Reference	25.147
Date	7 August 2026
Location	25 to 29 Robins Road, Queenstown
Legal Description	Lot 1 Deposited Plan 535870 held in Record if Title 88241 and Lot 2 Deposited Plan 533870 held in Record of Title 888242
Applicant	Wolfbrook Residential limited
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative, Proposed and Proposed (UIV)
Zoning	Operative – High Density Residential Sub Zone C Proposed – High Density Residential Proposed (UIV) – High Density Residential A
Proposal	Resource consent is sought to construct 18 residential units with attached residential flats, utilise the units for residential visitor accommodation for up to 365 nights a year and undertake a subsequent subdivision; and Resource consent is sough under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health to disturb soil with elevate arsenic and zinc levels.
Activity Status	Non-complying Activity - Proposed District Plan Non-complying Activity - Proposed District Plan (UIV) Restricted Discretionary Activity – NES for Assessing and Managing Contaminants in Soil to Protect Human Health

1.0 INTRODUCTION

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

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 1 Deposited Plan 535870 held in Record if Title 88241 and Lot 2 Deposited Plan 533870 held in Record of Title 888242. Copies of the Records of Title are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION & BACKGROUND

3.1 The application site comprises two adjoining properties (held on separate titles) at 25 to 29 Robins Road, Queenstown. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The site falls relatively steeply from Robins Road in the west to Horne Creek, which flows north to south, in the east.

3.3 25 Robins Road is 1,000m^2 in area and irregular in shape, with road frontage on Boundary Street to the south east and Robins Road to the west. The existing building on site comprises two residential units, originally having been constructed as a three bedroom dwelling over an open basement in 1982 with the basement then being enclosed to form a 2 bedroom residential unit in 1994. The existing building is located approximately 1.5m to 2.5m from the southern boundary of the site.

3.4 The residential units were then converted to a Montessori child care centre in 2000 (RM000393) with subsequent variations in 2009 (RM090313) and 2010 (RM100432). The child care activity has ceased and the building has reverted to residential use.

3.5 A footbridge crosses Horne Creek and provides pedestrian access to a small carpark (established as part of the consented child care activity) on the eastern side of the creek and accessed by way of a vehicle crossing onto the turning head at the southern end of the Boundary Street formation.

3.6 While the site has frontage to Robins Road access to 25 Robins Road is limited to pedestrian access with steps and an access ramp formed within the road reserve.

3.7 Similarly 29 Robins Road measures 1000m^2 in area and includes two residential units and a car port and storage building in the north west corner of the site. As with 25 Robins Road the original dwelling, constructed around 1969, was a single storey dwelling constructed on piles. The piles were subsequently enclosed to form a second residential unit in 1974.

3.8 In 1996 the existing residential units at 29 Robins Road were converted to an educational facility, the Queenstown Language School being consented under RM960544. The language school was subsequently closed with the established Montessori child care centre at 25 Robins Road expanding into the building, as consented under RM110040.

3.9 The child care activity no longer operates from 29 Robins Road and it appears that the building has also reverted to residential use.

3.10 Access to 29 Robins Road is provided by way of a vehicle crossing located at the north western corner of the site with steps and an access ramp providing pedestrian access.

3.11 Both sites are vegetated in mature domestic landscaping and the fences and play areas associated with the previous child care uses are still evident.

3.12 As noted above Horne Creek flows through the site from north to south. The creek is an urbanized watercourse, having been realigned in the past however it still provides amenity to the site and wider area.

3.13 A stormwater easement extends from west to east through 25 Robins Road, just to the north of the existing building.

3.14 The sites are close walking distance to the Queenstown town centre and are on a bus route.

3.15 The site has connections to the Council reticulated water and wastewater networks from a water main within Robins Road and a wastewater main that runs through the site as shown in **Figure 2** below. The wastewater main runs through both sites and below the existing building on 25 Robins Road.

3.16 At the time of preparing this Assessment of Environmental Effects Council are in the process of installing a pressure sewer in Robins Road. All properties along Robins Road (that currently connect into the existing wastewater main that passes through the site) will be required to connect into the new pressure sewer with pumped connections.

3.17 As noted above, a 750mm stormwater line runs through the site and discharges to Horne Creek, serving the wider area to the west. Both sites have existing telecommunications and electricity connections.

3.18 A fire hydrant is located in Robins Road immediately adjacent to the north west corner of the site. Additional hydrants are located 75m to the south, at the intersection of Robins Road and Boundary Street, and 70m (as the crow flies) to the east at the intersection of Gorge Road and Boundary Street.

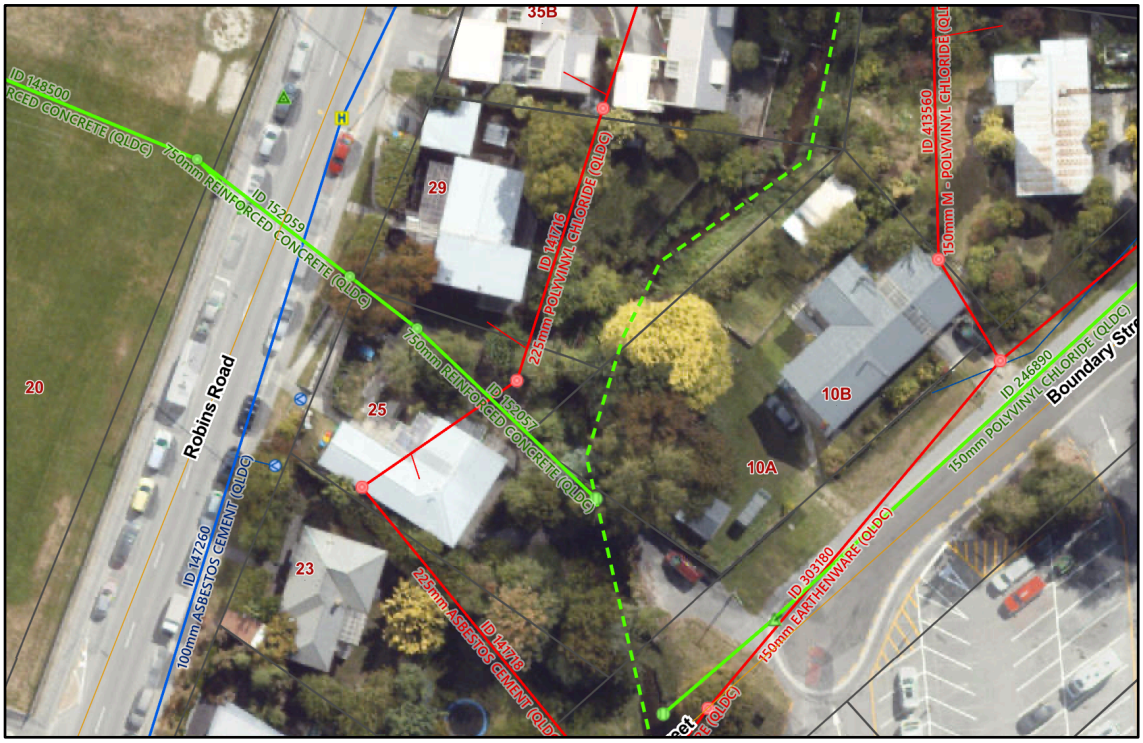


Figure 2 – Existing Services

3.19 The surrounding environment is occupied primarily by older residential development. The buildings on site and in the wider area are old and likely reaching the end of their practicable life. There is a visitor accommodation activity to the south and a multi-unit residential development with residential visitor accommodation that has been proposed on Boundary Street immediately to the east site (RM250688). While the proposed multi-unit development to the east is yet to be granted it would add 68 dual key residential units to the immediate environment.

3.20 The site and wider area on the east side of Robins Road is zoned High Density Residential and High Density Residential A under the Proposed District Plan and Proposed District Plan (Urban Intensification Variation) respectively and the properties to the east, that adjoin Gorge Road are zoned Business Mixed Use. Given the age of the properties in the immediate vicinity of the site and the enabling zoning that applies it is likely that the site and wider area will experience significant change in the short to medium term as sites are redeveloped.

3.21 To the south the Queenstown rugby grounds and memorial hall sit between the site and the Town Centre.

4.0 PROPOSAL

4.1 Resource consent is sought to construct 18 residential units each including an attached residential flat and to undertake a subsequent subdivision. Consent is also sought to utilize the units and flats for residential visitor accommodation for up to 365 nights a year. A copy of the proposed plans has been included as **Appendix B** to this application.

