Information and Assessment of Effects on the Environment

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2 Lot Residential Subdivision and LUC

39 Middleton Road, Queenstown

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This Assessment of Effects on the Environment (AEE) has been prepared for Rebekah Hensman and Nicholas Negri for consent to erect two adjoining units and subdividing them so that each unit is contained in their own fee simple title. Consent is also sought for residential visitor accommodation for 365 days a year for both units. The AEE accompanies an application for resource consent made under Section 88 of the Resource Management Act (1991) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

1.0 A DETAILED DESCRIPTION OF THE PROPOSAL

1.1 Site Description

The subject site is a vacant, almost rectangular shaped residential allotment located at 39 Middleton Road, Queenstown. It is legally described as Lot 17 DP 402101 and held in Record of Title 406573. The overall site area is 666m², see figure 1 below.



***Figure** 1: Subject site*

The topography of the site is such that the land raises up from the road boundary in the north, for a short distance before dropping quite sharply down to the south. Access to the site is from the adjoining Middleton Road and appropriate vehicle crossings will need to be constructed as part of this application.

Given its elevation, this new allotment will enjoy extensive views to its south over the northern arm of Lake Wakatipu and Frankton township.

The surrounding environment is made up of a newly established residential neighbourhood made up of a mix of vacant sites or developments of a similar design and scale to the proposed units.

A copy of the record of title and associated relevant documents are contained in Appendix A to this application.

A copy of the Scheme and Development Plans are contained in Appendix B to this application.

In terms of the consented environment and existing residential visitor accommodation on this portion of Middleton Road, this includes the following:

<u>365 nights</u>

- 41 Middleton Road, RM230413, approved on 25 October 2023.
- 47 Middleton Road, RM180148, approved on 6 March 2018.
- 49 Middleton Road, RM181153, approved 24 September 2018.
- 51B Middleton Road, RM181193 approved 28 August 2018
- 51A Middleton Road, RM181345, approved 8 October 2018.
- 53 Middleton Road, RM230850, approved 19 January 2024.
- 55 Middleton Road, RM180458, approved 16 April 2018.

<u>91-180 Nights</u>

- 17 Middleton Road, RM200016, approved on 1 May 2020.
- 21 Middleton Road, RM210759, approved on 2 February 2022.
- 33a Middleton Road, RM191324, approved 24 January 2020.
- 33b Middleton Road, RM200134, approved on 17 March 2020.
- 22 Middlton Road, RM250652, submitted but not yet approved.

<u>0-90 Nights</u>

- 45 Middleton Road, RM210373, approved on 20 May 2021.



***Figure 2**: Location of existing approved RVA/VA. Blue is subject site. Yellow highlighted sites are 365 nights, green highlighted sites are 91-180 days and pink highlighted site is 90 days.*

1.2 The Proposal

The Applicant is seeking consent to construct two, two storied residential units on site to be held in two fee simple titles, see Figure 3 below. The unit on lot 1 will include four bedrooms, three bathrooms/ensuites and an open plan kitchen/living/dining area. An oversized single garage will be provided for each unit, on the lower level. The unit on Lot 2 will be much the same as the other unit with the exception of a fifth bedroom/media room included on the upper floor.

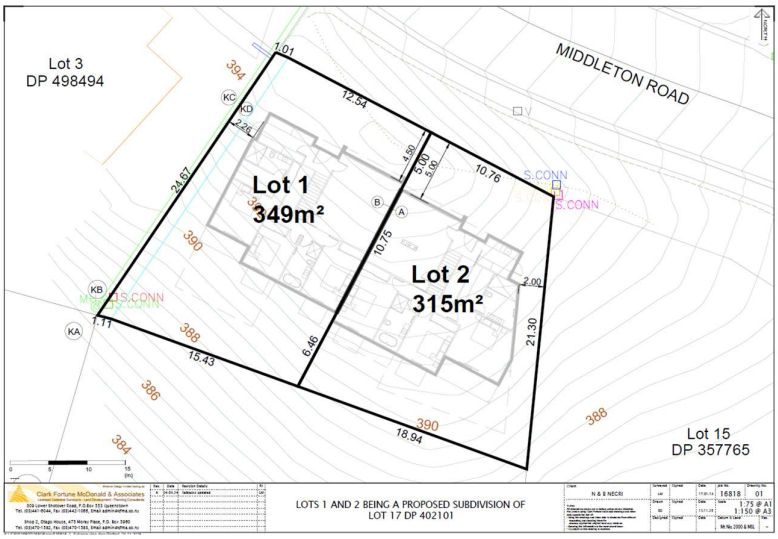


Figure 3: *Proposed subdivision*

The unit on lot 1 will have a total area of 265.3m², split over both levels, while the unit on lot 2 will have a total area of 289m², split over the two levels.

