

APPLICATION AS NOTIFIED

**P Gallagher & M Campbell
(RM220854)**

Submissions Close 09.12.22



APPLICATION FOR RESOURCE CONSENT OR
FAST TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 of the Resource Management Act 1991 (Form 9)

PLEASE COMPLETE ALL MANDATORY FIELDS* OF THIS FORM.

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



APPLICANT //

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

*Applicant's Full Name / Company / Trust:

(Name Decision is to be issued in)

All trustee names (if applicable):

*Contact name for company or trust:

*Postal Address:

*Post code:

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

*Email Address:

*Phone Numbers: Day

Mobile:

*The Applicant is:

Owner

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

Occupier

Lessee

Other - Please Specify:



Our preferred methods of corresponding with you are by email and phone.

The decision will be sent to the Correspondence Details by email unless requested otherwise.



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

*Name & Company:

*Phone Numbers: Day

Mobile:

*Email Address:

*Postal Address:

*Postcode:



INVOICING DETAILS //

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

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

Applicant:

Agent:

Other - Please specify:

Email:

Post:

*Attention:

*Postal Address:

*Post code:

*Please provide an email AND full postal address.

*Email:



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

Owner Name:

Owner Address:

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

Date:

Names:



DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf.

*Please select a preference for who should receive any invoices.

Details are the same as for invoicing

Applicant:

Landowner:

Other, please specify:

*Attention:

*Email:

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



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

*Address / Location to which this application relates:

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

District Plan Zone(s):



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

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

YES NO

Is there a dog on the property?

YES NO

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

YES NO

If 'yes' please provide information below



PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

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

Yes

No

Copy of minutes attached

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



CONSENT(S) APPLIED FOR // * Identify all consents sought // ALSO FILL IN OTHER CONSENTS SECTION BELOW

Land use consent

Subdivision consent

Change/cancellation of consent or consent notice conditions

Certificate of compliance

Extension of lapse period of consent (time extension) s125

Existing use certificate

Land use consent includes Earthworks



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

Controlled Activity

Deemed Permitted Boundary Activity

If your consent qualifies as a fast-track application under section 87AAC, tick here to opt out of the fast track process



BRIEF DESCRIPTION OF THE PROPOSAL //

* Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

*Consent is sought to:



APPLICATION NOTIFICATION

Are you requesting public notification for the application?

Yes

No

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



OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

<https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>

You can address the NES in your application AEE OR by selecting ONE of the following:

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m³ per 500m²). Therefore the NES does not apply.

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



OTHER CONSENTS // CONTINUED

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

Any other National Environmental Standard

Yes

N/A

Do you need any consent(s) from Otago Regional Council?

Yes

N/A

If Yes have you applied for it?

Yes

No

If Yes supply ORC Consent Reference(s)

If ORC Earthworks Consent is required would you like a joint site visit ?

Yes

No



INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

To be accepted for processing, your application should include the following:

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants (Can be obtained from Land Information NZ at <https://www.linz.govt.nz>).

A plan or map showing the locality of the site, topographical features, buildings etc.

A site plan at a convenient scale.

Written approval of every person who may be adversely affected by the granting of consent (s95E).

An Assessment of Effects (AEE).
An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.



We prefer to receive applications electronically – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



PRIVACY INFORMATION

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



FEES INFORMATION

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

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



FEES INFORMATION // CONTINUED

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

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

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

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

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

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

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

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



PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

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

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

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

I confirm payment by:

Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZ222)

Invoice for initial fee requested and payment to follow

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

*Reference

*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

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

*Date of Payment

Invoices are available on request

APPLICATION & DECLARATION

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

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

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

OR:

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

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

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

PLEASE TICK

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

Full name of person lodging this form

Firm/Company

Dated

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



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

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

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

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

2 INFORMATION REQUIRED IN ALL APPLICATIONS

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

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;
- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

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

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

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

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

Information provided within the Form above

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

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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



ASSESSMENT OF ENVIRONMENTAL EFFECTS

Clause 6: Information required in assessment of environmental effects

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

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

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

UNDER THE FOURTH SCHEDULE TO THE ACT:

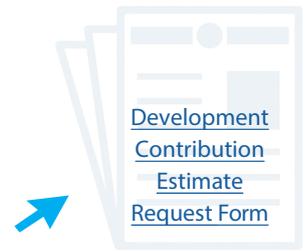
- An application for a subdivision consent must also include information that adequately defines the following:
 - (a) the position of all new boundaries:
 - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
 - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
 - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
 - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
 - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
 - (g) the locations and areas of land to be set aside as new roads.

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

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

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

OR Submit an Estimate request *please note administration charges will apply



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

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

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants & Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report



Reference	22.053
Date	27 September 2022
Location	2 Northburn Road, Northlake, Wanaka
Legal Description	Lot 20 Deposited Plan 469192 held in Record of Title 631201
Applicant	PJ Gallagher and Mikaela Campbell
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative and Proposed
Zoning	Northlake Special Zone Activity Area A (Operative)
Proposal	Resource consent is sought to undertake a two lot subdivision; and Resource consent is sought pursuant to Section 221 of the RMA to vary Condition 1 of Consent Notice 9550309.3 as it relates to Lot 20 DP 469192 in relation to providing access from Aubrey Road.
Activity Status	Non-Complying Activity Subdivision - Operative District Plan Discretionary – Resource Management Act

1.0 INTRODUCTION

1.1 This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 20 Deposited Plan 469192 held in Record of Title

631201. A copy of the Record of Title as well as Covenant 9550309.1 and Consent Notice 9550309.3 are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION

3.1 The site is located at 2 Northburn Road, Northlake, Wanaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The site is 4,066m² in area and roughly trapezoidal in shape. The site is located on the corner at the intersection of Aubrey Road and Northburn Road. The western and northern portion of the site rises up towards Northburn Road, while the remainder of the site is flat. The southern portion of the site is occupied by a stormwater retention pond which is connected to the larger development by an overland flow path that travels through the south-eastern corner of the site. The site is currently vacant and vegetated with grass, with some native planting along the western side adjacent to the existing access and two kanukas in the north-east corner.

3.3 There is an existing, formed access onto the site from Northburn Road. There is an existing water connection on the southern boundary and a wastewater connection within the south-east corner.

3.4 The site was created by Subdivision Consent RM051067, which has been subject to number of subsequent variations that are not material to the current proposal. At the time the subdivision

was granted, the surrounding area was comprised of rural residential development and Aubrey Road was not heavily used. Consent Notice 9550309.3 was registered on the Title of the Site on 26 November 2013 as a requirement of RM051067. The consent notice includes conditions in relation to restricting the creation of future accesses onto Aubrey Road, electricity supply, the formation of vehicle crossings and onsite stormwater disposal.

3.5 The land outside of the Northlake Zone adjacent to the development is now zoned Large Lot Residential (LLR) (Figure 3, below).

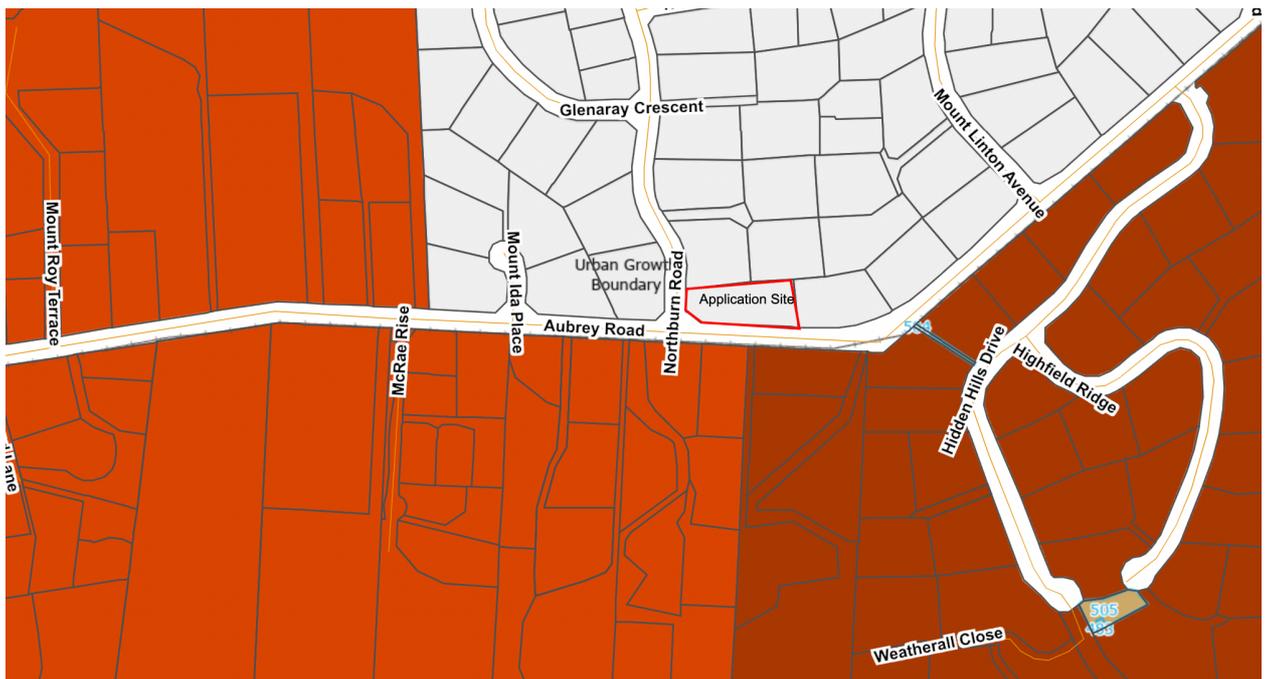


Figure 2: Application site (outlined in red) with the surrounding zoning. The white is Northlake, the lighter red Large Lot Residential A and the darker Red Large Lot Residential B.

3.6 The LLR A Zone has a minimum lot size of 2000m² and LLR B a minimum lot size of 4000m². The LLR B area is located at the base of the Mount Iron ONF and, in accordance with Policy 11.2.1.1 of the PDP, the size of lots is restricted as a result of landscape constraints. However, the application site is not located at the base of the Mt Iron ONF and is therefore not subject to significant landscape constraints. Further it is noted that this area, including Northlake and the Large Lot Residential Zone, is located within the Wanaka Urban Growth Boundary.

3.7 A number of resource consents have been granted within Northlake Activity Area A to undertake two lot subdivisions creating lots smaller than 4,000m², including:

- 17 Mount Linton Avenue - Resource Consent RM200605;

- 14 Mount Linton Avenue - Resource Consent RM201061;
- 11 Northburn Road – Resource Consent RM210092;
- 12 Mount Linton Avenue – Resource Consent RM210092;
- 23 Glenarary Crescent - Resource Consent RM210283;
- 19 Nokomai Street - Resource Consent RM210313;
- 1 Mount Ida Place – Resource Consent RM210340; and
- 4 Nokomai Street - Resource Consent RM210641

4.0 PROPOSAL

4.1 Resource consent is sought to undertake a two lot subdivision and vary Condition 1 of Consent Notice 9550309.3 as it relates to Lot 20 DP 469192 in order to enable the establishment of a second access onto Aubrey Road. A copy of the proposed scheme plan has been included as **Appendix B**.

4.2 Proposed Lot 1 relates to the western extent of the site and is proposed to be 2,066m² in area. The western and northern portions of this lot are sloping, with a flat area in the eastern portion of the lot. The southern portion of the lot is occupied by the stormwater retention pond that is proposed to be protected by an easement.

4.3 Proposed Lot 2 relates to the eastern extent of the existing lot and is proposed to be 2,000m² in area. Proposed Lot 2 is relatively flat, with a small area of sloping terrain in the north-west corner. The stormwater retention pond is also located within the southern portion of this lot. In addition, there is an overland flow path in the south-east corner of the lot that connects the retention pond to the properties to the north and east.

Access

4.4 Access to proposed Lot 2 will be in the south-eastern corner of the site onto Aubrey Road. The proposed new access meets sight distances and distance from intersections. A culvert will be installed within the overland flow path to enable access over it. As Condition 1 of Consent Notice 9550309.3 restricts the formation of vehicle access from Lot 20 onto Aubrey Road, it is also proposed to vary the Consent Notice condition in order to enable the formation of the new access onto Lot 2.

4.5 It is proposed to use the existing access to service proposed Lot 1.

Servicing

4.6 There are existing Council reticulated water and wastewater pipes within Aubrey Road. It is proposed to create new connections to Lot 1 from these services. There is a fire hydrant immediately adjacent to the application site in Aubrey Road, which is considered sufficient to service the development in relation to firefighting water supply.

4.7 The proposed sites are both relatively large and, as a result it is considered that onsite stormwater disposal can be designed at the time a dwelling is proposed on each lot.

4.8 Aurora and Chorus have confirmed that there is existing capacity within the network to accommodate the additional lot. These letters of confirmation are included as **Appendix C**.

Earthworks

4.9 Earthworks associated with the proposed subdivision are limited to those associated with the installation of services (i.e. trenching) and the formation of the new vehicle crossing and access to Lot 2.

Variation of Consent Notice Conditions

4.10 In order to enable the construction of a new access onto Aubrey Road, it is proposed to vary Condition 1 of Consent Notice 9550309.3 as follows (deleted text ~~struck through~~, additional text **bold underlined**):

1. *Lots 14, 15, 19, 20, 41 and 59 shall not have access directly onto Aubrey Road. Their access is to be from the internal roading network constructed at the time of subdivision. **Lot 20 shall have one access only onto Aubrey Road, as approved by RM220XXX.***

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

5.1 As the Northlake Special Zone has not, at this stage, been included in the District Plan Review, the zoning and associated provisions of the Proposed District Plan do not apply to the subject application.

Operative District Plan

5.2 The site is zoned Northlake Special Zone under the Operative District Plan and the proposal requires the following resource consents:

- A **restricted discretionary** activity consent pursuant to Rule 15.2.3.3(xi) for the proposed two lot subdivision. Council's discretion is restricted to:
 - a) The extent to which the subdivision is consistent with the Northlake Structure Plan and any relevant consent's Outline Development Plan consented under Rule 12.34.2.3.i or Rule 12.34.2.3.ii;
 - b) The extent to which the subdivision would undermine the integrity of the Northlake Structure Plan and any relevant consent's Outline Development Plan consented under Rule 12.34.2.3.i or Rule 12.34.2.3.ii;
 - c) Those matters in respect of which the Council has reserved control under Rule 15.2.3.2.
- A **non-complying** activity consent pursuant to Rule 15.2.3.4(i) as the proposed subdivision does not comply with Zone Standard 15.2.6.3(i)(a) in relation to the minimum lot size for Northlake Activity Area A, which is 4,000m². The proposed lots would be 2,000m² and 2,066m² in area.

5.3 Overall the proposed subdivision requires a **non-complying** activity consent under the Proposed District Plan.

Resource Management Act 1991

5.4 The proposed development also involves the variation of Condition 1 of Consent Notice 9550309.3, which requires the following resource consent:

- A **discretionary** activity consent pursuant to s87B, and in accordance with s221, of the Act which states that the cancellation of a consent notice must be processed in accordance with s88 to s121 and s127(4) to s132 of the Act.

