Resource Consent Application

To:
Queenstown Lakes District Council

Milril Limited

Earthworks +
New Residential Units +
Fee Simple Subdivision

8 Peregrine Place, Queenstown

11 March 2025

PRAGMATIC PLANNING
Effective Resource Consent and Town Planning Solutions

Application Summary

Applicant: Milril Limited

Application: Application under Section 88 of the Resource Management Act 1991 (RMA) for land use and subdivision consents to develop the property with two residential units (each with a residential flat) with associated earthworks. Consent is also sought to undertake an associated two-lot fee simple subdivision.

Location: 8 Peregrine Place, Queenstown

Legal Description: Lot 2 Deposited Plan 23962 as held in Record of Title OT16A/487

District Plan (Operative) Zoning: Low Density Residential

District Plan (Proposed) Zoning: Lower Density Suburban Residential Zone

Activity Status: Non-Complying

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

1. PROPOSAL AND SITE DESCRIPTION

Proposal Description:

Consent is sought to construct two freestanding residential units with associated earthworks at 8 Peregrine Place in Queenstown. Each residential unit will also contain a residential flat. A subdivision consent is also sought to undertake a two-lot fee simple subdivision upon completion to enable the separate legal ownership of the units.

An overview of the development is as seen in Figure 1:



Figure 1: Development Overview

Enabling Earthworks

In order to prepare the site for development, ground works are required. Earthworks will comprise of 625m^3 of excavation over the site, with smaller areas of filling (180m^3) as detailed on the proposed earthworks plan. Full details of the proposed earthworks are as follows:

- Volume of Cut: 625m^3
- Area of Cut: 1000m^2
- Max Depth of Cut: 5.8m
- Greatest Extent of Cut in Proximity to Boundaries: 1.8m located 2m from north-eastern boundary
- Volume of Fill: 180m^3
- Area of Fill: 480m^2
- Max Depth of Fill: 2.9m
- Material to Be Carted Off-Site Via Road: 445m^3

An environmental management plan (EMP) has been commissioned from Kirk Roberts and is attached to this application. This EMP details the proposed environmental protection measures/operating procedures that will be installed/undertaken to ensure the earthworks are contained within the site, and undertaken in a manner that minimises adverse effects on the environment.

A geotechnical report has also been commissioned from Kirk Roberts which advises that rock breaking is likely to be required. An acoustic report for construction noise and vibration associated with rock breaking has therefore been commissioned from Marshall Day Acoustics and is attached to this application.

New Residential Units

Upon completion of the ground works, two (2) detached residential units will be constructed – each with an inbuilt residential flat.

The design of each building will be very similar. The upper levels off Peregrine Place will contain a double garage and the master bedroom. The level below will contain open-plan kitchen/living/dining areas, laundry, and a WC. The level below that will contain four bedrooms (two with ensuites), a bathroom, and storage. The bottom level will contain an externally accessed residential flat of 70m^2 floor area containing two bedrooms.

The residential flats will be accessed externally via a set of centralised stairs that provide pedestrian access from Peregrine Place above. A shared (but screened) service area is provided adjacent to the Peregrine Place boundary for rubbish/recycling bin storage, including for the residential flats.

The outdoor living areas will comprise of south-facing decks/patios for both residential units and residential flats with views out toward Lake Wakatipu.

The buildings will be clad in a mix of cedar and oak weatherboards, a StoArmat Render Systemm and coloursteel in ‘Flaxpod Matte’ colour.

Due to the moderate-steep sloping topography of the site, the upper outer extent of the buildings will encroach the 7m building height plane. The extent of encroachment is visualised on the elevations and on sheet 2.8 of the architectural plan set, with the maximum building height proposed as 9.33m (western unit), and 1.731m (eastern unit).

The eastern dwelling/garage will be positioned partially within the 4.5m road boundary setback from Peregrine Place, at 3.36m from the road boundary. The proposed setback is a result of several factors including needing to avoid the stormwater/wastewater easement at the bottom of the site, design of the buildings, and irregular alignment of the north-western boundary shared with the driveway of #10 Peregrine Place. The corner of the western unit will be 1.15m from north-western (internal) boundary.

Access & Parking

Access to each residential unit will be provided via a new double-width vehicle crossing to be established off Peregrine Place leading to the driveway and the double garages.

Parking for two vehicles will be provided within the garage of the eastern unit, and parking for four vehicles will be provided for the western unit – two in the garage and two abreast on the driveway behind the garage.

No on-site parking will be provided for the residential flats, nor is required by the transport standards of the PDP.

Servicing

Both dwellings and residential flats will be connected into the reticulated QLDC water supply & wastewater/stormwater disposal networks. Connections to Aurora's electricity network and the Chorus fibre network will also be made. Confirmation of supply letters from Chorus and Aurora are attached to this application.

Landscaping

A landscape plan has been prepared to visually enhance the development and provide for privacy. This landscape plan is as seen in Figure 2 and will be implemented upon completion of the residences.



Figure 2: Proposed Landscaping

Subdivision

Upon completion of the units, it is proposed to undertake a two-lot fee simple subdivision to enable separate legal ownership of the residences. The proposed subdivision plan is shown in Figure 3.

- Lot 1 will be 498m^2 (487m^2 net area excluding the pedestrian right of way easement (purple)

- Lot 2 will be 613m^2 (579.70m^2 net area excluding the pedestrian right of way easement (purple)

