To construct a residential unit and to undertake a two lot subdivision

12 Herries Lane, Lake Hayes Estate

September 2026

Key Information

Address:	12 Herries Lane, Lake Hayes Estate
Legal Description:	Lot 426 Deposited Plan 372310
Site Area:	3002m²
Property Owner:	Daniel and Rachael Gerard
Zoning:	Suburban Residential
	National Grid Transmission Line
	Building Restriction Area

2 Introduction

12 Herries Lane, Lake Hayes Estate is a residential property containing a single storey residential unit within its southern extent. Consent is sought to construct a single storey residential unit within the northern portion of the site and for a two lot subdivision.

3 Site Description

The subject site - 12 Herries Lane, Lake Hayes Estate is shown in Figure 1 below.



Figure 1: Location of the subject site shaded blue

12 Herries Lane is a rear site which has a shared access with 10 and 14 Herries Lane. The access is 7.5m in legal width as shown in Figures 2 and 3 below.

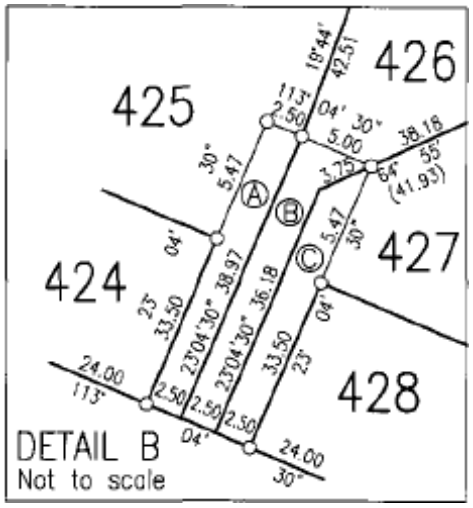


Figure 2: Extract from the Record of Title showing the legal access to the site



Figure 3: View of the shared driveway from Herries Lane

The site contains a single storey residential unit and attached garage within the southern portion of the site. The remainder of the site is landscaped. The fencing within the rear part of the site is of post and wire and is approximately 1.2m in height.

The site is approximately flat with a slight slope down towards the north.

High voltage power lines (110kV) extend across the rear of the lot as can be seen in Figure 4 below. There is a pylon located on the adjoining site to the east (24 Onslow Road). This is located approximately 28m from the boundary of the subject site.

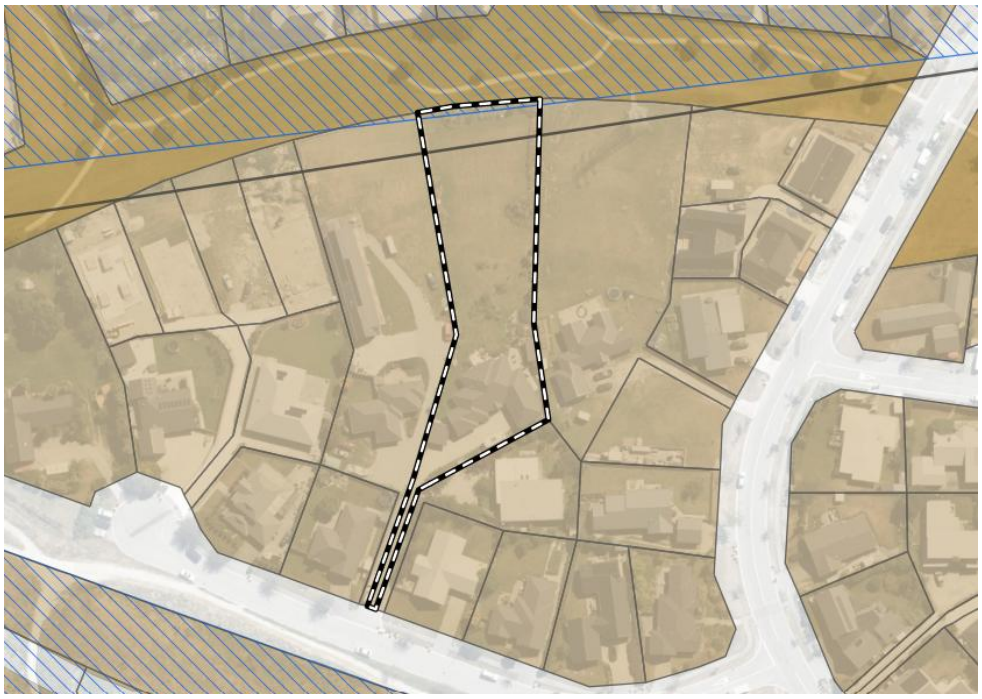


Figure 4: High voltage power lines extending across the rear of the subject site (grey line)

There are no identified hazards that relate to the subject sites according to the QLDC's hazards GIS mapping database.

