RESOURCE CONSENT APPLICATION TO ESTABLISH A RESIDENTIAL DWELLING

Fixation Developments Limited

86 Middleton Road,

Queenstown

February 2025

WILLIAMS & CO.
PLANNING / URBAN DESIGN / DEVELOPMENT
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1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	86 Middleton Road, Queenstown
Applicants Name:	Fixation Developments Limited
Address for Service	Fixation Developments Limited c/- Tim Williams tim@williamsandco.nz Williams & Co.
Site Legal Description:	Lot 25 DP 589937
Site Area:	452m^2
District Plan Zoning:	Lower Density Suburban Residential
Brief Description of Proposal:	Consent is sought to establish a dwelling that infringes the road setback and height plane.
Summary of Reasons for Consent:	Non-Complying Activity

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Record of Title & Consent Notices
Appendix [B]	Plan Set

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

The subject site is located on Middleton Road, Queenstown Hill. The site is currently vacant. The site is typical of sites in the newly developing subdivision, being rectangular in shape and sloping, where sites in the locality are elevated and obtain significant views of the lake and mountains to the south and west. The site has legal access from Middleton Road, which is located on the uphill side of the site.

The site is legally described as Lot 25 DP 589937 and is 452m^2 in area. The Record of Title for the site is attached as **Appendix [A].**

The general area is characterised by residential development either recently constructed or under construction. Given the mix in the size of existing lots a number have been developed in duplex or two unit arrangements with subsequent further subdivision.

The subject site and its wider residential context is illustrated in *Figure 1* below.

