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# Application for Land Use Consent

## 819 – 823 Frankton Road, Queenstown



**CLIENT**

Boutique Living Limited

**ADDRESS**

819 & 823 Frankton Road, Queenstown

**REFERENCE**

9474

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# Report Information

| | |
|---|---|
| Reference: | 9474 |
| Title: | Application for Land Use Consent |
| Client: | Boutique Living Limited |
| Filename: | 9474 PLN APP 01 LUC 819 & 823 Frankton Road |
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# 1 Summary of application details

## 1.1 Report purpose

This report is an application for land use consent, including an assessment of the actual and potential effects on the environment, to establish 26 residential units at 819 and 823 Frankton Road Queenstown (combined). This application has been prepared in accordance with Schedule 4 of the Resource Management Act 1991 ('RMA' or 'the Act').

| | |
|---|---|
| Applicant: | Boutique Living Limited |
| Landowner: | Donald McLeod Warrington, Joanne Lesley Warrington, John Robert Warrington, Michael Gray Warrington and Anne Fiona Warrington. |
| Owner's Address: | 819 & 823 Frankton Road, Queenstown |
| Site Address: | 819 & 823 Frankton Road, Queenstown |
| Legal Description: | Part Section 55 Block XXI Shotover SD and Lot 2 DP 20241 |
| Record of Title: | OT11C/1136 and OT11C/1133 |
| Site Area: | 2,212 $m^2$ and 871 $m^2$ |
| District Plan Zoning: | *Queenstown Lakes Operative District Plan*<br>Zone:<br>Low Density Residential Zone<br>*Queenstown Lakes Proposed District Plan ("the Plan"):*<br>Zone:<br>Business Mixed Use<br>Overlay:<br>Urban Growth Boundary – Queenstown and Frankton<br>Controls: Specific Provisions Apply<br>Type: 3 – Frankton Marina (Sugar Lane)<br>Threatened Environments Classification 2012<br>Criteria: Chronically Threatened (10-20% indigenous cover left)<br>Criteria: Acutely Threatened (< 10% indigenous cover left) |
| Proposed Activity: | The applicant seeks land use consent to undertake multi – unit development consisting of twenty-six residential units.<br>Resource consent for **Restricted Discretionary Activity** is required under the following rules of the Plan: |

- Rule 16.5.8 Frankton Marina (Sugar Lane) Height Threshold – Buildings exceeding 12m in height within the Frankton Marina (Sugar Lane) area are a **Restricted Discretionary Activity**. Maximum building height of approximately 14.185m.
- Rule 16.4.4 Buildings – The construction of any building within the Business Mixed Use Zone is a **Restricted Discretionary Activity**.
- Rule 25.4.2 Earthworks that do not comply with the maximum earthworks volume standards in a **Restricted Discretionary Activity**.
    - Earthworks volume of approximately 1,647 $m^3$ exceeds the permitted 500 $m^3$ threshold for the Business Mixed Use Zone.
- Rule 25.5 Earthworks that do not comply with the following standards are **Restricted Discretionary Activity**:
    - Rule 25.5.15 – Maximum depth of cut;
    - Rule 25.5.16 – Maximum height of fill;
    - Rule 25.5.19 – Earthworks within proximity to a waterbody.

# 2 Application site and surrounding environment

## 2.1 Application site

The application site comprises two adjoining properties located at 819 and 823 Frankton Road, Queenstown. The sites are held in separate certificates of title, being Part Section 55 Block XXI Shotover Survey District and Lot 2 DP 20241, contained in Record of Title OT11C/1136 and OT11C/1133 respectively. Copies of the relevant Records of Title are attached as **Appendix 1**.

The combined site area is approximately 3,083 $m^2$.

While the sites have frontage to Frankton Road, which forms part of State Highway 6A and is a primary transport corridor connecting Frankton with Queenstown Town Centre, vehicular access to both properties is currently obtained via Sugar Lane, located along the southeastern boundary of the site.

The site contains two existing residential dwellings, one located on each title and has established areas of mature trees, shrubs and other vegetation. A number of established trees are dispersed throughout the site, contributing to the site's existing landscaped character.

The site is relatively spacious and provides extensive areas of open space and on-site parking associated with the existing residential activities. The land generally slopes towards Frankton Road and Lake Whakatipu and benefits from outlook across the surrounding marina and lake environment.

The application site is shown in Figure 1 below.




**Figure 1: Aerial image of application site taken from Grip Maps, dated May 2026**

## 2.2 Surrounding area

The application site is located within the established urban area of Frankton, one of Queenstown's principal residential, commercial and visitor accommodation precincts. The surrounding environment is characterised by a mix of residential, commercial, visitor accommodation and recreational activities.

To the north of Frankton Road (State Highway 6A) are established residential neighbourhoods comprising detached dwellings, townhouses, apartments and visitor accommodation developments. To the east are commercial, visitor accommodation and marina-related activities associated with the Frankton Marina precinct. To the south are Lake Whakatipu and Frankton Marina, which provide recreational boating facilities, public access areas, hospitality offerings and significant amenity values. To the west are additional residential properties and medium-density housing developments.

The site is well connected to public transport, with bus stops located on Frankton Road within walking distance of the site. Pedestrian and cycling infrastructure also provide connections to Queenstown Town Centre, Frankton and surrounding residential areas.

The site benefits from convenient access to a range of services and amenities, including Queenstown Central, Remarkables Park Town Centre, supermarkets, retail activities, restaurants, cafes, areas of enjoyment, parks and recreational facilities.

The surrounding environment exhibits an established urban character and is undergoing ongoing growth and intensification, with an increasing prevalence of medium and higher-density residential development throughout the Frankton corridor.



**Figure 2: shows the surrounding environment in the context of the site. Source: Queenstown Lakes Proposed District Plan.**

# 3 Description of the proposed activity

Resource consent is sought for the establishment of a multi-unit development comprising twenty-six (26) residential units at 819 and 823 Frankton Road, Queenstown.

The proposed development incorporates a dual-key design arrangement within each residential unit. The Queenstown Lakes Proposed District Plan defines a Residential Unit as a single self-contained household unit and provides that where more than one kitchen and/or laundry facility is provided on a site, other than within a residential flat, there is deemed to be more than one residential unit.

A residential flat is defined as the following under the Queenstown Lakes Proposed District Plan:

> *Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:*
> - *the total floor area does not exceed;*
> - *150 $m^2$ in the Rural Zone, the Rural Lifestyle Zone, the Wakatipu Basin Rural Amenity Zone and the Hills Resort Zone;*
> - *70 $m^2$ in any other zone;*
> - *not including in either case the floor area of any garage or carport;*
> - *contains no more than one kitchen facility;*
> - *is limited to one residential flat per residential unit; and*
> - *is situated on the same site and held in the same ownership as the residential unit.*

Each proposed residential unit incorporates a self-contained ancillary accommodation component as part of the dual-key layout. The ancillary accommodation is integrated within the principal residential unit and is intended to remain under the same ownership as that unit. The dual-key arrangement provides flexibility in how accommodation may be occupied by residents and their families, while not creating additional legal dwellings or separate ownership interests.