Buildings

4.2 All existing buildings and structures will be demolished and removed from site. The 18 proposed residential units will be constructed across four buildings. Blocks B and C will be set higher on the site, adjacent to and fronting Robins Road. Block A will sit lower on site with the apartments oriented towards the north. Block D will be at a similar level to Block C, with undercroft car parking below. The Block D units will face east towards Horne Creek.

4.3 The proposed buildings are all three storeys in height with gable roof forms. The ground floor of each residential unit will accommodate a one bedroom studio flat, with the principal residential units above. The principal residential units will comprise living areas on the first floor and two bedrooms on the third floor.

4.4 Outdoor living will be provided by way of ground floor patios for the studio units and first floor balconies opening off the principal units' living areas.

4.5 Exterior cladding will comprise a mix of plaster, cedar weatherboards in natural or dark stain and profiled metal roofing in a dark powder coat.

Block A

4.6 Block A comprises four residential units and will be 17.4m in length. Pedestrian access into the units will be from the south with outdoor living oriented towards Horne Creek to the north. The maximum height of the block will be 12.88m.

Block B

4.7 Block B will be located in the south-western corner of the site and will comprise three residential units with outdoor and indoor living oriented towards the west. The building will be 13.2m long and 9m wide with a maximum height of 11.1m. These units will have glazing on all floors opening up over Robins Road to the west. The pedestrian entrance into the units will be from the east.

Block C

4.8 Located in the north-western portion of the site, Block C will be 21.8m long and 9 wide and include five residential units. These units will have indoor and outdoor living opening up towards Robins Road to the west. The units will have a maximum height of 12m. The pedestrian entrance into the units will be from the shared walkway between Blocks C and D to the east.

Block D

4.9 Block D will be located on the eastern side of the property adjacent to Horne Creek. Block D is proposed to be 26.2m long and 9m wide. The building will be constructed over undercroft parking and will have a maximum height of 14.47m. There will be six residential units within Block D with outdoor and indoor living oriented towards the Horne Creek in the east. The pedestrian entrance into the units will be from the shared walkway between Blocks D and C the west.

4.10 The overall site coverage for the development will be 37%.

4.11 The existing footbridge across Horne Creek has been identified as a barrier to flood flows within Horne Creek. The bridge will therefore be replaced with a new footbridge, either as part of the development of the adjoining property to the east (proposed under RM250688) or through the implementation of this proposed development.

4.12 The level of the new footbridge will be raised to remove the obstruction to flood flows and its position will be subject to detailed design. The location of the new footbridge shown on the proposed plans is therefore indicative only however pedestrian access across the creek will be maintained.

4.13 Communal rubbish and recycling bins will be provided within a secure enclosure in the established parking area adjacent to the site's Boundary Street frontage, accessed by residents by way of the new footbridge.

<u>Earthworks</u>

4.14 During the initial design phase of the development and at the time of preparing this Assessment of Environmental Effects works have been ongoing within Robins Road to install a new pressure wastewater main. Access to the application site has therefore been restricted since purchase

and the applicant's geotechnical engineers have not been able to access the site with the test rigs required to undertake a site specific geotechnical assessment.

4.15 Upon the completion of works within Robins Road, or as soon as the applicant's geotechnical engineers are able to access the site, a site specific geotechnical assessment will be undertaken. The findings of that geotechnical assessment may influence foundation design and consequently amendments may be required to the proposed earthworks.

4.16 In the meantime an indicative earthworks plan has been prepared and attached as part of the Civil Engineering Report prepared by Holmes Group and attached as **Appendix C** to this application. The indicative earthworks plan is based on assumptions drawn from the findings of geotechnical assessments on other properties in the wider area.

4.17 The earthworks shown on the indicative earthworks plan would involve 26m^3 of cut and 1,335m^3 of fill for a total volume of earthworks of 1,361m^3 over an area 1,524m^2. The maximum height of fill will be 2.6m, with earthworks undertaken up to the boundary of the site.

4.18 An Environmental Management Plan (EMP) and Erosion and Sediment Control Plan (ESCP) is being prepared by James Jackson of Springline and will be forwarded to Council when ready.

4.19 A Detailed Site Investigation (DSI) has been prepared by James Jackson of Springline, which has been included as **Appendix D** to this application. The DSI confirms that arsenic and zinc levels in the soil exceed the standard and will be required to be disposed of in an appropriate facility. A number of conditions have been volunteered in relation to the disposal of contaminated soils. The conditions have been included in **Appendix I**.

Servicing

4.20 A Civil Engineering Report has been prepared by Holmes Group and included as **Appendix C** to this application.

4.21 The proposed development will be connected to the existing water supply infrastructure in Robins Road.

4.22 The existing hydrants within Robins Road (and Gorge Road) will be relied upon to provide the required firefighting water supply.

4.23 Stormwater will be collected on site and discharged into the existing 750mm stormwater main that runs through the site and discharges into Horne Creek. For the reasons set out in the Civil

Engineering Report it is not proposed to attenuate stormwater on site. Instead the stormwater will discharge directly into the creek via the existing 750mm stormwater main.

4.24 Wastewater will be disposed of via a new connection to the existing wastewater infrastructure to the south. Given that all properties along Robins Road will otherwise be required to connect into the new pressure sewer that is currently being installed within Robins Road the existing sewer line that passes through the site and under buildings will be abandoned.

4.25 Electricity and telecommunications connections will also be extended to each unit. Confirmation from the relevant utility suppliers has been included as **Appendix E** to this application.

Access, Parking and Maneuvering

4.26 Vehicle access onto the site will be provided by way of a new vehicle crossing onto Robins Road. The vehicle crossing will be 5.5m wide and will sit between Blocks B and C. The new vehicle crossing will be 5.5m wide and lead to an accessway of the same width that descends to the lower level between Blocks B, C and D. The accessway will have a maximum gradient of 1 in 4.9 over a 13m stretch with 1 in 8 transitions at either end to ensure that breakover angles are complied with.

4.27 The accessway will lead to an undercroft car parking area with 18 parking spaces. The carparks will be 2.4m wide and 5m long, with an aisle width of 6.1m.

4.28 Pedestrian circulation will be provided throughout the site with walkways and stairs providing access from the car park level to the units above. As noted previously the existing footbridge across the creek will be replaced with a new footbridge providing access to the communal bin store and Boundary Street beyond.

4.29 Novo Group have prepared a traffic assessment in relation to the proposed development, which has been included as **Appendix F** to this application.

Landscaping

4.30 Landscape plans have been prepared by Innate Landscape Architecture and included with **Appendix B** to the application. The proposed landscaping includes native tree and shrub planting around the buildings and along the creek. The landscape plans also detail fencing around the site and between the proposed residential units.

Subdivision

4.26 Upon the completion of the construction, it is proposed to subdivide the site into 20 allotments, eighteen of which will accommodate a unit and outdoor living areas with two lots to be held in common ownership. Access to each unit will be protected by pedestrian and vehicle Rights of Way (ROW). Each unit will also have one car park protected by an easement instrument. The proposed Subdivision Scheme Plan has been prepared by Clark Fortune McDonald and is attached as **Appendix G** to this application.

4.27 As the District Plan provision make no exceptions for townhouses and apartments following subdivision, following the completion of the subdivision all units will breach setbacks and recession planes when taken from the new boundaries.

4.28 Following subdivision, the units located on Lots 2, 3, 6, 9, 10, and 11 will exceed building coverage. The proposed lot sizes and associated building coverage will be as follows:

Lot Number	Size	Building Coverage	Permeable Surfacing
1	78m^2 (68m^2 net)	55.4%	25%
2	61m^2 (54m^2 net)	71%	5%
3	61m^2 (54m^2 net)	71%	5%
4	82m^2 (66m^2 net)	57%	5%
5	89m^2 (56m^2 net)	67.3%	5%
6	56m^2 (49m^2 net)	78.6%	6%
7	71m^2 (57m^2 net)	66.1%	5%
8	76m^2 (54m^2 net)	69.8%	5%
9	59m^2 (54m^2 net)	71%	5%
10	59m^2 (54m^2 net)	71%	5%
11	59m^2 (54m^2 net)	71%	5%
12	95m^2 (59m^2 net)	63.9%	10%
13	80m^2 (74m^2 net)	50.9%	0%
14	64m^2 (58m^2 net)	66.1%	0%
15	64m^2 (58m^2 net)	66.1%	0%
16	64m^2 (58m^2 net)	66.1%	0%
17	64m^2 (58m^2 net)	66.1%	0%
18	116m^2 (81m^2 net)	46.5%	9%

Residential Visitor Accommodation

4.29 It is proposed to enable the use of the units for residential visitor accommodation for up to 365 nights a year. The number of guests will be limited to 2 per bedroom for a total of 2 guests per flat and 4 guests per primary unit (6 total).