The site is legally described as Lot 426 Deposited Plan 372310, and it has an area of 3,002m². The record of title is attached as **Appendix A**.

The site has a registered building platform. The location and extent of the building platform is shown in Figure 4 below. This relates to Consent Notice 7067811.12. The rear portion of the site also has a Transmission Line Consent Notice Area (TLCNA). This area relates to Consent Notice 7067811.11 and is identified in green in Figure 5 below.

Both sites have the same consent notices and covenants registered. These are attached as **Appendix B** and are detailed below.

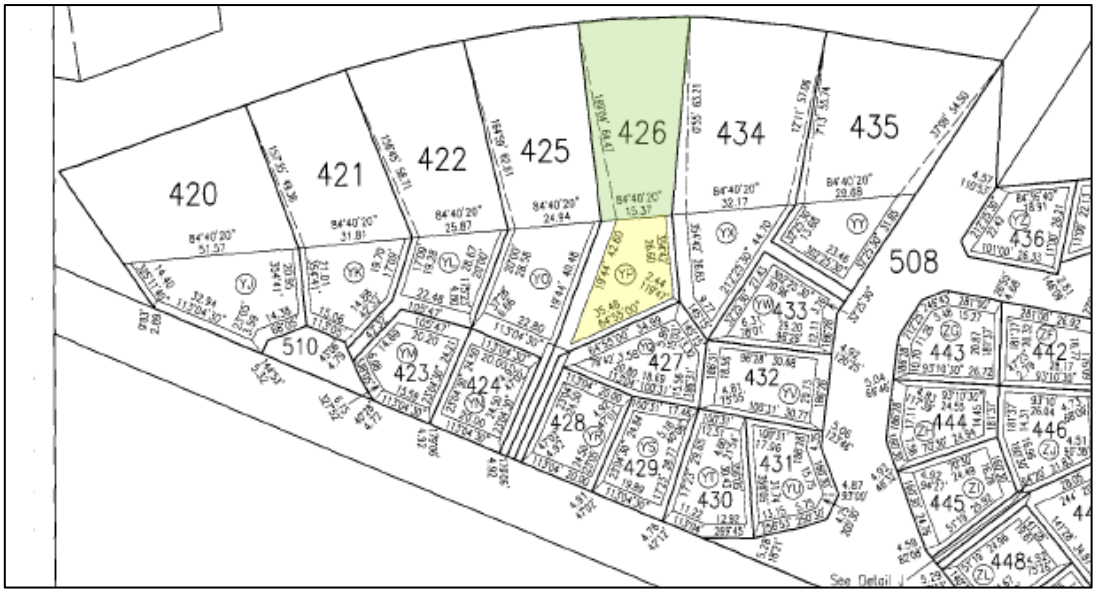


Figure 5: Location of building platform on the site shaded yellow and the TLCNA shaded green

Consent Notice 7067811.9

The following conditions of the consent notice are of relevance to the subject site:

i) Only residential and accessory buildings shall be permitted on the subject sites.
iii) That each residential unit created shall provide for two off-street car parks.
iv) Open fires, excluding gas fires, are prohibited.
v) The colour of the roof of any dwelling or accessory building shall be within the range of dark browns, greens, greys and grey blues.
viii) The maximum building height shall be 8.0 metres.

All of the above conditions will be met by the proposal.

Consent Notice 7067811.11

The following conditions of the consent notice are of relevance:

(i) No person shall, in the case of any tower or pylon supporting any conductor, excavate or otherwise interfere with any land:

a) At a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the tower or pylon; or
b) At a depth greater than 3 metres, between 6 and 12 metres of the outer edge of visible foundation of the tower;
c) In such a way as to create an unstable batter.

(ii) Excavated or other material shall not be deposited under or near the transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:

a) 6.5 metres vertically, across or along roads or driveways or on any other land transferable by vehicles;
b) 5.5 metres vertically, on any land transferable by vehicles due to inaccessibility; and
c) 3 metres in any distance other than veritable on all land.

(iii) No building or structure shall be erected in the TLCNA. No fencing or boundary planting shall be permitted within the TLCNA except:

a) Post and wire or post and rail fencing along the boundaries coloured red on Plan 8614/5(f) to a maximum height of 1.2 metres;
b) Fences along the boundaries coloured blue on Plan 8614/5(f) attached to a maximum height of 1.2 metres.