Accordingly, the proposal seeks consent for 26 residential units, each incorporating one ancillary residential flat, rather than 52 separate residential units. It will replace the two existing residential dwellings currently located on the site and comprises three residential building blocks containing a mix of three and four-bedroom residential units.

The specific elements of the proposal are discussed as follows with development design plans found in **Appendix 2.**

## 3.1 Proposed land use

The development consists of:

- Nine of Type A1 residential units;
- Ten of Type A2 residential units; and
- Seven of Type B residential units.

The Type A1 and Type A2 units each comprise three bedrooms and three bathrooms arranged over three levels. The Type B units comprise four bedrooms and three bathrooms arranged over four levels.

Each residential unit is provided with private outdoor living areas in the form of patios or balconies directly accessible from internal living spaces. The buildings have been designed to respond to the site's sloping topography and maximise outlook towards Lake Whakatipu and the surrounding mountain landscape.

The proposed development incorporates contemporary architectural design elements including articulated building forms, varied rooflines, extensive glazing, timber cladding and private outdoor living areas. The maximum building height is approximately 14.2 metres above ground level.

**Table 1 - Residential Unit Details**

| Unit Type | Unit Numbers | No. of Units | Bedrooms | Net Floor Area |
|---|---|---|---|---|
| **Type A1** | Units 1 – 9 | 9 | 3 | 96.3 $m^2$ |
| **Type A2** | Units 10 – 19 | 10 | 3 | 98.9 $m^2$ |
| **Type B** | Units 20 – 26 | 7 | 4 | 141.2 $m^2$ |

## 3.2 Urban Design

An Urban Design Report has been prepared in support of this proposal and assesses the development against relevant urban design principles and the anticipated character of the Business Mixed Use Zone **(see Appendix 3).**

The development has been designed to respond to the site's sloping topography, elevated lake outlook and location within the Frankton Marina precinct. The 26 residential units are arranged across three terrace-style building blocks that step with the landform and maximise views towards Lake Whakatipu, Kelvin Peninsula, The Remarkables and the wider mountain environment.

The buildings incorporate articulated façades, glazing, balconies, varied roof forms and a contemporary material palette to reduce perceived bulk and provide visual interest. Windows, terraces and balconies provide active frontages to Frankton Road and Sugar Lane and support passive surveillance.

Landscaping is integrated throughout the site to soften the built form, enhance residential amenity and assist the development's integration with the surrounding urban environment.

## 3.3 Landscaping

A comprehensive landscaping plan is proposed as part of the development. The landscape design incorporates a mix of native trees, shrubs, grasses and groundcover planting throughout the site, including along site boundaries, internal pedestrian connections, communal areas and around the proposed buildings.

The landscaping has been designed to soften the appearance of the built form, enhance residential amenity, contribute positively to the streetscape and assist with integrating the development into its surrounding environment.

The proposal also incorporates landscaped pedestrian connections, communal letterboxes and screened waste storage facilities.

Further details of the proposed landscaping, planting palette and planting schedule are contained within the Landscape Plan attached as **Appendix 4**.

## 3.4 Services

It is proposed to connect to the reticulated services for water supply, sewer and stormwater disposal available on Sugar Lane. Electricity and telecommunication reticulation is also available to the site and appropriate connections will be provided in accordance with the requirements of the relevant utility provider.

## 3.5 Vehicle access and parking

Vehicular access to the development is proposed to the eastern corner of the site via Sugar Lane. An internal accessway of approximately 5.5 m is proposed to provide vehicle circulation to the development and access to all residential units and parking areas.

The development provides a total of 50 on-site car parking spaces, comprising a combination of garage and uncovered parking spaces. Parking is distributed throughout the site to provide convenient access for residents and visitors.

Pedestrian access is provided separately from the primary vehicle circulation areas through dedicated pathways connecting the residential units, communal facilities and parking areas.

Further details of the proposed vehicle access, parking layout and internal circulation are contained within the architectural plans attached as **Appendix 2.**

## 3.6 Earthworks

Earthworks are proposed to facilitate the construction of the residential development, including building platforms, internal accessways, parking areas retaining structures and associated infrastructure works.

In accordance with the Earthworks Plan found in **Appendix 6**, the proposal will involve approximately 762 $m^3$ of cut and 885 $m^3$ of fill over an area of approximately 2,412 $m^2$. An Environmental Management Plan has been provided to manage effects associated with earthworks.

## 3.7 Other matters

Resource consent from Otago Regional Council will be required for the proposed earthworks and any other regional consenting requirements associated with the development of the site.

# 4 Planning framework

The relevant planning framework for the proposed activity is provided by the Queenstown Lakes Proposed District Plan.

## 4.1 Zoning

The application site is zoned Business Mixed Use in the Plan, as shown in Figure 2 below. The site is also contained in the Urban Growth Boundary, Frankton Marina and Threatened Environments overlays.