4.30 The Residential Visitor Accommodation activities will be managed by a property management company to ensure that activities onsite are undertaken in accordance with any conditions of resource consent and a proposed Visitor Accommodation Management Plan (VAMP) is attached as **Appendix H** to this application.

4.31 A set of proposed conditions, which include conditions relating to noise, ongoing management in accordance with the management plan and monitoring and review provisions is attached as **Appendix I** to this application. The proposed conditions of consent include:

- A limit on the number of guests to 2 per bedroom;
- Restrictions in relation to the use of the outdoor areas between the hours of 10pm and 7am;
- Prohibition of the use of the property for parties or large gatherings;
- Rubbish and recycling management; and
- Provision to allow future owners to surrender the visitor accommodation consent on a unit by unit basis should they so wish.

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

5.1 The subject site is zoned High Density Residential in the Proposed District Plan and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 9.4.5 for a development that comprises more than 4 residential units per site. Council's discretion is restricted to the following matters:

  - location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area;

- building dominance and sunlight access relative to neighbouring properties and public spaces including roads;

- how the design advances housing diversity and promotes sustainability either through construction methods, design or function;

- privacy for occupants of the subject site and neighbouring sites;

- street activation;

- parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;

- design and integration of landscaping;

- where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:

    - the nature and degree of risk the hazard(s) pose to people and property;

    - whether the proposal will alter the risk to any site; and

    - the extent to which such risk can be avoided or sufficiently mitigated.

- The location, size, access, design and screening of waste and recycling storage space; and

- Consistency with the Residential Zone Design Guide 2021.

- A **restricted discretionary** activity land use consent pursuant to Rule 9.5.1.1 for buildings on flat sites that exceed a height of 12m. Block D is located on a flat site. Council's discretion is restricted to the following matters:

    - building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms;

    - building dominance and sunlight access relative to neighbouring properties and public spaces including roads;

    - how the design advances housing diversity and promotes sustainability either through construction methods, design or function;

- privacy for occupants of the subject site and neighbouring sites;

- effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);

- the positive effects of enabling additional development intensity within close proximity to town centres.

- A **restricted discretionary** activity land use consent pursuant to Rule 9.5.3 as Blocks A, B and C are on sloping sites and exceed the 7m height limit. Council's discretion is restricted to the following matters:

  - building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms;

  - building dominance and sunlight access relative to neighbouring properties and public spaces including roads;

  - how the design advances housing diversity and promotes sustainability either through construction methods, design or function;

  - how the design responds to the sloping landform so as to integrate with it;

  - privacy for occupants of the subject site and neighbouring sites;

  - effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);

  - the positive effects of enabling additional development intensity within close proximity to town centres.

- A **restricted discretionary** activity land use consent pursuant to Rule 9.5.6.1 as Block D will extend through the height recession planes along the northern elevation. All units will also breach recession planes following completion of the subdivision. Council's discretion is restricted to the following matters:

  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

- effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);

- external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.

- Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road and any proposed building is located within 9.5 meters of that road boundary, any adverse effects on that infrastructure.

- A **restricted discretionary** activity land use consent pursuant to Rule 9.5.9 as portions of the buildings will extend closer than 2m from the boundary. All units will also breach internal setbacks upon completion of the subdivision. Council's discretion is restricted to the following matters:

  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;

  - streetscape character and amenity;

  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan).

- A **restricted discretionary** activity land use consent pursuant to Rule 9.5.15 for the use of the units for residential visitor accommodation for more than 90 nights a year. Council's discretion is restricted to the following matters:

  - The location, nature and scale of activities;

  - Vehicle access and parking;

  - Privacy and overlooking;

  - Outdoor lighting;

- The management of noise, rubbish, recycling and outdoor activities;

- Guest management and complaints procedures;

- The keeping of records of the Residential Visitor Accommodation use, and availability of records for Council inspection; and

- Monitoring requirements, including imposition of an annual monitoring charge.

- A **non-complying** activity land use consent pursuant to Rule 9.5.5 as the units will exceed the 70% maximum building coverage upon the completion of the subdivision.

Earthworks

- A **restricted discretionary** activity land use consent pursuant to Rule 25.4.2 as the proposed earthworks volumes will exceed 300m^3 in an annual period. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.16 as the proposed maximum height of fill exceed 2m. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.18.2 as retained earthworks are proposed up to the boundary of the site. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.19.1 as the proposed earthworks will exceed 5m^3 within 10m of Horne Creek. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.21 as the more than 300m^3 of cleanfill will be removed from the site. Council's discretion is restricted to the matters listed in Rules 25.7.1.3, 25.7.1.7 and 25.7.1.9.

  The matters of discretion in Rule 25.7.1 are as follows:

  - Soil erosion, generation and run-off of sediment.

  - Landscape and visual amenity values.

- Effects on infrastructure, adjacent sites and public roads.
- Land stability.
- Effects on water bodies, ecosystem services and biodiversity.
- Cultural, heritage and archaeological sites.
- Nuisance effects.
- Natural Hazards.
- Functional aspects and positive effects.

Transport

- A **restricted discretionary** activity land use consent pursuant to Rule 29.5.2 as the car park sizes will not meet the requirements for Class 2 users. Council's discretion is restricted to the size and layout of parking spaces and associated manoeuvring areas.
- A **restricted discretionary** activity land use consent pursuant to Rule 29.5.6(e) as not all units can accommodate exiting the site in one reverse manoeuvre. Council's discretion is restricted to:
    - Effects on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment, including any positive effects on the efficiency or amenity of the site.
    - The design and location of required parking spaces, loading spaces, and on-site manoeuvring areas.
- A **restricted discretionary** activity land use consent pursuant to Rule 29.5.13 as the accessway will be narrower than required. Council's discretion is restricted to:
    - Effects, including positive effects on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
    - The design of the access, including the width of the formed and legal width.
    - The on-going management and maintenance of the access.

- Urban design outcomes, including any positive effects on urban design quality.
- The vesting of the access in Council.
- Any positive effects on achieving planned intensification and compact urban form.

- A restricted discretionary activity land use consent pursuant to Rule 29.5.16 as the proposed accessway will exceed the maximum gradient of 1 in 6. Council's discretion is restricted to:
  - Effects on the efficiency of land-use, safety and maintenance of the access and of the adjoining transport network, including any positive effects on the efficiency of land use.
  - Effects on congestion resulting from any inability of cars or certain types of cares to readily use the access.
  - Effects on the ability to provide adequate emergency vehicle access to the property/properties.
  - Any positive effects on achieving planned intensification and compact urban form.

<u>Subdivision</u>

- A **restricted discretionary** activity subdivision consent pursuant to Rule 27.5.7 for the proposed urban subdivision. Council's discretion is restricted to:
  - subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  - Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  - property access and roading;
  - esplanade provision;
  - the adequacy of measures to address the risk of natural hazards;
  - fire fighting water supply;

- water supply;
- stormwater design and disposal;
- sewage treatment and disposal;
- energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
- open space and recreation;
- ecological and natural values;
- historic heritage;
- easements.

5.2 Overall the proposed development requires a **non-complying** activity resource consent under the Proposed District Plan.

Proposed District Plan (UIV)

5.3 The subject site is zoned High Density Residential A in the Proposed District Plan (UIV) and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 9A.4.5 for the construction of more than 4 residential units on the site. Council's discretion is restricted to effects on safety, efficiency, congestion, and amenity of the site and the transport network, including the pedestrian and cycling environment.

