pressures are confirmed prior to the issuing of certificates of titles. Mr Hopkins accepts that the new approved connection to Council's water network allows condition 4c to be cancelled. The advice of Mr Hopkins is accepted. Any adverse effects on water supply will be no more than minor.

RM050520.01 Condition 4k: Indented Car Parking

This condition requires the provision of either three lots of indented parking bays to hold three cars minimum or two lots of indented parking bays to hold four cars minimum.

The application states that while the total eight required parking spaces can be provided, due to existing topography, the configuration of these spaces cannot be met, and therefore an amendment is sought to allow an alternative to provide four bays to hold two cars each.

Mr Hopkins states that:

"On review of the greater site I accept that the topography limits the ability to provide fewer large multi car parking bays and is better suited to four bays holding two cars each. This layout will in my opinion be of greater benefit to motorists as parks will be more spread out through the site and reduce walking distance to buildings serviced. I therefore recommend Condition 4(k) be amended to allow a configuration of 4 lots of bays hold 2 cars minimum."

This advice is accepted. Any adverse effects will remain no more than minor.

The following changes to Condition 4k are recommended:

4k. The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum or 4 lots of bays to hold two cars. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

RM050520.01 Condition 4m: Access G

This condition relates to the formation of Access G. Lot 1 DP 485139 (RM050520.01 Stage 1) has recently been subject to subdivision and land use consent RM150087 which approved a 5 metre wide access into Lot 1 DP 485139. Stage 1 of RM150087 completed the 5m wide access and titles have subsequently been issued. Mr Hopkins is satisfied that Condition 4(m) relating to the formation of Access G has therefore become redundant and he recommends that the condition can be deleted. This advice is accepted and it is concluded that the cancellation of condition 4m will not result in adverse effects that are more than minor.

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RM050520.01 Condition 1 and 6a: Geotechnical Zone E

The conditions of RM050520.01 require that further geotechnical investigations be carried out within specific areas defined on a plan as Zones. The plan was drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and appears in the RM050520.01 decision. Mr Hopkins advises that the applicant has completed the geotechnical investigations and is currently working towards meeting section 224c of the RMA requirements. During this certification process, the consent holder has determined that the geotechnical condition 6a is problematic in achieving the intention of the condition and has requested a replacement condition which is considered to better represent the geotechnical complications of Zone E. They have also requested that Zone E be depicted on the scheme plan rather than on a separate plan as per the current requirements of conditions. Zone E is therefore denoted as "PA" on the revised scheme plan.

Mr Hopkins has reviewed the proposed amendment to condition 6a and is satisfied that it achieves the intention of the original condition while providing more concise and logical wording. He is also satisfied that the inclusion of the Zone as easement PA on the scheme plan is sensible to ensure all applicable geotechnical information is clearly shown on the title plans.

The following changes are recommended:

1. Condition 1 as recommended above.

2. Condition 6a be amended as follows:

~~*6(a) No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.*~~

6a. No building shall be constructed within AREA PA DP xxxxxx 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 building. No building consent will be issued for any proposed building within AREA PA DP xxxxxx without Council's approval of the geotechnical report. Council may require that this report is peer reviewed.

RM050520.01 Conditions 1 and 6(d) Geotechnical Zone D

Mr Hopkins advises that the consent holder has completed the geotechnical investigations and is currently working towards meeting 224c requirements. As above during this process, it has been determined that the geotechnical condition 6d is problematic in achieving the intention of the condition and has requested a replacement condition which is considered to better represent the geotechnical complications of Zone D. Likewise the consent holder has requested Zone D be depicted on the scheme plan rather than a separate plan as per the current requirements of the conditions. Zone E is therefore denoted as "PB", "PC", "PD" & "L" on the revised scheme plan.

Mr Hopkins has reviewed the amended condition 6d as proposed by the consent holder and is satisfied that it achieves the intention of the original condition 6d while providing a more concise and logical wording. He is also satisfied that the inclusion of the Zone as easement "PB", "PC", "PD" & "L" on the scheme plan is sensible to ensure all applicable geotechnical information is clearly shown on the title plans.

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The following changes are recommended to Condition 6d:

~~*6d. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.*~~

6d. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 10 or 17 that falls within Areas PB, PC, PD & L DP xxxxxx (refer Zone D on Tonkin & Taylor report, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

Land Use: Minimum Site Distances

Condition 4(k) of RM050520.01 requires the formation of eight indented parking spaces within the legal width of Access Road 6. The application states that locating these car parks in accordance with District Plan standards is difficult to achieve due to the sites steep topography and existing bedrock outcrops. Therefore the applicant has applied to breach rule 14.2.4.2 iv Minimum Sight Distances from Vehicle Access of the District Plan in regard to Accesses P and F. The rule specifies a minimum sight distance of 45m within a 50 km/hr speed environment.

The applicant has submitted a Traffic Engineering assessment prepared by Bartlett Consulting Ltd titled 'Accesses P and F, Visibility Assessment, The Tiers Subdivision, Queenstown' dated 16/02/2016. This report finds that the speed environment for the site is considerably less than 50 km/hr and the assessment concludes that reduced sightlines in accordance with Table 1 of the report are compliant with Austroads and NZTA guidance.

As part of Mr Hopkin's assessment, he raised specific questions in relation to the impact of indented parking on sightlines. In response to the issues raised, Section 6 of the Bartlett report states:

'The methods for assessing, or measuring, visibility sight distance only consider permanent obstructions such as: boundary fences, buildings, road alignment, permanent vegetation and topography. It does not consider temporary items such as parked vehicles on the roadside or verge.

Both the Operative QLDC District Plan and Austroads do not mention parking within their assessment matters for visibility sight distance. The only document which does consider the effects of parking on visibility sight distance is RTS 6. This document states that sight lines should be kept clear of permanent obstructions, specifically excluding parking for accesses onto a local road. Based on RTS 6 roadside parking, as a temporary obstruction, is excluded from the assessment of visibility sight distance.

The New Zealand Land Transport Rule 2004 does provide some useful guidance as to where parking is acceptable (legal) and where it is not acceptable (illegal). For a vehicle entrances and exits the Land Transport Rule states:

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle so as to obstruct entry to or exit from any driveway.

This goes on to provide some definition on what is considered to be an obstruction as: For the purposes of this clause, a vehicle parked alongside any part of a kerb crossing provided for a driveway or within 1 m of the prolongation of the side of a driveway must be regarded as obstructing entry or exit.

It is acknowledged that the parking bay provided does reduce the visibility sight distance at Accesses F and P. Based on the Rule, unless stopping is otherwise controlled, it is legal to park 1m away from an access. This will have an impact on the available visibility sight distance however it complies with the Rule and is typical in urban environments.'

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The Bartlett report concludes that visibility of the sight distances from the accesses comply with national guidance and the overall effects of the non-compliance with Section 14.2.4.2 iv of the District Plan are considered to be less than minor. Mr Bartlett acknowledges, that although the location of the parking is not ideal, it is considered acceptable, as it does not contravene national guidance.
Mr Hopkins has reviewed the findings and accepts the Bartlett Consulting assessment report. He states that the sightlines provided at Access P and F are acceptable based on the actual speed environment. He however states that ideally the parking in the vicinity of Access P and F would be relocated to increase sightlines from the access but acknowledges that there is no legal requirement or national best practice guidelines requiring this parking to be relocated. Mr Hopkins is of the opinion that although not ideal the location of the indented parking poses a similar risk and restriction to sightlines as many existing on street parking situations elsewhere within urbanised areas of the district. He goes on to state *"that ultimately the relocation of this parking would require extensive rock breaking and cost to the consent holder and therefore would necessitate a clear legislative requirement to which the Bartlett report has confirmed does not exist."*

Mr Hopkins recommends that consent is granted in respect to the rule breach for reduced sightlines from Accesses 'P' and 'F' and that these sightlines can be reduced in accordance with Table 1 of the Bartlett Consulting Ltd ' Accesses P and F, Visibility Assessment, The Tiers Subdivision, Queenstown' report dated 16/02/2016. Mr Hopkins notes that this recommendation does not take into account reduced sightlines associated with indented car parking as this is only considered a temporary restriction under national guidelines.