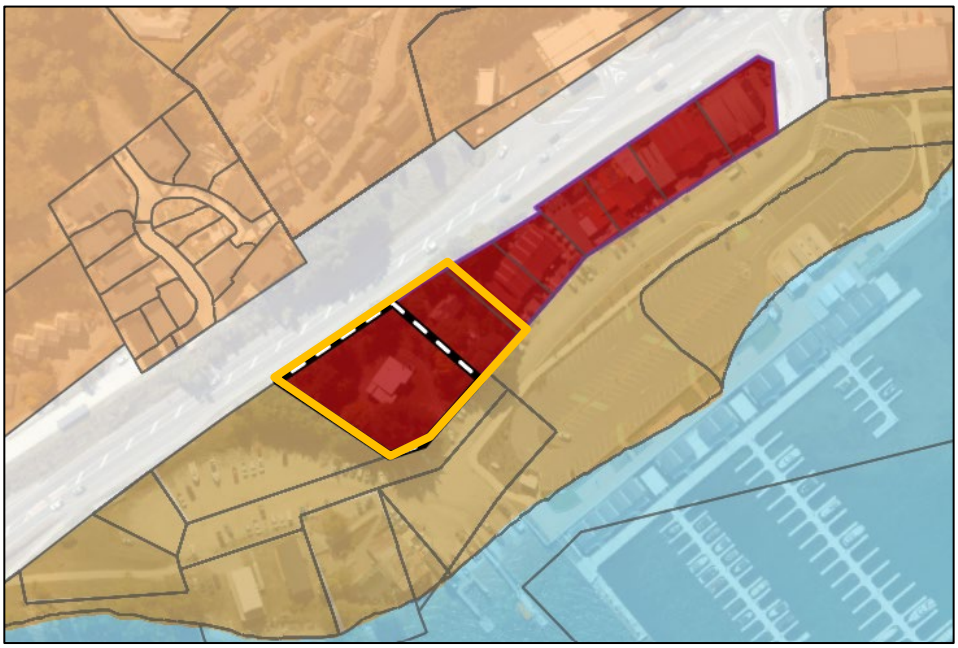


**Figure 3: Excerpt from Queenstown Lakes Proposed District Plan with Business Mixed Use zoning shown in red.**

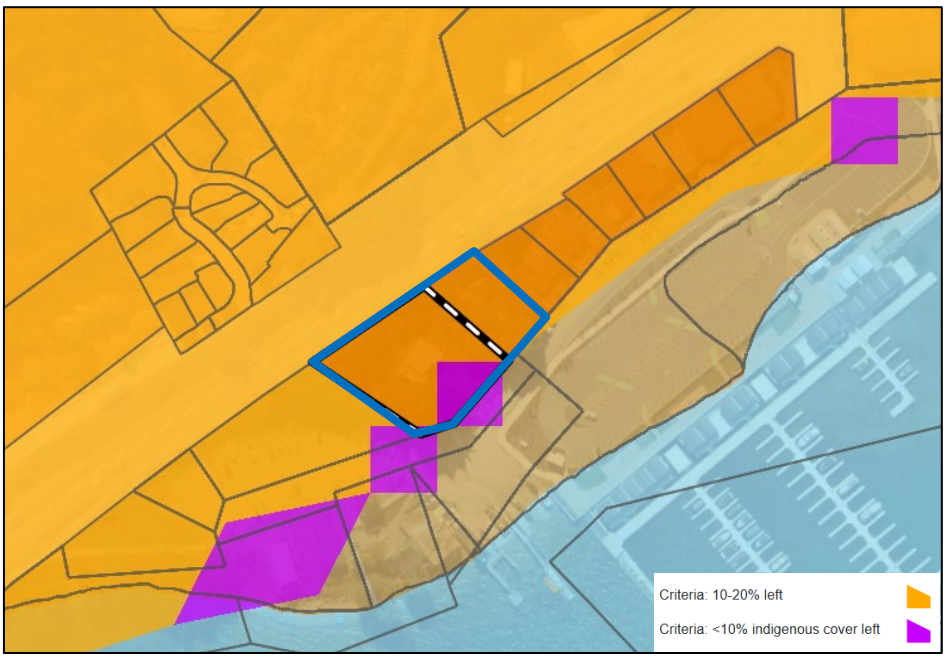



**Figure 4: Excerpt from Queenstown Lakes Proposed District Plan with Threatened Environments Overlay**

## 4.2 Land use

The following is an assessment against the zone relevant rules of the Plan:

| Rule | Proposal | Compliance |
|---|---|---|
| **Business – Mixed Use Zone** | | |
| ***16.4 Restricted Discretionary Activity*** | | |
| *16.4.4 Buildings – The construction of any building is a Restricted Discretionary Activity. Council's discretion is restricted to:*<br>*a. building materials;*<br>*b. glazing treatment;*<br>*c. symmetry;*<br>*d. vertical and horizontal emphasis;*<br>*e. location of storage;*<br>*f. signage platforms;*<br>*g. landscaping;*<br>*h. where residential units are proposed as part of a development, provision for outlook space and open space on site whether private or communal;*<br>*i. the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space;*<br>*j. where applicable, integration of the development with Horne Creek, including site layout and landscaping; and*<br>*k. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:*<br>*i. the nature and degree of risk the hazard(s) pose to people and property;*<br>*ii. whether the proposal will alter the risk to any site; and*<br>*iii. the extent to which such risk can be avoided or sufficiently mitigated.* | The proposal involves the construction of 26 residential units of three typologies across three buildings, within the Business Mixed Use Zone. The buildings have been designed with articulated forms, varied rooflines, glazing, balconies and contemporary material treatment. The development includes private outdoor living areas, landscaping, integrated parking and servicing areas. | **Complies** |
| ***16.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 16.4 and 16.5*** | | |
| *16.5A.1 – Business Mixed Use Design Guide 2021 Development shall be assessed against the Business Mixed Use Design Guide 2021.* | An Urban Design Assessment has been prepared in support of the application and assesses the proposal against the relevant design outcomes and principles of the Business Mixed Use Design Guide. | **Complies** |
| ***16.5 Rules - Standards*** | | |
| *16.5.2 Storage Outdoor storage and waste/recycling areas shall be screened from public places and adjoining residential zones.* | Storage and waste collection areas are integrated into the development and screened from public view. | **Complies** |

| Rule | Proposal | Compliance |
|---|---|---|
| **Business – Mixed Use Zone** | | |
| *16.5.3 – Residential Activity Residential activity is provided for within the Business Mixed Use Zone, except where specific location restrictions apply.* | The proposal is for residential activity within the Frankton Marina/Sugar Lane area. The site is not located within Gorge Road, Sir Tim Wallis Drive, or Connell Terrace. | **Complies** |
| *16.5.4 – Building Coverage*<br>*Maximum building coverage: 75%.* | The proposed building coverage is approximately 43.8% of the 3,083m$^2$ site. | **Complies** |
| *16.5.5 – Acoustic Insulation*<br>*Residential units shall be designed to achieve the required internal acoustic environment.* | The development is located adjacent to Frankton Road (SH6A). Acoustic insulation and ventilation requirements will be incorporated into the detailed building design at the time of Building Consent. | **Complies** |
| *16.5.6 – Fencing*<br>*Where a site adjoins a Residential Zone, a solid 1.8m fence is required along that boundary.* | The site does not adjoin a Residential Zone. | **NA** |
| *16.5.8 – Discretionary Building Height – Frankton Marina/Sugar Lane Buildings exceeding 12m in height are a Restricted Discretionary Activity.* | The maximum proposed building height is approximately 14.185 m. | **Does not comply** |
| *16.5.9 – Maximum Building Height – Frankton Marina/Sugar Lane Maximum building height: 15m.* | The proposed maximum building height of approximately 14.185m is below the 15 m maximum height standard. | **Complies** |
| *16.5.9.2 – Fourth Storey Setback – Any fourth storey and above shall be set back a minimum of 3m from the building frontage.* | The Type B units comprise four storeys. The fourth-floor levels are setback from the building frontage as shown on the architectural plans. | **Complies** |
| *16.5.10 – Noise Activities shall comply with the relevant noise limits.* | Residential activities are anticipated within the zone and are not expected to generate noise effects beyond the site boundary. | **Complies** |
| *16.5.11 – Lighting and Glare External lighting shall be directed away from adjoining sites and roads and shall not exceed permitted spill levels.* | Any external lighting will be designed and installed to comply with the District Plan standards. | **Complies** |
| *16.5.15 – Frankton Marina/Sugar Lane Office and Retail Limits Office and retail activities are subject to floor area limits.* | No office or retail activities are proposed. | **N/A** |
| *16.5.16 – Sound Insulation and Mechanical Ventilation Buildings containing noise-sensitive activities within 80m of SH6A must achieve the required internal sound levels and ventilation standards.* | The proposed residential units are located within 80m of Frankton Road (SH6A). Acoustic insulation and mechanical ventilation requirements will be incorporated into the development, this will be provided at the time of Building Consent. | **Complies** |

Given the above assessment, the proposal is assessed as a **Restricted Discretionary Activity** under Rule 16.4 and Rule 16.5 of the Plan.