  - Achieving the highest density that is practicable at the time of the application (where "practicable" means the development is both technically achievable and financially viable)

  - location, external appearance, site layout and design of buildings and fences and how the development addresses its context, including connections to public space and public transport, and contributes positively to the planned urban form and character of the area;

  - building dominance relative to neighbouring properties and public spaces including roads;

  - residential amenity values for occupants of buildings on the site;

- how the design advances housing diversity, including through providing a range of unit sizes and typologies;
- how the design promotes sustainability either through construction methods, design or function;
- privacy for occupants of the subject site and neighbouring sites;
- well-overlooked public spaces including roads, and visual dominance of roads by garages of car parking areas;
- parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;
- design and integration of landscaping;
- capacity of existing or planned infrastructure for potable water, stormwater and wastewater services;
- waste and recycling storage space and collection;
- where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:
    - the nature and degree of risk the hazard(s) pose to people and property;
    - whether the proposal will alter the risk to any site; and
    - the extent to which such risk can be avoided or sufficiently mitigated.
    - The location, size, access, design and screening of waste and recycling storage space;

- A **restricted discretionary** activity land use consent pursuant to Rule 9A.5.3.1 as the units will extend through recession planes upon completion of the subdivision. Council's discretion is restricted to:
    - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

- effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);

- external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.

- A **restricted discretionary** activity land use consent pursuant to Rule 9A.5.6.1 as all units will breach internal setbacks upon completion of the subdivision. Council's discretion is restricted to:

  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;

  - streetscape character and amenity;

  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan).

- A **restricted discretionary** activity land use consent pursuant to Rule 9A.5.7.1 as all four buildings exceed 10m in height and upper floors are not setback the additional 2m required under the rule. Council's discretion is restricted to:

  - external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;

  - streetscape character and amenity;

  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants.

- A **restricted discretionary** activity land use consent pursuant to Rule 9A.5.14 for the use of the units for residential visitor accommodation for more than 90 nights a year. Council's discretion is restricted to the following matters:

  - The location, nature and scale of activities;

- Vehicle access and parking;
- Privacy and overlooking;
- Outdoor lighting;
- The management of noise, rubbish, recycling and outdoor activities;
- Guest management and complaints procedures;
- The keeping of records of the Residential Visitor Accommodation use, and availability of records for Council inspection; and
- Monitoring requirements, including imposition of an annual monitoring charge.

- A **non-complying** activity land use consent pursuant to Rule 9A.5.2 as the units will exceed the 70% maximum building coverage upon the completion of the subdivision.
- A **non-complying** activity land use consent pursuant to Rule 9A.5.4 as the units will not meet the 20% minimum permeable landscape coverage upon the completion of the subdivision.

<u>Subdivision</u>

- A **restricted discretionary** activity subdivision consent pursuant to Rule 27.5.7 for the proposed urban subdivision. Council's discretion is restricted to:
  - subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  - Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  - property access and roading;
  - esplanade provision;
  - the adequacy of measures to address the risk of natural hazards;
  - fire fighting water supply;
  - water supply;

- stormwater design and disposal;
- sewage treatment and disposal;
- energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
- open space and recreation;
- ecological and natural values;
- historic heritage;
- easements.

5.4 Overall the proposed development requires a **non-complying** activity resource consent under the Proposed District Plan (UIV).

Operative District Plan

5.5 The site is zoned High Density Residential Subzone C under the Operative District Plan however none of the Proposed District Plan rules under which resource consent is required are subject to appeal. As such all relevant Proposed District Plan rules are operative pursuant to s86F of the Act and the corresponding Operative District Plan rules are inoperative. The proposed development does not therefore trigger a consent under the Operative District Plan.

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

5.6 As the proposal includes the disturbance of contaminated soil, the following consents are required:

- A **restricted discretionary** activity resource consent pursuant to Clause 10(2) for the disturbance of contaminated soil where a DSI exists and all conditions will be complied with.

Activity Status Summary

5.7 Overall, the proposed development requires a **non-complying** activity resource consent.

Application Scope

5.8 This application is for all resource consents required to undertake the proposed development. While the above list of activities and/or rule breaches is intended to cover all matters requiring consent it is acknowledged that Council may consider that additional consents are required. If Council determines that additional consents are required beyond those outlined in this application it has discretion to grant those consents as part of the overall consent package.

5.9 If it is determined that the activity status of the proposal differs from that set out in this application Council has the ability under Section 104(5) of the Act to grant consent as a controlled, restricted discretionary, discretionary or non-complying activity regardless of the activity status expressly applied for.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this case the permitted baseline includes the following:

Proposed District Plan

6.3 The PDP enables the construction of three residential units with attached flats on each site, six total, provided they comply with the following bulk and location controls:

- A maximum height of 7m;
- Maximum building coverage 70%;
- Maximum above ground floor façade length of 30m;
- Minimum boundary setback of 2m

6.4 The use of units for residential visitor accommodation is permitted up to 90 nights a year and the use of properties, including flats for homestay 365 nights a year.

Proposed District Plan (UIV)

6.5 The PDP UIV enables the construction of three residential units with attached flats on each site, six total, provided they comply with the following bulk and location controls:

- A maximum height of 16.5m with portions of the building above 10m setback 3.5m from all boundaries;
- Recession planes measured from 8m above the boundary and 45 degrees on the southern boundary and 60 degrees in on all other boundaries;
- Maximum building coverage 70%;
- Maximum above ground floor façade length of 30m;
- Minimum boundary setback of 1.5m

6.6 The use of units for residential visitor accommodation is permitted up to 90 nights a year and the use of properties, including flats for homestay 365 nights a year.

6.7 It is considered that the permitted baseline is of some relevance to the below assessment and has been referenced where relevant below.

Existing Environment

6.8 The existing environment includes existing or consented development on the application site and comprises the existing dwelling and access arrangements on both sites.

Receiving Environment

6.9 The receiving environment includes the development that has occurred within the surrounding environment, including unimplemented consents, as well as the environment as it will exist in the future.

6.10 There is an existing 19 room hotel development to the south of the site located at 21 Robins Road, with a maximum height of 8.325m. This development was approved by Resource Consent RM050976.

6.11 The unit at 35A Robins Road has resource consent (RM250814) to undertake visitor accommodation for up to 365 nights a year.

6.12 The properties to the east, that adjoin Gorge Road, are located within the Business Mixed Use Zone and include a range of commercial, residential and visitor accommodation activities with scope for significant redevelopment.

6.13 In addition to the above activities, the decisions on submission for the QLDC's Urban Intensification Variation (UIV) have recently been issued. While a number of appeals have been lodged on the High Density Residential A Zone, most of the them are location specific. There is an appeal on the objectives and policies for the zone, seeking that they better provide for visitor accommodation. All the rules that are relevant to the proposal remain unchallenged and will therefore form the environment as it will exist in the future. The rules under the HDRA Zone can therefore be relied upon completely as the receiving environment in relation to assessing effects on the environment and on persons.

6.14 Similarly the increased height limit and recession planes that have been applied to the Business Mixed Use Zone through the Urban Intensification Variation have not been challenged with appeals affecting the Business Mixed Use Zone being limited to appeals seeking the upzoning of specific land parcels in other areas of the District to Business Mixed Use. The Business Mixed Use Zone to the north east of the site will also form part of the receiving environment and the built form and activities enabled within that zone will contribute to the wider context.

Actual and Potential Effects on the Environment

Design

6.14 The proposed development will be comprised of 18 residential units within four buildings. The blocks of units have been designed with gable roof forms and a mix materials and have been strategic placed across the site. An Urban Design Assessment had been prepared by David Compton-Moen of DCN Design and included as **Appendix J** to this application.

6.15 The proposed development will support a high level of residential amenity and contribute positively to the existing character of the neighbourhood. The scale of the proposed development is compatible with what is anticipated to be constructed in this area. The development will interface well with the adjacent streets and the creek along the back of the property.

6.16 Mr Compton-Moen considers that the site layout is clear and functional. The development will, in his opinion, sit well within the neighbourhood. The units will create a strong edge with Robins Road, with modulation and changes in roof form to break down the bulk of the front façade.

6.17 Car parking and manoeuvring is proposed in the middle of the development and below the buildings, thereby screening it from views from outside the site. Glazing from the buildings will provide passive surveillance over the street environment.

6.18 Glazing and outdoor living have been included along the western and northern elevations further providing a human scale to the buildings. Given the established and anticipated amenity in this area, and the proposed use of the buildings, this is considered to provide for sufficient internal residential amenity.

6.19 The proposed buildings will have heights ranging from 11.1m to 14.7m above existing ground level, which is lower than the 16.5m provided for by the plan. While the upper floors of the buildings have not been stepped back, for the most part the portions of the buildings extending through the 10m height limit is the gable portions of the roof.

6.20 The proposed development will be highly accessible by public and active transport. It is anticipated that residents will have limited need of private vehicles. As such parking supply will not be a dominant feature of the development.