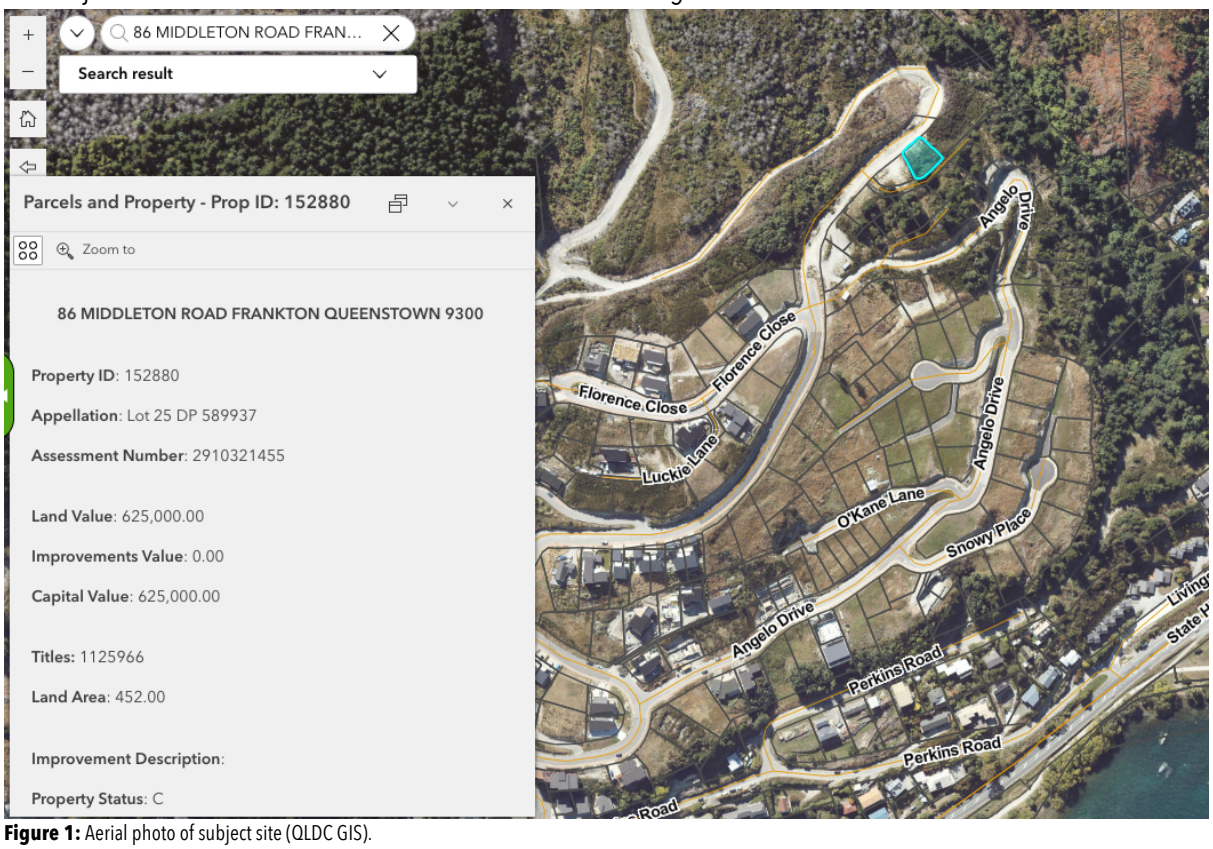


Figure 1: Aerial photo of subject site (QLDC GIS).

It is noted six consent notices are registered on the title, copies are contained in **Appendix [A]** they relate to future servicing of the broader land prior to the subdivision that has created the subject site, or general matters.

3.0 RESOURCE MANAGEMENT BACKGROUND

N/A.

4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Consent is sought to establish a new residential dwelling on the subject site. Plans contained in **Appendix [B]** illustrate the activity proposed.

The proposal comprises the construction of a single level 3 bedroom house with a single car garage accessed from Middleton Road. The dwelling will be clad in vertical shiplap weatherboards and tray roofing.

Given the topography of the subject site, the house will primarily be constructed on poles.

To provide level access to the garage it is to be located near the street boundary and therefore will infringe the 4.5m road boundary setback. Specifically, the front of the garage will be located up to 0.5m from the Middleton Road boundary. The entry to the dwelling and a small portion of the media room will also infringe this same road setback but to lesser extents than the garage.

As noted on the plans the garage will also infringe the internal boundary setback but meets the permitted allowance in this respect, as does the kitchen located in the internal setback on the opposite side to the garage.

Given the steeply sloping nature of the site the very ends of the downslope portions of the roof will infringe the height plane as illustrated in Figure 2 below. The maximum infringement is 0.365m.

Outdoor living is provided by deck areas both on the northern (road side) of the dwelling and southern/lake side.