## 4.3 Earthworks

The following is an assessment against the relevant earthworks provisions of Chapter 25 of the Plan:

| Rule | Proposal | Compliance |
|---|---|---|
| **Earthworks - Restricted Discretionary Activity** | | |
| *25.4.2 Earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2* | As outlined above, the proposal involves approximately 1,647 $m^3$ of earthworks, exceeding the permitted 500 $m^3$ threshold for the Business Mixed Use Zone. | **Does not Comply** |
| ***25.5 Rules – Standards*** | | |
| *25.5.5 – Maximum Volume of Earthworks*<br>*The maximum volume of earthworks within the Business Mixed Use Zone shall not exceed 500$m^3$ within any consecutive 12-month period.* | The proposal will involve approximately 762 $m^3$ of cut and 885 $m^3$ of fill, resulting in a total earthworks volume of approximately 1,647 $m^3$. | **Does not comply** |
| *25.5.11 – Maximum Area of Earthworks*<br>*The maximum area of earthworks shall not exceed 2,500$m^2$ on land with a slope greater than 10 degrees, or 10,000$m^2$ where the slope is less than 10 degrees.* | Earthworks will occur over an area of approximately 2,412$m^2$. | **Complies** |
| *25.5.12 – Erosion and Sediment Control Appropriate erosion and sediment control measures shall be implemented and maintained during earthworks.* | Erosion and sediment control measures will be implemented in accordance with an Environmental Management Plan prepared for the development. | **Complies** |
| *25.5.13 – Dust from earthworks shall be managed through appropriate dust control measures so that dust it does not cause nuisance effects beyond the boundary of the site* | Dust suppression measures will be implemented during construction. | **Complies** |
| *25.5.14 – Accidental Discovery Protocol Procedures apply where archaeological material or cultural artefacts are discovered during works.* | An accidental discovery protocol can be implemented during construction and volunteered as a condition of consent. | **Complies** |
| *25.5.15 – Maximum Depth of Cut*<br>*The maximum depth of any cut shall not exceed 2.4m.* | The earthworks plans indicate a maximum cut depth of approximately 2.8 m. | **Does not Comply** |
| *25.5.16 Fill Standard*<br>*The maximum height of any fill shall not exceed 2 metres.* | The earthworks plans indicate a maximum fill depth of approximately 4.4 m. | **Does not comply** |
| *25.5.18 – Earthworks Setbacks*<br>*Earthworks greater than 0.5 metres in height or depth shall be set back from the site boundary the following minimum distances:*<br>*25.5.18.1 Earthworks not supported by retaining walls:*<br>*a. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill, with a maximum batter slope angle of 1:3 (vertical: horizontal); or*<br>*b. 300mm plus a batter slope angle* | Subject to final design any retaining walls will comply with this requirement. | **Complies** |

| Rule | Proposal | Compliance |
|---|---|---|
| **Earthworks - Restricted Discretionary Activity** | | |
| *of a maximum of 1:3 (vertical: horizontal), as measured from the crest of the cut.*<br>*Refer to Interpretive Diagrams 25.4 and 25.5 located within Schedule 25.9.*<br>*25.5.18.2 Earthworks supported by retaining walls:*<br>*a. Cut or fill supported by a retaining wall must be setback a distance at least equal to the height of the retaining wall;*<br>*b. Cut and fill equal to or less than 0.5m in height is exempt from this rule.*<br>*Refer to Interpretive Diagrams 25.6 and 25.7 located within Schedule 25.9.* | | |
| *25.5.19 – Water Bodies*<br>*Earthworks within 10m of the bed of a water body, river or drain that flows into a lake or river shall not exceed 5m³ within any consecutive 12-month period.* | The site contains an existing creek/watercourse which traverses part of the property. Earthworks and infrastructure works are proposed in proximity to the creek, including piping and associated works. The volume of earthworks within 10 m of the watercourse is expected to exceed the permitted threshold. | **Does not comply** |
| *25.5.20 – Groundwater and Surface Water Protection*<br>*Earthworks shall not result in artificial drainage of an aquifer or temporary ponding of surface water.* | The proposal will be able to comply with this standard. | **Complies** |
| *25.5.21 – Transport of Cleanfill*<br>*No more than 300m³ of cleanfill shall be transported by road to or from an earthworks area.* | The proposal will be able to comply with this standard. | **Complies** |

Given the above assessment the proposed activity is assessed as a **Restricted Discretionary Activity** under Rule 25.4.2 of the Plan.

## 4.4 Transport

The following is an assessment against the relevant transport rules of the Plan:

| Rule | Proposal | Compliance |
|---|---|---|
| **Transport Chapter** | | |
| *29.4.3 Parking Spaces*<br>*Activities shall provide parking in accordance with the standards and rates specified in Chapter 29.* | The proposal provides a total of 50 on-site car parking spaces for 26 residential units. Parking is distributed throughout the site and includes a combination of garage and uncovered spaces. | **Complies** |
| *29.4.4 Loading Spaces, Set Down Areas, Manoeuvring and Access Activities shall* | Vehicular access is proposed via Sugar Lane. Internal circulation and manoeuvring areas are provided | **Complies** |

| Rule | Proposal | Compliance |
|---|---|---|
| **Transport Chapter** | | |
| *comply with the applicable standards relating to loading, access and manoeuvring.* | throughout the development. Vehicles are able to enter and exit the site in a safe and efficient manner. | |
| *29.4.11 High Traffic Generating Activities (HTGA) Residential activities comprising 50 or more residential units are a Restricted Discretionary Activity.* | The proposal comprises 26 residential units, therefore does not trigger this rule. | **Complies** |
| *29.5.1 Location and Availability of Parking Spaces*<br>*Parking spaces shall be available for the activity they serve and shall not obstruct accessways or required outdoor living areas.* | All parking spaces are located within the development and are available for use by residents and visitors. | **Complies** |
| *29.5.2 Parking Space Dimensions and Layout Parking spaces shall comply with the dimensions specified in Schedule 29.2.* | Parking spaces have been designed in accordance with the dimensions in the district plan as shown on the plans. | **Complies** |
| *29.5.3 Parking Area Gradients*<br>*Parking spaces shall comply with the maximum gradients specified by the Plan.* | Parking gradients can be complied with in accordance with the district plan. | **Complies** |
| *29.5.6 Reverse Manoeuvring*<br>*Adequate manoeuvring shall be provided to enable vehicles to enter and exit the site safely.* | Internal manoeuvring areas are provided and allow vehicles to safely access and exit parking spaces. | **Complies** |
| *29.5.8 Queuing*<br>*Parking areas containing between 21 and 50 parking spaces shall provide a minimum queuing length of 12m.* | The development provides for 50 parking spaces. Queueing and internal circulation can be accommodated. | **Complies** |
| *29.5.10 Surface of Parking Areas and Accessways Parking and access areas shall be formed and surfaced to minimise dust, noise and runoff.* | All accessways and parking areas will be appropriately formed and sealed. | **Complies** |
| *29.5.12 Bicycle Parking*<br>*Bicycle parking shall be provided in accordance with Table 29.6.* | Bicycle storage facilities are incorporated into the development. | **Complies** |
| *29.5.13 Access Design*<br>*Vehicle access shall comply with Schedule 29.2 and the QLDC Land Development and Subdivision Code of Practice.* | Access is proposed via Sugar Lane and will be designed in accordance with the applicable standards. | **Complies** |
| *29.5.16 Access Gradients*<br>*Vehicle access gradients shall comply with the relevant standards.* | Access gradients proposed for this development can comply with the relevant standards. | **Complies** |
| *29.5.17 Sight Distances*<br>*Vehicle access shall provide the required sight distances.* | Sight distances at the site access have been assessed and are considered appropriate for the receiving environment. | **Complies** |

Given the above assessment the proposed activity is assessed as **Permitted Activity** under Rule 29 of the Plan.