6.21 Mr Compton-Moen is satisfied that the proposed density is relatively high and sufficient for the site and location. Further Mr Compton-Moen is of the opinion the proposal will increase housing typology diversity within close proximity to the Queenstown Town Centre. Mr. Compton-Moen considers that the development will not result in dominance effects on the owners or occupiers of adjacent properties.

6.22 Rubbish and recycling will be stored in communal bins adjacent to Boundary Street. Mr Compton-Moen is of the opinion that the communal system will provide greater flexibility and efficiency. He is satisfied the proposed location will minimise adverse visual effects.

6.23 Overall, it is considered that the proposed development will maintain a reasonable level of internal and external amenity. Adverse effects in this regard are anticipated to be less than minor.

Earthworks

6.24 It is proposed to undertake 1,407m^3 of earthworks to accommodate the development, comprised of 1,381m^3 of fill and 26m^3 of cut. The works will be temporary and stabilized upon

completion of the project. Any earthworks adjacent to the boundary will be stabilized by temporary and permanent retaining so as to ensure no instability effects adjacent properties. No earthworks will be undertaken beyond the boundary of the site with the exception of those required to trench for new services.

6.25 An EMP is being prepared and will be forwarded to Council when ready**.** The plan and its implementation will ensure that not sediment laden water enters the stormwater network during works.

6.26 Overall, adverse effects resulting from the proposed earthworks will be less than minor.

Parking

6.27 It is proposed to provide 18 car parks across the site. It is considered that this is sufficient given the small size of the units and their location relatively close to town.

6.28 The dimensions of the car parks will be slightly more narrow than required for Class 2 users. Novo Groups is satisfied the dimensions of the car parks will, however, be suitable for the activities proposed and no adverse effects will arise from the car park design.

Access

6.29 It is proposed to construct a new sealed access onto the site. The new crossing will be 5.5m wide at the boundary of the site. The crossing will lead to paved manoeuvring areas between the buildings and parking beneath Blocks C and D.

6.30 A Transport Assessment has been prepared by Novo Group and included as **Appendix F** to this application.

6.31 Novo Group is satisfied that any effects from the internal manoeuvring arrangement will not result in off-site effects. Likewise they are satisfied that the width and design of the private accessway will be sufficient to minimise any adverse effects in relation to safety.

6.32 Novo Group are of the opinion that the access will provide a safe, efficient and functional access to all units.

6.33 It is considered that the proposed access arrangements will help achieve intensification and a compact urban form. It is therefore considered that the effects of the proposed access arrangements will be less than minor.

Servicing

6.34 A Civil Engineering Report has been prepared by Holmes Group and included as **Appendix C** to this application. As outlined in the report the proposed development will rely on existing water supply and fire fighting infrastructure in Robins Road and it is expected that there will be sufficient capacity within the network to service the proposed development.

6.35 While QLDC's Code of Practice requires that stormwater runoff is managed such that post development discharge rates do not exceed pre-development rates, generally achieved through on-site attenuation, in this case it is proposed to discharge stormwater to the existing 750mm stormwater main that passes through the site and in turn discharges into Horne Creek. The rationale behind this approach is outlined in the Holmes Group report but in summary this approach is proposed because the site is within the flood risk zone of Horne Creek. On-site attenuation would result in longer duration flows that would coincide with peak flows from further up the catchment. Holmes Group advise that best practice in this scenario is to discharge stormwater from the site as quickly as possible so as to avoid exacerbating peak flows and the associated flood risk. The advice of Holmes Group is adopted and it is therefore considered that the proposed stormwater arrangements are appropriate.

6.36 As outlined in the Holmes Group report it is proposed to dispose of wastewater by way of a new connection to the existing wastewater infrastructure to the south of the site. The existing wastewater line that runs through the application site and adjoining properties to the north and south will be abandoned with those adjoining properties connecting to the new pressure sewer being installed in Robins Road. The report includes confirmation from QLDC's Property and Infrastructure team that the proposed wastewater arrangements are appropriate and that there is sufficient capacity within the existing infrastructure downstream.

6.37 Additional telecommunications and electricity connections will provided to serve the proposed units with service confirmations from Chorus and Aurora attached as **Appendix E** to this application.

6.38 Easements are proposed to protect the services as necessary.

6.39 Overall, it is considered that the proposed servicing arrangements are appropriate and will result in less than minor adverse effects on infrastructure and service capacity.

Residential Visitor Accommodation

6.40 The proposed development will include 54 bedrooms across the 18 units and up to 108 guests, noting that it is not likely every unit will be used for residential visitor accommodation as some are likely to be purchased for residential use. A Visitor Accommodation Management Plan and associated conditions have been volunteered and are included as **Appendices F** and **G** to this application.

6.41 The site is located within close proximity to the Queenstown Town Centre and within an area that is already used for residential visitor accommodation. The proposed use will be consistent in scale and nature to the existing activities in the area and not result in adverse effects on the character or amenity of the area.

6.42 One car park per unit will be provided where they will be screened from views from the road. The volunteered conditions will require all parking associated with the units to occur on site and to advise guests booking the units that only one car park is available.

6.43 Conditions have been volunteered to ensure that no parties are held on site and that the outdoor living areas are not used between 10pm and 7am the next day. Because the units are relatively small, likelihood for large gatherings with associated noise will be reduced however the proposed conditions of consent specifically prohibit such gatherings.

6.44 Provision is made within the proposed conditions of consent to allow future owners of the units to surrender the visitor accommodation consent on a unit by unit basis if they so wish.

6.45 Overall, give the above, adverse effects in relation to visitor accommodation will be less than minor.

Subdivision

6.46 The proposed subdivision design reflects the built form layout and design, with each unit to be located within its own freehold title.

6.47 It is considered that the proposed subdivision design is practical and responds to the constraints and opportunities of the site, especially given the level of density proposed.

6.48 Each lot to be created will include outdoor living space with reciprocal Rights of Way providing for pedestrian access. Similarly easements will cover the party walls, parking and servicing arrangements for the development.

6.49 Overall, adverse effects associated with the proposed subdivision design will be less than minor.

Natural and Other Hazards

6.50 As outlined above access to the site has been restricted by works being undertaken in Robins Road such that a site specific geotechnical assessment has not been able to be undertaken.

6.51 From experience on other properties in the immediate area ground conditions are not expected to be particularly problematic from a natural hazards perspective however they are likely to influence the required foundation design which in turn may require amendments to the proposed indicative earthworks plan. The geotechnical assessment will be completed and provided to Council, along with any required design amendments, as soon as the site is accessible.

6.52 The flood risk from Horne Creek is addressed in the Holmes Group report attached as **Appendix C** to this application.

6.53 Overall, pending the receipt of the site specific geotechnical assessment, adverse effects in relation to natural hazards are considered likely to be less than minor.

Contaminated Soils

6.54 With regard to the disturbance of soil contaminated by arsenic and zinc, Mr Jackson has recommended that the EMP be adhered to ensure no metals enter the creek. Mr Jackson has also recommended that soil testing be done once excavations are complete to confirm metal levels in the soil. All material exceeding the required levels will be disposed of in the appropriate disposal facility. Relevant conditions have been volunteered in Appendix I.

6.55 Overall, adverse effects in relation to the disturbance of contaminated soils will be less than minor.

Cultural Effects

6.56 The site is within an urban area and not identified on the District Plan maps of being Wāhi Tūpuna. Therefore it is considered unlikely that adverse cultural effects would arise from the proposal and the associated earthworks. The accidental discovery protocol will be followed should anything unexpected by discovered.

6.57 Overall, adverse effects in relation to cultural matters will be less than minor.

Positive Effects

6.58 The proposed development would enable the construction of 18 two-bedroom units with attached dual key flats in close proximity to the Queenstown Town Centre, business centres and community activities including primary schools. The proposal will make a positive contribution to housing diversity and relative affordability within the District, which will in turn make a contribution to alleviating the current housing crisis being faced within the Queenstown Lakes District and have positive effects on housing choice and diversity in the District.

6.59 The proposal would also have positive effects in relation to supporting businesses and economic stability and growth in the wider area.

Summary of Effects

6.60 Overall, it is considered that the actual and potential adverse effects of the proposed development will be less than minor.