The advice of Mr Hopkins is accepted.

Based on the advice of Mr Hopkins any adverse effects associated with the reduced sightlines will be no more 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. 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)

No exclusions have been applied.

5.2 ASSESSMENT: EFFECTS ON PERSONS

Taking into account Section 5.1 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:

Resource consent RM050520 was processed on a notified basis. Written approval was obtained from Transit New Zealand (now New Zealand Transport Agency). Thirty eight submissions were received in opposition to the development, one neutral submission was received and seven late opposing submissions were received.

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The main points of the submissions were summarised in the [then] reporting Planner's section 42A report as follows:

- *Ground stability concerns. Earthworks may result in damage to neighbouring sites.*
- *Road construction concerns (earthworks, slips, noise, dust, steepness, timeframes)*
- *Proposal may affect value of neighbouring property.*
- *Proposed footpath passes close to neighbouring property and residences.*
- *Safety and congestion concerns over the State Highway 6 intersection and increased traffic.*
- *Uncertainty over what type of development will follow if proposed lots are created.*
- *Water run-off during and after construction.*
- *There will be an increased demand on existing services.*
- *The onus of further geotechnical investigations should not be put on future land owners.*
- *Insufficient geotechnical investigations have been undertaken to support subdivision of the site. Stability issues remain.*
- *No assessment of geology and land instability with regard to stormwater has been undertaken.*
- *The subdivision may be subject to natural hazards and therefore requires consideration pursuant to section 106 of the Act.*
- *Construction methodology for the access does not provide for delays and is unlikely to be completed within the timeframe suggested. The temporary access ramp will not be an equivalent alternative.*

A number of submitters raised geotechnical concerns and although parking and access were not specifically raised, issues around increased traffic, access onto the State Highway, and construction methodology for access were raised.

The changes requested as part of this application have come about as a response to the results of the further geotechnical investigations that were required by the conditions imposed on RM150520.01. The amendments avoid the need for considerable remedial works required for Lots 10 and 11 if these lots were to be built on as previously consented. The changes to the conditions better reflect the geotechnical complications of Zones E and D, whilst ensuring the original intension of the original conditions are retained.

No persons will be adversely affected by the change from a private water supply to a supply from Council's network. Existing conditions of consent will ensure that water flow and water pressure comply with Council standards.

The deletion of condition 4m in relation to the formation of Access G will not result in adverse effects as the formation of this access occurred as part of RM150087.

Having regard to the nature of the above submissions, it is determined that there will be no potential adverse effects on submitters.

The findings of Mr Hopkins are adopted and relied upon, that the sightlines for Accesses P and F are acceptable based on the speed environment, and it is concluded that any adverse effects on traffic and pedestrian safety will be less than minor.

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

In terms of Section 95E and Section 127 (4) of the RMA, no person is considered to be adversely affected.

6. 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.

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7. S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in Section 4 of this report.

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

The relevant policies and objectives are contained in Parts 14 and Part 15 of the District Plan.

Part 14

Within Part 14, the most relevant objective is Objective 2 relating to safety and accessibility which seeks to maintain and improve access, ease and safety of pedestrians and vehicle movements. Supporting Policy 2.6 seeks to ensure that intersections and accessways are designed to be located so good visibility is provided. Objective 5 relates parking and loading and seeks sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects. The most relevant supporting policy is 5.5 relating to design and parking areas to ensure safety.

Mr Bartlett's evidence concludes that the visibility of the site distance from the accessways complies with national guidance on these matters and that any adverse effects will be less than minor. Mr Hopkins has assessed the evidence and is agreement with Mr Bartlett that the sightlines are acceptable. The proposal is therefore not contrary to the relevant objectives and policies.

Part 15

Objective 1 – Servicing, all development lots will be appropriately serviced subject to existing conditions and requirements of the RM050520.01 consent.

Objective 5 – Amenity Protection, the lot sizes and dimensions remain appropriate for residential development and consistent with the density anticipated of the Low Density Residential zone. The proposal is considered to meet this objective and policy of the District Plan.

The proposal is considered to meet the relevant objectives and policies of the District Plan.

PROPOSED DISTRICT PLAN

The Queenstown Lakes District Council notified the Proposed District Plan on 26 August 2015, under this plan the site is zoned Low Density Residential. There are no relevant rules in the Proposed District Plan which have immediate legal effect and the proposal is considered to accord with the relevant objectives and policies of the Proposed District Plan.

PART 2 OF THE RMA

Part 2 of the RMA is concerned with sustainable management of natural and physical resources. The variation and land use will enable the efficient implementation of the subdivision resource consent without creating adverse effects that are more than minor. The proposal is consistent with the sustainable management principal of the Act.

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7.4 DECISION 1: CANCELLATION/VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted** for the application by Albatross QT Ltd to change Condition 1 of resource consent RM050520.01 as amended by RM150928, such that:

1 Condition 1 of resource consent RM050520.01 as amended by RM150928 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

*1. That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated ~~01.01.14~~ **19.01.2016**, Referenced 9074-21 Revision ~~M~~ **N** and titled The Tiers Subdivision Lots 2, 7- **10, 12** - 17 and 200 Being a Subdivision of Lot 2 DP 305273 (**stamped as approved ~~18 December 2015~~ April 2016**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.*

2 Condition 4a of resource consent RM050520.01 is cancelled as follows (deleted text struck-through):

~~4a. The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.~~

3 Condition 4c of resource consent RM050520.01 is cancelled as follows (deleted text struck-through):

~~4c. The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.~~

4 Condition 4k of resource consent RM050520.01 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

*4k. The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum **or 4 lots of bays to hold two cars.** No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.*

5 Condition 4m of resource consent RM050520.01 is cancelled as follows (deleted text struck-through):

~~4(m). Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.~~

6 Condition 5e of resource consent RM050520.01 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

~~5e. A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.~~

5e. 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 engineer as defined in Section 1.2.2 and demonstrates to Council that all lots are suitable for building development

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In the event that the site conditions on any lot 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 approval 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.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that no building construction would be suitable within the lot or on any part of a lot. The consent notice condition shall refer to the Schedule 2A statement and record that no residential development may be undertaken on the lot or on the relevant part of the lot.

7 Condition 6a of resource consent RM050520.01 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

~~*6a. No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.*~~

6a. No building shall be constructed within AREA PA DP xxxxxx 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 building. No building consent will be issued for any proposed building within AREA PA DP xxxxxx without Council's approval of the geotechnical report. Council may require that this report is peer reviewed.

8 Condition 6c of resource consent RM050520.01 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

~~*6c. Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.*~~

6c. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 7, 8, 9 & 17 providing for the performance of any ongoing requirements for building construction as outlined in Condition 5(e) (above).

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9 Condition 6d of resource consent RM050520.01 is amended to read as follows (deleted text struck-through, added text **bold underlined**):

~~*6d. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.*~~

6d. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 10 or 17 that falls within Areas PB, PC, PD & L DP xxxxxx (refer Zone D on Tonkin & Taylor report, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

DECISION 2: LAND USE CONSENT PURSUANT TO SECTION 88 OF THE RMA

Consent is granted for a breach of minimum site distances, subject to the conditions outlined in Appendix 2 of this decision report imposed pursuant to section 108 of the RMA.

Advice Note

- All other conditions of RM050520 and RM150520.01 and RM150928 shall continue to apply. A copy of an updated set of conditions is attached as Appendix 1 to this decision. This new set of conditions takes into account the unchanged conditions of Decision RM050520, the amendments to conditions made by RM050520.01 and by RM150928.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

For the forgoing reasons a Development Contribution is not required.

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.

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.

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.

If you have any enquiries please contact Jane Sinclair on phone 021442370 or email vsinclair@xtra.co.nz.

Report prepared by

Jane Sinclair
CONSULTANT PLANNER

Decision made by

Paula Costello
SENIOR PLANNER

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APPENDIX 1 – Updated Conditions of Resource Consent RM050520.01
APPENDIX 2 – Land Use Consent Conditions
APPENDIX 3 – Applicant's AEE

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APPENDIX 1 – UPDATED CONDITIONS OF RESOURCE CONSENT RM050520 AS AMENDED BY RM150520.01. NOTE THAT NEW NUMBERING HAS OCCURRED AS A RESULT OF THE AMENDMENTS TO THE CONDITIONS.