Summary of Activity Status

5.5 Overall, the proposal is considered to be for a **non-complying** activity resource consent.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) 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.

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this case all buildings require controlled activity resource consent and all subdivision requires a restricted discretionary activity resource consent. It is therefore considered that there is no relevant permitted baseline.

6.3 However, it is noted that there is no density standard within Activity Area A. As a result there is no limit on the number of dwellings that could be constructed on site provided 40% site coverage is not exceeded.

Receiving Environment

6.4 As mentioned in Section 3.7 above, at least eight subdivisions have been granted in Northlake Activity Area A enabling subdivision of lots down to 1800m². As a result it is considered that the receiving environment is in a state of transition in which the character of the area is changing from a rural residential density to one more in keeping with the Large Lot Residential zoning. In addition it is noted that the land on the opposite side of Aubrey Road to the south-west is zoned LLR A and as a result the character in that area is also beginning to change.

Actual and Potential Effects on the Environment

6.5 The actual and potential effects of the proposed subdivision generally relate to the following matters:

- Character and amenity;
- Subdivision design and layout;
- Servicing and infrastructure;
- Access and traffic;

- Natural hazards;
- Culture and heritage; and
- Consent Notice

Character and Amenity

6.6 Both lots will be vacant and enable residential development in keeping with what is anticipated in the neighbouring Large Lot Residential zone. The lots, and associated residential development, would be visible from Aubrey Road. However, the plan provides for the construction of an unrestricted number of dwellings on this site as a controlled activity. Although Council's control extends to a number of matters, including location, external appearance, earthworks and landscaping, it is considered that the construction of a second, or even a third dwelling on this site and the surrounding sites, while not permitted, could at least be anticipated.

6.7 As mentioned above, this neighbourhood is currently undergoing widespread change. The rezoning of the area to the south and west as Large Lot Residential enables subdivision down to 2,000m². A number of similar subdivisions have been approved to the north, east and west in Northlake Activity Area AA, including at 1 Mount Ida Place, which also fronts Aubrey Road and is clearly visible from this vantage.

6.8 The objectives and policies of the Northlake Special Zone, which will be examined in more depth in Section 7.6-7.10 below, seek to provide for a mix of *'medium to low density and larger lot residential development'* (Objective 1). Policy 1.2 seeks to:

'To maintain and enable residential lot sizes in Activity Areas A and C4 consistent with the adjacent Rural Residential Zone.'

However, as noted above, there is no longer an adjacent rural residential zone. The land outside of the Northlake Zone adjacent to the development is now zoned Large Lot Residential, which enables development to a density similar to that proposed.

6.9 While the plan does not enable subdivision, the plan anticipates the construction of additional dwellings on the site. The effects in relation to built form would be similar and have a similar impact on the residential character of the area. It is however noted that subdivision is distinct from land use as it changes the ownership of the sites and therefore there would be some distinction on how the dwellings would be used. Notwithstanding this, it is considered that the

effects of the proposed subdivision on character would be less than minor as it would be consistent with the changing character of the area.

- 6.10 Any future dwelling would be required to comply with the relevant height restrictions and setbacks. Therefore, the subdivision and subsequent construction of two residential units on the site will not affect privacy, access to sunlight or residential amenity beyond what could be anticipated without subdivision. Any future built form would also be consistent with what is anticipated in the zone. Any future built form enabled by the proposed development is not anticipated to be more dominant than the construction of one large residential dwelling on the site.
- 6.11 Overall, given the above, it is considered that any adverse effects on residential character and amenity would be less than minor.

Subdivision design and layout

- 6.12 QLDC's Subdivision Design Guidelines 2015 set out the principles of good subdivision design in the District's urban areas. While, the primary focus of the design guidelines is on larger scale 'greenfield' subdivisions, the guidelines acknowledging the limitations of infill subdivision. Nevertheless the design guidelines provide direction in terms of subdivision design that can, at least in part, be applied to infill subdivision.
- 6.13 A key principle of good subdivision design is the identification of the opportunities and constraints of the site and surrounding area and designing subdivisions that respond accordingly.
- 6.14 The opportunities of a site include the positive elements of the site and local character. In this instance the positive elements include two street frontages and a geometry that easily enables splitting the lot in two. The topography is such that the proposal would create two relatively private allotments. Further, the design of the existing stormwater retention pond is such that there is an existing opportunity to form an additional access onto Aubrey Road. Any future built form on both lots would front Aubrey Road and provide a positive interface with the road.
- 6.15 The constraints of the site include a rise in topography to the west, slightly reducing access to afternoon sunlight, the existence of the retention pond along the southern boundary and the restriction imposed by the consent notice in relation to forming additional accesses onto Aubrey Road. Following the completion of the subdivision, however, there will be sufficient area to construct a house, as well as private north and west facing outdoor living areas, on both lots.

While the retention pond would reduce the development potential of each lot, there will still be sufficient space on each lot to construct a dwelling, parking and manoeuvring and outdoor living. Lot 2 would have a buildable area of approximately 1,100m². Lot 1 would have a buildable area of approximately 915m². While sloping, it is considered that a dwelling can still be designed to be reasonably accommodated on the site.

- 6.16 The proposal to establish an access onto Aubrey Road, and the effects associated with that, and varying the consent notice conditions, are assessed further below. Notwithstanding the constraints of the site, it is considered that the subdivision has been designed so as to enable high amenity residential development.
- 6.17 The design of the proposed subdivision responds to the opportunities and constraints of the site as far as is practicably possible. Each lot enables the practical siting and design of future residential units on Lots 1 and 2.
- 6.18 It is therefore considered that the proposal represents good subdivision design (in so far as that is practicable, being an infill subdivision) as defined in the design guidelines and overall it is considered that the adverse effects resulting from the layout and design of the subdivision will be less than minor.

Servicing and infrastructure

- 6.19 It is proposed to rely on the existing servicing infrastructure to service both Lots 1 and 2. While capacity constraints were raised during the processing of several of the previous subdivisions, QLDC confirmed previously that there was capacity to service ten subdivisions at least. As this is the ninth subdivision (to our knowledge) it is considered likely there is capacity within the existing network. QLDC's three waters engineers were contacted in order to confirm if there is capacity but they did not respond.
- 6.20 There is a fire hydrant within Aubrey Road directly adjacent to the application site. This is considered sufficient to provide water for fire fighting purposes to both lots.
- 6.21 Stormwater is proposed to be disposed of to ground in accordance with the Consent Notice requirements. A design can be submitted with building consent for any future dwellings.
- 6.22 Aurora and Chorus have confirmed that there is sufficient capacity within their networks to service the proposed development with electricity and telecommunications. These confirmation letters are included in **Appendix C**.

6.23 Overall, it is considered that the proposed development can be sufficiently serviced and any adverse effects associated with servicing the development would be less than minor.

Access and Traffic

6.24 It is proposed to access Lot 1 using the existing crossing onto Northburn Road. The formation of the existing crossing is considered sufficient to service proposed Lot 1.

6.25 It is proposed to form a new crossing to proposed Lot 2 from Aubrey Road. An access in this location will comply with the requirements in relation to distance from intersections and sight distances. Limited earthworks would be required to form a crossing in this location and a culvert is proposed to protect the overland flow path. However, Condition 1 of Consent Notice 9550309.3 restricts the formation of a new crossing onto Aubrey Road.

6.26 This condition was imposed as a result of the recommendations made by the infrastructure engineers during the processing of Resource Consent RM051067. A copy of that report is included as **Appendix D**. The report, prepared by Rationale, recommended that new access onto Aubrey Road be restricted in order to reduce the pressure on Aubrey Road. However, Aubrey Road was substantially narrower in 2005, as can be seen in Figure 3 below.



Figure 3 : Historic Image of Aubrey Road from 2005

6.27 Aubrey Road has subsequently been widened and improved, as has the multi modal path adjacent to the Northlake subdivision. It is considered that the construction of one additional

access onto Aubrey Road would not result in the road needing to be widened or the formation improved, and would not result in unsafe traffic outcomes. Overall, therefore, it is considered that adverse effects associated with the construction of the new access, and the required amendment to Condition 1 of Consent Notice 9550309.3 would be less than minor.

Natural Hazards

- 6.28 The site is identified on the QLDC hazards GIS as being susceptible to a nil to low risk of liquefaction. Otherwise the site is not identified as being subject to other natural hazards. It is considered that any potential risk in relation to liquefaction can be mitigated through foundation design at the time a dwelling is proposed on either lot. Overall, it is considered that the proposed subdivision would not exacerbate any risk from natural hazards and no adverse effects in this regard are anticipated from the subdivision.

Culture and Heritage

- 6.29 The site is not identified as being within a Wāhi Tūpuna Area or having cultural sensitivities. Any earthworks associated with the subdivision would be minimal. Overall, it is considered that adverse cultural and heritage effects would be less than minor.

Consent Notice Matters

- 6.30 It is proposed to vary the conditions of the Consent Notice to enable the construction of a new access onto Aubrey Road. This condition was imposed by the engineers during the processing of Subdivision Consent RM051067 in order to ensure that Aubrey Road would not need to be upgraded in the future to cater for the additional accesses. Aubrey Road has subsequently been upgraded and the adverse effects from establishing an additional crossing are considered to be less than minor, as discussed in Sections 6.24-6.26 above.
- 6.31 However, the matter of Consent Notice variations has been subject to multiple High Court proceedings. In general the Court is of the mind that Consent Notices should not be altered unless there has been a material change in circumstances (e.g. a rezoning or similar) which means that the consent notice obstructs rather than achieves sustainable management¹.
- 6.32 In this instance the application site has not been rezoned. However, the area around the application site has been rezoned and the character of the area is rapidly changing. The

¹ *Ballantyne Barker Holdings Ltd v Queenstown Lakes District Council at [45]*

proposed subdivision would enable the construction of two separate freehold dwellings, which would contribute housing to the District. The access onto Aubrey Road will ensure both lots to have direct access to a road and will encourage a design with an entrance to the dwelling facing the road. Therefore, it is considered that the proposed subdivision would result in the sustainable use and management of the site as intended, and that strict adherence to the consent notice conditions in this instance would obstruct the sustainable use of the site.

- 6.33 Overall, therefore, it is considered that a variation to the consent notice in this instance is appropriate and that any associated effects would be less than minor.

Positive Effects

- 6.34 The proposed development would enable the creation of two large residential lots in close proximity to the Wanaka town centre. This will provide additional housing choice in the district, and will have positive effects on housing supply.

Summary of Effects

- 6.35 Overall it is considered that the actual and potential adverse effects of the proposed subdivision and variation to Consent Notice conditions will be less than minor.

7.0 OBJECTIVES AND POLICIES

Operative District Plan

- 7.1 The objectives and policies of the Operative District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 4 – District Wide Issues, Chapter 12 – Northlake Special Zone, Chapter 14 – Transportation and Chapter 15 – Subdivision and Development and are as follows:

Part 4 – District Wide Issues

4.9.3.2 Objective 2 – Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.*

7.2 The proposed subdivision will maintain the character and amenity of the Northlake area. The proposed subdivision would enable large lot residential development, which is consistent with the changing character of the area. The proposal will enable the applicant and future purchasers to provide for their wellbeing. The proposal is therefore considered to be consistent with, and not contrary to, these provisions.

4.9.3.2 Objective 3 – Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Policies:

- 3.1 *To enable urban consolidation to occur where appropriate.*
- 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
- 3.3 *To provide for high density residential development in appropriate areas.*
- 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.*

7.3 The proposal will encourage urban consolidation. The proposal would enable additional urban development that will integrate well with the existing development. The establishing residential character will be maintained. The proposal will assist in providing additional residential capacity

to meet the needs of the District. The proposal is considered to be consistent with, and not contrary to, these provisions.

4.9.3.2 Objective 9 – Sustainable Management of Development

The scale and distribution of urban development is effectively managed.

Policies:

- 9.1 *To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.*
- 9.2 *To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.*
- 9.3 *To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.*
- 9.4 *To include land within an Urban Growth Boundary where appropriate to provide for and contain existing and future urban development, recognising that an Urban Growth Boundary has a different function from a zone boundary.*
- 9.5 *To avoid sporadic and/or ad hoc urban development in the rural area generally. To strongly discourage urban extensions in the rural areas beyond the Urban Growth Boundaries.*
- 9.6 *To take account of the following matters when defining an Urban Growth Boundary through a plan change:*
 - 9.6.2 *The avoidance or mitigation where appropriate of any natural hazard, contaminated land or the disruption of existing infrastructure.*
 - 9.6.3 *The avoidance of significant adverse effects on the landscape, the lakes and the rivers of the district.*
 - 9.6.4 *The efficient use of infrastructure, including transport infrastructure, and its capacity to accommodate growth.*
 - 9.6.5 *Any potential reverse sensitivity issues, particularly those relating to established activities in the rural area.*

9.8 *To recognise existing land use patterns, natural features, the landscape and heritage values of the District and the receiving environment to inform the location of Urban Growth Boundaries.*

7.4 The proposed development will provide for additional residential development at a rate that will sustain the life supporting capacity of water, air and soil. The development is within the urban area of Wanaka. The site is within the urban growth boundary. The proposed urban development is within a location that can accommodate additional development without affecting character or infrastructure. The proposal is considered to be consistent with, and not contrary to, these provisions.

7.5 Overall the proposal is considered to be consistent with, and not contrary to, the objectives and policies of Part 4 of the ODP.

Part 12.33 – Northlake Special Zone

Objective 1 – Residential Development

A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities

Policies:

1.1 *To establish a mix of residential densities that will provide a residential environment appealing to a range of people.*

1.2 *To enable medium density living within the less sensitive parts of the zone in order to give Northlake a sense of place and to support a neighbourhood commercial and retail precinct.*

1.3 *To maintain and enable residential lot sizes in Activity Areas A and C4 consistent with the adjacent Rural Residential Zone.*

1.4 *To enable and encourage low density residential activities within Activity Areas B1 – B5.*

1.5 *To enable and encourage larger residential lot sizes within Activity Areas C1 – C3.*

1.6 *To enable and encourage medium density residential activities within Activity Area D1.*

1.7 *To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs of the local community within Activity Area D1 and to*

avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.

1.8 *To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.*

1.9 *To enable affordable housing by providing for cost effective development and by requiring a range of lot sizes and housing typologies, including 20 affordable lots (as defined in Rule 15.2.20.1).*

7.6 The proposed subdivision will create two additional smaller lots that will contribute to providing for a mix of residential densities. While the proposed lot size would not be consistent with the rural residential zone, there is no longer a rural residential zone adjacent to the application site and the site is now located within the Wanaka Urban Growth Boundary. The proposed lots will be consistent with the size and shape of lots and density anticipated in the adjacent Large Lot Residential Zone. The proposal will provide for large lot residential development within close proximity to the Wanaka town centre. The proposal is considered to be consistent with, and not contrary, to these provisions.

Objective 2 – Urban Design

Development demonstrates best practice in urban design and results in a range of high quality residential environments.