7.0 OBJECTIVES AND POLICIES

Proposed District Plan

7.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 3 – Strategic Direction, Chapter 4 – Urban Development, Chapter 9 – High Density Residential Zone, Chapter 25 – Earthworks, Chapter 27 – Subdivision and Chapter 29 – Transport and are as follows:

Chapter 3 – Strategic Direction

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

3.2.1.2 The Queenstown and Wānaka town centres are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.

7.2 The proposal will support the Queenstown economy and assist it in becoming more equitable and resilient. The location of the residential visitor accommodation will also support the Queenstown Town Centre as a resort hub.

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

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

a. promote a compact, well designed and integrated urban form;

b. build on historical urban settlement patterns;

c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;

d. minimise the natural hazard risk, taking into account the predicted effects of climate change;

e. protect the District's rural landscapes from sporadic and sprawling urban development;

f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;

g. contain a high quality network of open spaces and community facilities; and

h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.

3.2.3 Objective - A quality built environment taking into account the character of individual communities.

3.2.3.2 Built form integrates well with its surrounding urban environment.

7.3 The development is located within the urban growth boundary and in close proximity to the Queenstown Town Centre. The scale and character of the buildings will be consistent with what is provided for in the High Density Residential Zone. The location is strategic in that it enables easy access to the town centre and the commercial and community activities and services provided within the area. The site is also well connected to the transportation corridors for public and active transportation. The development will be compact and well-integrated with the surrounding environment. The residential accommodation will provide a healthy and safe place to live at a cost that may be more affordable than other options on the market. The proposal will ensure the provision of new relatively affordable housing opportunities. There is high quality open space within walking distance from the development. The development will be integrated with existing infrastructure. Overall, the proposal is considered to be consistent with these provisions.

7.4 Overall, the proposal is considered to be consistent with the objectives and policies of Chapter 3 of the PDP.

Chapter 4 – Urban Development

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

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

Policies

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

4.2.2.4 Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

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

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

7.5 The proposal involves a compact urban development in a location where there is sufficient infrastructure to accommodate it. The built form will be consistent with the existing residential amenity in the area. The site is in close proximity to the town centre, and community and education facilities. The development responds to the character of the site and surrounding area. The proposal will contribute to housing affordability through the provision of housing diversity. The proposal will also contribute to greater housing choice in close proximity to the town centre. Overall, the proposal is considered to be consistent with these provisions.

Chapter 9 – High Density Residential Zone

9.2.1 Objective - High density housing development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

Policies:

9.2.1.1 Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.

9.2.1.2 Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

7.6 The proposed development will provide additional high density housing choice in close proximity to the town centre. The development is located within easy walking distance of the town centre. The development includes two bedroom townhouses with attached residential flats that can be used for residential or residential visitor accommodation. The proposal is considered to be consistent with these provisions.

9.2.2 Objective – High density residential development provides a positive contribution to the environment through quality urban design.

Policies:

9.2.2.1 Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:

a. achieving high levels of visual interest and avoiding blank or unarticulated walls or facades;
b. achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways;
c. achieving a variation and modulation in building mass, including roof forms;
d. use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.

9.2.2.2 Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.

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

7.7 The buildings will address the street with glazing and high quality cladding materials. No blank or unarticulated walls are proposed. The building massing and roof forms have been designed

to break down the bulk of the buildings. The outdoor living areas associated with Blocks B and C will open out over Robins Road. Views of the parking area will be screened from the street. The development will also be consistent with the Residential Zone Design Guide 2021. Overall, the proposal is considered to be consistent with this objective and the associated policies.

9.2.3 Objective - High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

Policies

9.2.3.1 Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of neighbours' outlook, sunshine and light access, and privacy will be maintained, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.

9.2.3.2 Ensure the amenity values of neighbours are adequately maintained.

9.2.3.3 Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means.

7.8 The proposed development extends through the height limit and recession planes associated with the PDP, thereby reducing sunlight access to some neighbouring lots. However the buildings have been designed in a way to ensure privacy and outlook remain unaffected. Given what is provided for in the zone, the amenity of the owners or occupiers of adjacent properties will be maintained. The proposal will create a high quality residential living environment and amenity values will be reasonably maintained. Overall, the proposal is considered to be consistent with, and not contrary to, this objectives and the associated policies.

9.2.6 Objective - High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.

Policies:

9.2.6.1 Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.

9.2.6.2 Require development to provide facilities to encourage walking and cycling where appropriate.

9.2.6.3 Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including the consideration of a reduction in required car parking where it can be demonstrated that this is appropriate.

9.2.6.4 Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.

9.2.6.5 A reduction in parking requirements may be considered in Queenstown and Wānaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone.

7.9 The proposal will include connections to Boundary Street and Robins Road although these will be over a ROW and not, therefore, available to the public. The parking and access has been designed to optimise accessibility. Overall the proposal is considered to be consistent with this objective and the associated policies.

9.2.8 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

Policies:

9.2.8.1 Provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.

9.2.8.2 Enable a range of accommodation options which positively contribute to residential amenity values by ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

9.2.8.3 Ensure that visitor accommodation development utilises existing infrastructure and minimise impacts on infrastructure and roading networks.

9.2.8.4 Ensure that the design of buildings for visitor accommodation contributes positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

7.10 The proposal will provide a range of accommodation options that will positively contribute to residential amenity values. The existing infrastructure will be utilised. The design of the development will contribute positively to the visual quality of the environment.

7.11 Overall, the proposal is considered to be consistent with, and not contrary to, the objectives and policies of Chapter 9.

Chapter 25 - Earthworks

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

Policies:

25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.

25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that

a. Protects the values of Outstanding Natural Features and Landscapes;

b. Maintains the amenity values of Rural Character Landscapes;

c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;

d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;

Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.

e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;

f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and

g. Maintains public access to and along lakes and rivers.

25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.

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

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

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.

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.

25.2.1.8 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

25.2.1.9 Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.

25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

25.2.1.11 Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

7.12 The proposed excavations will be undertaken in accordance with the requirements of the EMP provided with the application so as to minimise erosion or sediment laden stormwater leaving the site. There will be no visual effects from the proposed earthworks. The earthworks are consistent with what is required in the surrounding area to accommodate development and will

only affect infrastructure where it is proposed to move it. Should any archaeological material be found the accidental discovery protocol will be followed. The earthworks will not exacerbate any existing natural hazards.

25.2.2 Objective - The social, cultural and economic wellbeing of people and communities benefits from earthworks

Policies:

25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:

a. Nationally and Regionally Significant Infrastructure;
b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;
c. minimising the risk of natural hazards;
d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
e. the use and enjoyment of land for recreation, including public walkways and trails; and
f. maintaining or enhancing the operational efficiency of existing infrastructure.

7.13 The earthworks will provide for the socio-economic well-being of the people who purchase the units.

7.14 Overall, the proposal is considered to be consistent with the objectives and policies of Chapter 25 of the PDP.

Chapter 27 – Subdivision

27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.

Policies:

21.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.

27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.

27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.

27.2.1.4 Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:

a. desirable urban design outcomes;

b. greater efficiency in the development and use of the land resource;

c. affordable or community housing.

27.2.1.5 Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.

27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.

27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

7.15 The proposed subdivision will contribute to a residential environment that will be a desirable place to live, work and play. The associated infrastructure will be fit for purpose. The subdivision reflects the design of the development, and responds to the constraints and opportunities of the site to the extent possible. The allotments will be of a suitable size and shape to accommodate the proposed residential uses. Overall, the proposal is considered to be consistent with these provisions.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

Policies:

27.2.2.1 Ensure subdivision design in urban areas provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.

27.2.2.2 Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.

27.2.2.3 Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.

27.2.2.4 Urban subdivision shall seek to provide for good and integrated connections and accessibility to:

a. existing and planned areas of employment;
b. community facilities;
c. services;
d. trails;
e. public transport; and
f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.

27.2.2.5 Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.

27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.

27.2.2.7 Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.

7.16 The proposed subdivision will achieve a high level of residential amenity. The design responds to the characteristics of the site and the surrounding area. Opportunities for buildings to front the road have been maximised. The development will integrate well with the urban fabric and provide connections to the local transportation network. The development will also result in residential units overlooking the street, and the central accessway. Effective lighting will also be installed. Overall the proposal is considered to be consistent with this objective and the associated policies.