## 4.5 Activity status

Overall, land use consent is sought for a **Restricted Discretionary Activity** under the Queenstown Lakes Proposed District Plan due to:

- Rule 16.5.8 Frankton Marina (Sugar Lane) Height Threshold – Buildings exceeding 12m in height within the Frankton Marina (Sugar Lane) area are a **Restricted Discretionary Activity**. Maximum building height of approximately 14.185m.
- Rule 16.4.4 Buildings – The construction of any building within the Business Mixed Use Zone is a **Restricted Discretionary Activity**.
- Rule 25.4.2 Earthworks that do not comply with the maximum earthworks volume standards in a **Restricted Discretionary Activity**.
    - Earthworks volume of approximately 1,647 $m^3$ exceeds the permitted 500 $m^3$ threshold for the Business Mixed Use Zone.
- Rule 25.5 Earthworks that do not comply with the following standards are **Restricted Discretionary Activity**:
    - Rule 25.5.15 – Maximum depth of cut;
    - Rule 25.5.16 – Maximum height of fill;
    - Rule 25.5.19 – Earthworks within proximity to a waterbody.

# 5 Assessment of relevant objectives and policies

Under Schedule 4 Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant objectives and policies of the Queenstown Lakes Operative District Plan and of the Queenstown Lakes Proposed District Plan and the Otago Regional Policy Statement.

## 5.1 Queenstown Lakes Proposed District Plan

| Objective or Policy | Proposal | Assessment |
|---|---|---|
| **Strategic Directions and Urban Development** | | |
| *3.2 Urban Development*<br>*Direct urban growth to appropriate locations and provide for a diverse range of housing opportunities within existing urban areas.* | The proposal provides 26 residential units within the established urban area of Frankton. The site is zoned Business Mixed Use and is identified for urban development and intensification. | **Consistent** |
| *3.2.1 Urban Growth*<br>*Enable urban growth in locations supported by infrastructure, public transport and services.* | The site is connected to existing infrastructure networks and is located in close proximity to public transport, employment opportunities, retail centres, community facilities and recreational amenities. | **Consistent** |
| *4.2.1 Development occurs in a logical and consolidated manner within urban areas.* | The proposal represents the redevelopment of an existing urban site and contributes to a more compact urban form without extending development into rural areas. | **Consistent** |
| *4.2.1.3 Encourage efficient use of urban land and infrastructure.* | The proposal makes efficient use of a large urban site within an established growth area and utilises existing infrastructure and transport networks. | **Consistent** |
| **Chapter 16 – Business Mixed Use Zone** | | |
| *Objective 16.2.1 Development within the Business Mixed Use Zone provides a vibrant, attractive and integrated urban environment.* | The proposal comprises a comprehensive residential development with high-quality architecture, landscaping, pedestrian connectivity and communal amenity spaces. | **Consistent** |
| *Policy 16.2.1.1 Encourage a mix of activities and building forms that contribute to a vibrant urban environment.* | The proposal introduces additional residential activity within the Frankton Marina precinct, supporting the mixed-use character of the locality and increasing residential population within walking distance of services and employment opportunities. | **Consistent** |
| *Policy 16.2.1.2 Ensure development contributes positively to streetscape character and urban design outcomes.* | The proposal incorporates articulated building forms, extensive glazing, balconies, varied rooflines and comprehensive landscaping to create a visually attractive development. | **Consistent** |
| *Policy 16.2.1.4 Encourage high quality pedestrian environments and active transport connections.* | Pedestrian access is provided throughout the development and the site is located adjacent to existing pedestrian and cycling connections linking Frankton with surrounding residential, commercial and recreational destinations. | **Consistent** |
| *Policy 16.2.1.5 Ensure development provides a high level of amenity for occupants and adjoining sites.* | Each unit is provided with private outdoor living areas, access to natural sunlight and outlook, together with communal landscaping and open space. | **Consistent** |
| **Chapter 25 – Earthworks** | | |
| *Objective 25.2.1 Earthworks are* | While the proposal requires earthworks exceeding the | **Consistent** |

| Objective or Policy | Proposal | Assessment |
|---|---|---|
| *undertaken in a manner that maintains landscape, ecological and amenity values.* | permitted volume standards, the works are necessary to establish building platforms and infrastructure and will be managed through the environmental management plan and good industry practice. | |
| *Policy 25.2.1.1 Minimise adverse landscape and visual effects of earthworks.* | Earthworks are integrated with the site design and will be complemented by retaining structures and extensive landscaping. | **Consistent** |
| *Policy 25.2.1.3 Avoid, remedy or mitigate sediment, dust and stormwater effects arising from earthworks.* | An Environmental Management Plan and erosion and sediment control measures will be implemented during construction. | **Consistent** |
| **Chapter 29 – Transport** | | |
| *Objective 29.2.1 Promote a safe, efficient and integrated transport network.* | The proposal utilises an existing access from Sugar Lane and provides 50 on-site parking spaces, internal manoeuvring and pedestrian connections. | **Consistent** |
| *Policy 29.2.1.1 Ensure development is integrated with the transport network.* | The site is located within an established transport corridor and has access to public transport, cycling infrastructure and the wider road network. | **Consistent** |
| *Policy 29.2.1.4 Encourage walking, cycling and public transport use.* | The site is located within walking distance of bus stops, commercial services, employment areas, the Frankton Marina and active transport routes. | **Consistent** |

Overall, the proposal gives effect to the relevant objectives and policies of the Queenstown Lakes Proposed District Plan. The development provides additional housing within an established urban area, makes efficient use of existing infrastructure, supports the strategic growth of Frankton and delivers a high-quality residential environment consistent with the anticipated outcomes of the Business Mixed Use Zone.

While the proposal requires consent for building height and earthworks matters, these infringements are limited in nature and do not undermine the achievement of the relevant objectives and policies. On balance, the proposal is considered to be consistent with the relevant provisions of the Proposed District Plan.

## 5.2 Otago Regional Policy Statement

Under sections 73(4) and 75(3)(c) of the RMA, local authorities must ensure their district plans continue to give effect to the relevant regional policy statement. Therefore, it is considered if an activity is consistent with the objectives and policies of the relevant district plan or proposed plan, it is also consistent with the objectives and policies of the regional policy statement.