Policies:

2.1 *To use a Structure Plan to establish:*

- *The location of Activity Areas*
- *The primary roading network*
- *Required walking and cycle connections*
- *Areas where buildings are prevented from occurring due to landscape sensitivity*
- *Areas where existing vegetation forms an important landscape or ecological feature and should be protected*

2.2 *To require development to be consistent with the Northlake Structure Plan.*

2.3 *To require the use of Outline Development Plans in resource consent applications for Activity Areas B1 to B5, C1 to C4 and D1 in order to:*

- *implement the objectives and policies of the Zone and the relevant Activity Area and the Northlake Structure Plan;*
- *determine the general location of anticipated future activities and built form within the Activity Area;*
- *achieve any required density range within the relevant Activity Area;*
- *achieve appropriate integration of anticipated future activities.*

2.4 *To achieve a high level of integration through residential lot layout, street design, recreational areas (including walkways/ cycleways, parks and open spaces) and landscaping through the resource consent process using Outline Development Plans.*

2.5 *To ensure that development recognises and relates to the wider Wanaka character and is a logical extension of the urban form of Wanaka.*

2.6 *To enable visitor accommodation, commercial, community activities, retirement villages and limited small scale retail activities including one small supermarket within Activity Area D1 to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*

2.7 *To enable educational facilities to service the needs of the Wanaka community, while maintaining compatibility with residential amenity.*

2.8 *Ensure the design and appearance of non-residential buildings is compatible with the character of the wider neighbourhood and considers variation in form, articulation, colour and texture and landscaping to add variety, moderate visual scale and provide visual interest, especially where facades front streets and public spaces.*

7.7 There is no structure plan in relation to Activity Area A as it was developed before the Plan Change was approved by the Environment Court. For the same reason there is no outline development plan that relates to Activity Area A. The proposed subdivision will be a logical addition within the Wanaka urban area. The proposed development will demonstrate good proactive urban design by enabling two street facing properties and enabling a denser development within close proximity to the Wanaka town centre while being consistent with the establishing character. The proposed subdivision will result in a high quality residential environment. Overall the proposed subdivision is considered to be consistent with these objectives and policies.

Objective 3 – Connectivity

Development that is well-connected internally and to networks outside the zone

Policies:

- 3.1 *To ensure that roading is integrated with existing development and the existing road network.*
- 3.2 *To promote a logical and legible road layout, minimising cul-de-sacs where practical.*
- 3.3 *To require public cycling and walking trails through the zone that link to existing and potential trails outside the zone.*
- 3.4 *To enable public transport to efficiently service the area, now and in the future.*
- 3.5 *To reduce travel distances through well connected roads.*
- 3.6 *To provide safe, attractive, and practical routes for walking and cycling, which are well linked to existing or possible future passenger transport and local facilities and amenities within the zone.*

7.8 No roading is proposed as part of the proposed subdivision. A new access from Aubrey Road is proposed but the formation and width of Aubrey road is such that this is anticipated to be in keeping with the existing traffic environment. The proposal will not affect existing active transport routes. The proposed development will be well connected with the existing street and active transport networks. The proposal is considered to be consistent with, and not contrary to, these provisions.

Objective 4 – Landscape and Ecology

Development that takes into account the landscape, visual amenity, and conservation values of the zone.

Policies:

- 4.1 *To identify areas where buildings are inappropriate, including ridgelines, hilltops and other visually prominent landforms, and to avoid buildings within those areas.*
- 4.2 *To maintain and enhance the nature conservation values of remnants of indigenous habitat, and to enhance the natural character of the northeast margin of the zone.*
- 4.3 *To ensure that roads are designed and located to minimise the need for excessive cut and fill and to respect natural topographical contours.*

4.4 *To ensure that trees within the Tree Protection Areas are retained, and that any individual trees that are removed or felled within TPA3 or TPA4 are progressively replaced with non-wilding species so as to ensure development is reasonably difficult to see from the Deans Bank trail (northern side of the Clutha River), to retain a predominantly treed foreground when viewed from the Deans Bank trail, and to retain a predominantly treed background when viewed from Outlet Road.*

7.9 The application site is in a location in which buildings have been determined to be appropriate. A number of dwellings could be constructed on the site as a controlled activity. The proposal will not affect nature conservation values. No roads are proposed and no trees within the tree protection area are proposed to be removed. The proposed development will not affect landscape values, visual amenity or conservation values. The proposed subdivision is considered to be consistent with, and not contrary to, these provisions.

Objective 6 – Infrastructure

Provision of servicing infrastructure to cater for demands of development within the zone in an environmentally sustainable manner and to enhance wider utility network systems where appropriate.

Policies:

6.1 *To provide safe and efficient road access to the zone from Aubrey Road and Outlet Road.*

6.2 *To provide for transport network upgrades when required.*

6.3 *To design local streets to ensure safe, low speed traffic environments.*

6.4 *To utilise low impact design solutions that minimise adverse environmental effects resulting from storm water runoff.*

6.5 *To provide for water storage facilities for the benefit of the wider Council network as well as for the zone.*

7.10 The proposed subdivision will provide an additional access from Aubrey Road, which will be both safe and efficient. No transport network upgrade is required. As the subdivision relates to a small, infill subdivision, no infrastructure for stormwater or water storage is being proposed beyond onsite disposal to manage the stormwater from future built form. Overall, the proposal is considered to be consistent with, and not contrary to, these provisions.

- 7.11 Overall, the proposed subdivision is considered to be consistent with, and not contrary to, the objectives and policies of Chapter 12.33 Northlake Special Zone.

Chapter 14 – Transport

Objective 1 – Efficiency

Efficient use of the District’s existing and future transportation resource and of fossil fuel usage associated with transportation.

Policies:

- 1.1 *To encourage efficiency in the use of motor vehicles.*
- 1.2 *To promote the efficient use of all roads by adopting and applying a road hierarchy with associated access standards based on intended function.*
- 1.3 *To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.*
- 1.4 *To protect the safety and efficiency of traffic on State Highways and arterial roads, particularly State Highway 6A, by restricting opportunities for additional access points off these roads and by ensuring access to high traffic generating activities is adequately designed and located.*
- 1.5 *To promote the efficient use of fuel for transport purposes, by providing for a District wide policy of consolidated urban areas, townships, retail centres and residential environments.*
- 1.6 *To promote and provide for the consolidation of new areas of residential development and for higher density development within identified areas.*
- 1.7 *Enabling for home occupations within residential areas to reduce travel time and costs between home and work.*
- 1.8 *To consider options for encouraging and developing greater use of public transportation facilities and in particular to continue to investigate the options for alternative transport means.*
- 1.9 *To require off-road 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.*

7.12 Aubrey Road is identified as being a collector road. The proposed subdivision will not encourage the inefficient use of motor vehicles. The new access will not affect the efficiency of Aubrey Road. The proposal will encourage the consolidation of the urban area and provide additional living opportunities within close proximity to the Wanaka town centre. The proposed property access will be of a size, location and type to ensure the safe and efficient functioning of the road network is maintained. Overall the proposal is considered to constitute an efficient use of the District's roading infrastructure and to be consistent with, and not contrary to, these provisions.

Objective 1 – Safety and Accessibility

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

Policies:

2.1 *To maintain and improve safety and accessibility by adopting and applying a road hierarchy with associated design, parking and access standards based on the intended function.*

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

2.3 *To ensure access and movement throughout the District, and more particularly the urban areas, for people with disabilities is not unreasonably restricted.*

2.4 *To encourage the development of pedestrian and cycle accessways, within the main townships.*

2.5 *To maintain and upgrade, where appropriate, the existing roads and provide for new roads and related facilities where these are important for providing access. In particular, to investigate and/or make provision for:*

- *a new road link from Man Street to the One Mile roundabout.*
- *a new road linking Queenstown and Frankton on the northern side of SH6A above Frankton Arm.*
- *a long term roading network for the Frankton flats area to protect the through route function of State Highways and provide access to residential, commercial and recreational activities.*

- 2.6 *To ensure intersections and accessways are designed and located so:*
- *good visibility is provided.*
 - *they can accommodate vehicle manoeuvres.*
 - *they prevent reverse manoeuvring onto arterial roads; and*
 - *are separated so as not to adversely affect the free flow of traffic on arterial roads.*

2.7 *To ensure vegetation plantings are sited and/or controlled so as to maintain adequate visibility and clearance at road intersections and property access and to prevent the icing of roads during winter months, except and unless that vegetation is important to the visual amenity of the District or is protected as part of the Heritage Provisions.*

7.13 As mentioned above, Aubrey Road is considered a collector road. The proposed subdivision, associated activity and new access will be compatible with the existing road layout and function. The proposed access will not affect movement in the district for people with disabilities. The proposed access will have good visibility, will accommodate the required vehicle manoeuvres and will be sufficiently separated from adjacent accesses. No vegetation or planting is proposed by way of this application and the location of the stormwater retention pond would restrict planting opportunities in close proximity to the road. The proposed access will maintain the ease of vehicle pedestrian movement in the area. Overall, the proposal is considered to be consistent with, and not contrary to, these provisions.

7.14 Overall, given the above assessment, the proposal is considered to be consistent with, and not contrary to, the transport provisions of the Operative District Plan.

Chapter 14 – Subdivision and Development

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 subdivision and development roading on the environment.*
- 1.5 *To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
- 1.6 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.7 *To ensure that 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, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*
- 1.9 *To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.*
- 1.10 *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.*

1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*

1.12 *To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.*

7.15 The proposed subdivision will have safe and efficient vehicular access. Any visual effects of the subdivision on the roading network would be minimal and consistent with the establishing character of the area. There is sufficient infrastructure capacity to service the development. Overall, the proposal is considered to be consistent with, and not contrary to, these provisions.

Objective 2 – Cost of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.

Policies:

2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

2.2 *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.*

7.16 The developer will meet the costs of subdivision and infrastructure provision. Development contributions will be paid as post of the subdivision process. Overall, the proposal is considered to be consistent with, and not contrary to, these provisions.

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 ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*

5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*

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

5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*

5.6 *To encourage the identification of archaeological sites and sites of cultural significance.*

7.17 The proposed dimension and size of the lots will provide for the intended land use in the Zone. The proposed subdivision will reflect the levels of open space and density now anticipated in the area. Effects on the safety and efficiency of the road network will be minimised. The proposed subdivision will maintain the amenity of the area.

7.18 Overall, the proposed subdivision is considered to be consistent with, and not contrary to, the objectives and policies of Chapter 15 of the ODP.

Summary

- 7.19 Overall, given the above assessment, it is considered that the proposed subdivision would be consistent with, and not contrary to, the provisions of the Operative District Plan.

Proposed District Plan

- 7.20 While the Northlake Special Zone has not been included in the District Plan Review, it is considered that higher order provision of the Proposed District Plan are still relevant to the consideration of the proposal. The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 3 – Strategic Directions and Chapter 4 – Urban Development and are as follows:

Chapter 3 – Strategic Directions

Objectives:

3.2.1 The development of a prosperous, resilient and equitable economy in the District.

3.2.2 Urban growth is managed in a strategic and integrated manner.

3.2.2.1 Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;***
- b. build on historical urban settlement patterns;***
- c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;***
- d. minimise the natural hazard risk, taking into account the predicted effects of climate change;***
- e. protect the District's rural landscapes from sporadic and sprawling urban development;***
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;***
- g. contain a high quality network of open spaces and community facilities; and.***
- h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.***

Policies:

3.3.13 *Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wanaka and where required around other townships.*

3.3.26 *That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.*

7.21 The application site is located within the urban growth boundary. The subdivision includes onsite stormwater disposal, which will minimise adverse effects from runoff on lakes, rivers and wetlands. The associated earthworks are minimal and will be undertaken in such a way so as to ensure that stormwater flows during development will be activity managed to avoid effects on water bodies. The subdivision is in a strategic location in close proximity to town with access to existing services. The proposal will promote a more compact urban form and build on historic settlement patterns. The proposal will create high amenity living environments. The proposal will support the development of a prosperous and resilient economy. Overall the proposal is considered to be consistent with, and not contrary to, these provisions.

Chapter 4 – Urban Development

4.2.1 Objective – Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.

Policies

4.2.1.2 *Focus urban development primarily on land within and adjacent to the existing larger urban areas and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements.*

4.2.1.3 *Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.*

4.2.2A Objective – A compact, integrated and well designed urban form within the Urban Growth Boundaries that:

(i) is coordinated with the efficient provision, use and operation of infrastructure and services;

4.2.2B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)

Policies:

4.2.2.1 Integrate urban development with existing or proposed infrastructure so that:

- a. Urban development is serviced by infrastructure of sufficient capacity; and
- b. reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and

4.2.2.3 Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

4.2.2.7 Explore and encourage innovative approaches to design to assist provision of quality affordable housing.

4.2.2.8 In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.

7.22 The application site is located within the urban growth boundary and within an existing urban area. The development will be integrated with existing infrastructure. The increased density will be within close proximity to the town centre. There is no structure plan for the area and the development responds to the changing local character. The lots are unlikely to contribute affordable housing in the District, but strict adherence the District Plans would reduce opportunities for providing housing in the District. The proposal will contribute to compact well integrated built urban form and is considered to be consistent with, and not contrary to, these provisions.

7.23 Overall it is considered that the proposed development is consistent with and not contrary to the relevant Objectives and Policies of the Proposed District Plan.

Weighting between Operative District Plan and Proposed District Plan

7.24 A weighting assessment in relation to the ODP and PDP is only required if the conclusions reached under either planning document are different (i.e. the assessment under one plan concludes that consent can be granted and the other concludes that consent should be refused). In this case more weighting is given to the ODP as the Northlake Special Zone has not been included in the District Plan Review. Notwithstanding this, the conclusion under both plans is the same.

8.0 OTHER MATTERS

8.1 Given that the proposal involves earthworks, the applicant has elected to address the provisions of the NES by undertaking an assessment of the most up to date information about the site and surrounding area that Council holds. In addition, the applicant has undertaken an assessment of any information available from the Otago Regional Council. The findings of this assessment can be summarised as follows:

Otago Regional Council's 'Database of Selected Land Uses'

8.2 Please find, in Figure 2 below, an extract from Otago Regional Council's contaminated land database which demonstrates that there are no records of land uses or activities that have been (or are being) carried out on the site and the immediately surrounding area that have the potential to contaminate land.