1. *That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonald and Associates, dated 19.01.2016, Referenced 9074-21 Revision N and titled The Tiers Subdivision Lots 2, 7- 10, 12 - 17 and 200 Being a Subdivision of Lot 2 DP 305273 (**stamped as approved 5 April 2016**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.*

1A. Prior to any certification under section 223 of the Resource Management Act 1991, the consent holder shall:

EITHER

(i) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder obtains written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as "*Road to dedicate in the Queenstown Lakes District Council*" on that plan shall vest in the Council under section 238 of the Resource Management Act 1991.

OR

(ii) If prior to certification under section 223 of the Resource Management Act 1991 the consent holder is unable to obtain written consent from all registered proprietors of land taking the benefit of easements T.5161028.10, T.5074969.1, T.916478.2, E.I.5558569.6 and T.422292 to the surrender of those existing interests in land over any part of the area marked as "*Road to dedicate in the Queenstown Lakes District Council*" on the Clark Fortune McDonald & Associates plan, dated 15 January 2013, titled *"Potters Hill Subdivision – Access Road Overall Plan View*" (Drawing No. E_001), the area shown marked as Lot 200 (also marked as 'Road 6') on the plans titled '*Lots 1-17 and 200 Being a Proposed Subdivision of Lot 2 D.P. 305273'* (stamped as approved 20 May 2008) shall be a private road.

2. 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.

3. The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.

4. Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:

a. The provision of a water supply to the boundary of Lots 1 through 17 in terms of Council's standards and connection policy. This shall include an Acuflow GM900 as the toby valve.

b. The provision of fire hydrants with adequate pressure and flow to service the development with a Class W3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.

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c. The provision of a foul sewer connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy.

d. The provision for final engineering design for a reticulated stormwater system that will dispose of stormwater into the stream to the west of the site and to the existing 375mm main adjacent to Frankton Road. Final design shall address the capacity in the waterway and the sizing of the culvert under the access road.

e. The provision of a stormwater connection to the boundary of Lots 1 through 17 in accordance with Council's standards and connection policy to dispose of water from all impervious areas within the site to the reticulation described in part (f) above.

f. The final design of all earthworks associated with the access road by a suitably qualified engineer and geotechnical professional. Said design shall include the design of all retaining walls and slopes of all batters given consideration of Tonkin and Taylor's Geotechnical Investigation reports dated June 2005 and June 2007. The consent holder shall submit to Council a final plan of the proposed earthworks associated with the access road for approval. If considered necessary, Council may have the earthworks design independently peer reviewed.

g. The provision for a comprehensive site management plan for all earthworks required in the establishment of this subdivision. The consent holder shall submit a site management plan to Council for approval and shall implement the approved site management plan prior to any works on site. The site management plan shall include provision for silt traps (in the form of fabric filter dams or straw bales) to be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into the creek on the western portion of the subject site. Site drainage paths shall be constructed and utilized to keep any silt laden materials on site and to direct the flows to the silt traps. Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose. The principle contractor shall take proactive measures in stopping all sediment laden stormwater from entering the creek. The principal contractor shall recognize that this may be above and beyond conditions delineated in this consent. 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.

h. The provision of pilot cuts by a suitably qualified engineer and geotechnical professional for the full depth of proposed excavations associated with the access to understand necessity of rock anchors or additional retention (temporary or permanent). Following pilot cuts, any recommendations made by said professionals shall be implemented. Pilot cuts shall also inform the feasibility of the construction methodology for the main access. The consent holder is advised that a variation to this consent may be required if ground conditions encountered on site differ to the extent that substantially modified methods or design of excavation is required.

i. The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum or 4 lots of bays to hold two cars**.** No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

j. "Access P" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404: 2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3.5 m and a legal width of 12m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.

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k. Road lighting shall be provided in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs 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 lighting network circuits.

l. The provision of a temporary access during the construction period to Lot 2 DP 20473, generally in accordance with the 'Option B' temporary access plan prepared by Clark Fortune McDonald & Associates and as attached with Appendix [D] to the evidence of Mr Ferguson, but shall be modified to include:

(i) a maximum centreline gradient through both hair-pin bends of no more than 1 in 5.5;

(ii) Passing bays located at each bend and along the straight section between chainage 100 to 160.

m. The pedestrian access easement between Access D and Access G shall ensure access is available to the public at all times.

n. Should the option in condition 1A(i) be applicable, the consent holder shall include the following design requirements:

(i) Utility services shall be designed to QLDC standards and located so as to have minimal impact on road operation and/or maintenance;

(ii) Street lighting shall be in accordance with Councils standards and the Southern Lights Strategy;

(iii) Landscaping on the inside of the curve at CH180 shall be minimal to ensure little impact on through visibility;

(iv) The layout of the curb at CH180 shall be designed to the appropriate engineering standards and satisfy the tracking requirements for the identified design (two cars passing) and medium rigid vehicle negotiating curve without venturing over centreline;

(v) Pavement and servicing shall be designed to a suitable level to minimise on-going maintenance issues. This should be designed by an appropriately qualified pavement and servicing specialist and may be subject to peer review on behalf of Council.

5. Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:

a. The submission of 'as-built' plans in accordance with Council's as-built standards and information required to detail all engineering works completed in relation to or in association with this subdivision.

b. The completion of all works detailed in Condition (4) above.

c. The consent holder shall provide a suitable and usable power supply and telecommunications connection to the lots. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.

d. A suitably qualified Registered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431: 1989, for all areas of fill within the site on which buildings may be founded.

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e. *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 engineer as defined in Section 1.2.2 and demonstrates to Council that all lots are suitable for building development*

In the event that the site conditions on any lot 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 approval 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.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that no building construction would be suitable within the lot or on any part of a lot. The consent notice condition shall refer to the Schedule 2A statement and record that no residential development may be undertaken on the lot or on the relevant part of the lot.

f. Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.

g. All signage, including road names, shall be installed and necessary road markings completed on all Public or Private Roads (if any), created by this subdivision.

h. The consent holder shall provide evidence to the Council of a responsible body (management group) that has been created to undertake responsibility for the ongoing maintenance of the main internal access road (including any stormwater disposal), including provision for gritting and/or de-icing of the main access way, the pedestrian link between Access D and Access G, and the water supply system.

6. Prior to certification pursuant to Section 224 of the Act and in accordance with Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

a. No building shall be constructed within AREA PA DP xxxxxx 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 building. No building consent will be issued for any proposed building within AREA PA DP xxxxxx without Council's approval of the geotechnical report. Council may require that this report is peer reviewed.

b. At the time that a dwelling is erected on Lots 1-17 the owner for the time being shall construct a vehicle crossing to Council Standards.

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c. A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 7, 8, 9 & 17 providing for the performance of any ongoing requirements for building construction as outlined in Condition 5(e) (above).

d. 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 xxxxxx (refer Zone D on Tonkin & Taylor report, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

e. 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 for any additional residential units on the property greater than one.

f. At such a time where a high level reticulated water pressure zone is provided by the QLDC that can serve the subdivision, the private water storage scheme shall be decommissioned and all lots shall connect to the high pressure reticulation.

g. All the owners of Lots 1 – 17 are advised that the internal access road (and associated stormwater disposal), the pedestrian link between Access D and Access G, and water supply infrastructure are privately owned and are the responsibility of the management company created at the time of subdivision. The Queenstown Lakes District 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 condition 1A (i) applies; that is, 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).

7. The consent holder shall provide Council with the name of a suitably qualified and experienced Engineer who is to supervise all excavation procedures. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.

8. If at any time Council, 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 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 acceptance and approval.

9. Within four weeks of completing the earthworks the consent holder shall submit to the Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".

10. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.

11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

12. Upon completion of the earthworks, the consent holder shall complete the following:

    a. Any damage to all existing road surfaces and berms that result from work carried out for this consent shall be remedied.

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b. All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.

c. An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining systems on site and forwarded to Council.