(iv) All trees and vegetation must be located/managed to comply with the Electricity (Hazards from Trees) Regulations 2003. To achieve this, no planting shall be permitted except for the following species:

Corokia cotoneaster
Discaria tomatou
Griselinia littoralis
Hebe salicfolia
Oleria avicenniaaefolia
Pittosporum tenuifolium
Poa cita
Pseudopanax laetus
Comprosma sp.
Phormium tenax
Pseudopanax lessonii

(v) All machinery and mobile plant operated on the lots must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.

The proposal can comply with all of the above requirements with the exception of Condition (iii). The proposed residential unit is located within the TLCNA; however it is outside of the National Grid Yard. Consequently, a variation to the above condition is sought through this application.

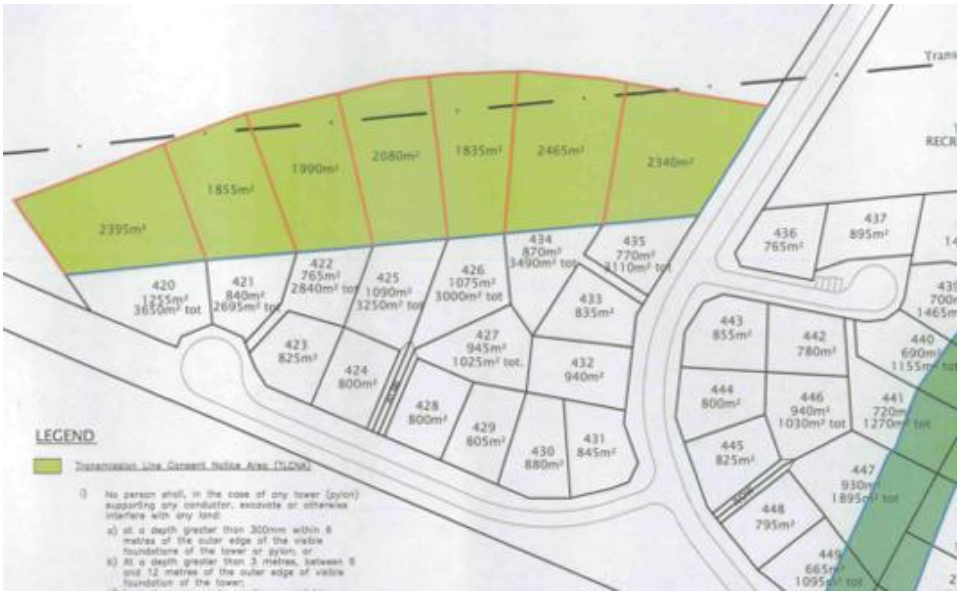


Figure 6: Boundaries that are required by Condition (iii)(a) and (b) above to have post and wire fencing of 1.2m in height

Consent Notice 7067811.12

This consent notice has been varied by the variation registered on the titles as 8478656.1. The consent notice as varied only contains one condition requiring the following:

a) *Any future dwelling or accessory building erected on the property shall be located within the building platform annotated on the survey plan attached to the certificate of title for the property with the exception of the dwelling on Lot 57 which may be established in accordance with condition 6(a) of Resource Consent RM050587.*

The building platform for the property is annotated in Figure 4 above. As the proposed residential unit is located outside of the building platform, consent is sought through this application to cancel this condition as it relates to the property.

There are three covenants registered on the titles for the two sites. These are summarised below.

Covenants 5651619.8 and 7067811.13

These covenants are both the same and both are private covenants relating to design, activity and vegetation controls for the Lake Hayes Estate subdivision. Given that these are both private covenants, they are not of relevance to the assessment of the proposal by the Council.

Covenant 7067811.18

This covenant is also a private covenant with the Queenstown Airport Corporation requiring no objection to airport operations. This is also not of relevance to the assessment of the proposal.

4 Receiving Environment

The subject site is located on Herries Lane which is a dead end road at the southern edge of the Lake Hayes Estate subdivision.

The residential lots along Herries Lane are located along its northern side and are a mixture of sizes, ranging from approximately 800m² to 3,656m² in area. The larger lots along Herries Lane are those which adjoin the Recreation Reserve to the north, and all contain existing residential units and there is a recent pattern of subdivision and additional residential units being built within the backyards within this area.