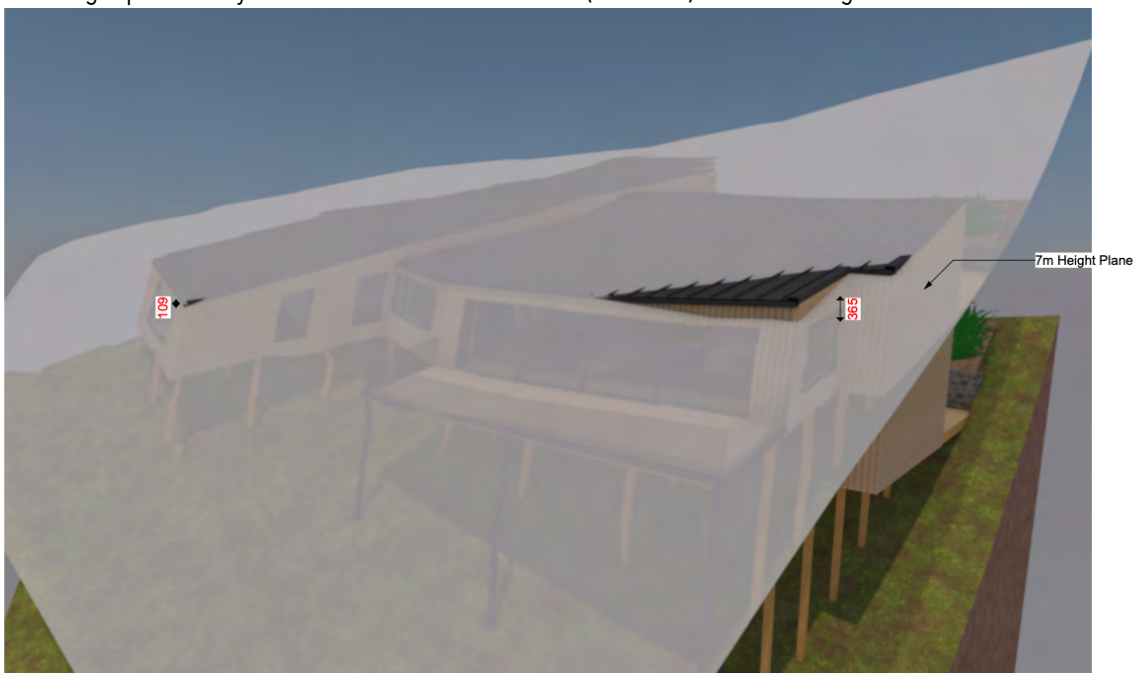


Figure 2: Dwelling Height Infringements

Given the dwelling is to be primarily constructed on piles very minimal earthworks are proposed and as confirmed on the earthworks plan contained in **Appendix [B]** the volume of fill is 18.3m^3 and cut is 15m^3 with max retaining 1.5m which will comply with the 1:1 requirement. Therefore, this approach ensures that earthworks are well within permitted thresholds. The plans also confirm the permitted standards for earthworks sediment controls etc will be implemented.

5.0 DESCRIPTION OF PERMITTED ACTIVITIES

In terms of land use, the establishment of a residential dwelling and a residential flat of 70m² (compliant with bulk and location standards including setback from boundaries and height of 7m) is an effect permitted by the plan on the subject site.

The above is considered a relevant permitted baseline to take into account when assessing the effects of the proposal, in particular in respect to parking and access and built form character on the site.

6.0 STATUTORY CONSIDERATIONS

6.1 Queenstown Lakes District Plan

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

- A **Non-complying** activity resource consent pursuant to Rule 7.5.2.3 Sloping sites where portions of the roof will infringe the 7m height limit by up to 0.365m.

- A **discretionary** activity resource consent pursuant to Rule 7.5.8.1 Minimum Boundary Setbacks to Roads where the 4.5m setback will not be complied with in regard to the position of the garage, entry and media room.

Overall, the application is considered to be a **Non-Complying** activity.

6.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

There are no records suggesting that a HAIL activity has taken place on the site subject to this application. Therefore the application does not necessitate further consideration under the NES.

7.0 PUBLIC NOTIFICATION ASSESSEMENT (SECTIONS 95A, 95C TO 95D)

7.1 Assessment of Steps 1 to 4 (Section 95A)

Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

7.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application involves the exchange of recreation reserved land under s15A of the Reserves Act 1977.

The above does not apply to the proposal

7.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and NES preclude public notification; or a prescribed activity under section 360H(1)(a)(i).

Public notification is not precluded

7.1.3 Step 3: If not required by step 2, public notification precluded in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or NES require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with s95A is required which is set out in section 8.0 below. As described below, no adverse effects more than minor are anticipated to result on the wider environment.

7.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

The proposal is represents the establishment of a residential unit on the site within an area where the same or similar development has occurred. Having regard to the above it is not considered that there is anything exceptional or outside the common run of applications that may be made of this nature (and can be assessed on their merits), which would give rise to special circumstances.

7.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is 84 & 88 Middleton Road.

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded.

Effects from activities as described above in section 5.0 are permitted and as such should be disregarded.

☐ Trade competition must be disregarded.

This is not considered to be a relevant matter in this case

☐ The adverse effects on those persons who have provided their written approval must be disregarded.

N/A

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

8.1 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:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

8.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Garage located within the Road Setback



Figure 3: Street Elevation

The proposed garage extends towards the road boundary of Middleton Road which is a logical and common position for garages, especially on sloping sites downslope of the road formation, allowing on-site parking access to the built form, which then steps down the site.

This position of garaging will have no adverse effects on the streetscape or otherwise. It is noted the impact of the garage on the streetscape is reduced due to it being only for a single car whilst a clearly defined pedestrian entry will still be visible from the street as will other elements of the residential unit that will present activity to the street such as the outdoor living area and a visual connection to the kitchen/living area.

Figure 3 above illustrates this arrangement. It is noted that the media room and entry also infringe the road setback but these elements will positively contribute to the visual interest and connection to the street given these will be visible from the street as discussed above.

Height Breaches

The extent of the height breaches is very modest being confined to the very ends of the roof form given the topography and therefore the associated rolling height plane drops away. Theses breaches will be imperceptible from the street or from the wider context. The dwelling is a single level and therefore will not appear out of context or overly bulky in the neighbourhood.

Overall any adverse effects of the height breaches given their location and extent will be minor.