13. All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This includes ROW easements in favour of adjacent Lot 2 DP 20473 & Section 2 SO 300537 over the private road (should the access not be dedicated in Council as road).

14. 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:

    (i) Stage 1 – Lots 1 & 203 (Road)
    (ii) Stage 2 – Lots 16, 16, 200 & 201 (Road)
    (iii) Stage 3 – Lots 7 – 14, 17, 202 (Road).

Advice Notes (RM050520)

(i) In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required. A Development Contribution Notice, detailing how contributions were calculated, will be forwarded under separate cover.

(ii) The Council may elect to exercise its duties and functions through the employment of independent consultants.

(iii) The consent holder is advised they may also be required to obtain any necessary resource consent from the Otago Regional Council to construct the subdivision.

Advice notes (RM090646)

- All other conditions of RM050520 shall continue to apply.
- The conditions above require that services and access shall be formed to the boundary of the balance lot in each stage.

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APPENDIX 2 – LAND USE CONDITIONS

General Conditions

1. That the development must be undertaken in accordance with 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 $100. 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.

4. Sightlines provided from Accesses P and F may be reduced in accordance with Table 1 of the Bartlett Consulting Ltd ' Accesses P and F, Visibility Assessment, The Tiers Subdivision, Queenstown' report dated 16/02/2016.

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APPENDIX 3 – APPLICANT'S AEE

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ATTACHMENT [A]

Information & Assessment of Effects on the Environment

Albatross QT Ltd

Variation to Conditions RM050520.01
Distance of Vehicle Crossing from Intersection

February 2016

Prepared by: Nick Geddes

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

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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 1 DP 485139, being 2.8081 hectares in area and contained within computer freehold register identifier 688943. A recent search copy of computer freehold register is contained within Attachment [B].

The topography of the site rises up from Frankton Road from 345 to 430 metres above sea level. The terrain consists of moderately to steeply sloping land.

The site affords access from Frankton Road via a right of way easement on the southern boundary.

The site has been felled of wilding Douglas Firs and Sycamore.

There are no structures or buildings on the site. A small stream dissects the north-western corner of the site.

1.2 Planning History

RM050520 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.

RM090646 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.

RM050520.125 Approved 21 December 2012, by Commissioner Sinclair. This granted consent to increase lapse date of RM050520 by three years.

RM130069 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.

RM050520.01 Granted 12th September 2014 to change Conditions 1, 13 and 14 of RM050520 to amend the subdivision design, reference to easements and staging.

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A full copy of the decision for RM050520.01 is contained in Attachment [D] to this application.

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.

A full copy of the decision for RM150928 is contained in Attachment [D] to this application.

Summary;

The 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 and this stage was completed resulting in Lot 1 DP 485139 and the remainder of the land subject to subdivision RM050520.01 is held as a balance parcel being Lot 2 DP 485139 which is the subject site for the purposes of the current application.

1.3 The Proposal

The current application seeks consent to undertake variations to the conditions of RM050520.01 which are detailed in Part A while consent is sought for a breach to the minimum sight distance required from an intersection to a vehicle crossing which is contained in Part B of this application:

Part A

Seeks to undertake variations to the conditions of RM050520.01 which include:

1. Amalgamate Lots 10 & 11;
2. Remove Building Platforms and revise conditions relating to geotechnical certification for Lots 7,8,9,10 & 17;
3. Remove Private Water Supply requirements;
4. Revised indented parking arrangement on Road 6;
5. Remove requirement to form Access G;
6. Formalise Geotechnical Zone E on a scheme plan and amend geotechnical certification for Zone E area;
7. Formalise Geotechnical Zone D on a scheme plan and amend geotechnical certification for Zone D area;

2, 6 & 7 have been based largely on further geotechnical investigations which have been undertaken on the subject site. The results of these investigations are contained in Attachment [H] of this application.

1.3.1 RM050520.01 Condition 1: Amalgamate Lots 10 & 11

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The approved scheme plan for the subdivision under RM050520.01 specifies building platforms on certain lots where further geotechnical consideration is required prior to 224c certification. The consent holder is currently in the process of completing the 224c requirements and has undertaken further geotechnical reporting in relation to the building platform on Lot 10.

Further geotechnical investigation has determined that considerable remedial work is required within the building platform on Lot 10 in order to be able to build in this location. The level of work is financially prohibitive by comparison with any building which could be constructed in this location over a platform of this size. As such, the current application seeks to remove the building platform from the approved subdivision.

However, to remove the Lot 10 platform would result in Lot 10 issuing without a confirmed area to construct a dwelling which is at odds with the intention of the subdivision and District Plan policies.

The entire area of Lot 11 is buildable. The current application seeks consent to amalgamate lots 10 and 11 providing one larger lot (lot 10) with a buildable area over the previous Lot 11. The revised Lot 10 is depicted on the proposed scheme plan contained in Attachment [F] to this application.

To facilitate the amendments detailed above, the current application seeks to amend condition 1 of RM050520.01 as follows:

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

That the activity be undertaken in accordance with the plans drawn by Clark Fortune McDonaldand Associates, dated ~~01.01.14~~ 19.01.16, Referenced 9074-21 Revision ~~M~~ N and titled The Tiers Subdivision Lots 2, 7-10, 12-17 and 200 Being a Subdivision of Lot 2 DP 305273 (**stamped as approved 18 December 2015**) and specifications submitted with the application, with the exception of the amendments required by the following conditions of consent.

1.3.2 RM050520.01 Conditions 1, 4(a), 5(e) & 6(c) Geotechnical Constraints Lots 7,8,9,10 & 17:

The approved subdivision RM050520.01 requires further geotechnical investigation to confirm geotechnical requirements to construct buildings in the platforms contained in Lots 7, 8, 9, 10 & 17. Lot 10 has been discussed above in Part 1.3.1.

Geotechnical investigations on Lots 7, 8, 9 & 17 have determined that the original intentions sought by conditions 4(a), 5(e) & 6(c) would be better served by a more detailed consent condition which appears as the replacement condition 5(e) below.

To facilitate the above, a number of RM050520.01 conditions are required to be altered or deleted:

Condition 1:

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~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

The removal of the building platforms from the approved scheme plan requires a revised plan to be submitted which has been detailed in Part 1.3.1 above.

Condition 4(a):

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

~~The provision for building platforms 7, 8, 9, 10 and 17 to be formed as per specific geotechnical design and under suitably qualified geotechnical professional supervision.~~

Condition 5(e):

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

~~A suitably qualified geotechnical professional shall provide a completed Schedule 2A as found on page 40 in NZS4404:2004 that shall provide the Council assurance that the building platforms on Lots 7, 8, 9, 10 and 17 are suitable for residential development.~~

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 engineer as defined in Section 1.2.2 and demonstrates to Council that proposed lots 7, 8, 9 & 17 are suitable for building development

In the event that the site conditions within lots 7, 8, 9 & 17 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 approval 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.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that building construction would only be suitable if certain mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition shall require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of

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such a lot shall submit, to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works AND require the owner to implement all such measures prior to occupation of any building.

A consent notice condition shall be registered on the relevant Computer Freehold Registers for any lot in respect of which the Schedule 2A statement indicates that no building construction would be suitable within the lot or on any part of a lot. The consent notice condition shall refer to the Schedule 2A statement and record that no residential development may be undertaken on the lot or on the relevant part of the lot.

Condition 6(c):

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

~~Any building on Lots 7, 8, 9, 10 and 17 shall be fully contained within the engineered building platform established at the time of subdivision as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice. A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building proposed outside of this platform. This report and design shall be submitted with the building consent application.~~

A consent notice condition pursuant to s.221 of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 7, 8, 9 & 17 providing for the performance of any ongoing requirements for building construction as outlined in Condition 5(e) (above).

1.3.3 RM050520.01 Condition 4(c): Private Water Storage

Water supply has been somewhat problematic on the site. Solutions anticipated by RM050520.01 cannot be realised and a new water connection has been made by the consent holder from Middleton Road. As such, condition 4(c) is no longer required:

~~Strikethrough~~ denotes text to be deleted.