The Recreation Reserve contains the high voltage power lines that extend from Cromwell through to Frankton, a trail and limited landscaping. The Recreation Reserve is also designated (281) for this purpose and there is a building restriction area over parts of it.

To the south and southeast of the subject site, across Herries Lane, is the recently created Kawarau Heights subdivision. This low density residential subdivision is located on top of the escarpment which forms the southern side of Herries Lane and many of the lots are still vacant. Trails have been formed through this adjoining subdivision which connect the new subdivision to Herries Lane.

The lot immediately to the west of the subject sites is 14 Herries Lane. This property shares an access with the subject site and contains two residential units. Consent has recently been granted for a two lot subdivision of the site.

The lot to the east of the subject site is 24 Onslow Road. This property contains a single residential unit; however, resource consent (RM260602) has recently been lodged for a five lot subdivision and the construction of four additional residential units. This consent has not yet been determined.

The subject site also adjoins 10 Herries Lane to the south and shares an access with this property. This property contains a single residential unit.

5 Resource Management Background

The subject site was created via subdivision consent RM030892 (as varied by RM060484). This subdivision created the building platform on the lot and the TLCNA area within the rear portion of the site relating to the location of the transmission lines. At the time of the

subdivision consent and variation, the subject site was zoned Rural Residential and the minimum lot size for subdivision was 4,000m² with a requirement to identify building platforms. The zoning has since been changed to Suburban Residential Zone.

6 Zoning

The subject site is zoned Suburban Residential Zone under the Proposed District Plan (PDP). The National Grid Transmission Line extends through the rear of the property as shown in Figure 4 above (grey line). A small sliver of the northern portion of the site is also within a Building Restriction Area as shown by the blue hatching in Figure 4 above.

7 Proposal

Land use consent is sought to construct a new single storey residential unit at 12 Herries Lane, Lake Hayes Estate. Subdivision consent is also sought to create two residential lots and associated easements along with consent to vary or cancel two consent notice conditions.

Residential unit

The proposed plans for the new residential unit is attached as **Appendix C**.

The proposed residential unit is to be located within the rear of the property and is to be single storey. The residential unit is to contain three bedrooms and an open plan living, kitchen and dining area with separate media room and attached double garage.

The maximum building height for the proposed residential unit is 5.4m.

The proposed external cladding materials include corrugated wall cladding, shiplap weatherboards and schist. The roofing is to be grey corrugated colourSteel.

The proposed residential unit is to be setback more than 12m from the high voltage power lines. This meets the National Grid Yard requirement under the PDP. This setback area will form the backyard for the proposed residential unit.

The location and built form of the proposed residential unit meet all of the relevant standards for the Suburban Residential Zone.

Access to the proposed residential unit is to be via the existing access shared with 10 and 14 Herries Lane. The driveway will be extended along the western boundary of the site between the boundary and the existing residential unit.

The proposed residential unit is to be connected to Council's reticulated water, wastewater and stormwater. Underground power and telecommunications will also be provided to the proposed unit.

Earthworks for the construction of the proposed dwelling and installation of the services and access will be limited to a site scrape (0.6m deep) and temporary trenching. These have been calculated as being approximately 400m³ of cut and the excess material will be utilised to form a small berm (less than 1m high) along the western fenceline.

The only earthworks undertaken within the 12m National Grid Yard distance will be for trenching. These will be undertaken so to meet Condition (ii) of Consent Notice 7067811.11 and the earthworks will be outside of the distances specified in Condition (i) of the Consent Notice.

Subdivision consent

The proposed subdivision plan is attached as **Appendix D**.

The proposed subdivision is to create Lot 1 which is to be 2,065m² (gross) and is to contain the proposed new residential unit within the northern part of the site. The proposed Lot 2 is to be 937m² in area and is to contain the existing residential unit.

An access leg is proposed along the western boundary as part of Lot 1 with a right of way easement over a portion in favour of Lot 2 to allow for on-site manoeuvring for Lot 2. The legal width of the proposed access leg is 3.6m as a result of the existing residential unit location. The driveway however will be formed with a minimum width of 3m.

Easements for services to the proposed Lot 1 are proposed over the existing access from Herries Lane.

The proposed subdivision creates a non-compliance with the PDP setback requirements as a result of the new boundary for the proposed access to Lot 1 and the location of the existing residential unit. Parts of the existing residential unit will be located 0.9m from the new boundary.

Variation to Consent Notice Conditions

A variation to Condition (iii) of Consent Notice 7067811.11 is proposed to allow for the construction of the proposed residential unit (as shown in **Appendix D**) within the Transmission Line Consent Notice Area (TLCNA). The proposed residential unit is to be setback a minimum of 12m from the centreline of the transmission lines.