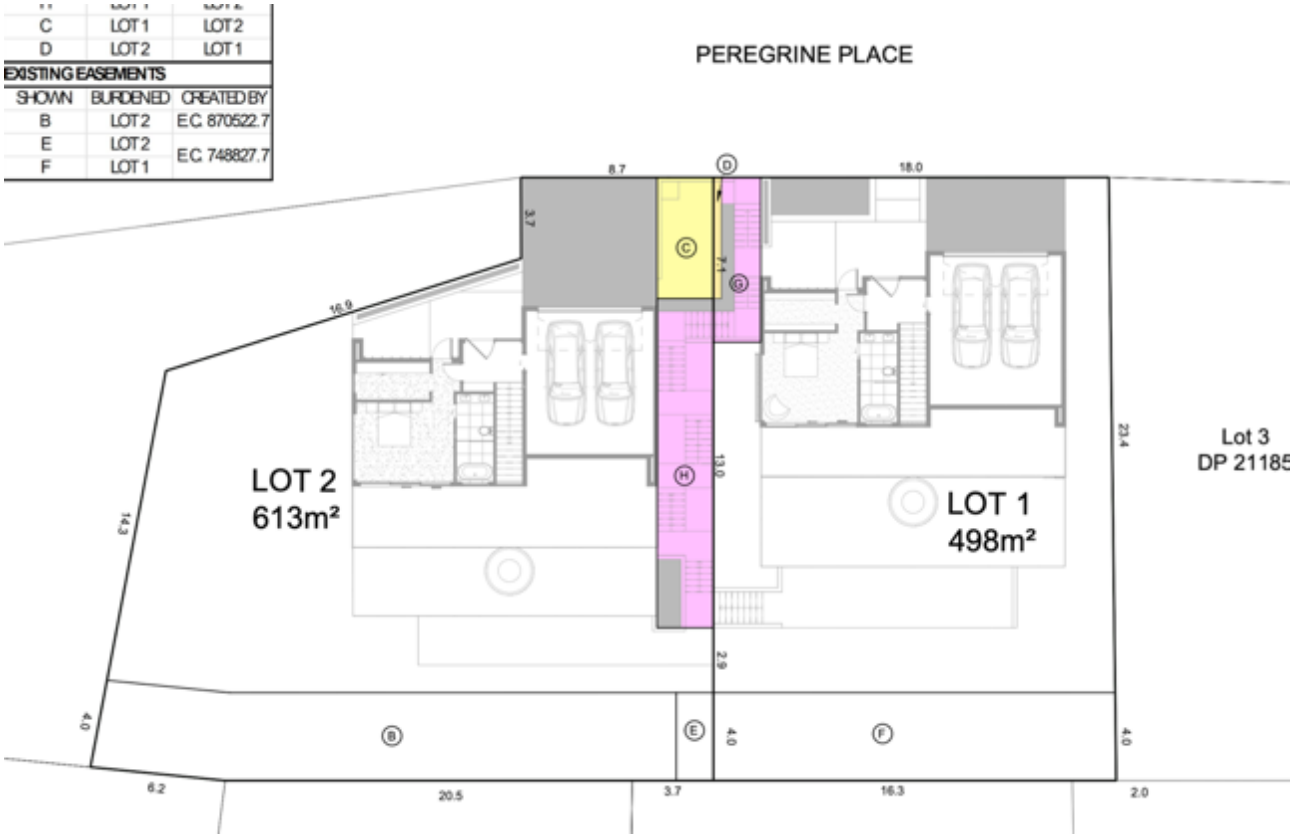


Figure 3: Proposed Subdivision Scheme Plan

Easements are proposed in the southern portion of the site (shown as areas 'B', 'E' and 'F' on the scheme plan) to continue to protect the Council's wastewater and stormwater infrastructure contained within.

Easement areas 'G' and 'H' will provide pedestrian right of way access for the residential flats; and easement area 'C' will provide for shared rubbish/recycling storage.

Site and Locality Description



Figure 4: Subject Site (Outlined/Shaded in Teal)



Figure 5: Subject Site

The site is legally described as Lot 2 Deposited Plan 23962 held in Record of Title OT16A/487, with a street address of 8 Peregrine Place on Queenstown Hill (as seen in Figure 4).

The irregular-shaped 1111m^2 site is currently vacant apart from vegetation and slopes moderately-steeply from the northern road boundary down toward the southern boundary (as observed in Figure 5).

The wider surrounding environment consists of primarily residential living activities.

Relevant Site History

Resource Consent RM930480 was granted on 17 September 1993 to undertake a boundary adjustment subdivision that created the current lot boundaries.

Resource Consent RM190144 was granted on 27 May 2019 to construct two detached residential units (each with a residential flat) with associated parking, landscaping, vehicle crossings and earthworks. Consent was also granted to undertake visitor accommodation activities within each of the residential units and residential flats (4 separate groups) and to undertake a two-lot fee simple subdivision of the two units. This consent was never given effect to and has now lapsed.

2. ACTIVITY STATUS

2.1 THE OPERATIVE DISTRICT PLAN

QLDC currently has an Operative District Plan (ODP) and a Proposed District Plan (PDP). Council notified its decisions on Stage 1 of the PDP on 7 May 2018, notified its decisions on Stage 2 of the PDP on 21 March 2019 and notified its decisions on Stages 3 and 3B of the PDP on 1 April 2021.

There are a number of appeals on these decisions. Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative.

In this case there are no relevant rules under the ODP as the relevant rules of Chapter 7 – Residential Areas, Chapter 14 – Transport and Chapter 22 – Earthworks are treated as inoperative given the relevant rules under the PDP are treated as operative pursuant to section 86F.

2.2 THE PROPOSED DISTRICT PLAN

The site is located in the Lower Density Suburban Residential Zone of the Proposed District Plan.

A full assessment of the proposal against the relevant standards of the Proposed District Plan has been undertaken and is attached to this application for reference. Resource consent is required for the following reasons:

RMA Section 9 – Land Use:

Proposed Chapter 7 – Lower Density Suburban Residential Zone

- A **non-complying activity** pursuant to rule 7.5.2 as the height of the residential units will exceed 7m, with building height of up to 9.33m proposed.

- A **non-complying activity** pursuant to rule 7.5.7 as the eastern unit's garage will encroach the eastern boundary 45-degree recession plane by approximately 23m^2 (pre-subdivision). Post-subdivision, the western unit's garage will breach the 45-degree recession plane off the new common boundary.

- A **discretionary activity** pursuant to rule 7.5.8 as the proposed garage of the eastern unit will be positioned a minimum of 3.36m from the Peregrine Place boundary, within the 4.5m road boundary setback; and the corner of western unit will be 1.15m from north-western (non-road) boundary, within a 2m setback.