Chapter 29 – Transport

29.2.2 Objective - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:

- ***a. providing a safe and efficient transport network;***
- ***b. compact urban growth;***
- ***c. economic development;***
- ***d. facilitating an increase in walking and cycling and the use of public transport; and***
- ***e. achieving the level of residential amenity and quality of urban design anticipated in the zone.***

Policies:

29.2.2.1 Manage the number, pricing, location, type and design of parking spaces, queuing space, access, and loading space in a manner that:

- *a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;*
- *b. ...*
- *c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development;*
- *d. ...*
- *e. ...*
- *f. ...*

g. *avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites; and*
h. *provides adequate vehicle access width and manoeuvring for all emergency vehicles.*

7.17 It is considered that the proposed access and parking arrangements are safe and efficient and that the development as a whole will encourage residents to use active and/or shared transport options. The access and parking arrangements will result in no adverse effect on the amenity of the streetscape or adjoining sites.

29.2.2.5 Enable a reduction in the minimum number of car parking spaces required only where:

a. *There will be positive or only minor adverse effects on the function of the surrounding transport network and amenity of the surrounding environment; and/or*
b. *there is good accessibility by active and/or public transport and the activity is designed to encourage public and/or active transport use and projected demand can be demonstrated to be lower than the minimum required by the rules; and/or*
c. *the characteristics of the activity or the site justify less parking and projected demand can be demonstrated to be lower than the minimum required by the rules; and/or*
d. *there is an ability for shared or reciprocal parking arrangements to meet on-site car parking demands at all times and demand can be demonstrated to be lower than the minimum required by the rules.*

7.18 The site is well positioned relative to the established business area, the town centre and surrounding schools and active and/or shared modes of transport will be encouraged.

29.2.2.11 Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.

7.19 It is proposed to replace the existing two accesses with one access. It is considered that the width of the proposed access will result in no adverse effect on the safety and efficiency of the

wider roading network. Overall it is therefore considered that the proposal is consistent with Objective 29.2.2 and its associated policies.

29.2.3 Objective – Roads that facilitate continued growth, are safe and efficient for all users and modes of transport and are compatible with the level of amenity anticipated in the adjoining zones.

Policies

29.2.3.1 Establish design standards for roads and accesses, including those in Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2018), and require adherence to those standards unless it can be demonstrated that the effects of the proposed design on:

a. the active and public transport networks and the efficiency and safety of the roading network are no more than minor; and
b. amenity values, urban design, landscape values are appropriately mitigated.

7.20 The proposed access and manoeuvring is sufficient to ensure safe and efficient access within the site and into/out of each parking space. The proposed design will maintain amenity values and ensure no additional effects on the safety or efficiency of the transportation network arise.

29.2.3.4 Provide for services and new linear network utilities to be located within road corridors and, where practicable, within the road reserve adjacent to the carriageway in a manner consistent with the provisions of Chapter 30.

7.21 Given the layout of the site and the proposed access and parking arrangements it is not considered practicable or efficient to accommodate services outside of the carriageway.

7.22 Overall it is considered that the proposal is consistent with Objective 29.2.3 and its associated policies.

29.2.4 Objective – An integrated approach to managing subdivision, land use, and the transport network in a manner that:

a. supports improvements to active and public transport networks;
b. promotes an increase in the use of active and public transport networks and shared transport;

c. reduces traffic generation; and

d. manages the effects of the transport network on adjoining land uses and the effects of adjoining land-uses on the transport network.

Policies

29.2.4.6 Encourage compact urban growth through reduced parking requirements in the most accessible parts of the District.

7.23 The site is well positioned relative to businesses, services, schools, reserves and community facilities. It is therefore considered that the site is within part of the District that is very accessible. It is therefore considered that the proposal is consistent with Objective 29.2.4 and its associated policies.

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

Proposed District Plan (UIV)

7.25 The objectives and policies of the Proposed District Plan (UIV) of particular relevance to the consideration of the proposed development are contained in Chapter 9 – High Density Residential A Zone and Chapter 27 – Subdivision and are as follows:

Chapter 9A – High Density Residential A Zone

9A.2.1 Objective - High density development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

Policies:

9A.2.1.1 Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.

9A.2.1.2 Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

9A.2.1.3 Require development to achieve the highest densities practicable at the time of development.

7.26 The proposed development will provide additional high density housing choice in close proximity to the town centre. The development is located within easy walking distance of the town centre. The development includes two bedroom townhouses with attached residential flats that can be used for residential or residential visitor accommodation. The density proposed on the site is relatively high. The proposal is considered to be consistent with, and not contrary to, these provisions.

9A.2.2 Objective – Development provides a positive contribution to the environment through quality urban design.

Policies:

9A.2.2.1 Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:

- *a. achieving high levels of visual interest and avoiding blank or unarticulated walls or facades;*
- *b. achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways;*
- *c. achieving a variation and modulation in building mass, including roof forms;*
- *d. use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.*
- *e. providing a high level amenity that meets the day-to-day needs to occupants.*

9A.2.2.2 Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.

7.27 The buildings will address the street with glazing and high quality cladding materials. With the exception of the northern elevation, no blank or unarticulated walls are proposed. The building massing and roof forms have been design to break down the bulk of the buildings. The outdoor living areas associated with Blocks B and C will open out over Robins Road. Views of the parking area will be screened from the street. Overall, the proposal is considered to be consistent with this objective and the associated policies.

9A.2.3 Objective - Development maintains an appropriate level of amenity for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

Policies

9A.2.3.1 Apply recession plane, building height, height setback at upper floors, yard setback and site coverage controls as the primary means of ensuring an appropriate level of neighbours' outlook space, sunshine and light access, and privacy is provided for, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.

9A.2.3.2 Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means.

7.28 The proposed development will largely comply with the bulk and location controls for the High Density Residential A Zone. Given what is provided for in the zone, the amenity of the owners or occupiers of adjacent properties will be maintained. The proposal will create a high quality residential living environment and amenity values will be reasonably maintained. Overall, the proposal is considered to be consistent with this objectives and the associated policies.

9A.2.6 Objective - High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.

Policies:

9A.2.6.1 Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.

9A.2.6.2 Require development to provide facilities to encourage walking and cycling where appropriate.

9A.2.6.3 Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including encouraging a reduction in car parking provision to help facilitate modal shift.

9A.2.6.4 Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.

9A.2.6.5 A reduction in parking provision is encouraged where a site is located within 800m of a bus stop or the edge of a Town Centre Zone including to help facilitate modal shift.

9A.2.6.6 Ensure development is designed consistent with the capacity of existing and/or planned infrastructure networks or upgrades for potable water, stormwater and wastewater services, and where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

7.29 The proposal will include connections to Boundary Street and Robins Road although these will be over a ROW and not, therefore, available to the public. The parking and access has been design to optimise accessibility. Overall the proposal is considered to be consistent with this objective and the associated policies.

9A.2.8 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

Policies:

9A.2.8.1 Provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.

9A.2.8.2 Enable a range of accommodation options which positively contribute to residential amenity values by ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

9A.2.8.3 Ensure that visitor accommodation development utilises existing infrastructure and minimise impacts on infrastructure and roading networks.

9A.2.8.4 Ensure that the design of buildings for visitor accommodation contributes positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

7.30 The proposal will provide a range of accommodation options that will positively contribute to residential amenity values. The existing infrastructure will be utilised. The design of the development will contribute positively to the visual quality of the environment.

7.31 Overall, the proposal is considered to be consistent with, and not contrary to, the objectives and policies of Chapter 9.

Chapter 27 – Subdivision

27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.

Policies:

21.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.

27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.

27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.

27.2.1.4 Discourage non-compliance with minimum allotment sizes rules in all zones except the Suburban Residential or Medium Density Residential Zones where the subdivision is proposed in a combined manner with a land use consent, or if the subdivision is proposed based on a land use consent that has been implemented. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:

a. desirable urban design outcomes;

b. greater efficiency in the development and use of the land resource;

c. affordable or community housing.

d. greater diversity in housing typologies particularly smaller and more affordable housing.

27.2.1.5 Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.

27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.

27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

7.32 The proposed subdivision will contribute to a residential environment that will be a desirable place to live, work and play. The associated infrastructure will be fit for purpose. The subdivision reflects the design of the development, and responds to the constraints and opportunities of the site to the extent possible. The allotments will be of a suitable size and shape to accommodate the proposed residential uses. Overall, the proposal is considered to be consistent with these provisions.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

Policies:

27.2.2.1 Ensure subdivision design in urban areas provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.

27.2.2.2 Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.

27.2.2.3 Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.

27.2.2.4 Urban subdivision shall seek to provide for good and integrated connections and accessibility to:

g. existing and planned areas of employment;
h. community facilities;
i. services;

j. trails;

k. public transport; and

l. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.