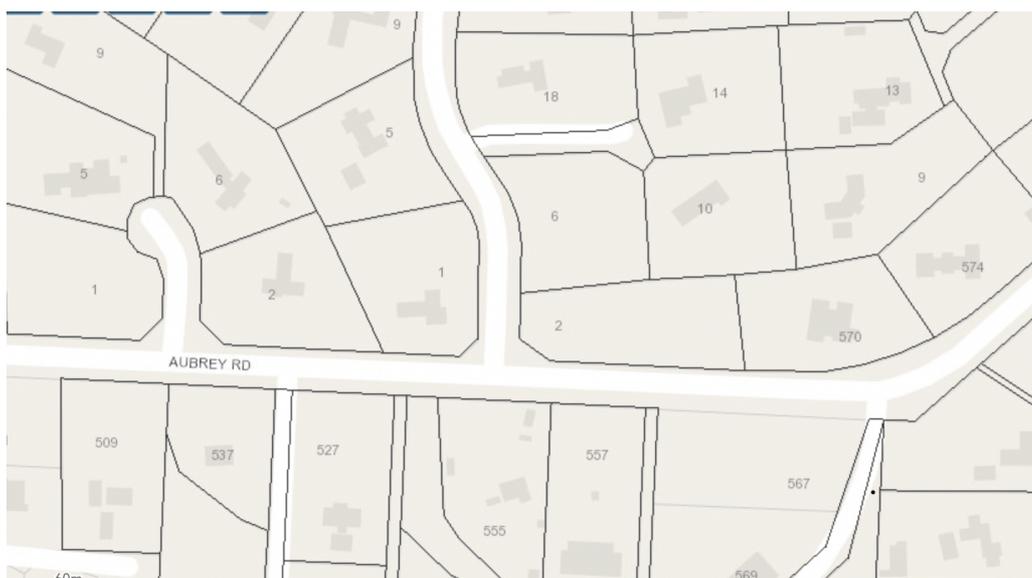


Figure 2 : Extract from ORC Contaminated Land Database

Queenstown Lakes District Council files

- 8.3 No records held on Queenstown Lakes District Council's eDocs suggest that any activity or industry described in the HAIL has taken place on the land to which the application specifically relates.

QLDC – Hazards Register

- 8.4 Queenstown Lakes District Council's GIS shows that there are no Dangerous Goods Licences and/or Potential Contaminated Sites on the subject site or in the wider area.
- 8.5 It therefore appears that an activity or industry described in the HAIL, which could have resulted in the contamination of the site, is unlikely to have been undertaken on the site and as such the provisions of the NES need not apply.

National Policy Statement on Urban Development 2020

- 8.6 The National Policy Statement on Urban Development 202 (NPS UD) directs decision makers to enable development within existing urban areas. The following provisions are relevant to the subject application:

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that:

- (i) meet the needs, in terms of type, price, and location, of different households; and*
- (ii) enable Māori to express their cultural traditions and norms; and*
- (iii) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (iv) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support, and limit as much as possible adverse*

*impacts on, the competitive operation of land and development markets;
and*

(v) support reductions in greenhouse gas emissions; and

(vi) are resilient to the likely current and future effects of climate change.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

ii. are not, of themselves, an adverse effect

c. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

d. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

e. the likely current and future effects of climate change.

8.7 The proposed development will provide for smaller lots than the majority of the lots in the immediate vicinity. However the character of the area is changing and the NPS UD acknowledges that built character and amenity values change. Policy 1 directs decision makers to make decisions that contribute to housing options, which the proposal will achieve. Policy 6 directs decision makers to have regard to what is enabled by the planning provisions (e.g. the permitted baseline) and to recognise that changes may detract from amenity values appreciated by some

people while improving amenity as experienced by others. The NPS UD identifies that changes to amenity are not an effect.

- 8.8 The proposed development is not anticipated to affect public amenity, and will not affect the amenity enjoyed by the owners or occupiers of adjacent properties to a minor or more than minor degree. The proposal relates to the creation of two large residential lots that will provide additional residential opportunities in the Township. Overall, the proposal is considered to be consistent with the intent of the NPS UD.

Precedent/Plan Integrity

- 8.9 The proposed subdivision would result in the creation of two lots well below the minimum allotment size for the zone. This will create a precedent as there are a number of lots within the Northlake Activity Area A that could accommodate a subdivision of this nature. However eight subdivisions of this nature have already been approved within Activity Area A and the as a result the character is changing quickly.
- 8.10 The surrounding environment, including the zoning, has changed since these rules came into effect, but there is no intention in the near future to review them. It is noted that the plan enables the construction of more than one dwelling on each site which could result in similar adverse effects. Therefore, while the granting of this consent would create a precedent, it would not be one that has not already been set, and it would not be an undesirable precedent.

9.0 CONSULTATION

- 9.1 Section 95B of the Act requires that, should the consent authority determine that public notification is not necessary, it must decide whether there are any affected persons 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) and affected party approval has not been provided.
- 9.2 The properties located at 6 and 10 Northburn Road, and 570 Aubrey Road are located adjacent to the application site. In addition, the properties located at 557 and 567 Aubrey Road are located opposite the site on Aubrey Road.
- 9.3 The applicant has contacted the owners of all of these properties to discuss the proposed subdivision. However only the owners of 6 and 10 Northburn Road and 557 Aubrey Road contacted. Written approval from these persons has been included in **Appendix E**.

9.4 It is considered that, given the separation distance between the properties on the opposite side of Aubrey Road in combination with the changing environment informed by the new zoning, the proposed subdivision would not affect amenity or character to a noticeable degree when viewed from these properties.

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

10.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

5 Purpose

(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

(2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

10.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

10.3 It is considered that the proposal appropriately sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations while avoiding adverse effects on the life-supporting capacity of air, water, soil and ecosystems and adverse effects on the environment generally. It is therefore considered that the proposed subdivision

represents the sustainable management of the District’s natural and physical resources as defined in Section 5 of the Act.

10.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. No matters of national importance are relevant to the subject application.

10.5 Having had regard to the other matters set out in Section 7 of the Act, the proposal relates to the efficient use of natural and physical resource (s7b), the maintenance and enhancement of amenity values (s7c), and the maintenance and enhancement of the quality of the environment (s7f). It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

11.0 CONCLUSION

11.1 Resource consent is sought to undertake a two lot subdivision at 2 Northburn Road. The proposal requires a non-complying activity subdivision consent under the Operative District Plan.

11.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with, and not contrary to, the relevant objectives and policies of the Operative and Proposed District Plans.

11.3 The proposal is not precluded from public and limited notification under s95A and s95B of the Act however it is considered that the proposal will result in less than minor adverse effects and can be processed on a non-notified basis.

11.4 With regard to the consideration of applications for non-complying activities Section 104D of the Resource Management Act 1991 states:

“Particular restrictions for non-complying activities

1. *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.”

11.5 As outlined above it is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with, and not contrary to, the relevant objectives and policies of the Proposed District Plan. Therefore it is considered that the proposal passes both limbs of the threshold test set out in Section 104D of the Act and, pursuant to Section 104B of the Act, resource consent can be granted for the subdivision as proposed.

Yours faithfully,
Edgar Planning Ltd,



Erin Stagg
Planner



Scott Edgar
Planner



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




R.W. Muir
Registrar-General
of Land

Identifier 631201
Land Registration District Otago
Date Issued 16 December 2013

Prior References
290935

Estate Fee Simple
Area 4066 square metres more or less
Legal Description Lot 20 Deposited Plan 469192
Registered Owners
Patrick Joseph Gallagher and Mikaela Wallis Campbell

Interests

Subject to Section 59 Land Act 1948
Land Covenant in Easement Instrument 9550309.1 - 16.12.2013 at 6:57 pm
9550309.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.12.2013 at 6:57 pm
Subject to a right (in gross) to drain stormwater and dispose stormwater over part marked D on DP 469192 in favour of Queenstown Lakes District Council created by Easement Instrument 9550309.4 - 16.12.2013 at 6:57 pm
The easements created by Easement Instrument 9550309.4 are subject to Section 243 (a) Resource Management Act 1991
12496997.1 Mortgage to Westpac New Zealand Limited - 14.7.2022 at 9:44 am

Form B**Easement instrument to grant easement or *profit à prendre*, or create land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Michaela Ward Meehan

Grantee

Michaela Ward Meehan

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

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

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

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenant	All of the servient tenement	Lots 14, 15, 16, 17, 18, 19, 20, 21, 40, 41, 59, 60 and 1000 of Deposited Plan 469192	Lots 14, 15, 16, 17, 18, 19, 20, 21, 40, 41, 59, 60 and 1000 of Deposited Plan 469192

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

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

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

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

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

[~~the provisions set out in Annexure Schedule 1~~]

Covenant provisions

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

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

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

[~~Annexure Schedule 1~~]

Form L**Annexure Schedule 1**

Page 1 of 10 Pages

Insert instrument type

Easement Instrument (Land Covenant)

1. Introduction

- A. The Initial Grantee is subdividing the Servient Land to create the Northlake Development.
- B. The Initial Grantee intends that the Northlake Development be subject to a general scheme applicable to and for the benefit of the Dominant Land to ensure that the Northlake Development creates a modern high quality and well designed residential subdivision (**Scheme**).
- C. Northlake has been established to provide and administer the Scheme for the benefit of the Dominant Land and the Servient Land.
- D. The Initial Grantee and Northlake intend that this land covenant (**Instrument**) shall be and shall remain registered against the titles to the Servient Land and the Dominant Land to give effect to the Scheme so that:
- (a) owners or occupiers for the time being of the Servient Land shall be bound by the provisions of this Instrument;
 - (b) owners and occupiers for the time being of the Dominant Land can enforce the observance of the provisions of this Instrument by the owners or occupiers of the Servient Land in equity or otherwise; and
 - (c) the obligations and covenants of the Grantor under this Instrument enure for the benefit of the Grantee and Northlake (in accordance with the Contracts (Privity) Act 1982).
- E. The Grantee wishes to utilise the provisions of section 278 of the Property Law Act 2007 to create the Scheme as it relates to the Servient Land.

It is agreed**2. Defined terms****2.1 Definitions**

In this document:

Access Lot mean the Lots created by any Subdivision of the Servient Land, referred to as Lot 201, Lot 202 and Lot 203 on the Scheme Plan and any other lot that may be created for the purposes of access by any Subdivision of the Servient Land.

Adjoining Land means the land comprised within certificates of title 290932 (Otago Registry), 290934 (Otago Registry) 2486 (Otago Registry) or 19A/448 (Otago Registry) at the date of this Instrument.

Building means any structure on the Servient Land.

Contracting Grantor means Michaela Ward Meehan.

Council means Queenstown Lakes District Council or its successor.

Covenants means the covenants set out in this Instrument.

Design Guidelines means the design guidelines of Northlake relating to the Servient Land from time to time.

District Plan means the Queenstown Lakes District Plan.

Dominant Land means the land described as Lot 69 Deposited Plan 371470 and comprised in certificate of title 290935 (Otago Registry).

Dwelling means a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and / or laundry is provided on any Lot, there shall be deemed to be more than one Dwelling.

Grantee means the owner of the Dominant Land and their executors, administrators, assignees and successors in title from time to time.

Grantor means the owner of the Servient Land and their executors, administrators, assignees and successors in title from time to time.

Initial Grantee means Michaela Ward Meehan and her executors, administrators, assignees and transferees from time to time but shall not include any transferee that is the owner of any Lot.

Improvements means existing improvements constructed by the Initial Grantee on the Servient Land and adjoining road reserves, including (but not limited to) roading, footpaths, kerbs, gutters, swale crossings, open spaces and walkways.

Irrigation System means the automated battery irrigation system and controllers installed by the Initial Grantee for the Scheme Planting comprising 50mm main lines with 16mm self-compensating drip lines that water the Scheme Planting.

Lodge any Submission means (without limitation) personally or through any agent or servant or directly or indirectly, lodge or support in any way any objection submission to any Planning Proposal and includes (without limitation) taking part in any planning hearing, appeal or reference arising in respect of a Planning Proposal whether as a party or otherwise.

Lots mean each and all of the lots created by a Subdivision of the Servient Land (and Lot shall have a corresponding meaning).

Planning Proposal includes (without limitation) any application for resource consent and / or plan change and / or variation of any nature under the relevant District Plan or proposed District Plan.

Northlake means Northlake Developments Limited and, where the context requires, means any other entity nominated by Northlake and / or Northlake's successors, transferees or assigns.

Northlake Development means the integrated residential development undertaken by the Initial Grantee on the Servient Land including but not limited to dwellings, Improvements and all other associated infrastructure.

Scheme means as defined in Introduction Clause B above.

Scheme Plan means the plan at Annexure Schedule 2.

Scheme Fence means any fence in place as at the date of this Instrument or any fence subsequently erected on the Servient Land or any Adjoining Land by the Initial Grantee or Northlake marked as "Post and rail fence" on the Scheme Planting Plan.

Scheme Planting means the landscaping and planting by the Grantee, for the Scheme, in the areas shown as "Amenity Planting" and "Street trees" on the Scheme Planting Plan.

Scheme Planting Plan means the plan at Annexure Schedule 3.

Selected Species means native beech, oak, elm, birch, maple, plane, English beech, walnut, ash or alder species.

Servient Land means the land described as Lot 69 Deposited Plan 371470 and comprised in certificate of title 290935 (Otago Registry).

Subdivide and **Subdivision** means the meaning ascribed to subdivision of land in Section 218(1) of the Resource Management Act 1991.

3. General Covenants

- 3.1 The Grantor covenants and agrees:
- (a) to observe and perform all Covenants at all times; and
 - (b) that the Covenants shall run with and bind the Servient Land for the benefit of the Dominant Land.

4. Scheme Covenants

- 4.1 The Grantor covenants with the Grantee:
- (a) to comply with the Design Guidelines applicable to the Servient Land;
 - (b) not to commence construction of any Building on the Servient Land without having first obtained the written consent of Northlake to the plans and specifications and exterior design and appearance of the proposed Building;
 - (c) not to make any changes to the plans and specifications of the exterior design or appearance of any Building on the Servient Land once approval has been obtained from Northlake;
 - (d) not to make additions or alterations to any Building without the prior written consent of Northlake;

- (e) not to occupy any Building without a current code compliance certificate issued under the Building Act 2004 (or any subsequent replacement legislation);
- (f) subject to Clause 8, not to erect any boundary fencing or other fencing within 7 metres of the boundary of any Lot other than in post and rail or traditional farm post and wire fencing, being in either netting, or 6 - 7 wire fencing, with tanalised posts and timber battens and which does not exceed 1.2 metres in height;
- (g) not to undertake any planting which exceeds 2.5 metres in height within 1 metre of the boundary of any Lot;
- (h) not to plant any tree that exceeds or will exceed 5 metres in height at maturity within 5 metres of the boundary of any Lot (**Restriction Area**);
- (i) not to plant any trees that will exceed 7.5 metres in height at maturity outside the Restriction Area, other than any feature trees within 15 metres of the relevant Grantor's Dwelling (provided they are not within 15 metres of any other Grantor's Dwelling);
- (j) not to plant trees as specified in Clause 4.1(i) above on the Grantor's Lot unless such trees are Selected Species;
- (k) that any entry gates erected to any Lot:
 - (i) do not exceed 1.2 metres in height;
 - (ii) are constructed from wood or matt or painted steel with a maximum reflectivity of 25% (or a mixture of both wood and steel); and
 - (iii) any walls adjoining either side of any such entry gate to a Lot are made of Otago schist and do not exceed 10 metres in length on each side of the gate and 1.2 metres in height;
- (l) not to construct or erect on any Lot any accessory Building, carport or garden shed that exceeds six (6) metres in height or is situated between any Dwelling on such Lot and any road or access way boundary of such Lot. Such accessory Building, carport or garden shed must also comply with the Design Guidelines;
- (m) that all driveway areas constructed on any Lot are gravel or chip seal for the initial 20 metres in length from any vehicle crossing or entranceway on the Lot boundary entry;
- (n) that all swale crossings (where required) shall be in chip seal finish with a flush of vertical schist edge to the crossing pipe / culvert so as not to impede overland stormwater flow; and
- (o) to cause as little interference as reasonably possible with any existing Improvements and to promptly make good any damage caused by the Grantor to the original Improvements specification at the sole cost of the Grantor,

provided that any planting by the Initial Grantee that forms part of the Scheme Planting shall not be subject to the restrictions in clauses 4.1(g), (h) and (i).