Proposed Chapter 25 – Earthworks

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2. Rule 25.5.3 in Table 25.2 specifies a maximum total volume of 300m^3 earthworks in the LDSR Zone. The proposal includes a total of 805m^3 of earthworks, thus not complying with this rule. The Council's discretion is restricted to Council's discretion is restricted to the following matters:

  - Soil erosion, generation and run-off of sediment.
  - Landscape and visual amenity.
  - Effects on infrastructure, adjacent sites and public roads.
  - Land stability.
  - Effects on water bodies, ecosystem services and biodiversity.
  - Cultural, heritage and archaeological sites.
  - Nuisance effects
  - Natural Hazards

- A **restricted discretionary** activity pursuant to Rule 25.5.15 which requires the maximum depth of cut to not exceed 2.4m. The proposed maximum depth of cut will be 5.8m. The Council's discretion is restricted to the same matters as outlined above for Rule 25.4.2 above.

- A **restricted discretionary** activity pursuant to Rule 25.5.16 which specifies that the maximum height of any fill shall not exceed 2 metres. The proposed maximum height of fill will be 2.9m. The Council's discretion is restricted to the same matters as outlined above for Rule 25.4.2 above.

- A **restricted discretionary** activity pursuant to Rule 25.5.18.2 which requires retained earthworks to be setback from the boundary at a 1:1 ratio, unless less than 0.5m height. Retained cut of up to 1.8m height is positioned 2m from the north-

eastern boundary. The Council's discretion is restricted to the same matters as outlined above for Rule 25.4.2 above.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.21 as more than 300m^3 of cleanfill will be exported off the site/ transported by road to or from an area subject to earthworks, with 445m^3 of material to be carted off-site. Council's Discretion is restricted to: Effects on infrastructure, adjacent sites and public roads; nuisance effects; functional aspects and positive effects.

RMA Section 11 – Subdivision:

- A **restricted discretionary activity** pursuant to Rule 27.5.7 for an urban subdivision activity in the Lower Density Suburban Residential Zone. The matters of discretion the Council is restricted to are:

  a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  c. property access and roading;
  d. esplanade provision;
  e. the adequacy of measures to address the risk of natural hazards;
  f. fire fighting water supply;
  g. water supply;
  h. stormwater design and disposal;
  i. sewage treatment and disposal;
  j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
  k. open space and recreation;
  l. ecological and natural values;
  m. historic heritage;
  n. easements.

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

Based on our review of the Queenstown Lakes District Council and Otago Regional Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

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

3.0 SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

- We are not requesting public notification of the application.
- Provided a request is reasonable, we are unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act.
- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification precluded

- Public notification is not required by any rule of national environmental standard.
- The proposal is not a controlled activity or (solely) a boundary activity.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

- Public notification of this application is not specifically required under a rule or national environmental standard.

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is therefore made in Section 5 below.

Step 4 - public notification in special circumstances

In this case it is considered that no special circumstances exist. This is because the proposal is for the residential development of the site, within a residential zone.

4.0 EXCLUSIONS FROM ASSESSMENT (s95D(D))

a) The Council must disregard any effects on persons who own or occupy:

ii) the land in, on, or over which the activity will occur; or
iii) any land adjacent to that land; and

In this instance the persons considered to be those listed above are marked with a red ‘X’ in Figure 6 below:



Figure 6: Subject Site & Adjacent Persons

b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; "the permitted baseline":

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

With respect to the land use component of the application, a permitted baseline exists of two residential units on the property, each with an associated residential flat, provided all District Plan Standards are complied with.

With regard to subdivision, in this case there is not considered to be any permitted baseline, given that the District Plan requires a resource consent for all subdivision activities.

The permitted baseline will be applied in the below assessment. Adverse effects contained within this permitted baseline will be disregarded.

c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion:

N/A

d) must disregard trade competition and the effects of trade competition:

N/A

e) must disregard any effect on a person who has given written approval to the relevant application:

N/A – No person has provided written approval to the application, nor are any written approvals considered necessary.

5.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

The following assessment of effects on the environment a) includes the information required by clause 6 (Schedule 4 of the RMA); 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.

For readability the following assessment does not use the specific wording outlined in clauses 6 and 7. However this assessment has been prepared to address the requirements of these clauses.

Enabling Ground Works

Erosion and generation/run-off of sediment is a key adverse effect resulting from any earthworks.

Accordingly, Kirk Roberts have been engaged to prepare a comprehensive Environmental Management Plan (EMP). This EMP details, in particular, the proposed erosion/sediment control measures along with other measures design to manage water quality, dust emissions, and noise/vibration.



Figure 7: Environmental Management Plan / ESCP

Figure 7 is the erosion and sediment control plan (ESCP) produced by Kirk Roberts that demonstrates the proposed erosion and sediment control measures to be installed. This can be summarised as a super silt fence around the lower perimeter of works and a stabilised access/construction entry.

With these environmental protection measures implemented, it is considered that adverse effects on the environment will be less than minor with respect to soil erosion, generation and run-off of sediment.

The EMP also contains numerous other measures including controls on stockpile heights, inspection/maintenance, significant weather event procedures, monitoring/review, decommissioning procedures, dust management procedures, hazardous substance management procedures and construction noise management procedures – all designed to avoid and mitigated adverse effects.

With respect to potential effects on land stability resulting from earthworks, Kirk Roberts have prepared a geotechnical report, also attached to this application. This geotechnical report is referred to and relied upon.

Kirk Roberts have not raised any concerns with the proposed earthworks from a geotechnical standpoint. It has also been clarified that even if rock anchoring is required, this will not need to extend into neighbouring boundaries or the Peregrine Place legal road reserve. Accordingly, adverse effects on the environment are likely to be less than minor with respect to land stability.

While the proposed earthworks will generate adverse effects on the urban landscape and visual amenity of the area, these will be both temporary and necessary to give effect to a zoned/anticipated land use afforded by the Lower Density Suburban Residential Zone. Once stabilised/re-vegetated these adverse effects will cease to exist, ensuring that overall, such landscape/visual effects on the environment will be less than minor.

Finally with respect to construction noise and vibration, an acoustic report has been commissioned from Marshall Day Acoustics. After undertaking modelling of expected noise/vibration levels, is the opinion of Marshall Day that, with mitigation measures in place, construction noise and vibration will comply with the PDP standards. However, in order to ensure the avoidance of adverse effects, a Construction Noise and Vibration Management Plan (CNVMP) is provided and sets out the measures designed to ensure the sufficient avoidance of these adverse effects, such that they will be less than minor.