Consent Notice 7067811.12 relates to the requirement to construct any future dwelling within the approved building platforms. This consent notice is proposed to be cancelled to allow for the construction of the proposed residential unit outside of the building platforms.

8 Consents Sought

8.1 Operative District Plan

No consents are required under the ODP given that the applicable PDP standards can be treated as operative.

8.2 Proposed District Plan

The following consents are sought for the proposal under the PDP:

Lower Density Suburban Residential Zone

- A **discretionary** activity consent pursuant to Rule 7.5.6 as the existing residential unit on the proposed Lot 2 will not meet the 2m internal setback requirements in places, being setback a minimum of 0.9m from the new Lot 1 boundary.

Earthworks

- A **restricted discretionary** activity consent pursuant to Rule 25.4.2 to exceed the permitted volume of earthworks per site within the Suburban Residential Zone. The proposed volume of earthworks is 400m³.

Subdivision and Development

- A **restricted discretionary** activity consent pursuant to Rule 27.5.7 for a subdivision in the Suburban Residential Zone. Council's discretion is restricted to the following:

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

m. historic heritage;
n. easements.

- A **restricted discretionary** activity consent pursuant to Rule 27.5.10 for the subdivision of land within the National Grid Subdivision Corridor (32m for 110kV lines). Council's discretion is restricted to the following:

  a. impacts on the operation, maintenance, upgrade and development of the National Grid;
  b. the ability of future development to comply with NZECP34:2001;
  c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line.
  d. the risk of electrical hazards affecting public or individual safety, and the risk of property damage.
  e. whether any proposed planting within the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the transmission lines.

Transport

- A **restricted discretionary** activity consent pursuant to Rule 29.5.13(b) relating to the 4m minimum legal width standard. A 3.6m legal width is proposed due to the location of the existing dwelling and a formed width of 3m will be provided. Council's discretion is restricted to the following:

  a. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
  b. The design of the access, including the width of the formed and legal width.
  c. The on-going management and maintenance of the access.
  d. Urban design outcomes
  e. The vesting of the access in Council

8.3 Resource Management Act

A **discretionary activity** consent is sought pursuant to Section 221 of the Resource Management Act to vary and cancel the following consent notice conditions.

Consent Notice 7067811.11

It is proposed to amend Condition (iii) as follows (proposed changes shown underlined):

(iii) *Except as authorised by RMXXXXX, which enables buildings to be located no closer than 12m from the Transmission Line Consent Notice Area[1], no building or structure shall be erected in the TLCNA. No fencing or boundary planting shall be permitted within the TLCNA except:*

a) Post and wire or post and rail fencing along the boundaries coloured red on Plan 8614/5(f) to a maximum height of 1.2 metres;
b) Fences along the boundaries coloured blue on Plan 8614/5(f) attached to a maximum height of 1.2 metres.

Consent Notice 7067811.12

It is proposed to cancel Condition (a).

~~*a) Any future dwelling or accessory building erected on the property shall be located within the building platform annotated on the survey plan attached to the certificate of title for the property with the exception of the dwelling on Lot 57 which may be established in accordance with condition 6(a) of Resource Consent RM050587.*~~

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

Neither the Queenstown Lakes District Council nor the Otago Regional Council databases identify the subject site as being part of a verified HAIL site. Therefore, the NES does not apply.

8.5 Overall Activity Status

The overall activity status for the proposed development is **discretionary** under the PDP and **discretionary** under the RMA.

9 Permitted Activities

Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Under the PDP, the following permitted earthworks standards are of relevance to the proposal:

[1] Wording consistent with that approved for 14 Herries Lane under RM230847

- The maximum permitted volume is 300m³ per site
- The maximum permitted cut height is 2.4m
- The maximum permitted fill height is 2m
- Cut and fill supported by retaining walls must be setback a distance at least equal to the height of the retaining wall.

Under the PDP, the construction of multiple residential units within the Suburban Residential Zone on sites that are larger than 900m² in area is a permitted activity subject to compliance with a number of standards, including the following:

- Maximum height of 8m
- Maximum building coverage of 40%
- Minimum landscaped permeable surface coverage of at least 30%
- Compliance with recession planes
- Minimum setbacks 2m from internal boundaries
- 4m minimum separation for detached residential units
- Setback a minimum of 12m from the centreline of the high voltage power lines (National Grid Yard).