The overall development will have a building coverage of 267.4m² or 40%. Permeable surface areas will both exceed 30%.

The units will comply with the 7m height limit for sloping sites noted in the District Plan. All setbacks will be complied with as well, including the road boundary setback requirement. Space has been dedicated on both lots for the locating of recycling bins and heat pumps. This space is able to be screened from the adjoining legal road via landscaping.

Proposed lot 1 will have an area of 349m² and Lot 2 will have an area of 315m².

Earthworks will be required to be undertaken to prepare the site for building. The anticipated earthworks will result in approximately 1030m³ of cut, and 380m³ of fill. It is likely that the fill will be able to be generated from the onsite cut material. Therefore, the total surplus material to be removed from site will be 650m³. The maximum depth of cut is 3.8m and the height of fill will be 1.6m. The preliminary Geotech report suggests that rock may be encountered in some of the deeper cuts, however this has not been confirmed.

The site is located with a Wahi Tupuna (Te Tapunui), however does not breach the earthworks stipulations included in Chapter 25 as they are within an urban environment which is expressly included in Rule 25.5.10Aa.i.

Some retaining is proposed to be undertaken on site. This retaining will vary between 0.5m – 1.5m, however for all walls over 0.5m, they will be offset from the boundary at least the same height as the walls.

The proposed vehicle crossings to each unit will be approximately 5m wide, with the grade of the driveways being 1:6 and 1:9, therefore complying with the PDP requirements. It is expected that the site lines distances should be able to be met. It will be tight in a southerly direction given the curve in Middleton Road, however will be easily achieved in a northerly direction.

Retaining to support the vehicle crossings will be required, given the topography of the site. These retaining walls will be located in legal road reserve and will require a licence to occupy from council.

The provision of services will be provided to both units as necessary. These will be installed as part of the development and subsequent subdivision. This will include connection to Council reticulated water supply, stormwater and sewage disposal for both lots. Given the site topography the stormwater and sewage disposal will be connected to Council reticulation via the laterals provided at the southern end of the site. Potable water supply, telecom and power supplies will be accessed off Middleton Road see below for detail.



Figure 4: *Servicing source: Council GIS*

We note that there is a council stormwater pipe on the adjoining site to the north west, which is approximately 0.5m offset from the site boundary. This stormwater pipe is quite deep below the existing ground level and will not be impacted by this proposal. This is confirmed by the section included on page 10 of the Archtectural Drawings, included as Appendix C to this application.

The applicant anticipates that the Council will levy a development contribution as part of a separate process for the additional unit to cater for the increase in demand on Council infrastructure. It is also anticipated that a condition of consent will be imposed to restrict the subdivision of the units until such time as the second floor on the units has been established.

The applicant wishes to be able to use the two units for residential visitor accommodation for up to 365 nights per annum. The unit on lot 1 will cater for a maximum of eight guests per night, whilst the unit on lot 2 will be limited to a maximum of ten guests per night. Only one group of guests will be permitted in each unit at any one time. Included in Appendix D to this application is a list of the House Rules and the House notice which outlines all the rules that guests would need to adhere to whilst staying in either of the properties.

Outdoor living spaces will be provided for both units at both ground level and at the upper level. On the ground level this will be provided via covered decks, patios and lawn areas. On the upper levels, outdoor living will be provided via decks, with each deck having a minimum area of 25m². All outdoor living areas are facing southeast towards Lake Wakatipu.

It is not proposed to identify a mobility park on either site.

The proposal includes volunteered conditions along with a Visitor Accommodation Management Plan included in Appendix H. The conditions include the following requirements and restrictions that manage the scale, intensity and frequency of the proposed residential visitor accommodation:

	Condition
1	*Rented to no more than one group at any one time and for a minimum of two nights per stay*
2	*The number of persons is restricted to no more than a total of eight adults / children combined.*
3	*No passenger service vehicle capable of carrying more than 12 people.*
4	*The use of all decks and terrace/patio areas are restricted to before 10pm*

5	*All rubbish and recycling shall be disposed of appropriately.*
6	*Residential Visitor Accommodation activities undertaken in accordance with the approved Visitor Accommodation Management Plan.*
7	*All vehicles associated with the Residential Visitor Accommodation shall be parked in the garage.*
8	*Each unit is professionally managed.*
9	*Section 128 and 129 review conditions are anticipated.*

1.3 Statutory Provisions

1.3.1 Queenstown Lakes District Plan

The subject site is located within the Medium Density Suburban Residential Zone of the Proposed District Plan, following the full council adoption of the recommendations of the Independent Hearing Panel on February 5 2026. Prior to this, the site was zoned Lower Density Suburban Residential Zone. There is no need to undertake any weighting in this instance as the outcome under either option is the same.