Overall, it is concluded that adverse effects on the environment resulting from the proposed ground works will be less than minor.

New Residential Units & Associated LDSRZ Non-Compliances

As a starting point, an assessment of the proposal has been undertaken against the QLDC's Residential Design Guide 2021, and is attached to this application.

The proposed residential units have been architecturally designed to appear as a high-quality and contemporary addition to the urban Queenstown landscape. This is also

achieved through the use of high-quality cladding materials, a ‘stepped down’ form when viewed from the Peregrine Place (and Panorama Terrace below), prominent pedestrian entrances/front doors, and landscaping.

A sense of spaciousness will be achieved by the dwellings being detached in nature. Landscaping to be undertaken around the entrances of the site/dwellings will further assist in visually ‘anchoring’ the extent of built form into the streetscape.

Privacy has been considered throughout the design stage and will be achieved through the use of minimal ‘side’ windows between the units, the general placement/orientation of windows, and the differing finished floor levels.

With respect to street activation – the steep sloping nature of the site and irregular shape has necessitated the placement of the eastern unit garage slightly within the road boundary setback (a little over 1m into the setback). In terms of adverse effects on the environment in this regard, careful consideration has been undertaken by the Architect to design the dwellings/garages to result in minimal visual dominance / adverse impact on the streetscape.

Garages located on or close to a road boundary are common on sloping sites such as this on Queenstown Hill – and are a result of the very nature of the hillside subdivision. Regardless, for these reasons, the proposed garage within the road boundary setback will not adversely affect the streetscape or result in dominance effects to a degree that is minor, or more than minor.

While there will be encroachments of the dwellings into the 7m height plane, this is a result of the topography and steep sloping nature of the site.

It is considered that the encroachments of the units into the 7m height plane are modest and unlikely to result in any significant shading or dominance effects compared to complying building envelopes, or appear out of character in the context of the receiving environment. As demonstrated in Figure 8, the buildings will comply with the height plane on the road-facing elevation, meaning that the height encroachments will be hidden from the primary streetscape.

Also as demonstrated in Figure 8, the greatest extent of height encroachment is within the centre of the site, ensuring that the greatest resulting adverse effects are internalised. The generous size of the site also assists in this regard, visually absorbing the extent of built form proposed.

As a result, the proposed building height is highly unlikely to result in adverse effects on the environment (including shading, dominance, or on the streetscape) that are minor or more than minor.

While the proposed garages will encroach into recession planes (both existing and future once the new common boundary is established), these encroachments and adverse effects solely relate to the adjacent neighbour or are internal. Adverse effects on the environment will be less than minor in this regard.

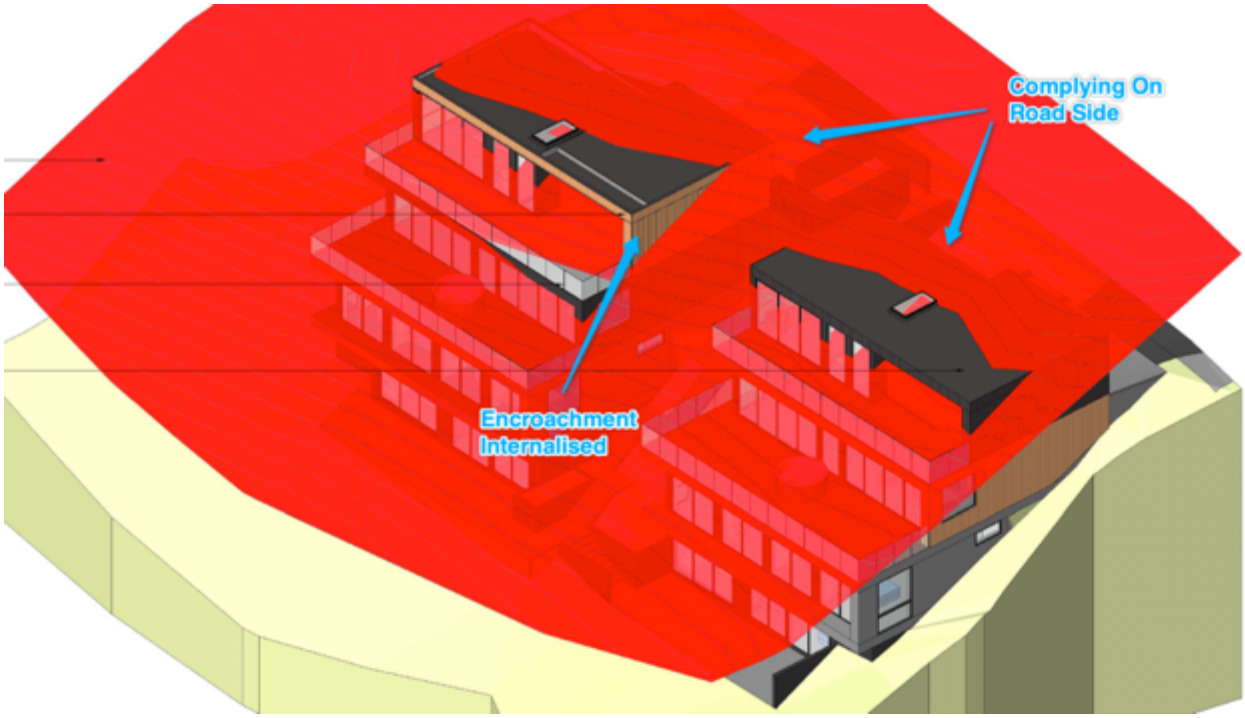


Figure 8: Proposed Building Height Encroachments

Overall, the proposed new residential units are concluded to result in adverse effects on the environment that will be less than minor.

Services

Both lots will be serviced with the required infrastructure, being public water supply, public wastewater/stormwater disposal, and electricity/fibre connections. Standard conditions of consent relating to these service connections is anticipated so as to avoid adverse effects.

QLDC-owned wastewater and stormwater pipes run through the bottom portion of the site and are protected via an easement. The buildings have been designed so as to be positioned completely outside of the easement area, avoiding adverse effects in this regard.

Accordingly, adverse effects on the environment will be less than minor with respect to services.

Access & Parking

Dedicated new vehicle accesses will be provided to the dwellings via two complying double vehicle crossings to be established off Peregrine Place. Direct pedestrian access will also be provided for to both principal dwellings and residential flats.