Urban Design Considerations and Residential Zone Design Guideline

In terms of the QLDC Residential Zone Design Guideline the following assessment has been made

01. Housing Diversity & Adaptability
The design provides for a choice of modern residential dwelling which maximises views and will positively contribute to housing in Queenstown
02. Well-defined entrances and detailing to improve legibility
The guideline outlines a number of methods that can be adopted in design to assist with legibility. In this case – - The garage is a limited (single garage) element in the street elevation - The entry to the house has been promoted in terms of legibility with material changes - Outdoor living and visual connection to the living areas of the house are provided from the street including both door and windows - No blank walls are proposed visible from the street
03. Building Dominance and Sunlight Access
Areas of the house will infringe the height limit. These infringements will not result in any adverse shading effects whilst the general layout of the house on site will ensure good separation to neighbouring sites. The dwelling has several outdoor living areas that will provide good access to sunlight for future occupants.
04. Connections to Open Space to create safe, high amenity spaces
There are no public/communal spaces created however there are clearly defined outdoor areas that has access to sunlight and will ensure a high amenity space. As is common on Queenstown Hill decks are orientated to maximise views of the lakes and mountains.
05. Providing Outdoor Living Space for Resident's Amenity
As encouraged by the guideline, the provision of outdoor living space has been considered as to how it can be best placed. The design includes provision of outdoor areas and decks.
06. Creating High Levels of Accessibility for All Transport Modes
The house has direct access to the street with parking and a logical arrangement to entries and manoeuvring on site provided

07. How to integrate service areas so as to not affect amenity
Sufficient room exists on site for storage of bins either in garages or within private areas near each house.
08. Creating safe and private environments
The proposal is considered to meet the principles expressed in this design element. Outdoor living areas have been designed to conserve privacy and as best possible while respecting other constraints.
09. Site Coverage and LID solutions to reduce infrastructure demands
The proposal complies with site coverage.
10. Building Materials and Environmental Sustainability
The materiality of the proposed house is considered to be durable. The outdoor living areas are sheltered with aspect providing natural light.
11. Landscape Materials and Planting
Sufficient space is provided on site for landscaping

Conclusions

Overall, the proposal will have effects on the environment that are considered to be less than minor.

8.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

N/A

8.4 I the activity includes the discharge of any contaminant, a description of:

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

8.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

In addition to the resource consent conditions anticipated and discussed above, no other mitigation measures are necessary in addition to those incorporated into this proposal.

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

No parties are considered affected.

The road setback breaches will not give rise to any adverse effects to 84 or 88 Middleton Road.

The position of the height breaches centrally within the site ensures there will be no adverse shading or dominance effects to 84 or 86 Middleton Road. It is noted that McGregor Lane provides separation from the site to those properties below. Therefore the proposal ensures that any adverse effects of the height infringements to any neighbours is less than minor.

8.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than standard conditions of consent including management provisions.

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

The proposed activity will have no effect on any customary rights.

9.0 NOTIFICATION CONCLUSIONS

9.1 Public Notification Conclusion

The applicant has not requested public notification of the application (s95A(2)(b)), no rule or national environmental standard requires public notification of the application (s95A(8)(a)), public notification is not required as it is found that the activity will result in less than minor adverse effects (s95A(8)(b) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(9)(b)).

Therefore, as per section 95A(9)(b) the application should not be publicly notified. Determination of the application under s95B is then to be made.

9.2 Limited Notification Conclusion

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. The Council must follow the steps set out in s95B as follows:

9.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups, or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal

9.1.2 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and NES preclude limited notification; or the application is for a controlled activity (other than the subdivision of land) or a prescribed activity under section 360H(1)(a)(ii).

The above does not apply to this proposal therefore limited notification is not precluded

9.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:
In the case of a boundary activity, an owner of an allotment with an infringed boundary;
In the case of a prescribed activity under s360H(1)(b), a prescribed person; and
In the case of any other activity, a person affected in accordance with s95E.

For the reasons set out within Section 8.6 above, no persons are considered adversely affected by the proposal.

9.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

Having regard to the assessment in section 7.1.4 above, it is considered that special circumstances do not apply.

10.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation.

10.1 Proposed District Plan

In this case the relevant District Plan document is the Proposed District Plan.