~~The provision of a private water storage scheme that augments water pressures provided to the lots to levels that are acceptable to achieve W3 fire flow, and which comply with Council's amendments to NZS4404:2004.~~

1.3.4 RM050520.01 Condition 4(k): Indented Parking

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The intention of RM050520.01 is to provide either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum. The number of parking spaces is achievable but due to the existing topography of the site the configuration of these spaces cannot be met and the condition cannot be fulfilled. Four bays to hold two cars each can be provided.

To facilitate the parking as detailed above, the current application seeks to amend this condition as follows:

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

The provision of the access road ("Road 6") to Lots 1 through 17 from Frankton Road to be in terms of Table 3.1 of Council's amendments to NZS4404:2004 to be formed to not less than 6m and a legal width of not less than 12m. Indented parking shall be provided along Road 6 in the configuration of ~~either 3 lots of bays to hold 3 cars minimum or 2 lots of bays to hold 4 cars minimum~~ 4 lots of bays to hold two cars. No Parking lines shall be provided along the length of Road 6 apart from where the parking bays are situated. The legal width shall be 15m wherever possible.

1.3.5 RM050520.01 Condition 4(m): Access G

Lot 1 DP 485139 (RM050520.01 Stage 1) was subject to subdivision and landuse consent RM150087 which approved a 5 metre wide access into Lot 1 DP 485139. Stage 1 of RM150087 completed the 5m wide access and titles have been issued. As such, condition 4(m) has become redundant and can be removed:

~~Access G" as shown on Clark Fortune McDonald's drawing 9074-22c shall be constructed according to NZS4404:2004 standards for surfacing, kerb/channel and engineering design and to a formed width of 3m and a legal width of 6m. This shall be constructed with a minimum depth of 150mm M4 AP40 aggregate and provision shall be made for the disposal of stormwater.~~

1.3.6 RM050520.01 Conditions 1 & 6(a): Geotechnical Zone E

Further geotechnical investigations is required by RM050520.01 within specific areas defined on a plan as Zones. The plan was drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and appears in the decision of RM050520.01.

The consent holder has completed geotechnical investigations and is currently working towards meeting 224c requirements. During this process it has been determined that the geotechnical condition 6(a) is problematic in achieving the intention of the condition whilst meeting 224c requirements. As such, a replacement condition is considered to better represent the geotechnical

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complications of Zone E whilst Zone E has been accurately depicted on the scheme plan rather than a separate plan as per current RM050520.01 conditioning.

Zone E is required within the areas denoted as "PA" on the revised scheme plan which is contained in Attachment [F]. The revised scheme plan has already been conditioned within Part 1.3.1 of this application. However, a further amendment is required to amend condition 6(a) to reflect the revised geotechnical requirement within area "PA":

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

~~No building shall be constructed within Zone E 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 building. No building consent will be issued for any proposed building within Zone E without Council's approval of the geotechnical report. Council may require that this report is peer reviewed. Zone E is as shown in the plan drawn by Clark Fortune McDonald and Associates, titled Potters Hill – Proposed Development of Lot 2 D.P. 305273 dated 3 March 2007 and attached to this consent notice.~~

No building shall be constructed within AREA PA DP xxxxxx 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 building. No building consent will be issued for any proposed building within AREA PA DP xxxxxx without Council's approval of the geotechnical report. Council may require that this report is peer reviewed.

1.3.7 RM050520.01 Conditions 1 & 6(d): Geotechnical Zone D

The consent holder has completed geotechnical investigations and is currently working towards meeting 224c requirements. During this process it has been determined that the geotechnical condition 6(a) is problematic in achieving the intention of the condition whilst meeting 224c requirements. As such, a replacement condition is considered to better represent the geotechnical complications of Zone D whilst Zone D has been accurately depicted on the scheme plan rather than a separate plan as per current RM050520.01 conditioning.

Zone D is required within the areas denoted as "PB", "PC", "PD" & "L" on the revised scheme plan which is contained in Attachment [F]. The revised scheme plan has already been conditioned within Part 1.3.1 of this application. However, a further amendment is required to amend condition 6(a) to reflect the revised geotechnical requirement within area "PB", "PC", "PD" & "L":

~~Strikethrough~~ denotes text to be deleted.
Underlined denotes text to be added.

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~~A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 11 or 12 that falls within Zone D of the land suitability classification (refer Tonkin & Taylor, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.~~

A geotechnical report and design shall be provided by a suitably qualified geotechnical engineer for any building within Lot 10 or 17 that falls within Areas PB, PC, PD & L DP xxxxxx (refer Zone D on Tonkin & Taylor report, "Albatross QT Subdivision – Supplementary Geotechnical Investigations", Job no: 890815, June 2007). This report and design shall be submitted with the building consent application.

Part B

The approved scheme plan RM050520.01 appears on page 14 of the RM150928 decision document which is contained in Attachment [D].

The parking spaces are a requirement of condition 4(k) of RM050520.01 as discussed in Part 1.3.4 above. Eight parking spaces are required in total and must be located within the legal width of Access Road 6 which is a minimum of 15m. It must be accepted that the steep topography of the site makes locating these parks within the legal width of the road problematic.

Due to the topography of the site parking spaces are located where they restrict site distances from intersections between Accesses F and P where the sightline distances are as follows:

- Access F; Uphill site distance 29m and downhill 38m.
- Access P; Uphill site distance 94m and downhill 50m.

The proposed parking spaces and their relationship with intersections in terms of traffic safety and vehicle movement have been addressed by Mr Jason Bartlett, Traffic Engineer. Mr Bartlett's comments appear in his report which is contained in Attachment [I] of this application.

1.4 Statutory Provisions

1.4.1 Part A: 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

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(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.

1.4.2 Part B: Queenstown Lakes District Council Operative District Plan

14.2.2.3 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.

14.2.4.2(vi) Site Standard: Distances of Vehicle Crossings from Intersections

No part of any vehicle crossing shall be located closer to the intersection of any roads than the distances permitted in Table 5 below. The proposal includes to Access points:

- Access F; Uphill site distance 29m and downhill 38m.
- Access P; Uphill site distance 94m and downhill 50m.

1.4.3 Proposed Queenstown Lakes District Council District Plan

The subject site is located within the Low Density Residential Zone of the Proposed District Plan and contains no known protected items or areas of significant vegetation. Submissions towards the Proposed District Plan closed on the 23rd of October.

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. These have been assessed and it is considered that the proposed zone is more permissive towards the proposal than the Operative Zone.

1.4.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012.

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An assessment of Local and Regional Council records has been undertaken and finds there is no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application. The assessment and records and contained in Attachment [G].

Overall, the application is a **discretionary** activity.

1.5 Classes of Activities

1.5.1 Queenstown Lakes District Operative District Plan

The site is located within the Low Density Residential Zone of the Queenstown Lakes District Plan. The site does not contain any known protected items, areas of significant vegetation or designations.

Part A of the current application is made under section 127 of the Resource Management Act 1991 as detailed in Part 1.3 above. Relevant Chapters of the District Plan (Parts 7, 14 & 15) have been considered and no further consents are considered necessary above or beyond those applied for in Part 1.3 above.

Part B of the current application relates to a non-compliance in relation to Part 14.2.4.2(vi) of the Operative District Plan. Relevant Chapters of the District Plan (Parts 7, 14 & 15) have been considered and no further consents are considered necessary above or beyond those applied for in Part 1.3 above.

1.5.2 Queenstown Lakes District Proposed District Plan

The Proposed Low Density Residential Zone contains Objectives, Policies and Development Controls which are considered to be more permissive than the Operative District Plan. The Proposed District Plan does not seek to introduce any Objective, Policy or Development Control which precludes the current application.

1.5.3 Computer Freehold Register

A number of relevant 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 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.

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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.

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

Summary, the applicant is Albatross QT Ltd. However, Land Covenant 10097957.3 is not enforceable by any third party or QLDC.

2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT

It is usual when assessing applications to amend a consented development to treat consented development as forming a consented baseline where any consequent environmental effects could be implemented at any time until it expires so the purpose of the Act is best met by confining the enquiry to consideration of differences between what is now proposed and what is already consented.