As determined earlier, the proposed activity is considered to be consistent with the objectives and policies of the Plan and therefore, the proposed activity is considered to be consistent with the objectives and policies of the Otago Regional Policy Statement.

## 5.3 Summary

Overall, it is considered the proposed development is consistent with the relevant objectives and policies of the Plan and Otago Regional Policy Statement.

# 6 Assessment of environmental effects

In accordance with section 88 of the RMA and the Fourth Schedule, the following is an assessment of the actual and potential effects on the environment arising from the proposed 26-unit development. This assessment includes consideration of the relevant matters set out in Clauses 6 and 7 of the Fourth Schedule.

As a restricted discretionary activity, as a Restricted Discretionary Activity, Council's discretion is limited to the matters specified under the Business Mixed Use Zone and Earthworks provisions of the Queenstown Lakes Proposed District Plan which are addressed in the following assessment:

- Permitted baseline
- Urban design, character and amenity effects
- Physical, landscape and visual effects
- Effects on ecological values
- Earthworks effects
- Temporary effects
- Cumulative effects
- Positive effects

## 6.1 Permitted Baseline

Section 104(2) of the Act states that a consent authority may disregard an adverse effect of an activity on the environment if the Plan permits an activity with that effect. Case law has established that the permitted baseline test relates to the effects of non-fanciful hypothetical activities, which could be carried out as of right under the Plan, as well as any existing lawfully established activity on the site. It is noted that the use of Section 104(2) is discretionary; however, there is no reason why that discretion should not be exercised in this case.

The subject site is located within the Business Mixed Use Zone and the Frankton Marina (Sugar Lane) area under the Queenstown Lakes Proposed District Plan. The zone anticipates a mix of residential, commercial, visitor accommodation and other urban activities and provides for a more intensive urban form than is currently established on the site.

Under the permitted baseline, the site could be redeveloped for a range of urban activities, including multi-unit residential development, subject to compliance with the relevant zone and site standards. Accordingly, the receiving environment is one where urban intensification, increased building density and multi-level-built form can reasonably be anticipated.

While the proposal exceeds certain earthworks standards and requires consent as a Restricted Discretionary Activity, the overall residential use of the site is anticipated within the Business Mixed Use Zone. The effects of the proposal are therefore assessed against a receiving environment where urban redevelopment and residential intensification are expected outcomes.

## 6.2 Urban Design, Character and Amenity Effects

The application site is located within the Frankton Marina (Sugar Lane) area of the Business Mixed Use Zone and occupies an elevated position above Lake Whakatipu and Frankton Marina. The surrounding environment comprises a mix of residential, visitor accommodation, marina-related and commercial activities and exhibits an increasingly urban character consistent with the growth of Frankton.

The proposal involves the redevelopment of two existing residential properties with a 26-unit residential development across three building typologies. While introducing a greater level of density than currently exists on the site, residential activity is anticipated within the Business Mixed Use Zone and represents an efficient use of a well-located urban site.

An Urban Design Report has been prepared in support of the application and concludes that the proposal is consistent with the relevant urban design outcomes sought for the Business Mixed Use Zone. The report notes that the development responds appropriately to the site's sloping topography, elevated outlook and Frankton Marina context.

The buildings are designed to step with the landform and incorporate architectural articulation, balconies, glazing and varied roof forms to reduce perceived bulk and provide visual interest. The proposal also provides active frontages to Frankton Road and Sugar Lane through windows, balconies, terraces and clearly defined pedestrian access points.

The proposal provides a high level of residential amenity, including private outdoor living areas ranging from approximately 12.25 $m^2$ to 25.5 $m^2$, together with expansive views towards Lake Whakatipu and the surrounding mountain environment. Comprehensive landscaping throughout the site will soften the appearance of built form and contribute positively to the streetscape and marina setting.

Potential effects on neighbouring properties, including outlook, privacy, shading and visual dominance, are considered appropriate within the context of the Business Mixed Use Zone and the established character of the locality.

Overall, the proposal achieves a high-quality urban design outcome and will not result in adverse urban design, character or amenity effects beyond those anticipated within the zone. Any adverse effects are considered less than minor.

## 6.3 Physical, Landscape and Visual Effects

The proposal will replace two existing residential dwellings with a 26-unit residential development, including associated parking, accessways, landscaping and infrastructure. While the development increases the scale and intensity of built form on the site, it is consistent with the anticipated outcomes of the Business Mixed Use Zone and the ongoing urban intensification occurring throughout Frankton.

The site occupies an elevated position above Frankton Marina and Lake Whakatipu and is visible from surrounding roads, the marina and nearby residential areas. The proposal responds to these visual sensitivities through building articulation, varied roof forms, balconies, recesses and comprehensive landscaping.

The infringements associated with building height and recession plane largely from the site's topography and the design response required to achieve a functional and cohesive development. The effects of these infringements are moderated through building separation, façade articulation, varied building forms and landscaping. The tallest building reaches approximately 14.185 m, exceeding the 12 m consent threshold but remaining below the 15 m maximum anticipated by the Proposed District Plan.

The landscape plan includes specimen trees, shrubs, groundcover planting and amenity landscaping throughout the site. Landscaping along the road frontage, internal circulation areas and site boundaries will soften the appearance of the development and assist its integration into the surrounding environment.

The proposal comprises residential activities that are generally compatible with the surrounding environment and are not expected to generate significant noise, dust, glare or other nuisance effects. Temporary construction-related effects will be limited in duration and can be managed through standard construction practices.

Having regard to the urban context of the site, the anticipated character of the Business Mixed Use Zone, the architectural design and proposed landscaping, the proposal is not anticipated to result in significant adverse physical, landscape, visual or operational effects.

Overall, the resulting effects are considered appropriate and less than minor.

## 6.4 Effects on ecological values

The site is located within an established urban environment and is currently occupied by two existing residential dwellings, associated parking areas, landscaping and vegetation. The site also contains an existing stream corridor which traverses part of the property.

The site is identified within the Threatened Environment Classification Overlay, including areas where less than 20% indigenous vegetation remains and areas where less than 10% indigenous vegetation remains. Notwithstanding this overlay, the site has been substantially modified through historical residential development and associated land use activities.

The proposal includes the diversion of the existing stream through a piped system as part of the overall engineering design. The stream diversion works will be subject to detailed design and any necessary approvals from the Otago Regional Council.

A landscape treatment is proposed throughout the site. The proposed landscaping will contribute positively to the visual amenity of the site and assist in maintaining a vegetated environment within the development.

No significant natural areas have been identified on the site and the proposal is not anticipated to adversely affect any identified habitats of indigenous fauna or areas of significant indigenous vegetation. The site is located within a highly modified urban environment where ecological values have already been substantially altered through previous development.

Overall, the proposal is will not result in significant adverse ecological effects and any effects on ecological values are considered less than minor.