The site does not contain any known protected items or areas of significant vegetation. The site is identified under the Council Hazard maps as having a nil to low risk of liquefaction. The site is located within the Wahi Tupuna overlay.

Subdivision and LUC

Part 8, 25, 27, 29 and 36 of the Proposed District Plan are most relevant. The development requires consent for the following:

- A Restricted Discretionary Activity pursuant to Rule 8.5.17.1 as the proposed Residential Visitor Accommodation will exceed 90 nights a year.

- A Non Complying Activity pursuant to Rule 8.4.17 as it is proposed to undertake Visitor Accommodation not otherwise identified.

- A Restricted Discretionary Activity pursuant to Rule 25.5.3 to exceed 300m3 of earthworks. The proposed development is to include a total of 1,400m³ of earthworks.

- A Restricted Discretionary Activity pursuant to Rule 25.5.15 to exceed a cut of 2.4m. The maximum cut height will be 3.7m.

- A Restricted Discretionary Activity pursuant to Rule 25.5.2 to transport more than 300m3 of cleanfill off site. It is proposed to remove approximately 600m3 of cleanfill off site.

- A Restricted Discretionary Activity pursuant to Rule 27.5.7 to undertake a subdivision in the Lower Density Suburban Residential Zone, noting that no minimum allotment size applies pursuant to 27.7.37.

- A Restricted Discretionary Activity pursuant to Rule 29.5.4 for failing to provide a designated mobility park.

Overall, the proposed development is a Non Complying Activity

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

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

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

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

Part 6(2):
One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—

> *(a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or*
> *(b) has available to it from the regional council.*

There is no property information held by either the Queenstown Lakes District Council or Otago Regional Council in relation to this property and any HAIL matters. Consideration will also have been given to this matter under the NES under the previous subdivision consenting.

It is considered highly unlikely that any activities have been undertaken on the site that would be a risk to human health. Given the above, it is understood that the land for which resource consent is being sought is not considered as being HAIL land under sub-clause (7) section 5 of the NES. Accordingly, consent is not required.

2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT:

2.1 Permitted Baseline

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

Residential activity can include:

- The occupation and use of the subject unit and individual bedrooms for rental on a long-term basis and the non-commercial use of holiday homes;
- The occupation and use of part of the subject unit as registered homestay accommodation for up to 5 paying guests;
- Vehicle numbers associated with tenanted residential occupation in the subject units commensurate with the number of occupants i.e. three bedrooms containing a total of six people who may own six cars;
- Traffic generation of suburban residential development at 8 - 10 vehicle movements per day[1];
- Vehicle movements during all hours of the day required by tenants employment i.e. hospitality workers;
- Earthworks which do not exceed 300m3, a fill depth of 2m and a cut height of 2.4m
- Two units on the site which comply with all the bulk and location requirements outlined in Chapter 7

2.2 Affected Party Approvals obtained

The applicant has approached a number of nearby property owners to obtain their affected part approvals. Those that have been obtained are as follows:

- 1 Angelo Drive
- 40 Middleton Road
- 42 Middleton Road
- 43 Middleton Road
- 45 Middleton Road
- 37a Middleton Road
- 35 Middleton Road
- 33a Middleton Road
- 33b Middleton Road

Pursuant to Section 95D of the RMA any potential adverse effects on these neighbours cannot be considered when council are determining if the effects of the proposal are more than minor.

2.3 Matters for Discretion

Amenity Values/ Sunlight Access/ Dominance / Neighbourhood Character

The proposed development will provide for two residential units on a site which measures 665m² in area. As such, the density of this two-unit development is in keeping with that anticipated and provided for under the PDP subject to its effects on neighbours and on this immediate environment. A comprehensive assessment of the proposal has been undertaken in respect to the Residential Design Guidelines for development under 450m², see below for detail.

The development will comply with the eight metre height limit specified. For the majority of the units, the max height will be well within the 7m height limit. All bulk and location requirements such as internal and road boundary setbacks, permeable area, site coverage and continuous building length are all complied with.

The lower level of the two units will be located down below the centre line of Middleton Road by approximately 0.3-2.7m, this helps to limit the bulk that is visible above the road for users who frequent this public space, either via motor car or by walking/cycling.

The proposed units will not cause any shading or dominance over any adjoining site, given the difference in topography between all the sites and compliance with the 7m height limit for the zone.

Further all of the existing units, in close proximity to the subject site, have their predominant views to the south towards Lake Wakatipu. The units which potentially could have their views of the lake inhibited by this proposal are 40 and 42 Middleton Road. There is no approved development for 40 Middleton Road. The buildings approved at 42 Middleton Road via RM240417, have a minimum floor level of 400.16. The maximum height of the proposed units on the subject site is approximately 397masl. This is significantly lower than the floor levels of the units directly north of the subject site. Further to this, both of these allotments have provided their APA for this development.