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.
The permitted baseline allows:

- Up to 100m3 of earthworks within a 12 month period.
- The maximum permitted area of bare soil exposed from any earthworks where the average depth is greater that 0.5m, is 200m2 within a 12 month period.
- A maximum height of cut up to 2.4m and fill up to 2m.
- The construction of one dwelling per 450m2 that meets all the site and zone standards of the District Plan relating to bulk and location. These include standards such as 4.5m setback from roads, one setback of 4.5m from internal boundaries and all others of 2m.
- It is permitted to erect a fence less than 2m in height.

Only adverse effects over and above those that could arise from the permitted baseline will be taken into account in the following assessment.

2.2.2 Existing Environment

Consents listed in Part 1.2 above approve subdivision and landuse development on site for 17 residential fee simple lots.

2.2.3 Land, Flora and Fauna

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Due to the nature and scale of the current application there will be no adverse effects upon land, flora and fauna which have not already identified and approved as part of RM050520.01.

2.2.4 Infrastructure

Part A of the current application seeks to remove Condition 4(c) of RM050520.01 which relates to the provision of water to the subdivision. A new water connection has been made by the consent holder from Middleton Road which satisfies the demand required for the remainder of the proposed subdivision. Therefore, no adverse effects above or beyond those anticipated and approved by RM050520.01.

Part B of the current application does not result in any impact upon infrastructure while effects on traffic and vehicle movements have been discussed in Part 2.2.6 below.

2.2.4 Earthworks

Part A of the current application does not seek to amend or remove conditions which relate to earthworks while the changes proposed do not result in any effects upon the earthworks approved under RM050520.01. As such, it is considered that the current application will not have any impact upon earthworks and the conclusions reached in the decision on RM050520.01remain applicable.

Part B of the current application does not require any earthworks not already anticipated and approved under RM050520.01.

2.2.5 Natural Hazards

The decision for RM050520.01 provides conditions of consent relating to natural hazards.

Part A of the proposal seeks amendments to facilitate the completion certification of the subdivision. Geotechnical reporting to support these changes has been provided to Council's Engineering Department and is contained in Attachment [H]. Critically, the subsurface conditions on the property have not changed but the administration of these has. The revised methods of administration detailed in Part 1.3.1 above are considered to result in more comprehensive mitigation of areas of geotechnical instability. The proposed changes do not result in any adverse effects above or beyond those anticipated and approved under RM050520.01.

Part B of the current application does not require any geotechnical consideration not already anticipated and approved under RM050520.01.

2.2.6 Traffic Generation and Vehicle Movements

The decision for RM050520.01 provides conditions of consent relating to traffic generation and vehicle movements. Part A seeks to amend:

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Condition 4(k) specifies the number of indented parking spaces and the configuration. The proposal seeks to amend the configuration of these spaces due to topographical constraints on the site while the total number of spaces provided remains the same.

Condition 4(m) requires a minimum standard for Access G which has already been formed to a standard which has been accepted by RM150087 and signed off as part of completion certification for this subdivision. The formed standard Access G has been constructed in accordance with the standard required by RM150087 and no adverse effects of this were identified in RM150087. As such, the removal of this condition is not considered to result in any adverse effects above or beyond those anticipated and approved under RM050520.01.

Part B of the current application seeks consent to breach the minimum sightlines from the intersection of Road 6 with Access F and P. The shortfall in the sightline has been assessed by Traffic Engineer, Jason Bartlett and his comments are contained in Attachment [I]. Mr Bartlett concludes that:

"The Accesses F and P will serve typically residential dwellings although it is noted that Access P serves a property which is known to have operated as a B&B style visitor accommodation. The accesses do not comply with the minimum visibility sight distances site standards, Section 14.2.4.2 iv Minimum Sight Distances from Vehicle Access, of the Operative QLDC District Plan. The QLDC site standards require a minimum visibility sight distance of 45m within a posted 50km/hr speed limit.

The alignment of the adjacent road, Road 6, is considered to be generally steep with tight bends, which will create a slow operating speed. The operating speed approaching Access F is considered to be 20km/hr (uphill and downhill), whilst the operating speed on approach to Access P is 20km/hr uphill and 40km/hr downhill. Based on these operating speeds the available visibility sight distance is compliant with Austroads Guidance and NZTA guidance (RTS 6: Guidelines for visibility at driveways) for the particular access usage, either residential or visitor accommodation.

It is acknowledged that parking will affect visibility sight distances from accesses, or intersections, in general. The only guidance that discusses parking at accesses is NZTA RTS 6 which states that for accesses onto local roads visibility sight distance should consider permanent obstructions excluding parking. Accesses F and P will comply with this national guidance.

The New Zealand Land Transport Rule 2004 would allow legal roadside parking up to 1m from the access. The parking provided in this situation is similar to what is legally allowed and often occurs in any urban environment. The parking is therefor considered to be in an acceptable location. The overall effects as a result of the non-compliance with the minimum visibility sight distance requirements of the Operative QLDC District Plan are considered to be less than minor. The location of the proposed parking is not ideal, although given national guidance and legal instruments the location is considered to be acceptable."

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Based upon Mr Bartlett's assessment and conclusion any adverse effects upon traffic safety will be less than minor.

2.2.7 Nuisance

Part A of the current application does not seek to amend or remove conditions which mitigate effects associated with nuisance while the changes proposed do not result in any effects of nuisance not already approved under RM050520.01. As such, it is considered that the current application will not have any impact upon nuisance considerations and comments / conclusions in decision documents for RM050520.01 remain applicable.

Part B of the current application does not include any works not already anticipated and approved under RM050520.01.

2.2.8 People and Built Form

Part A of the current application does not seek to amend or remove conditions which mitigate effects towards people and built form.

It is considered that there are not any effects upon people and/or built form not already approved under RM050520.01. As such, it is considered that the current application will not have any impact upon people and built form and the conclusion above remains applicable.

With the exception of Traffic effects discussed above, Part B of the current application is not considered to have any adverse effect upon people and built form in the area.

2.2.9 Effects on Persons

Part A: RM050520.01 was processed on a notified basis and attracted a number of submissions which are set out in the section 42A report contained in Attachment [E] and the decision document contained in Attachment [D]. However, given the nature of the proposal no parties to the original consent are considered to be adversely affected.

Therefore, any effects upon persons are considered to be within the scope of the original approval of RM050520.01.

Part B: With the exception of Traffic effects discussed above, Part B of the current application is not considered to have any adverse effect upon people and built form in the area.

3.0 DISTRICT PLAN: OBJECTIVES AND POLCIES ASSESSMENT

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Consideration of relevant Objectives and Policies in terms of Part A of the current application is set out in Part 3.1 below while an assessment has been undertaken of Part B against relevant Objectives and Policies in Part 3.2:

3.1 Part A: Section 127 Variation

RM050520.01 assessed Objectives and Policies in relation to Part 4 and 15 of the Operative District Plan.

Part 4

The assessment undertaken towards the decision for RM050520.01 found that the development was not contrary to relevant Objectives and Policies for the following reasons:

"Left satisfied that there were available solutions which would be developed as the work progresses. The area of the site is not an area where there was a high probability but a natural hazard may destroy or damage human life, property, or other aspects of the environment."

"The site is zoned Low Density Residential. To a considerable extent, these Objectives have been addressed in the zoning decision. Making the effort to build on sites such as this in a safe way helps maintain a compact town and limits some of the pressures for a further spreading of the town into new areas. The development will not appear inconsistent with the adjoining allotments and will contribute towards urban consolidation. Overall, we consider that there are two Objectives in the associated Policies set out above which support the Application."

"This is an effects-based Objective and we have already concluded that there will be no significant adverse effect from the earthworks. In particular, the proposal avoids or mitigates adverse effects from earthworks on land stability and amenity values of neighbours."

Due to the nature of the current proposal it is consider that the conclusions reached above are still appropriate and the current proposal is not contrary to the relevant Objectives and Policies in terms of Part 4 of the District Plan.

Part 14

The assessment undertaken towards the decision for RM050520.01 found that the development was not contrary to relevant Objectives and Policies for the following reasons:

"Allowing development even on steep and challenging sites within the existing developed area does encourage efficiency in the use of motor vehicles. A Low Density Residential development here is compatible with the capacity and function of Frankton Road, and the access is of a size, location and type that ensures safety and efficiency of road function".