Relevant objectives and policies are contained within Chapter 3 *Strategic Direction*, Chapter 4 – *Urban Development*, Chapter *7 Lower Density Suburban Residential* and *Chapter 27 Subdivision.*

The proposal will give effect to these provisions in particular:

Chapter 3: Strategic Direction

Due to the nature and scale of the proposal some of the objectives and policies of this Chapter have less relevance. However, the application is considered to be consistent with all relevant provisions for the following reasons:

- The subject site is not recognised as a site containing any significant aesthetic, recreational, scientific, historical, spiritual or cultural values.
- The proposal is considered to provide well designed and integrated residential living creating a built environment that is desirable, healthy and safe.
- The subject site is within the Lower Density Suburban Residential Zone and within Urban Growth Boundaries (UGB). The proposal is considered to make the most efficient use of residentially zoned land within an UGB which is considered to alleviate the pressure for further housing within the District's rural landscapes and elsewhere.
- The proposal increases the supply and typology of housing within an UGB.
- Given the nature of the subject site, there is no opportunity for the proposal to provide open spaces and community facilities, however it is noted that the site is located with access to such amenities for residents in the wider environment.
- The proposed material appearance is considered appropriate in the local environment.
- The proposal does not include any discharges to air.
- The subject site is not recognised as containing any notable natural features or indigenous biodiversity.
- The subject site does not contain a water body or wetland.

Chapter 4 – Urban Development

Given the nature and scale of the proposal and location of the subject site some of the objectives and policies are not relevant however the current application is considered to be consistent with and supported by the relevant provisions for the following reasons:

- The proposal increases the supply and typology of housing within an UGB.
- Public transport is available in the wider environment of the site.
- The site is located within reasonable proximity to reserves and active transport networks.

Chapter 7 – Lower Density Suburban Residential

The relevant objectives for the zone includes 7.2.1 which seeks a mix of compatible suburban densities and a high amenity lower density residential living environment for residents and users of public space. It is considered that the proposal will contribute to this objective.

The application is encouraged by policies 7.2.1.2 being compatible with the scale and character of the area and amenity values. The height, bulk and location of the development will maintain a suburban intensity and will have less than minor effect on privacy and access to sunlight of neighbouring properties.

In terms of policy 7.2.1.3 relating to the bulk and height of building the assessment has confirmed although there is a height breach the dwelling is considered characteristic and in keeping with the suburban scale and character of the zone and immediate area and will maintain amenity values enjoyed by users of neighbouring properties. The orientation and arrangement of the house on site will in particular maintain the privacy and access to sunlight of neighbours.

Further, the design elements of the RZDG have been considered and the development aligns with these matters.

10.2 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (NPS-UD), came into force on 20 August 2020 and therefore is relevant to the consideration of this application and of particular relevance is the NPS-UD focus and support for intensification of urban activity and residential housing, along with removal of car parking minimums.

One of the three key provisions of the NPS-UD is intensification[1], and specifically intensification in areas where there is greatest benefit (in proximity to employment, services, amenities and transport), in order to contribute to well-functioning urban environments.

The proposal contributes to a 'well- functioning urban environment' given it provides housing options in a location with good accessibility to natural and open spaces, and is within proximity to Queenstown and Frankton for community services and employment (Objective 1, Policy 1).

An expectation or recognition of change is expressed in Objective 4 of the NPS-UD. The NPS-UD also requires that minimum parking standards are not applied and as such directs a focus away from parking space numbers or shortfalls, in order to establish well-functioning urban environments. In this case the proposal need not be assessed on the basis of any required car parking.

In summary, the NPS-UD places a particular emphasis in providing for well-functioning urban environments through intensification. Accordingly, this proposal as infill development of a residential site in a manner anticipated by the PDP will directly give effect to and promote the NPS-UD.

11.0 s104D

The proposal has been assessed under s104D of the Act. Given that the proposal has been found to have effects on the environment that are minor, and that the proposal is not contrary to the provisions of the relevant District Plan, the proposal is able to pass the 'gateway' of section 104D and consent may be granted.

12.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

13.0 CONCLUSION

Consent is sought to establish to new residential dwelling on the site that will infringe the road setback and height plane.

The activity is assessed as a *non-complying* activity.

[1] Ministry for the Environment 2020. *Introductory Guide to the National Policy Statement on Urban Development 2020*, p6

The actual and potential effects on the environment have been outlined in Section 7 of this report where it is concluded that the proposed activity will not have any adverse effects on the environment that are more than minor. In addition, no persons are considered affected.

The proposed development is consistent with the relevant objectives and policies of the relevant plan being the Proposed District Plan, aligns with the NPS-UD and meets the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the development is granted as proposed.