The road frontage is of sufficient length to accommodate the two proposed vehicle crossings under the PDP standards.

Overall, adequate/legal access and parking will be constructed to serve the development.

Accordingly adverse effects on the environment will be less than minor with respect to access and parking.

Subdivision – Design, Lot Sizes and Dimensions

The design of the proposed subdivision is logical to separate the legal ownership of the two dwellings. The subdivision design is a reflection of the land use proposed, and will not be given effect to until the dwellings have been completed.

Overall adverse effects on the environment will be less than minor with respect to the design, lot sizes, and dimensions of the proposed subdivision.

Subdivision – Infrastructure

Both lots will be serviced with the required infrastructure, being public water supply, public wastewater/stormwater disposal, and electricity/fibre connections.

Confirmation of supply letters have been sourced from Chorus and Aurora, and are attached to this application. A condition of consent that connections are made for each lot prior to s224(c) certification would be anticipated.

Connections into Council's stormwater and wastewater disposal networks will be provided to both lots. Standard conditions of consent that connections are made for each lot prior to s224(c) certification would be anticipated.

With respect to potable water supply, each lot will be connected into the reticulated public water supply network. Again, a s224(c) condition of consent would be anticipated.

Finally, in relation to fire-fighting water supply, the Council's infrastructure maps indicate a fire hydrant approx. 25m way within the head of Peregrine Place so as to satisfy the fire-fighting requirements for the site.

Standard conditions of consent are anticipated to ensure both lots are serviced with the required infrastructure, ensuring adverse effects on the environment will be less than minor in this regard.

Subdivision – Easements

It is anticipated that a standard condition of consent requiring all necessary easements to be granted or duly reserved will ensure the complete avoidance of adverse effects with respect to easements.

Subdivision – Natural Hazards

In the geotechnical report, Kirk Roberts assess the matter of liquefaction potential and conclude that it is their professional opinion that the risk of liquefaction at the site is considered to be low to nil. Kirk Roberts have not raised any other concerns with respect to natural hazard matters, and accordingly adverse effects on the environment will be less than minor in this regard.

Summary – Adverse Effects on the Environment

Overall, the proposed activity is considered to generate adverse effects on the environment that are less than minor.

6.0 EFFECTS ON PERSONS

6.1 MANDATORY EXCLUSIONS FROM THE S95E ASSESSMENT

Section 95B(1) requires a decision whether there are any affected persons. The following steps set out in this section, in the order given, are used to determine whether the Council should limited notify the application, if the application is not to be publicly notified.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

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

- Limited notification is not required under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

- Limited notification is not required under Step 2 as the proposal is not a controlled activity.

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

- Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has provided their approval.

- Limited notification is not required under Step 3 as the proposal falls into the '*any other activity*' category and the effects of the proposal on persons are assessed in section 6.2 below and will be less than minor.

Step 4: Further limited notification in special circumstances

- Special circumstances do not apply that require limited notification, given the proposal is for the residential development of the site as anticipated by the District Plan.

6.2 ASSESSMENT: EFFECTS ON PERSONS AND CONSULTATION



Figure 9: Subject Site & Adjacent Persons

All Persons – Proposed Earthworks & Rock Breaking

The proposed earthworks will generally be adequately setback from all boundaries so as to avoid any effects of land instability on neighbouring properties. Geotechnical advice provided by Kirk Roberts has not raised any concerns with respect to the stability of neighbouring properties, and as such, adverse effects on all neighbours will be less than minor in this regard.

It is considered that the other potential for adverse effects is during the physical works including sediment run-off, dust, and general noise/amenity effects.

However, as has been assessed in the s95A above, EMP measures are proposed that will effectively avoid and minimise these adverse effects on all neighbours, such that they will be less than minor. This includes the implementation of erosion/sediment control measures, dust suppression, and limiting earthworks activity to reasonable daylight hours - all to protect the amenity of these persons.

Earthworks are a necessary component of development and while temporary, these additional mitigation measures will ensure adverse effects on the owners/occupiers of all neighbouring properties will be less than minor.

Finally, the acoustic report commissioned from Marshall Day Acoustics has not raised any concerns regarding construction noise/vibration on any neighbour. The modelling undertaken by Marshall Day has concluded that with the recommended mitigation

measures, the predicted noise and vibration levels will comply with the relevant standards. Marshall Day's recommendations are accepted/adopted and are formally considered part of the proposal.

Overall, adverse effects on all neighbours will be less than minor with respect to earthworks and rock breaking.

All Persons – Subdivision

With respect to the proposed subdivision, this will be undertaken around existing/completed residences – the design of which have been assessed as appropriate throughout this report. The subdivision will simply enable the individual ownership of the units that have been determined to be appropriate, and not in itself result in adverse effects on any person.

All Persons – Residential Units & Associated Bulk/Location Standard Departures

As a starting point for assessment, the proposal is for two residential units on a site that exceeds 900m^2 net site area, meaning the density proposed is a permitted activity and directly anticipated by the zoning. Accordingly, the core land use of the two residential units themselves will not adversely affect these persons, and their written approval is not required.

With respect to the non-compliances of the buildings with the LDSR zone standards (building height, recession plane, road boundary setback and internal boundary setback) – the adverse effects generated by these non-compliances on all persons warrant further consideration on a neighbour-by-neighbour basis.

Northern adjoining Residential Neighbours – 11, 13A, 13B, 15 & 17 Peregrine Place

The northern neighbours across Peregrine Place each contain a dwelling with an orientation and views/outlook to the south, out over the application site. These persons are elevated well above the application site (due to the topography of the area) and the presence of the Peregrine Place carriageway provides an effective buffer to the application site.

With respect to the proposed height plane encroachment of the roof structures - given the location of the infringing elements in the centre of the site (minimum 25m from the nearest northern neighbouring dwelling), the lower topographical elevation of the intruding elements compared to these persons, and absence of taller built form closer to the road boundary (i.e. a complying building envelope located further up the slope), any potential loss of views for these persons will be comparable (or less than) the permitted baseline - and as such result in adverse effects that are less than minor.

Given the level of separation, these persons are not considered affected by either the boundary setback encroachments or recession plane encroachments.