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"The nature of this activity is compatible with the road capacity and function and both vehicle and pedestrian safety have been ensured with careful attention to the roading design and in particular the intersection with Frankton Road and with accesses to neighbouring properties".

"There is a specifically designed pedestrian link within the subdivision which we think is useful. Road construction is consistent with what would be expected in the Low Density Zone, and the Objectives and Policies are generally supported".

Due to the nature of the current proposal it is consider that the conclusions reached above under RM050520.01 are still appropriate and the current proposal is not contrary to the relevant Objectives and Policies in terms of Part 14 of the District Plan.

Part 15

The assessment undertaken towards the decision for RM050520.01 found that the development was not contrary to relevant Objectives and Policies for the following reasons:

"No issues arise as to the cost of services and development contributions will be levied in the normal way."

"Lot sizes and dimensions are appropriate. The anticipated density is much lower than the zoning might allow. There are no significant trees or areas of vegetation on the site, whatever may have been the previous situation. Having regard to the expert traffic evidence, we do not consider that there would be more than minimal effects on the safe and efficient functioning of services and roads."

Due to the nature of the current proposal it is consider that the conclusions reached above under RM050520.01 are still appropriate and the current proposal is not contrary to the relevant Objectives and Policies in terms of Part 15 of the District Plan.

3.2 Part B: Landuse Consent

14.1.3 Objectives and Policies

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.

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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.

The proposal is considered to be consistent with the above policies for the following reasons:

- Subject to the erection of a stop sign on Access P the location of parking spaces on Road 6 is considered to be an efficient use of the road reserve which will facilitate parking without compromising the movement and safety of vehicles.
- The safety and efficiency of State Highways and arterial roads will not be compromised.
- There will be no impact upon the efficient use of fuel for transport purposes.
- The proposal enables residential development within the low density residential zone.
- Home occupations can occur within the subdivision.
- There will be no impact upon the use of public transportation facilities.

<u>Objective 2 - Safety and Accessibility</u>

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

Policies:

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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.

The proposal is considered to be consistent with the above policies for the following reasons:

- Subject to the erection of a stop sign on Access P the location of parking spaces on Road 6 is considered to be an efficient use of the road reserve which will facilitate parking without compromising the movement and safety of vehicles.
- The intensity and nature of activities along Road 6 is compatible with roads capacity and function.
- Access and movement for people with disabilities is not unreasonably restricted.
- Road 6 has been designed to accommodate vehicle movement in association with the approved subdivision RM050520.01 and it is considered unnecessary to consider upgrading, existing roads and/or provide for new roads and related facilities.

Objective 3 - Environmental Effects of Transportation

Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.

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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.

The proposal is considered to be consistent with the above policies for the following reasons:

- The proposal will not compromise any amenity currently afforded within the area.
- Pedestrian links have already been approved as part of the underlying subdivision consent RM050520.01.
- The proposal does not include any earthworks or excavation.
- The subject site is not located in a Business or Industrial Zone.

Objective 4 - Town Centre Accessibility and Car Parking

The subject site is not located in a Town Centre.

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.

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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.

The proposal is considered to be consistent with the above policies for the following reasons:

- Parking demand has assessed as part of the underlying subdivision consent RM050520.01.
- The proposal does not include any Business use.
- Access and movement for people with disabilities is not unreasonably restricted.
- The proposal does not include off-street parking.
- Subject to the erection of a stop sign on Access P the location of parking spaces on Road 6 is considered to be an efficient use of the road reserve which will facilitate parking without compromising the movement and safety of vehicles.
- The subject site is not located in a Business or Industrial Zone.

Objective 6 - Pedestrian and Cycle Transport
Objective 7 - Public and Visitor Transport
Objective 8 - Air Transport
Objective 9 - Three Parks Zone

The proposal is not considered relevant in terms of Objectives 6-9.

4.0 DISTRICT PLAN: RULES AND ASSESSMENT CRITERIA

An assessment of relevant criteria has been undertaken in Part 2 of this application with reference to Part A of the proposal and any effects above or beyond RM050520.01. Assessment criteria relevant to Part B are considered below:

14.3.2(v) Assessment Matters - Access

(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.

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Traffic safety and any potential conflicts related to the shortfall in the sightlines has been assessed by Traffic Engineer, Jason Bartlett and his comments are contained in Attachment [I]. Mr Bartlett concludes that:

"The Accesses F and P will serve typically residential dwellings although it is noted that Access P serves a property which is known to have operated as a B&B style visitor accommodation. The accesses do not comply with the minimum visibility sight distances site standards, Section 14.2.4.2 iv Minimum Sight Distances from Vehicle Access, of the Operative QLDC District Plan. The QLDC site standards require a minimum visibility sight distance of 45m within a posted 50km/hr speed limit.

The alignment of the adjacent road, Road 6, is considered to be generally steep with tight bends, which will create a slow operating speed. The operating speed approaching Access F is considered to be 20km/hr (uphill and downhill), whilst the operating speed on approach to Access P is 20km/hr uphill and 40km/hr downhill. Based on these operating speeds the available visibility sight distance is compliant with Austroads Guidance and NZTA guidance (RTS 6: Guidelines for visibility at driveways) for the particular access usage, either residential or visitor accommodation.

It is acknowledged that parking will affect visibility sight distances from accesses, or intersections, in general. The only guidance that discusses parking at accesses is NZTA RTS 6 which states that for accesses onto local roads visibility sight distance should consider permanent obstructions excluding parking. Accesses F and P will comply with this national guidance.

The New Zealand Land Transport Rule 2004 would allow legal roadside parking up to 1m from the access. The parking provided in this situation is similar to what is legally allowed and often occurs in any urban environment. The parking is therefor considered to be in an acceptable location. The overall effects as a result of the non-compliance with the minimum visibility sight distance requirements of the Operative QLDC District Plan are considered to be less than minor. The location of the proposed parking is not ideal, although given national guidance and legal instruments the location is considered to be acceptable."

Based upon Mr Bartlett's assessment and conclusion any adverse effects upon traffic safety 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.

All activities within the area are residential. Road 6 has been designed to accommodate the maximum yield of the residential lots within the subdivision consent RM050520.01.

(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.

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This has been addressed in parts (a) to (c) above and further detail is contained in Attachment [I] to this application.

(f) Whether the geometry of the road could mitigate the adverse effects of the access.

This has been addressed in parts (a) to (c) above and further detail is contained in Attachment [I] to this application.

(i) Whether there is efficient public transport within the vicinity of the proposed activity.

There is an efficient public transport network located on Frankton Road.

(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.

All activities within the area are residential. Road 6 has been designed to accommodate the maximum yield of the residential lots within the subdivision consent RM050520.01.

(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.

Coach parking is not required.

(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.

The proposal does not include any reverse manoeuvring.

(m) The extent to which the limited width of an access is mitigated by sufficient on-site manoeuvring.

All access widths have been approved by RM050520.01.

(n) The likelihood of future development which could result in increased traffic generation.

Road 6 has been designed to accommodate the maximum yield of the residential lots within the subdivision consent RM050520.01.

(o) The extent to which the reduced width of an access is mitigated by the provision of passing areas and/or turning heads.

All access widths have been approved by RM050520.01.

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(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.

The proposal is considered to be consistent with the above criteria for the following reasons:

- There is no approved structure plan or overall development plan.
- Road 6 has been designed to accommodate the maximum yield of the residential lots within the subdivision consent RM050520.01.

(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.

All access widths have been approved by RM050520.01.

5.0 RESOURCE MANAGEMENT ACT 1991: PART 2

The assessment undertaken towards the decision for RM050520.01 in regard to Part 2 of the RMA concluded the development was acceptable for the following reason:

"There is some ambiguity in Environment Court and High Court cases as to the role of Part 2 of the Act in considering a controlled activity application. We will assume it is to be applied with full force. Notwithstanding that, there is nothing in Part 2 that identifies new matters for us to consider, or changes the emphasis we would otherwise put on the matters already considered."