## 6.5 Earthworks Effects

The proposal involves approximately 762 $m^3$ of cut and 885 $m^3$ of fill across an earthworks area of approximately 2,412 $m^2$. The earthworks are required to establish building platforms, internal accessways, parking areas, retaining structures and associated infrastructure necessary to facilitate the proposed residential development.

In addition, the earthworks include cut and fill components that exceed the permitted threshold of the plan.

The site is located within an established urban environment and the earthworks are largely internal to the site. The resulting landform modifications are necessary to respond to the site's existing topography and to enable a comprehensive and efficient residential development. Once construction is complete, much of the earthworks will be obscured by buildings, retaining structures and landscaping.

Temporary effects associated with earthworks may include dust generation, sediment runoff, construction noise and increased construction traffic. These effects are typical of urban development projects and can be appropriately managed through the implementation of an environmental management plan, erosion and sediment control measures and standard construction management practices.

Overall, while the proposal exceeds the permitted earthworks standards, the resulting effects are considered localised and can be appropriately avoided, remedied or mitigated through detailed design and construction management measures. The resulting earthworks effects are considered less than minor.

## 6.6 Transport, Access and Parking Effects

Effects associated with transport have been assessed as part of the design and planning process for the proposal. The site layout, access arrangements, parking provision and internal manoeuvring areas have been carefully considered and are demonstrated on the design plans.

Vehicle access to the site is provided via Sugar Lane, rather than directly from Frankton Road (State Highway 6A). This arrangement avoids the creation of additional vehicle crossings onto the state highway network and utilises an established local road connection to service the development.

The proposal provides 50 on-site car parking spaces for the 26 residential units. The parking supply exceeds one space per unit and includes a combination of garage and uncovered parking spaces distributed throughout the development. Internal manoeuvring areas have been designed to enable vehicles to safely access and exit parking spaces and the site, with appropriate circulation provided throughout the development.

Given the location of the site within the Frankton urban area, future residents will also benefit from convenient access to public transport, walking and cycling networks. Existing bus stops are located within walking distance of the site, while the Frankton Marina area, Queenstown Trail network and surrounding commercial and employment areas are readily accessible by active transport modes.

The proposal will generate additional vehicle movements when compared to the existing residential use of the site. However, the increase in traffic volumes is anticipated and consistent with the zoning of the land and the urban growth expected within the Frankton area. The scale of development is not such that it is anticipated to adversely affect the safety or efficiency of the surrounding transport network.

Overall, the proposal provides an appropriate level of parking, vehicle access and internal circulation and is not anticipated to result in significant adverse transport effects. The resulting transport, access and parking effects are considered less than minor.

## 6.7 Temporary effects

Construction of the proposed development will result in temporary effects including construction noise, vibration, dust generation, earthworks activities, construction traffic and general site disturbance.

These effects are temporary in nature and are typical of urban development projects of this scale. The effects will be limited to the construction period and will cease once development has been completed.

Appropriate management measures will be implemented throughout the construction phase, including erosion and sediment controls, dust suppression measures, management of construction traffic, maintenance of safe access arrangements and adherence to standard construction noise practices.

While neighbouring properties may experience temporary inconvenience during construction, these effects will be localised and limited in duration. The surrounding environment is already characterised by ongoing development and redevelopment activity associated with the continued growth of the Frankton area.

Overall, temporary construction-related effects are considered to be manageable through standard construction management practices and are expected to be no more than minor.

## 6.8 Cumulative effects

The proposal has been assessed in the context of both the existing environment and the anticipated pattern of future development within Frankton and the wider Queenstown urban area.

The surrounding environment already contains a mix of residential dwellings, townhouses, apartments, visitor accommodation, commercial activities and marina-related development. The Frankton area has experienced

significant growth and redevelopment in recent years and continues to accommodate a substantial proportion of Queenstown's urban growth and housing demand.

The proposed development contributes to this established and evolving urban pattern. While it introduces additional residential density and built form to the site, it does so in a manner consistent with the scale and character of surrounding development and the outcomes anticipated by the Business Mixed Use Zone. The proposal represents a logical redevelopment of a large urban site located within an area identified for more intensive urban development.

The proposal is also supported by existing infrastructure, transport networks and community facilities. The development does not result in adverse cumulative effects on the capacity or operation of these services beyond those anticipated within the urban environment.

When considered alongside existing and anticipated future development within the Frankton Marina precinct and wider Frankton area, the proposal is not expected to generate adverse cumulative effects in respect of urban character, amenity, traffic, servicing or visual appearance beyond those reasonably anticipated within a growing urban environment.

Rather, the proposal contributes positively to the ongoing evolution of Frankton as a mixed-use urban centre and supports the strategic objective of accommodating growth within existing urban areas.

Accordingly, cumulative effects arising from the proposal are considered acceptable and less than minor.

## 6.9 Positive effects

The proposal will result in a number of positive environmental, social and economic outcomes.

The development will provide 26 residential units within an established urban area of Queenstown, contributing to housing supply in a location where demand for residential accommodation remains high. The proposal will assist in increasing housing choice and diversity through the provision of a range of dwelling typologies within close proximity to employment opportunities, commercial centres, public transport and recreational amenities.

The site is strategically located within the Frankton Marina precinct and within convenient walking and cycling distance of Frankton Marina, Queenstown Central, Remarkables Park, public transport services and the wider active transport network. Future residents will benefit from access to a wide range of services and amenities, reducing reliance on private vehicle travel and supporting more sustainable transport choices.

The proposal represents an efficient use of an existing urban site that is already serviced by reticulated infrastructure, including water supply, wastewater and stormwater services. Redevelopment of the site supports a more compact urban form and assists in accommodating growth within the existing urban boundary, reducing pressure for expansion into rural and undeveloped areas.

The development will also generate economic benefits through construction activity, employment opportunities and ongoing expenditure within the local economy. The increased residential population within the Frankton area will support surrounding commercial activities, services and community facilities.

A comprehensive landscaping plan forms part of the proposal and will enhance the visual amenity of the site over time. The landscaping will soften the appearance of the development, contribute positively to the streetscape and marina environment, and provide an attractive living environment for future residents.

Overall, the proposal will provide positive housing, urban development and economic outcomes and is considered to contribute positively to the ongoing growth and development of the Frankton area and wider Queenstown urban environment.

## 6.10 Potentially affected parties

Under Schedule 4, clause 6(1)(f) of the RMA, an application for resource consent must identify the persons affected by the activity, any consultation undertaken and any response to the views of any person consulted.

In this case, no persons are considered to be adversely affected as the overall effects are expected to be less than minor.

## 6.11 Effects summary

Overall, the proposed development will result in positive urban development outcomes through the establishment of 26 residential units within the Frankton Marina precinct, a highly accessible and well-serviced urban location.

The proposal has been assessed having regard to the Business Mixed Use Zone, the site's elevated and sloping topography, the surrounding mixed-use urban environment, and the anticipated pattern of intensification within Frankton.

The development has been designed to respond to the site through terraced building forms, façade articulation, balconies, glazing, varied roof forms and comprehensive landscaping. These measures assist in reducing perceived bulk, maintaining residential amenity and integrating the development into the surrounding environment.