Overall given the small effects of bulk/location non-compliances, adverse effects on these northern neighbours are concluded to be less than minor. These parties are not considered to be adversely affected.

Southern adjoining Residential Neighbours – 72A, 72B, 74, 76, 78 & 80 Panorama Terrace

The southern neighbours all have an orientation to the south (away from the application site) are well-separated from the proposed buildings by topography, being positioned at a much lower elevation and accessed off Panorama Terrace (seen in Figure 9). The end result is that the majority of the development will not be readily visible from these persons.

While there will be areas of roof structures encroaching the 7m height plane, the areas of non-compliance are positioned in the centre of the site and well away from these neighbours. The degree of height plane encroachment is modest, and a complying building envelope located closer to these persons would likely result in greater adverse effects than that proposed. As such the proposed height plane encroachments will not result in any adverse effects on their privacy/residential amenity or induce shading/dominance effects over and above a permitted baseline scenario.

These neighbours are also not considered adversely affected by either the recession plane encroachments or boundary setback encroachments given the level of separation.

Overall adverse effects on the owners/occupiers of 72A, 72B, 74, 76, 78 & 80 Panorama Terrace will be less than minor. These persons are not considered adversely affected.

Eastern adjoining Residential Neighbour – 6 Peregrine Place

The adjoining property to the east contains one existing dwelling with a southern orientation and views/outlook to the south-east (away from the application site), as observed in Figure 9.

With respect to the proposed building height encroachments, the outer corner of the upper level (eastern building) will 'clip' the height plane in proximity to the common boundary with this neighbour as outlined in green in Figure 10 – however the vast majority of the building will be positioned beneath the height plane.

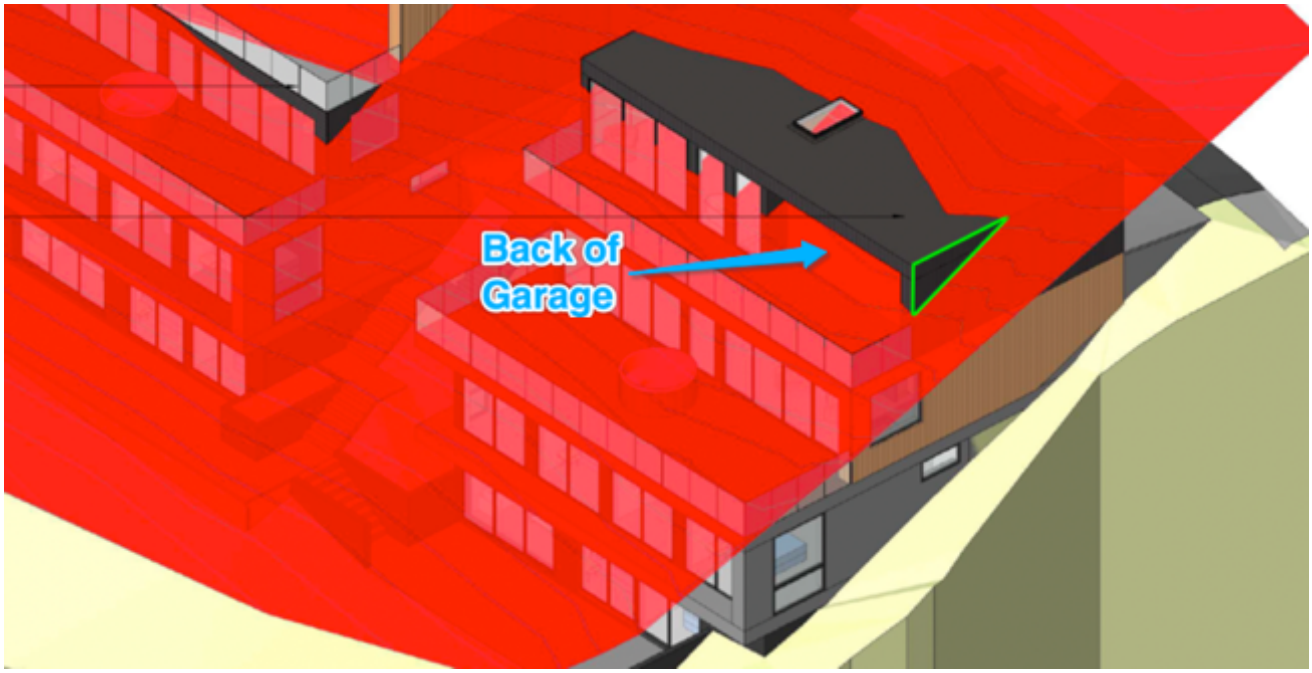


Figure 10: Height Encroachment of Eastern Unit in Relation to 6 Peregrine Place

The area of encroachment (outlined in green) is 3.9m^2 and there are no windows or openings. The subject area is the side wall of the garage – meaning no adverse privacy or overlooking effects on this neighbour.

There are almost no windows on the western façade of this neighbouring dwelling (seen in Figure 11), further minimising potential adverse effects in this regard.



Figure 11: 6 Peregrine Place – Note Lack of Windows on Western Facade

With respect to potential shading and dominance effects, the 'contained' extent of encroachment, lack of windows (on both the proposed dwelling and neighbouring dwelling), and position of the proposed buildings to the west of this neighbour (rather than to the more sensitive south in relation to sunlight) will ensure that any resultant shading or dominance effects will be less than minor.

While a small portion of the glass balustrade will also clip the height plane, the very small extent of encroachment and transparent nature of glass means that any resulting adverse effects will be less than minor.

The proposed road boundary setback encroachment is too highly unlikely to adversely affect the owners/occupiers of this property as while 1.14m closer to Peregrine Place than anticipated by the PDP, this will not result in a substantially different outcome (or adverse effects) on this neighbour compared to a complying building setback.

Finally, as an attached garage is defined as an accessory building, recession planes apply to the garages even though the site is sloping. While the eastern unit's garage will encroach the recession plane off the common boundary with this neighbour, is not considered that this would have any character or amenity effects in comparison to a realistic consented baseline.

Given that recession planes only apply to accessory buildings on sloping sites, the permitted baseline is highly relevant to consider in this regard.

For example, a realistic design alternative is the upper-level garage and master bedroom being 'flipped' in position, meaning that the master bedroom is positioned 2m from the common boundary with this neighbour.