The materials proposed to be used on the units include schist veneer, vertical colour steel and spotted gum weatherboard cladding. The roofing cladding will match the cladding that has been used on the external walls.

The proposed planting to be undertaken along the road frontage to soften the appearance of the units when viewed from Middleton Road. It is also proposed to plant between the driveways of each unit to ensure that it is clear where any visitor parking is to be obtained for each unit, as shown by Figure 9 below. This will ensure that the proposed retaining and units will have negligible adverse effects on the character of this residential environment.



Figure 5: *Proposed Landscaping.*

The overall bulk and scale of the units as viewed from the road reserve will be in keeping with what could be expected in this zone. The development will be a high-end quality build, that will enhance the character of this new residential environment. It will meet the 40% building coverage, all internal setbacks and recession plane requirements for accessory buildings. Overall, the proposal will continue to protect adjoining amenity values and will not be out of character with established and anticipated development in this residential environment.

Access/ Car Parking

Both units will provide for one car park in the oversized single garage as discussed above. Both of the proposed garages are setback from the road reserve boundary by at least the minimum distance specified in the PDP of 4.5m

The road reserve in this location has a separation distance of approximately 4.7m from the site boundary to the formed footpath that fronts onto Middleton Road, see figure 6 below. In the event that a vehicle parks behind the garage (noting this is not an identified park), any adverse effects of potential overhang beyond the boundary will be negligible given this setback.



Figure 6: *Setback from the site boundary to formed footpath.*

Due to the nature of the topography of the site and the grade of the adjoining road, the driveways to the two units will be quite steep, however they are short in length and do comply with the PDP max grade of 1:6.

The proposed earthworks will include 1,030m³ and 380m³ of cut and fill respectively. The maximum cut will be approximately 3.8m deep as discussed above. This has potential to include some rock breaking, as noted in the attached geotechnical report in Appendix E.

Scale and Character

The proposed earthworks will be in line with what is expected on a site which has topography such as this. The earthworks will be setback from the southern and eastern boundaries and the majority of the western boundary such that there will be no encroachment beyond the site boundaries. The northern boundary is the road boundary and will require earthworks to extend beyond this boundary and into the road reserve to facilitate the construction of the vehicle crossings at an appropriate grade.

It is likely that given the depth of cut, being approximately 3m at a distance of approximately 2.2m from the boundary, it will need be achieved via a temporary cut with a batter of 1:1 before steepening this up in short lengths, at such a time as the retaining walls can be constructed. This method ensures compliance with the batter slopes noted in the attached Consent Notice (8283600.6) and will also provide assurances that the site boundaries will not be breached.

The scale (including the level of cut) and volume of earthworks proposed are not out of character with previous development in this surrounding environment where many of the sites are steep and have had retaining undertaken, to establish building platforms and driveways. As long as all on site works are monitored, all geotechnical recommendations are met, and conditions of consent are adhered to, it is considered that any adverse effects as a result of the proposed earthworks will be minor. It is also anticipated that conditions will include a requirement for standard mitigation measures in respect to sediment and erosion control during construction to ensure any effects are internalised. An Environmental Management Plan has been provided in Appendix G to address any off-site effects as a result of the development.

Earthworks Traffic Movements

The volume of earthworks being removed off site will be approximately 650m³ after some of the cut has been used for fill and landscaping. The effects of this will be an increase in heavy vehicle movements to and from the site on the surrounding roading network. It is considered, however, that the roading network has the capacity to absorb this temporary increase during the construction phase. Standard conditions of consent will ensure that if any damage is incurred to roading as a result of these movements, this will be remediated on completion.

The effects will likely be restricted to a period of approximately 3-4 weeks and during hours where the majority of adjoining and surrounding residents are off site. Furthermore, the construction management plan imposed through condition of consent will require all neighbours to be advised of the works prior to commencing and a clear complaints system will be put in place. Any adverse nuisance effects on the immediate neighbours will be less than minor and temporary in nature.

Noise Levels from Earthworks

The proposed earthworks are likely to generate a certain level of noise. Depending on if rock is encountered on site, and how much, will determine what level of noise neighbours will experience. The amount of rock on this site cannot be accurately determined until such a time as works commence. Certain conditions of consent can be included to ensure the applicant and their contractors actively monitor the rock encountered and employ suitable mitigation measures such as a breaker shroud, acoustic shielding or the use of acoustic blankets should consecutive rock breaking be required. Limited hours when rock breaking can also be imposed by way of conditions of consent, whilst also preventing any work on site on a Sunday or public holiday.

The proposed works are not out of character with what could be expected on a site of this nature and the topography necessitates extensive earthworks in order to establish the development. The noise will be temporary and restricted to hours when the majority of residents in the wider area will be off site.