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Due to the nature of Part A of the current proposal it is not considered to compromise the above conclusion and meets the purpose and principles of sustainable management set out in Part 2 of the Act.

Part B of the proposal aligns with the Objectives and Policies of the Transport Chapter of the Operative District Plan. 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

29th February 2016
Amended: 04.03.16

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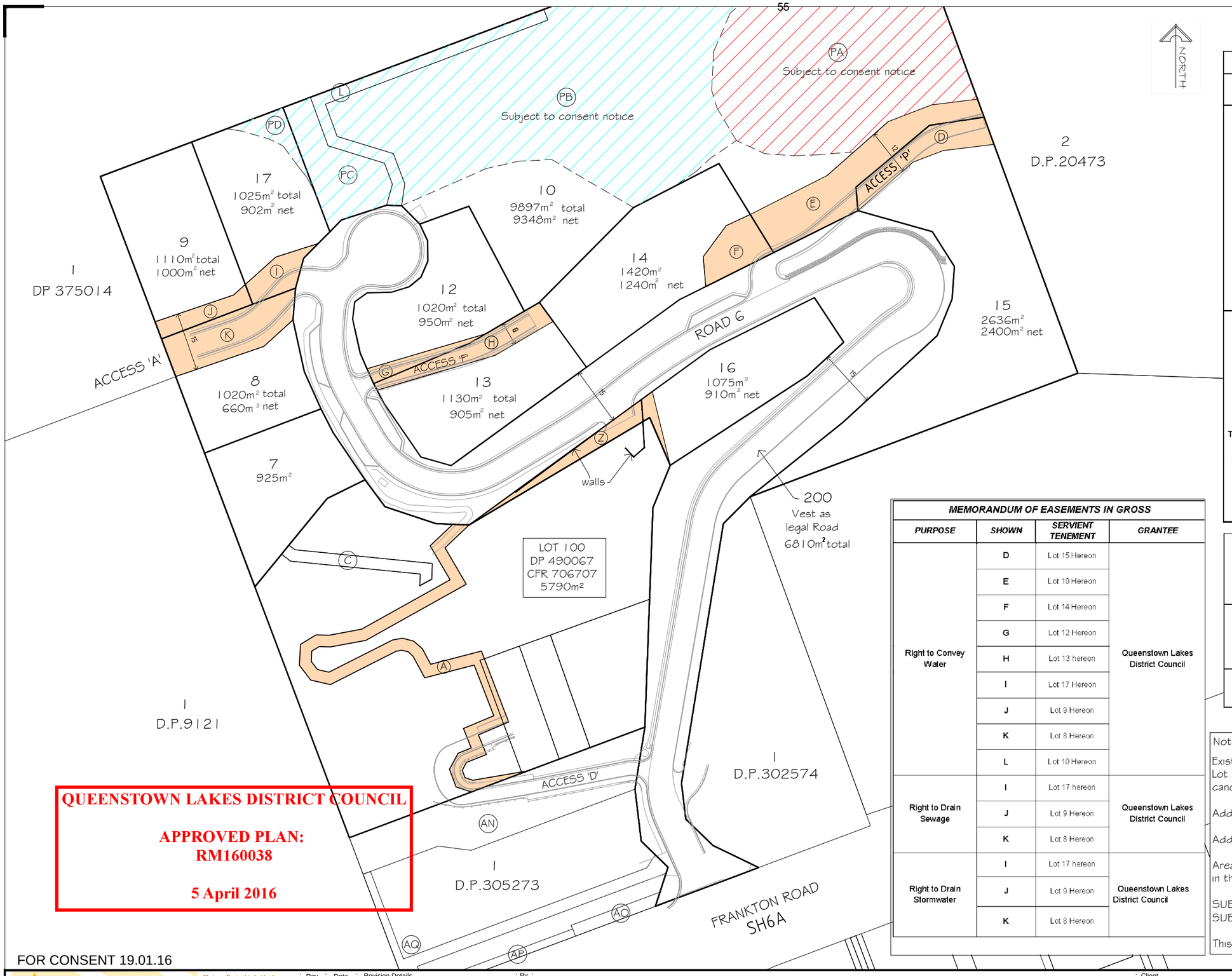

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM160038

5 April 2016

FOR CONSENT 19.01.16

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	D	Lot 15 Hereon	Lot 10 hereon & Lot 2 DP 20473
	E	Lot 10 Hereon	Lot 15 hereon & Lot 2 DP 20473
	F	Lot 14 Hereon	Lots 10 &15 hereon Lot 2 DP 20473
	G	Lot 12 Hereon	Lot 13 & 14 Hereon
	H	Lot 13 Hereon	Lot 12 & 14 hereon
	I	Lot 17 Hereon	Lots 8 & 9 hereon Lot 2 DP 409336
	J	Lot 9 Hereon	Lots 8 & 17 hereon Lot 2 DP 409336
	K	Lot 8 Hereon	Lots 9 & 17 hereon Lot 2 DP 409336
	Z	Lot 16	Lot 100 DP 490067
Right to Convey Water Right to Convey Electricity Right to Convey Telecommunications & computer media Right to Convey gas	D	Lot 15 Hereon	Lot 10 hereon & Lot 2 DP 20473
	E	Lot 10 Hereon	Lot 15 hereon & Lot 2 DP 20473
	F	Lot 14 Hereon	Lots 10 &15 hereon Lot 2 DP 20473
	G	Lot 12 Hereon	Lot 10, 13 & 14 Hereon
	H	Lot 13 Hereon	Lot 10, 12 & 14 hereon
	I	Lot 17 Hereon	Lots 8 & 9 hereon Lot 2 DP 409336
	J	Lot 9 Hereon	Lots 8 & 17 hereon Lot 2 DP 409336
	K	Lot 8 Hereon	Lots 9 & 17 hereon Lot 2 DP 409336
	Z	Lot 16 Hereon	Lot 100 DP 490067
Right to Drain Sewage Right to Drain Stormwater	H	Lot 13 Hereon	Lots 12 & 10 Hereon
	G	Lot 12 Hereon	Lot 10 Hereon
Right to drain Sewage	C	Lot 100 DP 490067	Lot 7 Hereon
Right of Way (Pedestrian)	A	Lot 100 DP 490067	Lots 7 – 10 & 12 - 17 Hereon

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Water	D	Lot 15 Hereon	Queenstown Lakes District Council
	E	Lot 10 Hereon	
	F	Lot 14 Hereon	
	G	Lot 12 Hereon	
	H	Lot 13 hereon	
	I	Lot 17 Hereon	
	J	Lot 9 Hereon	
	K	Lot 8 Hereon	
	L	Lot 10 Hereon	
Right to Drain Sewage	I	Lot 17 hereon	Queenstown Lakes District Council
	J	Lot 9 Hereon	
	K	Lot 8 Hereon	
Right to Drain Stormwater	I	Lot 17 hereon	Queenstown Lakes District Council
	J	Lot 9 Hereon	
	K	Lot 8 Hereon	

Notes:

Existing easements over Lot 1 DP 305273 are to be surrendered Lot 200 to Vest as Legal Road in the QLDC subject to cancellation of existing easements.

Additional Service Easements may be required.

Additional QLDC easements to be created as required

Areas PA, PD & L are subject to a Consent Notice. Any Buildings in this area will require Geo-technical investigations.

SUBJECT TO RESOURCE CONSENT
SUBJECT TO LT SURVEY.

This is a staged apllication - Refer to drawing 9074_42 for details

Shotover Design Limited trading as
Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants
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Rev.	Date	Revision Details	By
K	02.06.15	Adjust bdys to fit current eng design	RB
L	01.10.15	Add Pencarrow Easement	RB
M	11.12.15	Update to reflect Stage 1 Tiers subdivision	CH
N	19.01.16	Remove platforms & combine Lot 11 & 10	RB

THE TIERS SUBDIVISION
LOTS 2, 7 -10, 12 - 17 & 200 BEING A SUBDIVISION OF LOT 2 DP 305273

Client: ALBATROSS QT	Surveyed: -	Signed	Date: -	Job No.: 9074	Drawing No.: 21 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: 19.01.16	Scale: 1:500 @ A1, 1:1000 @ A3	
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