This scenario is as visualised in Figures 12 and 13 below, and would mean that, despite the overall extent of built form remaining the same, this 'technical' recession plane would no longer apply off the common boundary with 6 Peregrine Place – and any resultant adverse effects (shading dominance etc) would be the same. In fact, the lack of windows within the garage (compared to a bedroom scenario) would provide for better inter-dwelling privacy and avoid any effects of permitted baseline enabled overlooking on this neighbour.



Figure 12: Alternative Design Scenario – No Recession Planes Would Apply in Relation to 6 Peregrine Place

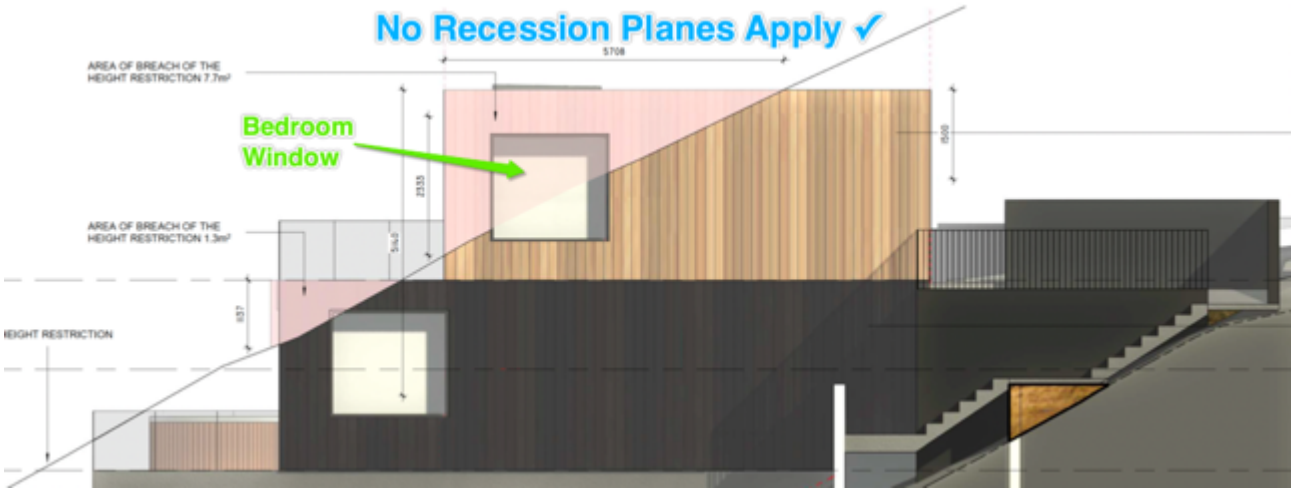


Figure 13: Alternative Design Scenario – No Recession Planes Would Apply in Relation to 6 Peregrine Place

Regardless of this permitted baseline argument, the proposed garage is sufficiently setback a complying 2m from the boundary so as to create an acceptable level of separation and minimise adverse effects on this neighbour. Adverse effects on this person resulting from the proposed 'technical' recession plane encroachment are concluded to be less than minor.

Overall adverse effects on the owners/occupiers of 6 Peregrine Place are concluded to be less than minor. This person is not deemed adversely affected.

Western adjoining Residential Neighbour – 10 Peregrine Place

As observed in Figure 9, the adjoining property to the west (10 Peregrine Place) contains one existing dwelling that is well-separated from the common boundary, with an orientation toward the south and away from the application site.

For the same reasons as outlined for other neighbours above, the proposed height plane encroachments are highly unlikely to affect this person. A complying building envelope built to the 7m height limit close to the boundary with this neighbour would result in greater adverse effects on this person than that proposed. As such adverse effects on this neighbour will be less than minor in this regard.

While a small area of the corner of the western building will slightly encroach the required setback from a common boundary with this neighbour, this boundary relates to the access/driveway to #10. In reality, it will be difficult to perceive this non-compliance compared to the permitted baseline and the encroachment relates to their non-habitable driveway. As such, any adverse effects on this neighbour will be less than minor in this regard.

Finally, this neighbour will not be affected by the proposed recession plane and road boundary setback encroachments, given these elements are not positioned near the common boundary, but are more internalised to the site from their perspective.

Overall adverse effects on the owners/occupiers of 10 Peregrine Place will be less than minor. This person is not deemed adversely affected.

Summary – Effects on Persons

Overall, adverse effects on the owners/occupiers of all neighbouring properties will be less than minor. No person is considered adversely affected.

7.0 OVERALL NOTIFICATION ASSESSMENT

Given the assessments undertaken and conclusions made in Sections 3-6 above, it is considered that the Council should proceed with processing the application on a non-notified basis.

8.0 RELEVANT DISTRICT PLAN PROVISIONS

8.1 OBJECTIVES AND POLICIES - OPERATIVE DISTRICT PLAN

The relevant objectives and policies of the Operative District Plan are found in Chapter 4 (District Wide Issues) Chapter 7 (*Residential Areas*) and Chapter 15 (*Subdivision, Development and Financial Contributions*):

<u>Chapter 4 – District Wide Issues</u>

This section of the Operative District Plan acknowledges that development (where appropriate) is required to have regard for indigenous biodiversity, the life supporting

capacity of air, water and soil and the District's visual amenity resources. This proposal seeks to construct two residential units on the site and will induce no effects of which pose a threat to the life supporting capacity of the District's resources. Considering this, it is determined that the proposal is consistent with the relevant objectives and policies found within Part 4 of the Operative District Plan.

Chapter 7 – Residential Areas

The strategic policies and objective of Section 7 allude to the District's housing stock representing one of the districts most important physical resources. This section recognises that the district plan is to enable people and their communities to provide for their social, economic and cultural wellbeing.

The intentions of the section look to provide development within the residential zones of which seeks to retain the existing nature, scale and residential character or the surrounding environment while providing for a mix of compatible suburban densities and maximises the efficient use of land.

In this instance, it is considered that the proposed construction of two residential units is appropriate given the nature and scale of the new development occurring in the area. The configuration of the subject site with two detached residential units does not contravene the principal guidance provided by Section 7 of which encourages the retention of residential amenity, character and cohesion with the residential zones.