4.2 The Grantor further covenants that:

- (a) it will not, and will not encourage or support any other person to:
 - (i) object to or Lodge any Submission against any Planning Proposal or plan change with Council;
 - (ii) obtain an order, injunction or any other remedy;
 - (iii) make any complaint against any contractor or any consultant;

which relates to the Adjoining Land or the lot known as Lot 63 (**Lot 63**) for the time being that Lot 63 is owned by the Initial Grantee or Northlake.

- (b) if requested by the Grantee, the Grantor shall promptly give its unqualified and irrevocable:
 - (i) written approval (including any affected party approval under section 95E of the Resource Management Act 1991) to any application made to the Council relating to Adjoining Land or Lot 63 for the time being that Lot 63 is owned by the Initial Grantee or Northlake; and / or
 - (ii) submission in support to any plan change relating to the Adjoining Land.

5. Use Covenants

5.1 The Grantor covenants in respect of any Lot:

- (a) not to use any Lot or permit the same to be used for any use other than residential purposes and not to use any Lot or permit the same to be used for any trading, industrial or commercial purposes, provided however that it is acknowledged that the use of a residential dwelling for a home enterprise use as permitted by the District Plan, use as a bed and breakfast, or the use of Lot 63 as a sales office will not be in breach of the provisions of this Instrument;
- (b) once construction of a Dwelling on a Lot has commenced, it shall:
 - (i) complete construction of the Dwelling (including all exterior cladding and painting) to a standard commensurate with the standard of a new single residential dwelling within 12 months of the commencement of construction; and
 - (ii) complete the landscaping of the Lot within 12 months after the date of completion of construction of the Dwelling;
- (c) subject to Clause 6, not to erect more than one Dwelling on any Lot;
- (d) not to permit any grass or weeds to grow to a height of more than 75 centimetres;
- (e) not to erect or place, or permit to be erected or placed any caravan, mobile home, hut or other temporary accommodation provided that the storage of mobile homes, caravans and boats is permitted on a Lot once a Dwelling has been constructed;

- (f) not to construct or place on any Lot any pre-used or second-hand Building or a Building that is capable of relocation;
- (g) not to erect any satellite dish on the Dwelling or otherwise on any Lot that is visible from the road frontage or any Access Lot;
- (h) not to erect solar panels on the Dwelling or otherwise on any Lot that are visible from the road frontage or any Access Lot;
- (i) to ensure all gas cylinders are suitably screened from the road frontage, Access Lots and any Dwellings on the neighbouring Lots;
- (j) to ensure that all services and utilities (including any water storage tanks and any pipes associated with the provision of services and utilities) are located below ground;
- (k) not to permit any rubbish or waste material to be or remain on any Lot other than within suitable enclosed structures or otherwise appropriately screened from view;
- (l) not to permit odours to emit from any Lot so as to render any Lot or any portion of a Lot to be deemed unsanitary, offensive or detrimental to the occupiers of any other Lot or the Adjoining Land;
- (m) not to permit any Lot to be used (without limitation) for purposes involving a cattery, piggery or boarding kennels for dogs or other animals. The keeping of ordinary household pets (such as dogs, cats and birds) shall be permitted provided that no breeding, raising or boarding of such pets shall be for a commercial purpose;
- (n) not to permit the parking of trucks or any large commercial vehicles on or adjoining any Lot or on any Access Lot or road, other than for temporary delivery purposes; and
- (o) not to permit the parking of any vehicles which do not have a current warrant of fitness and / or registration, in view of any Dwelling on any neighbouring Lot, or in view of any Access Lot or road within or adjacent to the Northlake Development.

6. Subdivision Covenants

- 6.1 Each Grantor that is registered as proprietor for the time being of Lots known as lots 21, 40, 60, 61 and 62 covenants and agrees not to further Subdivide (including subdivision by amalgamation and re-subdivision) their Lot beyond the definition of that Lot.
- 6.2 The restriction against further Subdivision set out in Clause 6.1 shall not apply to the remaining Lots which shall be Subdivisible subject to:
 - (a) the Grantor obtaining Council approval to the Subdivision;
 - (b) the Subdivision taking place no earlier than seven (7) years after the date that a separate certificate of title has issued for the particular Lot;
 - (c) each Lot may be Subdivided once only. No further Subdivision will be permitted;

- (d) any Lot created following such a Subdivision must measure no less than 1,800 square metres; and
- (e) the Covenants comprised in this Instrument must apply to any new Lots created following any further subdivision provided that those new Lots may not be further Subdivided (including subdivision by amalgamation and re-subdivision) beyond the definition of that new Lot.

7. Fencing

- 7.1 For as long as any Lot is owned by the Initial Grantee, the Initial Grantee shall not be liable to contribute towards the cost of, or assist in the erection or maintenance of, any boundary or dividing fence between that Lot owned by the Initial Grantee and any contiguous Lot that is not owned by the Initial Grantee.
- 7.2 The Initial Grantee shall not be liable to contribute towards the cost of, or assist in the erection or maintenance of, any boundary or dividing fence between any Lot owned by a Grantee and any Adjoining Land owned by the Initial Grantee. For the purposes of this Clause 7.2 only, the Initial Grantee shall not include any transferee of any residential lot Subdivided out of the Adjoining Land.

8. Scheme Fencing

- 8.1 The Grantor shall not alter, replace, remove or relocate the Scheme Fence without the prior written consent of Northlake (such consent to be granted at the sole discretion of Northlake).
- 8.2 The Grantor shall not erect secondary fencing within 7 metres of the Scheme Fence or do anything that may otherwise have the effect of altering the appearance of the Scheme Fence.
- 8.3 The Grantor shall, at the Grantor's cost, keep any Scheme Fence on the Grantor's Lot in good condition and repair. At the reasonable request of Northlake, the Grantor shall replace, repair or do anything else that may be required keep the Scheme Fence in good condition and repair.
- 8.4 The covenants in this Clause 8 shall be binding on the Grantor for a period of 20 years after the date of this Instrument.

9. Maintenance of Landscaping

- 9.1 The Grantor acknowledges that the Scheme Planting is for the benefit of the Scheme of the Northlake Development.
- 9.2 The Grantor covenants to maintain the Scheme Planting on the Grantor's Lot at the Grantor's cost, and to generally keep the Scheme Planting on the Grantor's Lot neat and tidy. For the avoidance of doubt, the Grantor also covenants not to do anything that may harm or otherwise disturb any Scheme Planting that is not on the Grantor's Lot.
- 9.3 The Grantor covenants not to prevent Northlake (as attorney for the Grantee) from accessing the Grantor's Lot for the purposes of maintaining the Scheme Planting on the Servient Land.

- 9.4 The covenants in Clause 9 shall be binding on the Grantor for a period of 20 years from the date of this Instrument.

10. Irrigation System

- 10.1 The Grantor and the Grantee acknowledge the presence of the Irrigation System on the Servient Land for the benefit of the Scheme Planting.
- 10.2 The Grantor covenants not to prevent Northlake (as attorney for the Grantee) from having access to and over the Grantor's Lot for the purposes of maintaining, repairing, relocating or removing the Irrigation System on the Grantor's Lot (the **Irrigation Works**).
- 10.3 The Grantor agrees that it shall not relocate, remove or interfere with the Irrigation System in any way without the prior written consent of Northlake.
- 10.4 If the Grantor in any way damages or otherwise affects the Irrigation System, the Grantor shall be responsible for promptly repairing the Irrigation System at the cost of the Grantor.
- 10.5 The covenants in Clause 10 shall be binding on the Grantor for a period of 10 years from the date of this Instrument.

11. Grantee Consent

- 11.1 The Grantee acknowledges that the Grantor intends to undertake a further Subdivision as part of the Northlake Development after the date of this Instrument and intends to vest or dedicate certain parts of the Grantor's land for roads, including the roads indicatively shown as Roads 1 to 6 (inclusive) on the Scheme Plan (**Roads**) and to be shown on one or more survey plans prepared by the Grantor's surveyor (**Survey Plan**).
- 11.2 The Grantee (including its successors in title) consents to the deposit of each Survey Plan by the Grantor or any successors in title to the Grantor which has the effect of vesting any land for the Roads.
- 11.3 The Grantee acknowledges and agrees that the covenants in this Instrument shall cease to apply in respect of the land to be vested or dedicated for the Roads with effect on and from the date of deposit of the relevant Survey Plan.
- 11.4 The Grantee covenants that this Clause 11 shall be deemed to be the written consent of the Grantee to the deposit of any Survey Plan for the purposes of section 224(b)(i) of the Resource Management Act 1991.
- 11.5 If it is determined that further written consent is required from the Grantee in respect of the matters provided for under Clauses 11.2 and 11.3 (other than deemed consent in Clause 11.3) then the Grantee will immediately, at the request of the Grantor, give that written consent and do all things necessary to procure the provision of consent by any other affected parties.

12. Enforcement

- 12.1 The Grantor and Grantee acknowledge and agree that:

- (a) This Instrument is subject to the Contracts (Privity) Act 1982 and that the covenants contained in this Instrument that are intended to create obligations on the Grantor (including the covenants in Clauses 8, 9 and 10), confer benefits on Northlake and are enforceable at the suit of Northlake as well as by the parties.
 - (b) Northlake may facilitate the observance of this Instrument by the Grantor by taking all necessary steps to enforce its observance on behalf of the Grantee.
 - (c) The Grantee irrevocably appoints Northlake to be its attorney and in its name and at its expense to do anything which Northlake considers necessary to enforce or attempt to enforce the Grantee's rights or powers under this Instrument.
 - (d) Without limiting the appointment made in Clause 12.1(c) that appointment may specifically extend to Northlake issuing proceedings in the name of the Grantee, provided that in doing so Northlake indemnifies the Grantee against all costs arising from or incidental to those proceedings.
- 12.2 The Grantor acknowledges that the Grantee and Northlake shall not be liable to the Grantor or any future registered proprietor of the Servient Land for any loss, damage, claim or expenses (including where such loss, damage, claim and expense arises from the approval or non-approval of an application under the Design Guidelines, any failure to meet the timeframes stated in the Design Guidelines or performing any function under or in relation to the Design Guidelines) or a failure to enforce the Covenants set out in this Instrument.
- 12.3 In the event that the Grantor fails to observe and perform the Covenants set out in this Instrument, a Grantee shall have a right (but not an obligation) to do whatever may be reasonably required to remedy such failure on the part of the Grantor, and the cost incurred by a Grantee in remedying the default shall be refunded by the Grantor to that Grantee upon demand.

13. Release

- 13.1 With effect on and from the date the Contracting Grantor ceases to be the registered proprietor of the Servient Land (the **Transfer Date**), the Contracting Grantor shall be released from, and its successors in title shall assume, all liability for performance of the Contracting Grantor's Covenants in this Instrument and all actions, claims or proceedings that any party to this Instrument may have against the Contracting Grantor under or in respect of the Covenants in this Instrument are limited to any act or omission of the Contracting Grantor to perform the covenants in this Instrument before Transfer Date.

14. Costs

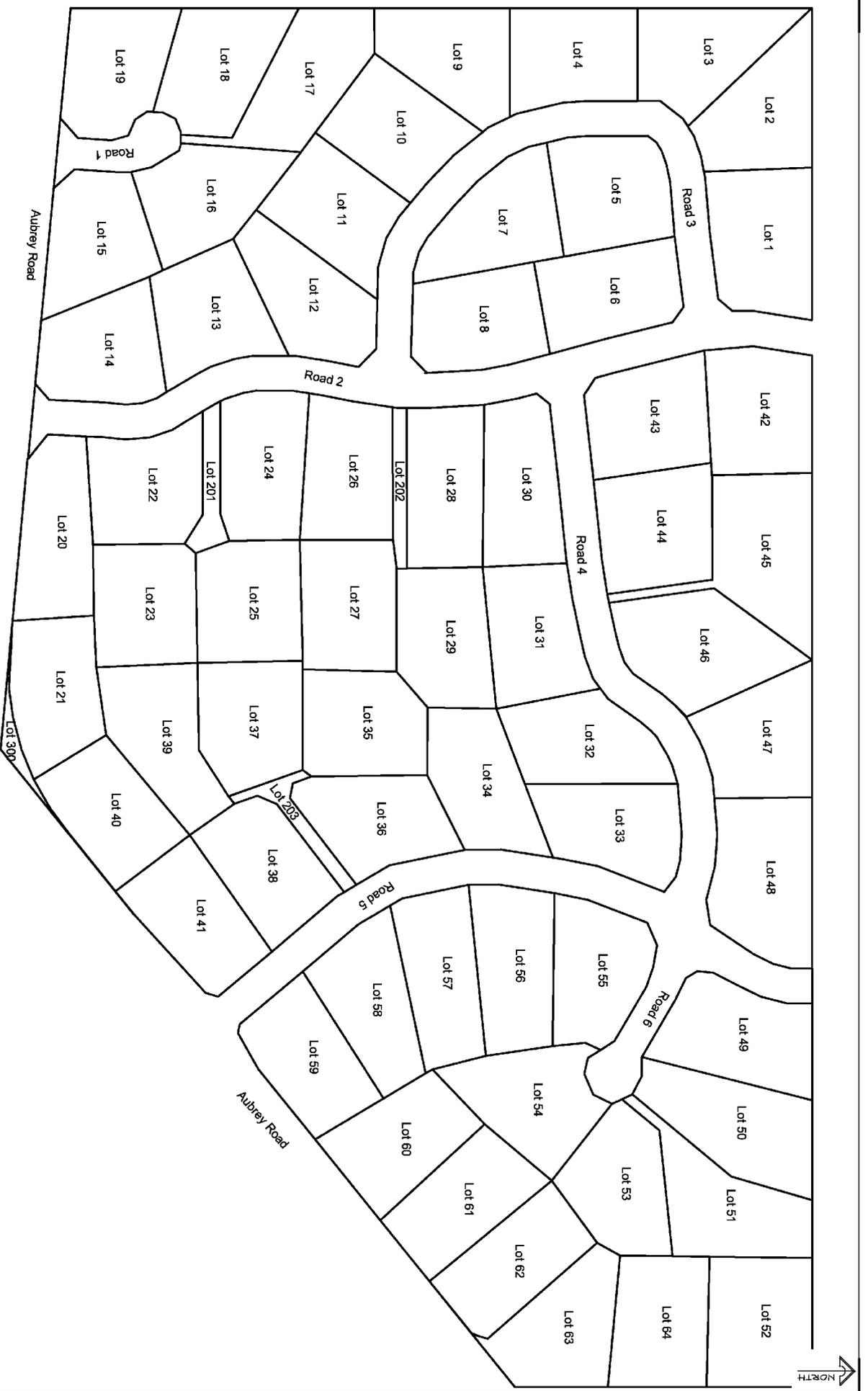
- 14.1 The Grantee will pay all costs directly or indirectly attributable to the preparation and registration of this Instrument.
- 14.2 The Grantor will pay all costs directly or indirectly attributable to the enforcement and discharge of this Instrument.