The proposed earthworks, transport and temporary construction effects are considered to be localised and can be appropriately managed through detailed design, erosion and sediment control measures, and standard construction management practices.

Having regard to the matters assessed above, the adverse environmental effects of the proposal are considered to be less than minor.

# 7 Statutory framework

## 7.1 Part 2 of the RMA

The Resource Management Act ("RMA" or "the Act") is the principal legislation for the management of the natural and physical resources of New Zealand. All resource consent applications are subject to the provisions of Part 2 of the Act, which sets out the purpose and principles that guide this legislation.

Section 5 of the RMA states that the purpose of the Act is "to promote the sustainable management of natural and physical resources".

The term 'sustainable management' is defined in the RMA as meaning:

> *...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.*

The proposed development is able to satisfy the purpose and principles of the Act, by adequately avoiding or mitigating any adverse effects on the environment arising from the construction of 26 residential units.

Section 6 of the Act requires certain matters to be recognised and provided for in relation to managing the use, development and protection of natural and physical resources. None of these matters of national importance are considered to be relevant to this proposal.

Section 7 of the Act lists other matters for which particular regard shall be given to. Subsections (b), (c) and (f) are considered to be relevant to the assessment of the consent application:

> *(b) the efficient use and development of natural and physical resources:*
> *(c) the maintenance and enhancement of amenity values:*
> *(f) maintenance and enhancement of the quality of the environment:*

The proposal enables efficient use of a serviced urban site, maintains amenity through quality design and landscaping, and supports the enhancement of the Frankton environment through well-located residential intensification.

Section 8 requires the Council to take into account principles of the Treaty of Waitangi. It states:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

It is considered the proposal will not be inconsistent with the principles of the Treaty of Waitangi, including but not limited to, partnership, participation and protection.

## 7.2 Other relevant documents

Under Schedule 4, Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant provisions of any other relevant statutory documents (other than district plans or proposed district plans).

### National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development sets out the national direction for urban development under the Resource Management Act 1991. Its purpose is to support well-functioning urban environments by enabling sufficient development capacity for housing and business growth, while ensuring communities have good access to services, employment, public transport and infrastructure.

The proposal is consistent with the objectives and policies of the NPS-UD as it provides additional residential development within an established urban area that is well serviced by infrastructure, public transport, employment opportunities and community facilities. The site is located within the Frankton urban area, which is identified as an important location for growth and intensification within Queenstown.

The proposal makes efficient use of urban land and existing infrastructure by redeveloping two residential sites for a comprehensive 26-unit residential development. The development contributes to housing supply and housing choice while supporting a compact urban form and reducing the need for urban expansion into rural areas.

Overall, the proposal is consistent with the relevant objectives and policies of the NPS-UD and supports the achievement of a well-functioning urban environment.

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) requires sites subject to land use and disturbance of soil to be assessed to determine if:

*(a) an activity or industry described in the HAIL is being undertaken on it; and/or*
*(b) an activity or industry described in the HAIL has been undertaken on it; and/or*
*(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

The site has been investigated on Otago Regional Council's Listed Land Use Register (LLUR). The investigation demonstrated that there is no evidence of a HAIL activity having been carried out on the site. Furthermore, the owner of the application site has confirmed that to the best of their knowledge, a HAIL activity is not being carried out on the site currently.

## 7.3 Consideration of applications (Section 104-104D)

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

*(a) any actual and potential effects on the environment of allowing the activity; and*
*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
*(b) any relevant standards of-*
*(i) a national environment standard;*
*(ii) other regulations;*
*(iii) a national policy statement;*
*(iv) a New Zealand coastal policy statement;*
*(v) regional policy statement or proposed regional policy statement;*
*(iv) a plan or proposed plan; and*
*(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Assessment against these matters has been provided within this application above.

Section 104C of the Act states in relation to the determination of applications for restricted discretionary activities:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
*(a) a discretion is restricted in national environmental standards or other regulations:*
*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*
*(2) The consent authority may grant or refuse the application.*
*(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
*(a) a discretion is restricted in national environmental standards or other regulations:*
*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

As the proposal is assessed as a Restricted Discretionary Activity under the Queenstown Lakes Proposed District Plan, resource consent may be granted. In considering this application, Council's assessment is limited to those matters over which it has restricted its discretion under the relevant provisions of the Proposed District Plan.

## 7.4 Section 106A assessment

Section 106A of the Act sets out certain circumstances where a consent authority can refuse a land use consent.

Section 106 states:

*A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.*

The application site is not identified as being subject to any natural hazard overlays or known natural hazard risks. Accordingly, there is no evidence before Council to suggest that the proposal would be subject to a significant risk from natural hazards. The site is therefore considered appropriate for residential use.

## 7.5 Notification

Sections 95A to 95F of the Resource Management Act 1991 set out the statutory framework for determining whether an application should be publicly or limited notified.

### Public Notification Assessment – Section 95A

Public notification of this application is not considered necessary for the following reasons:

- The applicant has not requested public notification (section 95A(3)(a));
- The application does not involve an exchange of reserve land under section 15AA of the Reserves Act 1977 (section 95A(3)(c));
- Public notification is not required by any relevant rule in the district plan or by any national environmental standard (sections 95A(5) and 95A(8)(a));
- The proposed changes will not result in adverse effects on the environment that are more than minor, as set out in the Assessment of Environmental Effects contained within this report (section 95A(8)(b)); and
- There are no special circumstances that would warrant public notification of the application (section 95A(9)).
- Accordingly, public notification is not considered necessary.

### Limited Notification Assessment – Section 95B

Limited notification of this application is also not considered necessary for the following reasons:

- There are no affected protected customary rights groups in relation to the proposed activity (section 95B(2));

- The site is not located within a statutory acknowledgement area (section 95B(3), where relevant);
- Limited notification is not otherwise required by any relevant rule or national environmental standard; and
- Having regard to sections 95D and 95E of the Act, no persons are considered to be adversely affected by the proposed development at the site.

Accordingly, no persons are considered affected for the purposes of the Act.

### Overall Notification Conclusion

Having regard to sections 95A to 95F of the Resource Management Act 1991, it is considered that the proposed development does not require either public or limited notification. Accordingly, the application can be processed on a non-notified basis.

# 8 Conclusion

This application seeks land use consent to establish a 26-unit residential development at 819–823 Frankton Road, Queenstown.

The proposed activity is assessed as a **Restricted Discretionary Activity** under the Queenstown Lakes Proposed District Plan due to the construction of buildings within the Business Mixed Use Zone and earthworks exceeding the permitted volume, cut, fill and waterbody setback standards.

It has been demonstrated by the preceding assessment that the proposal is consistent with the relevant objectives and policies of the Proposed District Plan and that the actual and potential adverse effects on the environment will be less than minor.

Accordingly, land use consent may be granted without the need for notification.

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# Appendix 1: Records of Title

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# Appendix 2: Development Design Plan

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# Appendix 3: Urban Design Report

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# Appendix 4: Landscape Plan

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# Appendix 5: Services Plan

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# Appendix 6: Earthworks Plan