When assessing effects on neighbours emphasis must be given to the temporary nature of the effects and the intermittent noise levels generated by rock breaking. The increased levels will not be generated for any extended time. Construction noise is a permitted activity in the residential environment and the levels proposed are not out of character or excessive for a development located in this area where rock breaking is often necessary to develop the site.

Servicing

The proposed units will be serviced via Council reticulation in respect of potable water, stormwater and sewage disposal. As outlined above, potable water will be accessed off Middleton Road while sewage and stormwater disposal will be connected to reticulation via the existing reticulation present at the southern boundary of the site.

Separate connections to all three waters will be provided to each of the proposed units/lots. Suitable easements will likely be required to extend connections to each unit from the point of supply provided as part of the underlying subdivision.

As noted above the existing stormwater pipe which runs 0.5m offset to the subject sites western boundary, in the neighbouring land, will not be adversely effected by this proposal as there will be no load created on this existing 450mm pipe.

Confirmation from Chorus and Aurora has been obtained in respect to the supply of telecommunications and power to the proposed units and is included in Appendix D.

Conclusion

In considering the effects of the development, the evaluation requires a holistic assessment over the entire proposal and range of effects. This includes the effects of the density and height, yard setbacks, parking, and extent of earthworks. For reasons outlined, it is considered that the overall effects of the development will be less than minor. Furthermore, the immediate neighbours to the west of the site have given their affected party approval for the use of the site for visitor accommodation for up to 365 days a year

Given the reduced size of the sites below 450m² consideration must be given to the residential design guidelines as follows:

Residential Zone Design Guidelines 2021

Under the previous zoning of Lower Suburban Residential Zone an assessment was required to be undertaken against the Residential Design Guidelines. This is no longer a requirement of either section 7 or 8 of the PDP, however it has been included for completeness.

i) Encourage Housing Diversity

As a vacant site, the development will be an efficient use of this land and will contribute to the availability of housing stock and diversity in the area.

ii) Well Defined Entrance

The overall design of the units are considered suitable for a development of this nature. The entrances will be well defined alongside the garage doors, with foot access via the steps provided from the adjoining road. The units will have a clear and attractive interface with the road boundary.

iii) Building Dominance and Sunlight Access

The units will result in an overall site coverage of 39% which will comply with the maximum building coverage of 40%. It will also comply with side yard setbacks along all internal boundaries. Both units are within the 7m height limit for sloping sites in this zone. The topography of this site in relation to the adjoining sites is such that it will not cause any shading or dominance over and above the level which would be expected in this zone as a permitted activity. Further the units directly south of the subject site have their outdoor living all facing south towards the lake, which is in an opposite direction to the proposed site and associated development.

The proposed front façade will not dominate the road boundary given their location partially below the centre line of the adjoining Middleton Road. The development is in keeping with the character of existing units in this neighbourhood and their overall scale, design and form will be in keeping with what is expected in this residential environment.

iv) Connections to Open Space

The site does not adjoin any areas of open space. There is open space which is council owned, within 100m of the site, in a northerly direction.

v) Outdoor Living Space

The units will both have access to open space via the decks located off the upper level and the patios and covered decks on the ground floor.

vi) Access to Transport

The site is located walking distance to public transport along Frankton Road, with the closest bus stop being located approximately 730m away.

vii) Waste/ Services

The proposed units will provide for dedicated bin storage in screened areas to the side of each of the garages.

viii) Private and Safe Environment

As discussed, the development will not compromise the amenity of this area, including the privacy and safety of the surrounding residents.

ix) Low Impact Design

The proposed development will comply with the 30% permeable surface coverage ensuring any runoff will be limited to those levels anticipated under the District Plan.

x) Building materials and environmental sustainability. Landscape, materials, and planting

The units will be consistent in their use of building materials with existing development in this residential environment. The proposed landscaping along the road side boundary will assist with maximising amenity for both residents of the site and those of nearby dwellings.

Overall, for reasons outlined above, it is considered that the proposal will meet the outcomes sought in respect to residential design under the District Plan.

Conclusion

For reasons outlined, it is considered that the overall effects of the development will be less than minor.

Residential Visitor Accommodation

The location, nature and scale of activities

The use of the units for RVA will not exacerbate or alter any adverse visual effects in respect to the scale (bulk) and location of the units, from what would exist if the units remained purely for residential use. When viewed from adjoining public places (Middleton

Road) the units will not appear any different from what they would if they were used as a permitted activity i.e. residential or RVA up to 90 nights a year.

When designing these units the applicant did not propose anything different because they were possibly to be used for visitor accommodation in the future, when compared with them being used solely for residential purposes.

The scale and nature of the activity on site will change in that the consent will potentially result in no long-term residential activity on the site. This change has the potential to affect the surrounding residential character and compromise any residential cohesion that may, or could, exist in this environment.