15. **Implied terms**

- 15.1 No covenants by the Grantor or by the Grantor's successors in title are implied in this Instrument other than the covenants for further assurance implied by section 154 of the Land Transfer Act 1952.

ANNEXURE SCHEDULE 2

Scheme Plan



Client	Drawn	Signed	Date	Scale	Drawn	Signed	Date
M. MEEHAN			20 Oct 13	1:1000 @ A1			
				1:2000 @ A3			

PROPOSED SUBDIVISION PARCEL BOUNDARIES

Client: M. MEEHAN

Drawn: [Signature]

Signed: [Signature]

Date: 20 Oct 13

Scale: 1:1000 @ A1

1:2000 @ A3

Lot 1's Peak 2000 & MSL

Check for errors: 11/03/2013 11:03:31 AM

309 Lower Shonover Road, P.O. Box 533, Cleveburn, Vic 3081, Australia

Tel: (03)9411-6044, Fax: (03)9421-1066, Email: admin@mcna.com.au

Shop 2, Chicago House, 473 Mowbray Place, P.O. Box 5180, Tel: (03)9701-1582, Fax: (03)9701-1583, Email: admin@mcna.com.au

Plan No: 11033

Date: 31

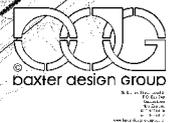
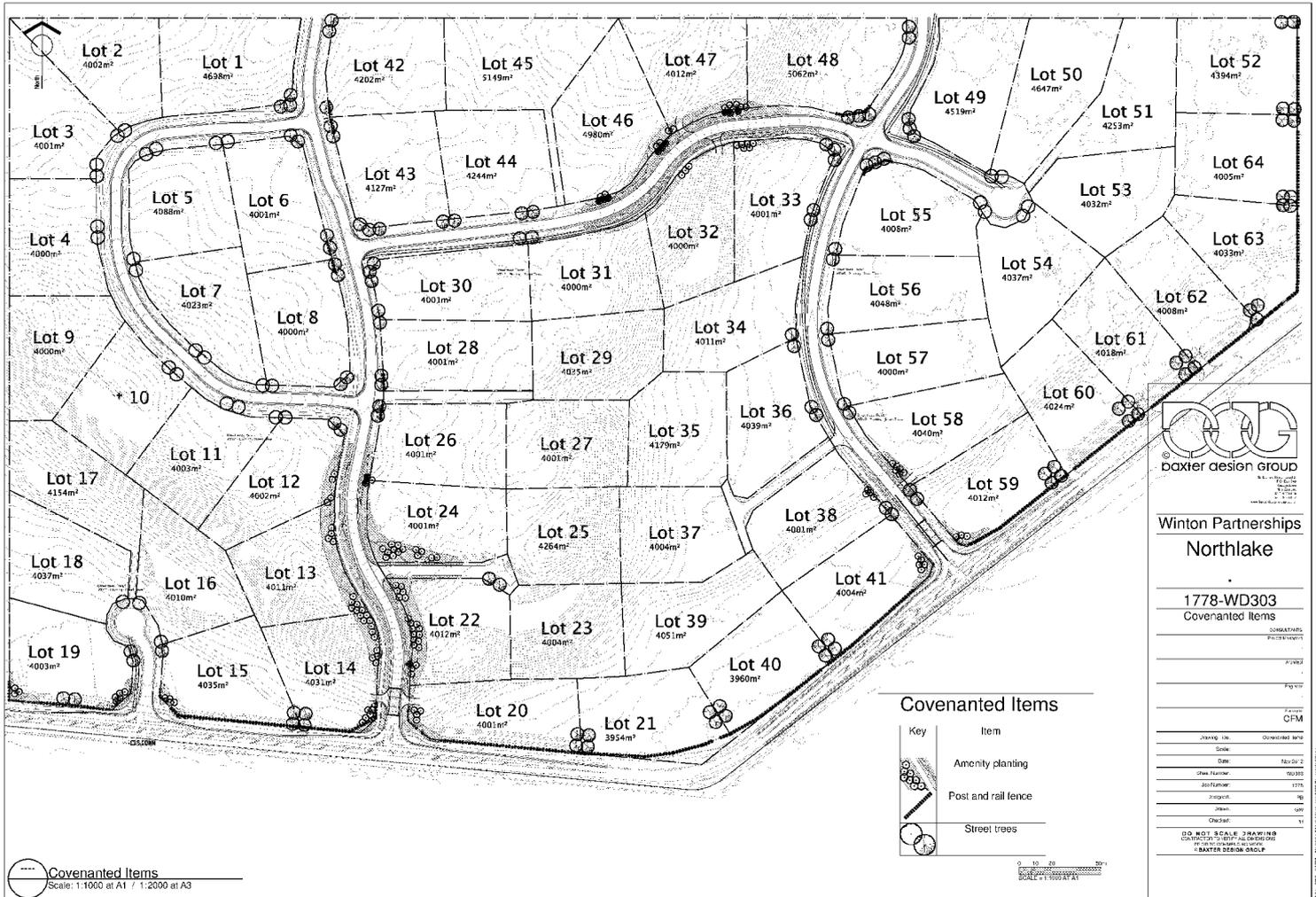
Scale: 1:1000 @ A1

1:2000 @ A3

Lot 1's Peak 2000 & MSL

ANNEXURE SCHEDULE 3

Scheme Planting Plan



Winton Partnerships
Northlake

1778-WD303
Covenanted Items

CONGRATULATE PLOT NUMBER	
FIG 107	
CFM	

Drawing No.	Covenanted Item
Date	16/09/22
Drawn by	90380
Proj Number	1778
Project	16
Sheet	160
Checked	11

DO NOT SCALE DRAWING
CONSTRUCTION DETAILS ALL DIMENSIONS
PRELIMINARY AND SUBJECT TO CHANGE
© BAXTER DESIGN GROUP

Covenanted Items

Key	Item
	Amenity planting
	Post and rail fence
	Street trees

0 10 20
SCALE 1:1000 AT A1

Covenanted Items
Scale: 1:1000 at A1 / 1:2000 at A3



View Instrument Details

Instrument No. 9550309.3
Status Registered
Date & Time Lodged 16 Dec 2013 18:57
Lodged By Farrer, Katherine Isabella Carolin
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
-----------------------------	---------------

631195	Otago
631196	Otago
631197	Otago
631198	Otago
631199	Otago
631200	Otago
631201	Otago
631202	Otago
631203	Otago
631204	Otago
631205	Otago
631206	Otago

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Simon Thomas Mee as Territorial Authority Representative on 16/12/2013 06:55 PM

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

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

AND

IN THE MATTER of Subdivision Consent
RM120710 issued by the
Queenstown Lakes District
Council

CONSENT NOTICE

BACKGROUND

- A. The Queenstown Lakes District Council, pursuant to the provision of the Resource Management Act 1991, has granted resource consent to subdivide Lot 69 DP 371470 into sixty four lots (the **Subdivision**).
- B. Queenstown Lakes District Council has granted consent RM120710 (being a variation of RM051067) to the Subdivision subject to certain conditions, which are to be complied with on a continuing basis by the owner from time to time of specified lots in the Subdivision, being those conditions specified in the Operative Part of this Consent Notice.

OPERATIVE PART

The following conditions pertaining to this Consent Notice are to be registered against the following lots on Deposited Plan 469192 (for Stage 1 RM120710):

Lots 14, 15, 16, 17, 18, 19, 20, 21, 40, 41, 59 and 60

(Individually any one of the above listed lots is referred to as a **Lot** and collectively, these are referred to as the **Lots**).

CONDITIONS

1. Lots 14, 15, 19, 20, 41 and 59 shall not have access directly onto Aubrey Road. Their access is to be from the internal roading network constructed at the time of subdivision.
2. Lots 21, 40 and 60 shall not be further subdivided in such a manner as to increase the number of vehicle movements directly onto Aubrey Road.

3. Electrical supplies to all Lots are limited to a single phase 63 amp fused supply. This means that any large dwellings proposed to be built, which may have more demand for power supply than a 'standard' dwelling, may face additional costs if the power supply is required to be increased.
4. At the time that a dwelling is erected on any of the Lots then the owner for the time being is to ensure that all construction is contained within the boundaries of the Lot and that the only access to the Lot for all construction vehicles and delivery of goods to the Lot is to be from the vehicle crossing constructed at the time of the subdivision. The owner for the time being is responsible for repairing and making good any damage to any road infrastructure for the frontage of the Lot being developed or to the frontage of any other lot in the Subdivision caused by development activities of the owner's Lot.
5. At any time that a dwelling is constructed on any Lot that does not have a vehicle crossing, the owner for the time being shall construct a crossing in accordance with the requirements of the Council applicable at the time.
6. At the time a dwelling is erected on any Lot, the owner for the time being shall engage a suitably qualified engineer to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.

Dated this 26th day of NOVEMBER 2013

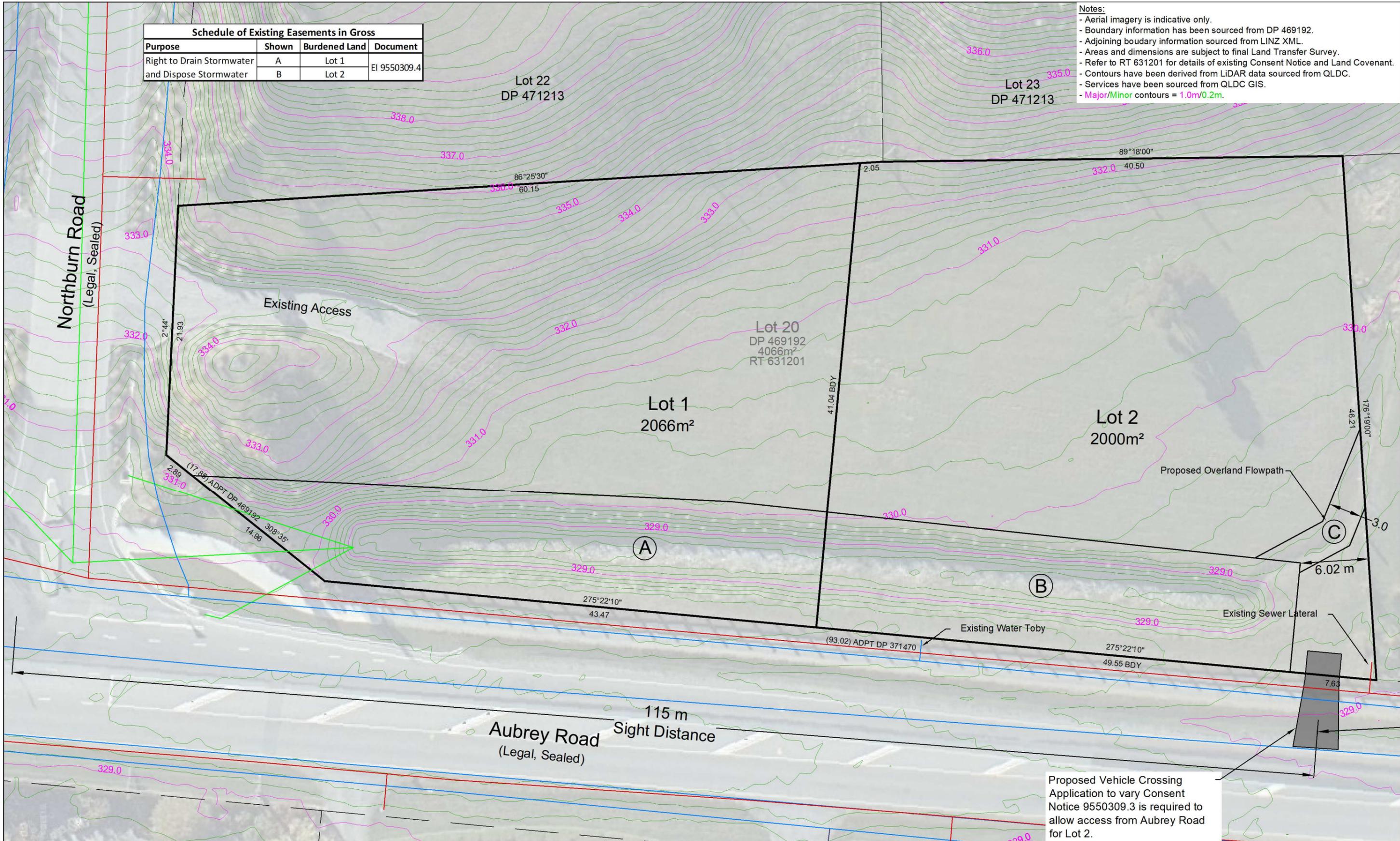
SIGNED for and on behalf
of the QUEENSTOWN LAKES
DISTRICT COUNCIL by the
Manager of Resource Consents



Blair Jeffrey Devlin

Schedule of Existing Easements in Gross			
Purpose	Shown	Burdened Land	Document
Right to Drain Stormwater and Dispose Stormwater	A	Lot 1	EI 9550309.4
	B	Lot 2	

- Notes:
- Aerial imagery is indicative only.
 - Boundary information has been sourced from DP 469192.
 - Adjoining boundary information sourced from LINZ XML.
 - Areas and dimensions are subject to final Land Transfer Survey.
 - Refer to RT 631201 for details of existing Consent Notice and Land Covenant.
 - Contours have been derived from LiDAR data sourced from QLDC.
 - Services have been sourced from QLDC GIS.
 - Major/Minor contours = 1.0m/0.2m.



Proposed Vehicle Crossing Application to vary Consent Notice 9550309.3 is required to allow access from Aubrey Road for Lot 2.