As such, it is considered that the proposal aligns with the relevant objectives and policies of Section 7.

Chapter 15 (Subdivision, Development and Financial Contributions)

The relevant objectives and policies of Part 15 relating to subdivision seek to ensure developments are adequately serviced at the cost of the Developer – including utilities and transport networks. Objective 5 seeks to ensure the protection of amenity values by ensuring the design of a subdivision is appropriate, to protect significant trees/vegetation, and to protect the efficient functioning of services and roads.

In this manner, the proposed subdivision design is largely dictated by the design of the land use development – which has been determined to be appropriate. The subdivision will be adequately serviced, and there are no significant trees/vegetation that need to be retained.

Overall, the proposal is considered to align with the objectives and policies of the Operative District Plan.

8.2 OBJECTIVES AND POLICIES – PROPOSED DISTRICT PLAN

The relevant objectives and policies in the Proposed District Plan are found in Proposed Chapters 7 *(Lower Density Suburban Residential),* 25 *(Earthworks),* and *27 (Subdivision & Development):*

Chapter 7 (Lower Density Suburban Residential Zone)

7.2.1 Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.

7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.

The proposed residential dwellings will represent an efficient land use on the site. Suburban residential amenity values will be maintained, and the overall as-built outcome will be highly compatible with the established character of the area, supplemented with well-integrated landscaping.

7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

The assessment undertaken throughout this report has found that despite the proposed infringements of bulk/location standards, any resulting effects on either the wider environment or neighbours will be less than minor. In particular, the proposal will not adversely affect the privacy or sunlight of any neighbouring dwelling greater than a complying development.

7.2.1.5 **Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2021.**

An assessment of the development against the QLDC's Residential Design Guide 2021 has been undertaken and it has been found that general alignment will be achieved. The development has been designed with reference to the Design Guide from the start – ensuring alignment with this policy.

The proposed landscape design will provide high quality amenity spaces for residents of the dwellings, and will enhance the visual amenity of the streetscape (achieving Policy 7.2.3.3).

7.2.6 Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

7.2.6.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.

Pedestrian access and vehicle parking within a double garage for each residential unit is proposed along with a complying vehicle crossing. Good sightlines to see incoming traffic are also available. Combined, this will help optimise the safety and efficiency of the road network and will not impact on-street parking.

7.2.6.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

Each dwelling will be connected into the existing services on the property that were installed at the time of subdivision, and sufficient landscaped permeable area will be available to enhance the natural infiltration of stormwater.

7.2.6.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

Direct pedestrian access will be provided from the units and flats to the roading/footpath network which does connect to all transport networks. The proposed development will therefore integrate with the transport networks.

Proposed Chapter 27 – Subdivision and Development

The relevant objectives and policies of Proposed Chapter 27 seek to create quality environments with adequate infrastructure and well-designed/fit-for-purpose allotments (Objectives 27.2.1 & 27.2.2 and associated policies); enable infill subdivision (Objective 27.2.3 & associated policies); and ensure adequate infrastructure is installed (Objective 27.2.5).

In this case the subdivision design is logical, fit for purpose, and able to be developed with residential units as anticipated by the PDP zoning (policy 27.2.1.3). The design is consistent with the QLDC Subdivision Guidelines (27.2.1.2).

With respect to infrastructure, the policies associated with Objective 27.2.5 will be achieved given water supply and wastewater/stormwater reticulation will be extended to the lots, and Chorus/Aurora have confirmed that the lots can be serviced with electricity/telecommunication connections.

Legal and adequate access will be provided to all lots.

As such, the proposal is considered to align with the relevant objectives and policies of Proposed Chapter 27.

Summary – Objectives and Policies of the Proposed District Plan

Overall, the proposal will align with, and not be contrary to, the relevant objectives or policies of the Proposed District Plan.

8.3 OBJECTIVES AND POLICIES – WEIGHTING AND CONCLUSION

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the Operative District Plan and the Proposed District Plan, no weighting assessment between the Operative District Plan and Proposed District Plan is required.

Overall the proposal is considered to align with, and not be contrary to, the relevant objectives and policies of the District Plan.

9.0 OTHER MATTERS

- **Hazardous Substances:** The activity does not involve hazardous substances or installations.

- **Contaminants:** The activity will not involve the discharge of any contaminants.

- **Mitigation Measures:** Other than anticipated standard conditions of consent, no specific mitigation measures are proposed, nor considered necessary.

- **Monitoring:** No monitoring is required for the proposal except standard conditions of consent.

- **Protected Customary Rights:** The activity will not offend any protected customary rights.

10.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES

Section 104(D) prescribes that consent can only be granted for a non-complying activity if the adverse effects of the activity on the environment are no more than minor, or the activity will not be contrary to the objectives and policies of the District Plan.

In this instance, the above assessment has determined that the adverse effects of the activity on the environment will be no more than minor, and the proposal is also not contrary to the relevant objectives and policies of the District Plan.

Therefore, it is determined that the Council can proceed to making a substantive decision on this application.

11.0 PART 2 OF THE RESOURCE MANAGEMENT ACT

Section 5 of the RMA sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Given the assessment of effects undertaken above, it is considered that the proposal will represent sustainable management.

Section 6 of the RMA sets out the matters of national importance. None of these matters is strictly relevant to the current proposal.

The proposal will align with the requirements of Section 7 of the RMA by representing kaitiakitanga, the ethic of stewardship, and the maintenance of the quality of the environment.

Finally, the proposed activity is highly unlikely to offend any of the Principles of the Treaty of Waitangi as required by Section 8.

Overall the development proposed is considered to be consistent with Part 2 of the RMA.

12.0 CONCLUSION

Consent is sought to construct two freestanding residential units with associated earthworks at 8 Peregrine Place, Queenstown. Each residential unit will also contain a residential flat. Consent is also sought to undertake a two-lot fee simple subdivision to enable the separate ownership of the units.

The above assessment has determined that the resulting adverse effects on the environment will be less than minor and effectively mitigated, that no party is considered to be adversely affected, that the proposal will align with the relevant objectives and policies of the District Plan, and will adhere to the requirements of Part 2 of the RMA.

Accordingly, it is requested that the Council grant resource consent to the proposal on a non-notified basis as sought, subject to appropriate conditions of consent.



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