In respect to residential character, it is considered that the proposed activity will have negligible adverse effects. The construction of the units whether for RVA or solely residential use will not be done any differently and the scale of the activity could be considered comparable or less. Given the accessibility to town, it is likely the unit would accommodate residential activity with up to eight or ten permanent tenants (depending on which unit) year-round with associated effects including noise levels, vehicle movements and parking requirements. In contrast, with Queenstown Airbnb occupancy rates around 70% it is not fanciful to suggest that the units proposed accommodating RVA could be unoccupied for 30% of the year or approximately 110 nights

With only one group permitted on site at a time as RVA, vehicle movements and parking requirements are likely to be less in comparison, see below for further detail. Noise levels will be more restricted under RVA through limitations on the use of outdoor living spaces that would not be otherwise restricted. Overall, it is considered that in comparison to those effects permitted, the proposed RVA and any associated effects will have negligible adverse effects on the surrounding residential character.

A discussion paper on residential coherence was prepared by Hill Young Cooper Ltd as part of Plan Change 23 which was used as supporting documentation to QLDC reporting on the District Plan Review. The definition of residential coherence in this paper included three elements: *Stability*, *Character* and *Identify*.

The physical dimensions of stability strongly relate to people knowing who lives next door, and not experiencing a constant flow of strangers. In defining the above elements which influence residential coherence it is apparent that residential cohesion is a human attribute and factors are described at times as a “sense”. This sense is considered to be neighbourly relations shared by directly adjoining or adjacent neighbours.

Within 100m either direction, up and down Middleton Road, from the subject site, there is a total of 20 residential units. Of these 20, seven currently have approved RVA (180-365) consents, which equates to 35% of the total units. We note that all of these units are clustered in one group of higher density units, with bigger stretches of solely residential dwellings along Middleton Road which will assist in strengthening residential cohesion.

Further along Middleton Road, in either direction from the subject site, there are some approved RVA's for up to 180 nights. These units can therefore still potentially support residential activity.

Should this consent be granted it will still result in 59% of the immediate vicinity around the subject site, being used for residential activity, therefore can be considered the dominant use.

Vehicle access and parking

The provision of the oversized single garage for both units will ensure that residents or guests will have the ability to park off the road. There is potential for additional parking to be provided behind the garage, without impacting on pedestrian safety on the footpath present in Middleton Road, given the large separation distance to the footpath.

The lack of a specified mobility park for the exclusive use for either of the units will not cause any adverse effects as the garages on each site will be large enough to be considered a mobility park as the dimensions are 5.2m wide and 6.1m deep. However, given there is no lift proposed in the units, it is not likely that these units will be occupied by people who require a mobility park. An advice note on any advertising will be included to ensure that future guests are aware of the lack of mobility services.

In terms of traffic generation, the existing environment anticipates traffic generation from suburban residential development at approximately 8-10 vehicle movements per day and this constitutes the permitted baseline. Therefore, any consideration of adverse effects from the proposal must acknowledge this baseline. Traffic generation associated with RVA (VA) is widely accepted at approximately 3 - 6 vehicle movements per day. As such, traffic generation associated with the proposal has potential to be below the level anticipated in the existing environment.

Subject to conditions of consent, any potential traffic effects associated with the RVA will be negligible

The management of noise, rubbish, recycling and outdoor activities

The noise and outdoor activities will be managed by the house rules and notice which will be easily accessible to all guests.

The rubbish and recycling requirements will also be included in the same notices. The provisions for these services will be readily accessible off the laundry on the lower level of both units.

Privacy and overlooking

The affects of the proposal on 37b and 41 Middleton Road have been considered only as all other surrounding neighbours have provided their affected party approval.

The established dwelling at 37b Middleton Road has very limited windows on the western façade of the building, which is the closest façade to the subject site. The windows that are shown on this façade are located high on the external wall and are not ones that are in the direction of the predominant views, which are to the south, towards Lake Wakatipu. A snip of the windows on this side of the building, taken from the approved building plans, is shown below as Figure 7:

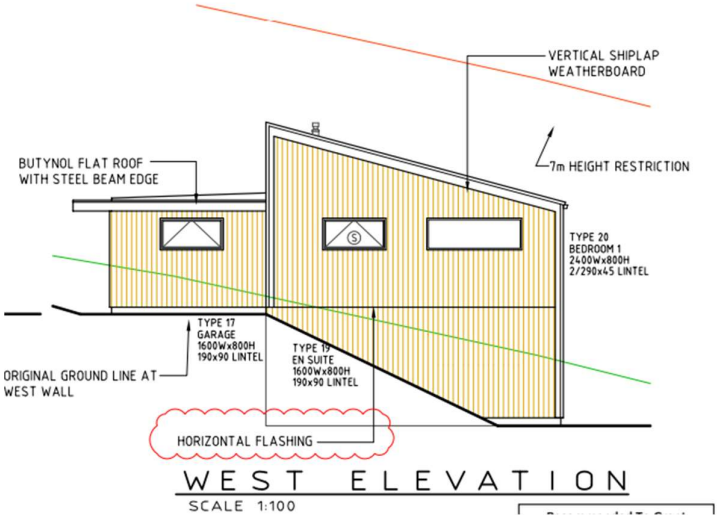


Figure 7 – Approved plans for 37b Middleton Road

We note that the FFL of the ground level of 37b Middleton Road, where the majority of the outdoor living is located, is 386.00, being over 5m lower than the ground level of the subject dwellings. The deck at the upper level of the of the neighbouring property is 388.70, which is 2.6m lower than the subject site, and faces in a southerly direction, away from the subject site. Therefore, given the established vertical separation and the orientation of the outdoor living areas of this dwelling at 37b Middleton Road, it is very unlikely that any adverse effects, as they relate to privacy and overlook, will result from this proposal.

In terms of 41 Middleton Road, this is contained within the upper two floors on the southern end of this building. There are a number of large windows located on this elevation and a deck as shown by Figure 8 below, however all of them are located at a level which is substantially above that of the subject site, being 397.96. Noting the deck on the proposed dwellings on the subject site will be at a level of approximately 393.8, which is approximately 4m lower than the adjoining site. The maximum height of the subject dwelling is approximately 397.5. Therefore views from the window and deck of 41 Middleton Road, will be across the top of the roof and will remain un-impeded by this proposal, further, given the subject site is significantly lower than 41 Middleton Road, the impact on privacy will be less than minor.

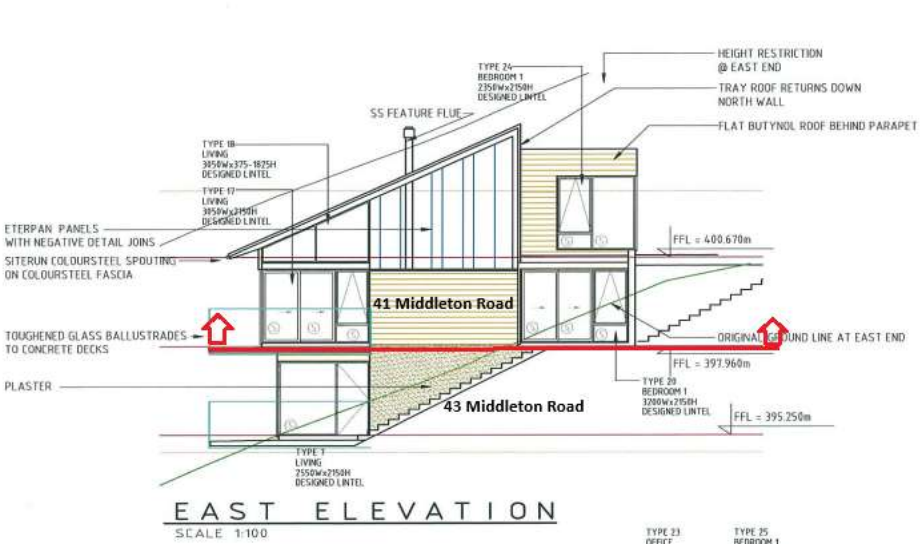


Figure 8 – Approved plans for 41 Middleton Road

Outdoor lighting

The proposal does not include any outdoor lighting.

Guest management and complaints procedures

Guest management and complaints procedures are to be undertaken in accordance with the Visitor Management Plan as contained in Appendix H. Subject to compliance with these requirements, the proposal is considered to satisfy this assessment matter

The keeping of records of residential visitor accommodation use, and availability of records for council inspection; and

Record keeping and the availability of records for Council inspection are to be undertaken in accordance with the approved Visitor Management Plan as contained in Appendix H. Subject to these requirements, the proposal is considered to satisfy this assessment matter.

Monitoring requirements, including imposition of an annual monitoring charge

Monitoring requirements are administered by the Visitor Management Plan contained within Appendix H and the inclusion of standard conditions of consent as contained. Subject to these requirements, the proposal is considered to satisfy this assessment matter

4.0 PROPOSED DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT

The most relevant Objectives and Policies are found in Part 8 – *Medium Density Residential,* Part 27 *Subdivision* and Part 25 *Earthworks.*

Chapter 8 Residential

8.2 Objectives and Policies

Objective 8.2.2 *- Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.*

Policy 8.2.8.1
Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).

Policy 8.2.2.2
Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping

Policy 8.2.2.3

Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.

Policy 8.2.2.4

Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

Policy 8.2.2.5

Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

Comments

In the Medium Density Zone, under Part 8 the objectives and policies seek to provide land that will assist in preventing urban sprawl and increasing the housing supply. It is expected that this zone will provide for a more diverse range of housing options, whilst still providing a high level of amenity for the zones present and future residents.