MEASURED LAND SURVEYS

www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz
 Document Set ID: 7370081
 Version: 1, Version Date: 27/09/2022

Rev	Description	Date
A	ORIGINAL	30/08/22

Lots 1 & 2 Being a Proposed Subdivision of Lot 20 DP 469192
 (2 Northburn Road, Wanaka)

Client: **Gallagher**

Scale: **1 : 300 @ A3**

Surveyed: Drawn: **RC 30/08/22**

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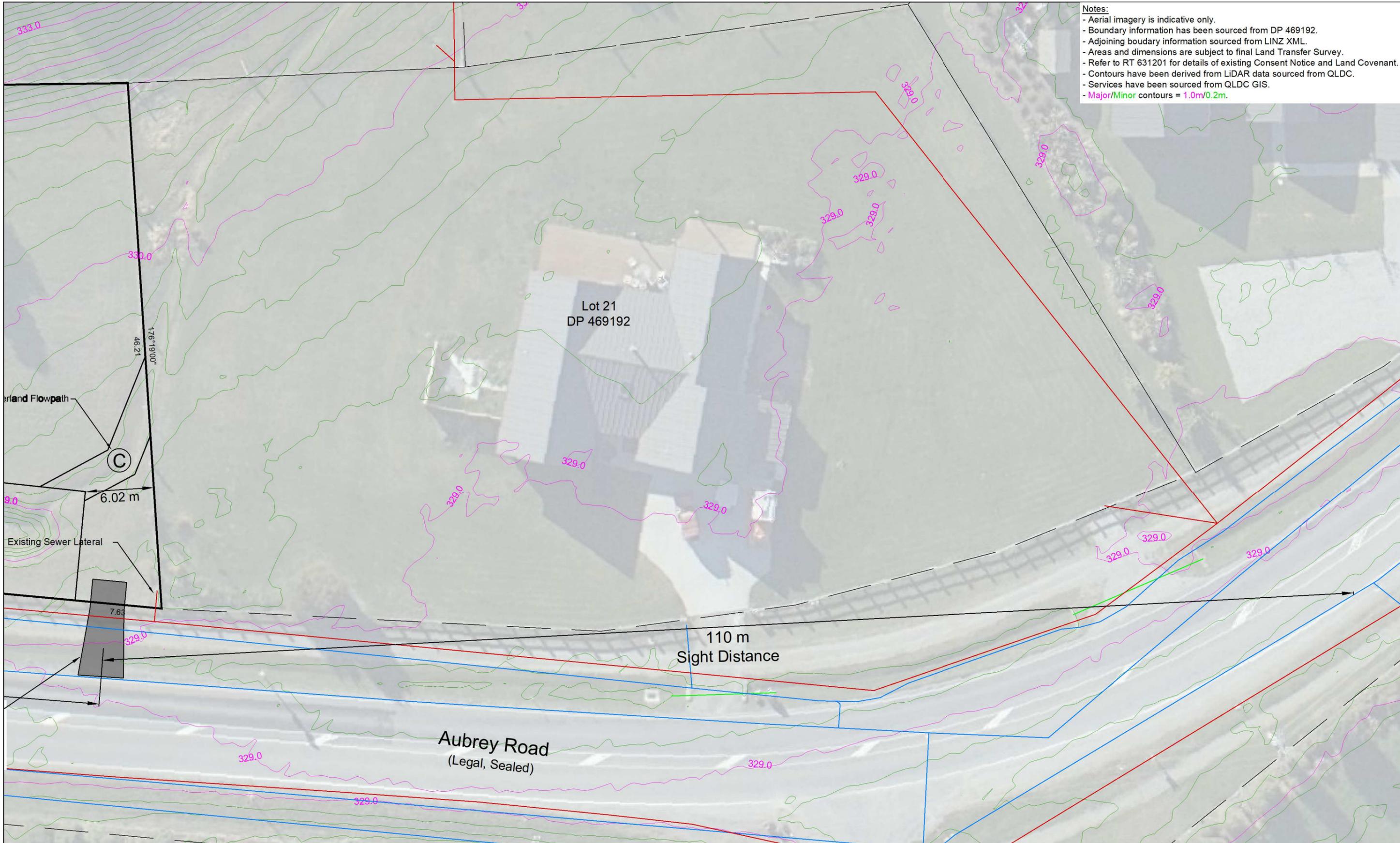
CSNZ THE CONSULTING SURVEYORS OF NEW ZEALAND
 A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

Datum: **Lindis Peak 2000 / NZVD 16**

Sheet: **1 of 2**

Job #: **22047_S1** Rev: **A**

- Notes:**
- Aerial imagery is indicative only.
 - Boundary information has been sourced from DP 469192.
 - Adjoining boundary information sourced from LINZ XML.
 - Areas and dimensions are subject to final Land Transfer Survey.
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MEASURED
LAND SURVEYS

www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz
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Scale: **1 : 300 @ A3**

Surveyed: Drawn: **RC 30/08/22**

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Datum: **Lindis Peak 2000 / NZVD 16**

Sheet: **2 of 2**

Job #: **22047_S1** Rev: **A**

31 August 2022

Erin Stagg
Edgar Planning

Sent via email only: erin@edgarplanning.co.nz

Dear Erin,

**ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED TWO LOT SUBDIVISION.
2 NORTHBURN ROAD, WANAKA. LOT 20 DP 469192.**

Thank you for your inquiry outlining the above proposed development.

Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply¹ (PoS) available for this development.

Disclaimer

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

Next Steps

To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from www.auroraenergy.co.nz.

Yours sincerely



Niel Frear

CUSTOMER INITIATED WORKS MANAGER

¹ Point of Supply is defined in section 2(3) of the Electricity Act 1993.

Great, Chorus can provide network for your development

This quote is subject to these [terms and conditions](#)

Quote: Q-23540

for: 2 Northburn Road, Wanaka 9305

Quote date: 30 August 2022

Quote valid until: 28 November 2022

Quote details

▼ Fibre network - connection to:
2 Northburn Road, Wanaka 9305

	Qty.	Cost	Total
▼ <i>Empty section</i>			
<input checked="" type="checkbox"/> Individual connections	2	\$0.00	\$0.00
<input checked="" type="checkbox"/> Temporary connection points	2	\$0.00	\$0.00

GST \$0.00

TOTAL COST \$0.00

(incl. GST)



Civic Corporation Limited

Infrastructure Report for

Highland Capital Partners Ltd, 64-Lot Rural Residential Subdivision & 5-Lot Rural General Subdivision, Wanaka RM051067 & RM051068

Prepared for
Annemarie Robertson - CivicCorp

By
Rationale Ltd

Date: 23 January 2006
Prepared By: Tom Lucas
Reviewed By: Edward Guy
Reference Number: RM051067 & RM051068

rationale
PO Box 226, Arrowtown, New Zealand.

1 INTRODUCTION

This report has been prepared for Annemarie Robertson of Civic Corporation Limited in response to a letter dated 25 November 2005 received on 13 December 2005, requesting comment on a 64-lot subdivision in the Rural Residential Zone and a 5-lot subdivision in the Rural General Zone located off Aubrey Road, Wanaka.

2 BACKGROUND

The title comprises a total area of 178.535ha, application RM051067 relates specifically to the portion zoned Rural Residential that is approximately 30ha and RM051068 relates to the balance land that is zoned Rural General.

The applicant is proposing a 64-lot Rural Residential subdivision in RM051067 with allotments ranging in area from 4000m² to 4486m². RM051068 is proposing a 5-lot Rural General subdivision and the establishment of a 1000m² building platform around the existing Urquhart residence at the camping ground on lot 67.

The site is located north of Aubrey Road, west of Outlet Road and south of Lake Wanaka and the Clutha River. It is legally described as Secs 68 & 69 Blk VIV Lower Wanaka SD and Lots 2 & 3 DP 302196 and is held in Certificate of Title OT 8604 which encompasses 178.535ha.

3 REPORT

3.1 Water Supply

Water supply is proposed to be supplied to the 64 Rural Residential lots from the Wanaka reticulated town supply via three connections to the 375mm diameter main in Aubrey Road.

We recommend that the principal main in each road is not less than DN 100 as required by Clause 6.11.7 of NZS 4404:2004.

With the Wanaka Structure Plan proposing that the subject site is suitable for residential development we therefore also recommend, as a condition of consent, that the applicant designs the reticulation to service the subdivision on the basis that infill may occur in the future to a density allowed under the Low Density Residential zoning rules of the Partially Operative District Plan.

Network modelling has been completed for this proposed subdivision to prove supply pressures and fire fighting supplies are available in accordance with Council's standards. The proposed connections are shown to provide Class W3 fire flow and minimum operating pressures for all nodes but one supplying six lots at the highest elevation.

We recommend that the final design ensures that all lots are supplied with Class W3 fire flow and minimum operating pressures as required by QLDC's amendments to NZS 4404:2004. Ideally this should be achieved without the need for a booster pump but this will be acceptable to Council should it be shown to be the only practicable solution.

3.2 Wastewater

Wastewater is proposed to be disposed of on site using standard procedures contained in AS/NZS 1547:2000. Investigations by Petherick Consultancy Ltd have shown that the majority of the site lies on moraine soils which have low permeability. However they have concluded that the use of on-site management systems is suitable for this site.

We therefore recommend that the following items are included in consent notices on each of the 64 proposed Rural Residential lots:

- That once a reticulated wastewater network becomes available in Aubrey Road, the owner for the time being shall connect to this network.
- Until this network is available secondary treatment systems, with high quality effluent discharged to ground via buried drip lines, are to be used for sites where wastewater effluent is to be discharged into moraine soils.

With the Wanaka Structure Plan proposing that the subject site is suitable for residential development we therefore also recommend as a condition of consent that:

- The design of the internal reticulation should provide for infill that may occur in the future to a density allowed under the Low Density Residential zoning rules of the Partially Operative District Plan.

3.3 Stormwater

The applicant proposes to discharge stormwater to ground utilising standard soakage pits. The report prepared by Petherick Consultancy confirms the ability of the site to adequately dispose of stormwater to ground. It does however state that percolation rates through the moraine soils will be relatively slow and while stormwater soak pits will perform satisfactorily the size and number of pits will need to be relatively high in order to achieve satisfactory performance.

We recommend that the applicant is requested to consider a fully reticulated system, including detention systems and soakage (should the discharging of stormwater to the Clutha River be deemed impractical). Such a system could be incorporated into the Suggested Open Space as shown in the Wanaka Structure Plan for this area.

The stormwater design should be capable of serving the entire catchment upstream of the subdivision and in designing downstream facilities the upstream catchment shall be considered to be fully developed to the extent defined in the Partially Operative District Plan.

We also recommend that secondary surface flow paths to convey primary system overflows are provided in the stormwater drainage system as required by Clause 4.2.6 of NZS 4404:2004.

Should a fully reticulated system be shown to be impractical then we recommend, as required by NZS 4404:2004, that a geotechnical assessment is carried out to assess the impact of such a large-scale use of soak pits.

With the Wanaka Structure Plan proposing that the subject site is suitable for residential development we therefore also recommend as a condition of consent that:

- The design of the internal reticulation should provide for infill that may occur in the future to a density allowed under the Low Density Residential zoning rules of the Partially Operative District Plan.

The possible future residential development means that reticulated stormwater is likely to become available in Aubrey Road. We therefore recommend the following is included in consent notices on each of the 64 proposed Rural Residential lots:

- That once a reticulated stormwater network becomes available in Aubrey Road, the owner for the time being shall connect to this network.

3.4 Rooding

The applicant proposes to access the site from Aubrey Road, Outlet Road and the proposed new roads. There are two new roads and a minor cul-de-sac proposed that intersect with Aubrey Road.

The applicant is proposing that access to Lots 23, 25, 27, 29, 35, 37 and 39 will remain in private ownership. With the Wanaka Structure Plan proposing that the subject site is suitable for residential development this means that each Rural Residential lot could potentially be subdivided into six lots (assuming Low Density Residential). We therefore recommend that any access proposed to serve two or more Rural Residential lots should have a road reserve width of 12m or greater.

We also recommend that legal road widths for the other roads are able to provide for the infill that may occur in the future to a density allowed under the Low Density Residential zoning rules of the Partially Operative District Plan. The proposed road reserve widths of 20m and 18m for cul-de-sacs are acceptable in this regard.

As a result of the possible residential growth in this area Aubrey Road is going to come under increasing pressure as the key roading element in this area. We therefore recommend that the number of accesses onto Aubrey Road is controlled by attaching a consent notice to the titles of any lots with Aubrey Road frontage (Lots 14, 15, 19, 20, 21, 40, 41, 59, 60, 61, 62 and 63 shown on drawing W2429 Scheme Rev E) prohibiting access to Aubrey Road and requiring their access to be from an internal local road or right of way.

Similarly, the proposed cul-de-sac off Aubrey Road is not considered to be the best engineering solution and we recommend an internal access is provided.

It is envisaged that a slip lane may be required for the intersection of Aubrey Road and Road 1. We recommend that slip lanes are provided where the need is identified in accordance with the criteria set out in Table 5.23a, page 42 of the Austroads Intersections at Grade manual, as referred to in QLDC's Rural Rooding Corridors – Corridor Management Guideline.

We generally recommend that the roading design is to be in accordance with QLDC's Rural Rooding Corridors – Corridor Management Guideline and NZS 4404:2004 with QLDC's amendments.

3.5 Parking

Not applicable to this application.

3.6 Geotechnical

No significant earthworks have been proposed for this subdivision.

3.7 Hazards

The north-east section of the Rural Residential part of the site is shown on Council's Hazard Register as a Potentially Contaminated Site. We recommend a condition of consent requiring

that the relevant tests are performed by a suitably qualified person to prove that the area is suitable for residential use.

It is also recommended, as a condition of consent, that a suitably qualified person/s is engaged to determine the adequate staging and operation of the Sawmill during this subdivision so that it is compatible with the proposed residential use.



ENGINEERING REPORT

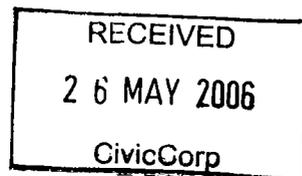
TO: Stewart Fletcher
FROM: Malika Elner
DATE: 7 March 2006
SUBJECT: RM051068 Coastal Land Trust Holdings (Formerly Highland Capital)

DESCRIPTION		
APPLICATION	Application By	Paterson Pitts Partners on behalf of Coastal Land Trust Holdings
	Physical Address	792 Aubrey Road, Wanaka
	Description	Separate the land closer to the lake and river from the balance farmed area so as to rationalise the ownership into two areas reflecting probable future landuse.
	Type of Consent	Subdivision
	Zoning	Rural General
	Reference Documents	Application, rec'd
	Site Visit	
	Further Info. Request	
	To Rationale	Yes on 25 November 2005, Response received 23 January 2006
To Transit NZ	N/A	
SITE & ACTIVITY	Legal Description	Sections 68 & 69 Blk VIV Lower Wanaka SD and Lots 2 & 3 DP 302196 CT 8604
	Site Area (m²)	178.535 Ha
	Previous Consents	RM010272 & RM020273
	Existing Use	Residential dwellings and private camping ground
	Neighbours	The Clutha River and Lake Wanaka are on the Northern boundary, the Eastern and Southern boundary are adjacent to legal roads with properties on the other side, the Western boundary is residential and rural land
	Topography/Aspect	Undulating to steep
	Water Bodies	The Clutha River and Lake Wanaka are on the Northern boundary

02/04/06

Please file on
RMO51068

not in
Filing
vm



ENGINEERING ISSUE		COMMENTS	Condition	
TRANSPORT	Parking	Number	N/A subdivision	
		Size		
		Design		
		Gradient		
		Rev. Manoeuvre		
		Queuing Lengths		
		Surface		
	Access	Means of Access	All accesses are existing; no new use is proposed and as the land is zoned rural general resource consent will be required prior to any building on these properties.	
		Vehicle Crossings		
		Gradients		
Sight Distances				
EARTHWORKS	Extent	Description	None proposed as part of this application	
		Volume (m ³)		
		Area Exposed (m ²)		
		Height of Cut/Fill (m)		
		Prox. to Boundary		
		Prox. to Water		
	Site Mgmt.	Geotechnical		
		Work Programme		
		Spread of Dirt		
		Dust Controls		
		Silt/Sediment Run-off		
		Stormwater Flows		
		Neighbours		
		Disposal of Material		
SERVICES	Water	Potable	N/A – no new building platforms are being proposed and no new buildings are proposed therefore no new services are required	
		Fire-fighting		
	Effluent Disposal			
	Stormwater			
	Power & Telecoms			
DEVPT. CONT.	Water			
	Sewage			
	Stormwater			
	Other			
MISC.	Hazards			
	Consent Notices	No consent notices are currently registered against this land		
	Amalgamation Condition	Two amalgamation conditions are required: "That Lot 67 & 68 hereon be held together and that one certificate of title be issued to include both parcels" and "That Lot 65 & 67 hereon be held together and that one certificate of title be issued to include both parcels"		

It is assumed that the rural residential subdivision RM051067 will be granted before this consent and therefore we can say that the land within the rural residential zone is already subdivided off from the south of Lot 65 of this application. In the event that the rural residential subdivision is never completed, then it is expected that the land would remain part of Lot 65 of this subdivision.