27.2.2.5 Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.

27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.

27.2.2.7 Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.

7.33 The proposed subdivision will reflect the established built form and achieve a high level of residential amenity. The design responds to the characteristics of the site and the surrounding area. Opportunities for buildings to front the road have been maximised. The development will integrate well with the urban fabric and provide connections to the local transportation network. The development will also result in residential units overlooking the street, and the central accessway. Effective lighting will also be installed. Overall the proposal is considered to be consistent with this objective and the associated policies.

7.34 Overall it is considered that the proposed development is consistent with and not contrary to, the relevant Objectives and Policies of the Proposed District Plan (UIV).

8.0 OTHER MATTERS

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

8.1 Given that the proposal involves the earthworks and subdivision of land, the applicant has commissioned a Detailed Site Investigation (DSI) prepared by James Jackson of Springline and included as **Appendix D** to this application. Mr Jackson has found elevated levels of arsenic and lead in the soil. While these metals meet the requirements for residential use, they exceed the limits for clean fill disposal. A number of conditions have been volunteered to manage excavations and disposal of material. Overall it is considered that the material with elevated metals will be appropriately amended and meet the requirements of the NES for Contaminants in Soil.

National Policy Statement on Urban Development

8.2 The National Policy Statement on Urban Development 2020 (NPS UD) supersedes the National Policy Statement on Urban Development Capacity 2016 (NPS UDC) and directs local authorities to provide sufficient development capacity for housing within urban areas. The creation of the High Density Residential A Zone, including enabling increased density and height, were considered and approved in light of the NPS UDC which had similar objectives to the NPS UD in terms of the provision of development capacity.

8.3 Policy 6 of the NPS UD is of particular relevance to the consideration of the proposal and is as follows:

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

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

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

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

(ii) Are not, of themselves, an adverse effect

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

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

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

8.4 Local authorities must give effect to the provisions of the NPS UD through District Plans and decision making on development proposals. Policy 6 directs local authorities to have particular regard to the planned urban built form anticipated by the planning documents that give effect to the NPS. IN this instance the recent changes made by the UIV inform the planned built environment. As outlined above, the proposal is consistent with the density and extent of built development anticipated and provided for in UIV. Overall, it is considered that granting consent for the proposal will assist Council in achieving its obligations in terms of giving effect to the NPS UD and realising the necessary development capacity for housing.

National Policy Statement on Natural Hazards 2025

8.5 An assessment in relation to the proposal against the National Policy Statement for Natural Hazards 2025 (NPSNH) is as follows:

2.1 Objective- Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.

Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

8.6 Referring to the Otago Regional Council natural hazard maps, the site is located in an alluvial fan with a return period of greater than 300 years. Liquefaction risk is identified as low to moderate. Utilising the risk matrix included in the NPS NH, flooding from the alluvial fan is identified as unlikely. The damage from a large event could be moderate.

8.7 Relying on the risk matrix in the NPSNH as shown in **Figure 3** below, the site has a medium risk level.

Consequence Level	Likelihood Level						
	Almost Certain	Very Likely	Likely	Possible	Unlikely	Rare	Very Rare
ARI (years)	up to 10	10-20	20-50	50-100	100-500	500-5000	> 5000
AEP	10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Catastrophic	Very High	Very High	Very High	High	Medium	Medium	Medium
Major	Very High	Very High	High	High	Medium	Medium	Medium
Moderate	High	High	High	Medium	Medium	Low	Low
Minor	Medium	Medium	Medium	Medium	Low	Low	Low
Negligible	Low	Low	Low	Low	Low	Low	Low

Figure 3 : NPS NH risk matrix

8.8 The floor levels of the buildings have been designed to ensure they are above historic flood levels. Mitigation measures to ensure any future flooding of the alluvial fan will be included in the geotechnical report in order to reduce the consequences to minor, which will change the risk profile to low.

8.9 The proposed use of the site will not increase the significance of the risk on other sites. Climate change could increase the likelihood of this hazard occurring but not to the extent where it would substantively change the risk profile. It is considered that the associated risks will be managed in manner proportionate to the risk.

8.10 Overall, therefore, the proposal is considered to be consistent with the direction of the NPS NH.

Subdivision Design Guidelines 2015

8.11 The Subdivision Design Guidelines 2015 are a non-statutory document albeit that they have been incorporated by reference in the Proposed District Plan. As outlined above, the proposed subdivision has been designed (to the extents possible) in accordance with the design guidelines. The guidelines and the PDP acknowledge the limitations of infill subdivision in terms of the ability to achieve all of the intended outcomes of the design guidelines and the zone provisions. It is considered that the proposed subdivision appropriately responds to the opportunities and constraints of the site and is in general accordance with the design guidelines.

8.12 The design guidelines state that subdivision that is consistent with the intent of the guidelines is likely to be consistent with the objectives and policies of the District Plan and that Council will encourage good subdivision design by granting applications that are consistent with the guidelines on a non-notified basis.

9.0 CONSULTATION

9.1 Section 95B of the Act requires that, should the consent authority determine that public notification is not necessary, it must decide whether there are any affected persons in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor) and affected party approval has not been provided.

9.2 The properties located at 23 and 35B Robins Road and 10A and 10B Boundary Street are located adjacent to the application site, as shown in **Figure 4** below.



Figure 4 : Application site and adjacent properties

9.3 The proposed development will be consistent with the density and bulk and location controls anticipated by the Proposed District Plan UIV. As none of the relevant rules are under appeal these rules can largely be treated as operative and inform the receiving environment, especially in relation to the future environment.

9.4 Parking and access will be internalised to the site. The associated earthworks will be consistent with what is anticipated for this level of development and will be stabilised upon completion by built form or landscaping. The EMP will be relied upon to ensure no nuisance effects are minor or more than minor, and to prevent sediment laden stormwater from entering the Horne Creek.

9.5 Residential visitor accommodation is provided for in the Zone and will be consistent with the established and anticipated residential amenity of the area. The management plans will ensure that adverse effects associated with the visitor accommodation will be less than minor.

9.6 Overall, therefore, it is considered that adverse effects on the owners or occupiers of 23 and 35B Robins Road and 10A and 10B Boundary Street will be less than minor and no consultation has been undertaken.

10.0 SECTION 106 OF THE RMA

10.1 The application site is at risk from flooding from the Horne Creek. This, however, has been mitigated by ensuring the finished floor level of all buildings is well above the flood level. The risk from natural hazards is not considered to be significant.

10.1 All proposed lots will be provided with both legal and physical access.

10.3 Therefore it is considered that the proposal complies with both Sections 106(1)(a) and 106(1)(b) of the RMA.

11.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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

> ***5 Purpose***
>
> *(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
>
> *(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
>
> *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
>
> *(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

11.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full

significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

11.3 It is considered that the proposal appropriately sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations while avoiding adverse effects on the life-supporting capacity of air, water, soil and ecosystems and adverse effects on the environment generally. It is therefore considered that the proposed development represents the sustainable management of the District's natural and physical resources as defined in Section 5 of the Act.

11.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. The development will preserve the character of the Horne Creek, which has become an urban waterway (s6a).

11.5 Having had regard to the other matters set out in Section 7 of the Act, the proposal will result in the efficient use and development of urban land in close proximity to the town centre (s7b) and maintain and enhance amenity values (s7c).

11.6 The proposed development is considered to be in keeping with the principals of Te Tiriti o Waitangi. It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

12.0 CONCLUSION

12.1 Resource consent is sought to construct 18 residential units with attached dual key flats, enable the units to be let for residential visitor accommodation up to 365 nights a year, and undertake a subsequent subdivision and disturb contaminated soil at 25 to 29 Robins Road, Queenstown. The proposal requires a non-complying activity consent under the Proposed District Plan and the Proposed District Plan (Urban Intensification Variation). Restricted discretionary consent is also required under the NES for managing contaminants in soil.

12.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is not contrary to the relevant objectives and policies of the Proposed District Plan and the Proposed District Plan (Urban Intensification Variation).

12.3 The proposal is not precluded from public or limited notification under s95A and s95B of the Act however it is considered that the proposal will result in less than minor adverse effects on the environment and therefore can be processed without public or limited notification.

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

"Particular restrictions for non-complying activities

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

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

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

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

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

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

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

Yours faithfully,
Edgar Planning Ltd,



Erin Stagg
Planner



Scott Edgar
Planner