For reasons outlined in Section 2 above it is considered that the proposal will continue to protect amenity values and to provide a positive contribution in terms of its built form to this environment. The development will not compromise privacy levels or sunlight and/or daylight access to any adjoining dwellings that have not provided their affected party approval.

Both of the units will have a connection with the street via the inclusion of large windows directly above the garage door which will overlook Middleton Road, the provision of the steps which provide a clear access from the street to the front door and the proposed landscaping to be undertaken within the road setback of the subject site.

The units are to be finished to a high standard, with an appealing street frontage that does not predominantly consist of a garage door. The materials proposed to be used include both schist, cedar and coloursteel which together act to provide interest in the façade when viewed from the adjoining public road and minimise the appearance of the overall bulk of the building.

The development clearly defines the main entrances and provides for a streetscene that fits comfortably in this neighbourhood. It is considered a well-designed, quality build that

will be a feature of this residential environment, providing a positive contribution to this neighbourhood.

It can be considered that the proposal is entirely in keeping with what could be expected in this zone when considered against those effects that could be generated as of right

Objective 8.2.11 *- Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.*

Policy 8.2.11.2

Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones and the Wānaka Town Centre Transition Overlay to ensure that the zone maintains a residential character

Policy 8.2.11.3

Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

Policy 8.2.11.4

Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects that differentiate them from residential activities.

Comment

Whilst the proposal is not located within a Visitor Accommodation sub zone it can be considered that the residential character of this part of the zone is retained as more of the properties than not on this part of Middleton Road, do not have consent for visitor accommodation (180+ nights).

The scale of the proposed units is in keeping with what has already been constructed within the immediate vicinity of the site. When viewed from outside the site the building appears no different than what it would be if it was to be used solely for residential uses. The building is within the maximum height limit for the Medium Density Zone, is cognisant of the

boundary setback requirements and the site coverage rules and has note been designed any differently to accommodate the proposed visitor accommodation use.

As previously mentioned the dwelling will be finished to a high standard and will be a positive addition to the surrounding neighbourhood.

Given the nature of this residential neighbourhood being located on steeply sloping land, adjoining neighbours to this site are all located on levels which are quite different from the subject site. This assists in protecting privacy of the adjoining neighbours. The closest neighbours that may be overlooked are those to the south of the subject site at 35 Middleton Road, this site is currently devoid of any development, however at such a time as development is undertaken on the site, it is likely to be orientated towards the lake in a southerly direction, in line with the adjoining site. If this is the case the proposed units will not directly overlook any future outdoor living areas of a dwelling on this neighbouring site.

It is considered that the development is an appropriate design solution for this site, providing for a density anticipated in this zone while continuing to safeguard future adjoining amenity values.

Chapter 27 Subdivision

Objective - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.

Policies 27.2.3.1 Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7. 27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:

a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
b. where possible, locate lots so that they over-look and front road and open spaces;
c. avoid the creation of multiple rear sites, except where avoidance is not practicable;
d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
e. identify and create opportunities for connections to services and facilities in the neighbourhood

Objective - Infrastructure and services are provided to new subdivisions and developments.

Policy 27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.

Policy 27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Comment

All servicing will be adequately provided for. Given the residential zoning of this land, servicing of these lots has been anticipated and provided for by Council insofar as its reticulated services. As such, the development is considered consistent with the relevant objectives and policies of this zone.

Chapter 25 Earthworks

25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.

Policy 25-2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development.

Policy 25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas

Policy 25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.

Policy 25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

Policy 25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects

Comment

The proposed earthworks will not compromise the stability of the subject site or any adjoining site as earthworks will not be undertaken in close proximity to any boundary apart from the road boundary. All works will be engineered where necessary and appropriate sediment and erosion controls will be put in place during construction to ensure all effects are internalised within the site, as per the attached EMP. It is anticipated that proposed earthworks will be carried out over a three to four week period and during construction hours. As such any nuisance effects including those from noise levels during construction will be temporary in nature and minor in scale.

Overall, the proposal is considered to be in accordance with the relevant objectives and policies of the Proposed District Plan.

5.0 RESOURCE MANAGEMENT ACT 1991: PART 2

The proposal aligns with the Medium Density Residential Zone requirements for residential buildings, residential visitor accommodation and associated subdivision. This development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy and mitigate adverse effects of activities on the environment.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

AEE prepared by **Emma Dixon**
CLARK FORTUNE MCDONALD & ASSOCIATES
March 2026

APPENDIX A Record of Title/ Consent Notices
APPENDIX B Development, Earthworks and Scheme Plans
APPENDIX C Affected Party Approval
APPENDIX D Servicing Approvals
APPENDIX E Geotechnical Assessment
APPENDIX F Environment Management Plan
APPENDIX G VAMP