RECOMMENDED CONDITIONS

The following conditions are recommended to be included in the Resource Consent:

1. All easements shall be granted or reserved.

Advice Note:

Amalgamation conditions are required for this subdivision – see table above.

Prepared by:

Reviewed by:



Malika Elner
PRINCIPAL: ENGINEERING



AFFECTED PERSON'S APPROVAL



FORM 8A

Resource Management Act 1991 Section 95

RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

Mikela Campbell and PJ Gallagher

PERSON AFFECTED PERSON'S DETAILS

I/We **Ralph and Sheryl Hume**

Are the owners/occupiers of
10 Northburn Road

DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

Undertake a two lot subdivision resulting in a 2066m2 lot with access from Northburn Road and a 2000m2 lot with access from Aubrey Road.

at the following subject site(s):

2 Northburn Road



I/We understand that by signing this form Council, when considering this application, will not consider any effects of the proposal upon me/us.



I/We understand that if the consent authority determines the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.



WHAT INFORMATION/PLANS HAVE YOU SIGHTED



I/We have sighted and initialled ALL plans dated and approve them.

21/9/22



APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners / occupiers who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

A	Name (PRINT)	
	Ralph Hume	
	Contact Phone / Email address	
	027 290 2887	ralph.hume@extra.co.nz
	Signature	Date
		21.09.22.

B	Name (PRINT)	
	Sheryl Hume	
	Contact Phone / Email address	
		sheryl.hume@gmail.com
	Signature	Date
		21.09.22.

C	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

D	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

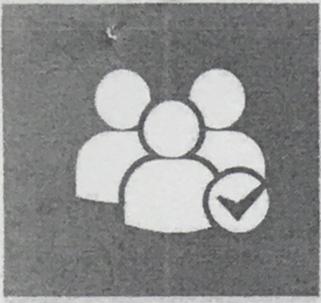
Note to person signing written approval

Conditional written approvals cannot be accepted.
 There is no obligation to sign this form, and no reasons need to be given.
 If this form is not signed, the application may be notified with an opportunity for submissions.
 If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Queenstown Lakes District Council
 Private Bag 50072, Queenstown 9348
 Gorge Road, Queenstown 9300

P: 03 441 0499
 E: resourceconsent@qldc.govt.nz
 www.qldc.govt.nz



AFFECTED PERSON'S APPROVAL



FORM 8A

Resource Management Act 1991 Section 95



RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

Mikela Campbell and PJ Gallagher



AFFECTED PERSON'S DETAILS

I/We Richard McGregor

Are the owners/occupiers of
6 Northburn Road



DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

Undertake a two lot subdivision resulting in a 2066m2 lot with access from Northburn Road and a 2000m2 lot with access from Aubrey Road.

at the following subject site(s):

2 Northburn Road



PLEASE TICK

I/We understand that by signing this form Council, when considering this application, will not consider any effects of the proposal upon me/us.



PLEASE TICK

I/We understand that if the consent authority determines the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.



WHAT INFORMATION/PLANS HAVE YOU SIGHTED



PLEASE TICK

I/We have sighted and initialled ^a ALL plans/dated and approve them.

30/8-2022



APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners / occupiers who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

A	Name (PRINT) Richard McGregor	
	Contact Phone / Email address +46-70-276 6020 RICK@KIWICLIMBER.SE	
	Signature 	Date 23/9-2022

B	Name (PRINT) RICK	
	Contact Phone / Email address	
	Signature	Date

C	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

D	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

Note to person signing written approval

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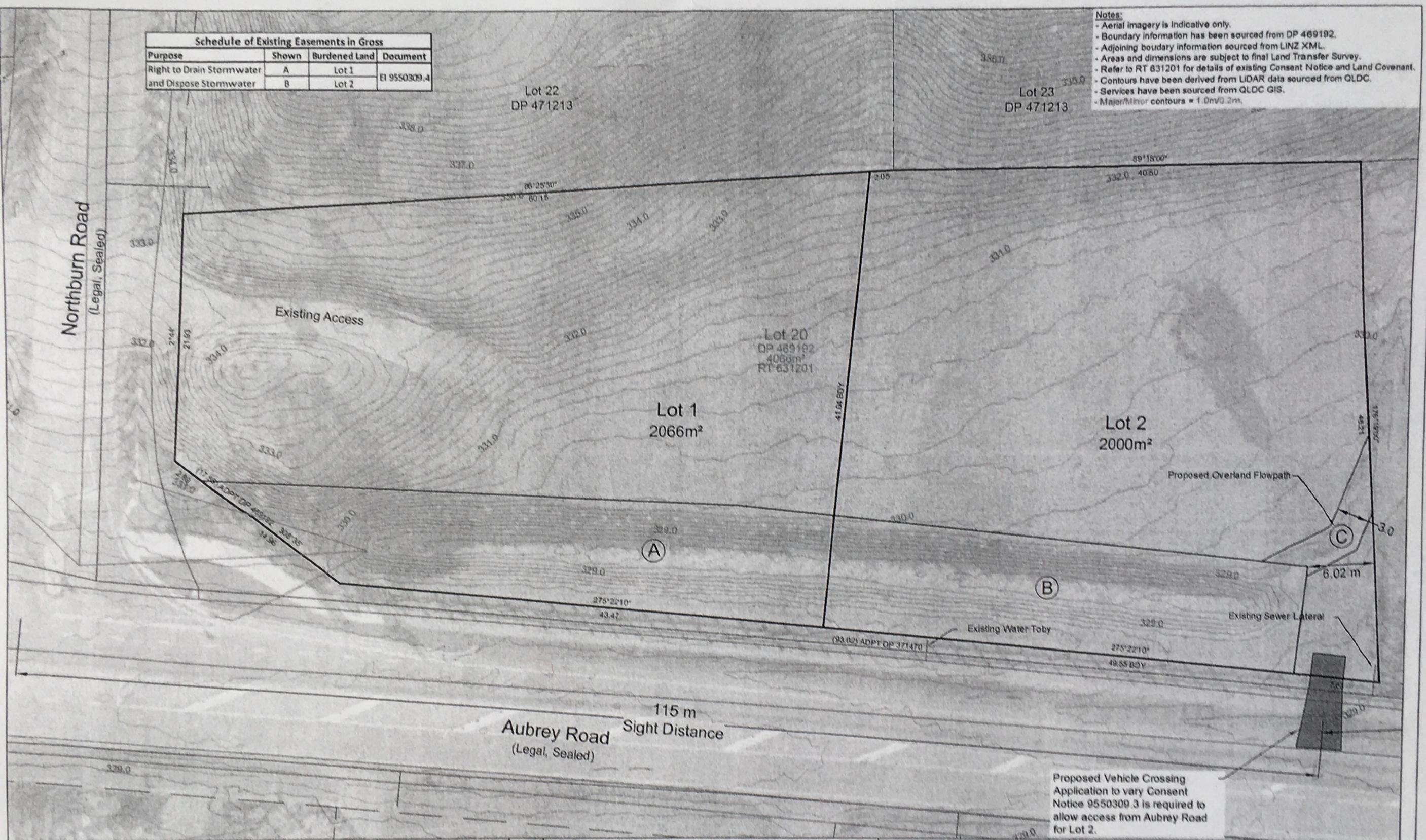
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Schedule of Existing Easements in Gross			
Purpose	Shown	Burdened Land	Document
Right to Drain Stormwater and Dispose Stormwater	A	Lot 1	E1 9550309.4
	B	Lot 2	

- Notes:**
- Aerial imagery is indicative only.
 - Boundary information has been sourced from DP 469192.
 - Adjoining boundary information sourced from LINZ XML.
 - Areas and dimensions are subject to final Land Transfer Survey.
 - Refer to RT 631201 for details of existing Consent Notice and Land Covenant.
 - Contours have been derived from LIDAR data sourced from QLDC.
 - Services have been sourced from QLDC GIS.
 - Major/Minor contours = 1.0m/0.2m.



Proposed Vehicle Crossing Application to vary Consent Notice 9550309.3 is required to allow access from Aubrey Road for Lot 2.

MEASURED
LAND SURVEYS

www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz

Rev	Description	Date
A	ORIGINAL	30/08/22

Lots 1 & 2 Being a Proposed Subdivision of Lot 20 DP 469192 (2 Northburn Road, Wanaka)

Client: *[Signature]* Gallagher
Scale: 1 : 300 @ A3
Surveyed: Drawn: RC 30/08/22

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CSNZ THE CONSULTING SURVEYORS OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS
Datum: Lindis Peak 2000 / NZVD 16

Sheet 1 of 2
Job #: 22047_S1
Rev: A



AFFECTED PERSON'S APPROVAL

FORM 8A



Resource Management Act 1991 Section 95

RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

Mikela Campbell and PJ Gallagher

PERSON AFFECTED PERSON'S DETAILS

I/We **Celia and Patrick Waser**

Are the owners/occupiers of
557 Aubrey Road

DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

Undertake a two lot subdivision resulting in a 2066m² lot with access from Northburn Road and a 2000m² lot with access from Aubrey Road.

at the following subject site(s):

2 Northburn Road



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~~#~~We have sighted and initialled ALL plans dated and approve them.

21/9/22



APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners / occupiers who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

A	Name (PRINT) Patrick Waser	
	Contact Phone / Email address 0274 422 756 PATRICK@INFINITYWANAKA.COM	
	Signature 	Date 21/9/22

B	Name (PRINT) Celia Waser	
	Contact Phone / Email address	
	Signature 	Date 21/9/22

C	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

D	Name (PRINT)	
	Contact Phone / Email address	
	Signature	Date

Note to person signing written approval

Conditional written approvals cannot be accepted.

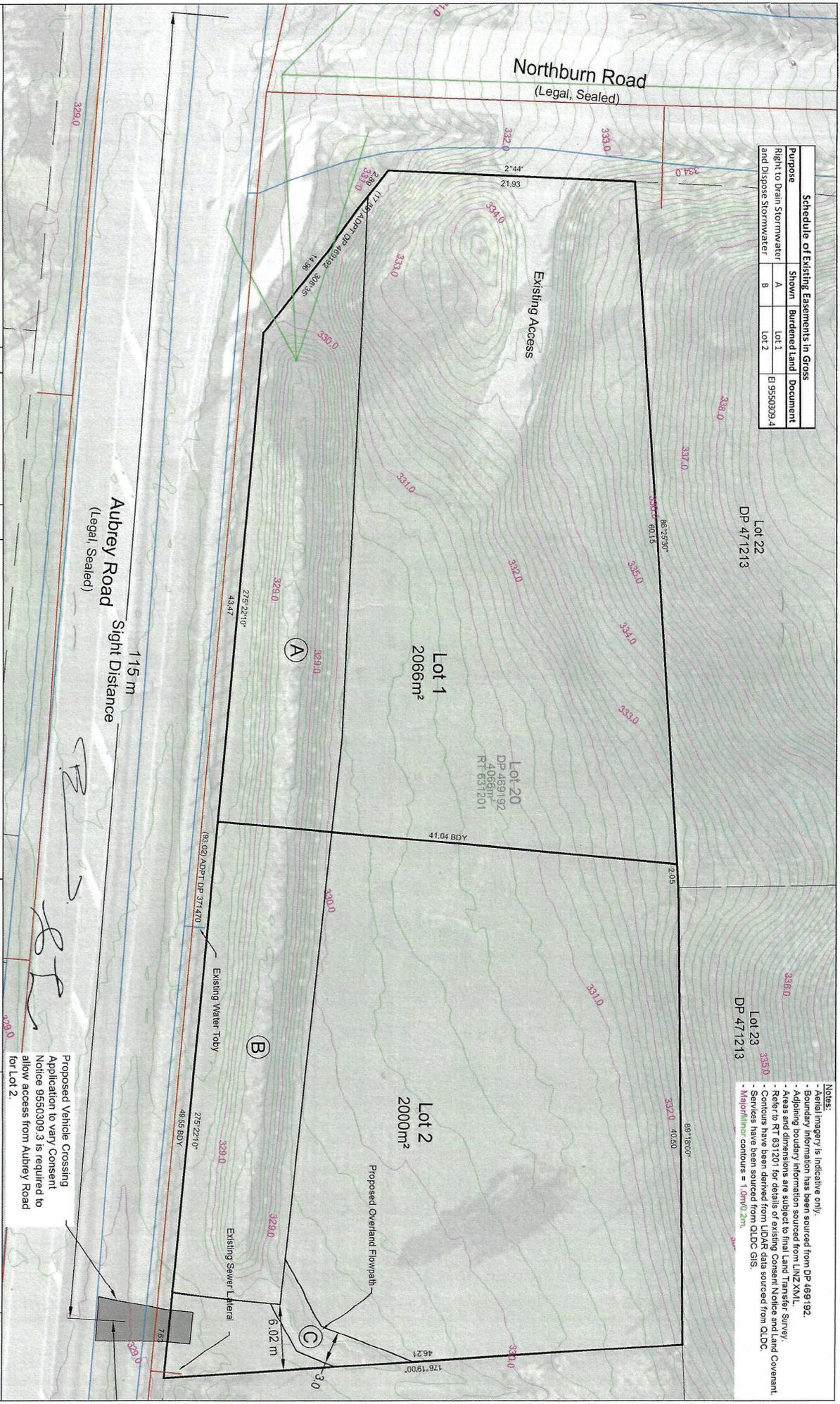
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 - Services have been sourced from QLDC GIS.
 - Major/minor contours = 1.0m/0.2m.

Proposed Vehicle Crossing
Application to vary Consent
Notice 9550309.3 is required to
allow access from Aubrey Road
for Lot 2.

MEASURED LAND SURVEYS

www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz

Rev	Description	Date
A	ORIGINAL	30/08/22

Lots 1 & 2 Being a Proposed Subdivision of Lot 20 DP 469192 (2 Northburn Road, Wanaka)

Client: **Gallagher**
Scale: **1 : 300 @ A3**
Drawn: **RC 30/08/22**

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CSNZ THE CONSULTING SURVEYORS
OF NEW ZEALAND

Drawn: **Linds Peak 2000 / NZVD 16**

Sheet: **1 of 2**
Job #: **22047_s1**
Rev: **A**