Consequently, under the PDP alone, the construction of an additional residential unit and associated earthworks on the site can be undertaken as a permitted activity. There is however no permitted baseline for subdivision under the PDP and the current consent notice conditions registered on the titles for the subject sites do not allow for the proposal given that they are outside of the building platforms and within the TLCNA.

10 Statutory Considerations

Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act when considering an application for resource consent. It states:

(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 provisions of—

- *(i) a national environmental standard:*
- *(ii) other regulations:*
- *(iii) a national policy statement:*
- *(iv) a New Zealand coastal policy statement:*
- *(v) a regional policy statement or proposed regional policy statement:*
- *(vi) a plan or proposed plan; and*

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

11 Assessment of Effects on the Environment and People

Subdivision Design

The below assessment takes into account the relevant matters of discretion as well as the relevant matters within the QLDC's Subdivision Guidelines.

The PDP anticipates a minimum lot size of 450m^2 for subdivision within the Suburban Residential Zone and this is met by the proposal. The proposed subdivision design takes into account the site constraints and opportunities. The proposed lot sizes and configuration are characteristic of low density design and will allow for effective residential occupation. The proposed lot sizes also allow for large private outdoor living areas that is a feature of Lake Hayes Estate. The proposed subdivision design also provides each lot with a north facing aspect which will provide for passive solar design and a high level of amenity for the existing and future occupants.

The proposed Lot 1 boundary will result in the existing residential unit on the proposed Lot 2 being located closer than 2m from the new boundary (0.9m). This will result in effects internal to the site only. There will be no change to the existing effects experienced by any of the surrounding properties.

One constraint is the location of the existing residential unit on the subject site which provides for a slightly constrained access. This is addressed below. Another constraint with the location of the site adjacent to the high voltage power lines. This is also addressed below.

The subject site does not include, nor adjoin any waterbody and therefore esplanade provision is not necessary. The site adjoins existing recreation reserve land and no additional reserve vesting is proposed. The site does not include any ecological or natural values of significance, nor any identified features of historic or cultural heritage significance.

Various right of way and servicing easements will be required as part of the proposed subdivision and will be identified in full at the time of s223.

Overall, the proposed subdivision design will result in less than minor adverse effects upon the environment.

Access, Parking and Manoeuvring

The proposed access and manoeuvring complies with all of the relevant standards within the PDP except for the minimum legal width of the access.

The proposed access to Lot 1 is to have a legal width of 3.6m and a formed width of 3m. Consequently, the formed width will comply with the PDP requirement and the legal width will be slightly reduced. The slight reduction in the legal width will still allow for the provision

of effective and safe access to the proposed Lot 1 as the access is to be straight and flat and there will be good visibility along its length. Consequently, no traffic safety effects are anticipated and there is sufficient space within the width for the underground services.

An easement is proposed over the Lot 1 access in favour of Lot 2 to allow for reverse manoeuvring within the lot for vehicles exiting Lot 2. This will ensure that vehicles within Lot 2 will be able to exit the site in a forward motion.

Servicing

As detailed in the Servicing report in **Appendix E**, the site is provided with connections to Council's reticulated water, wastewater and stormwater infrastructure at the time of subdivision and the nearest hydrant is located approximately 135m away (outside 16 Herries Lane). New underground connections to these services are proposed to be installed to the proposed residential unit on Lot 1. The new lot can also be connected to telecommunications and power supplies as detailed in the supplier letters in **Appendices F and G**.

Earthworks

The earthworks required for the proposal will be limited to temporary trenching earthworks along the proposed access for the installation of services. Earthworks will also be undertaken for the construction of the foundations for the new residential unit. Given the flat topography of the site, the proposed earthworks will be minimal and will be approximately 400m³. Site management controls will be implemented prior to the earthworks commencing in line with the short form Environmental Management Plan (EMP) attached as **Appendix H**. Furthermore, any stockpiling of topsoil and the formation of the landscape berm along the western boundary will be undertaken so to comply with the condition (ii) of Consent Notice 7067811.11. Based upon these measures, the potential adverse effects will be avoided or mitigated.

Effects relating to the National Grid

The matters of discretion relating to subdivision within the National Grid Subdivision Corridor (32m) are:

a. impacts on the operation, maintenance, upgrade and development of the National Grid;
b. the ability of future development to comply with NZECP34:2001;
c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line.
d. the risk of electrical hazards affecting public or individual safety, and the risk of property damage.

e. whether any proposed planting within the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the transmission lines.

Affected party approval is being sought from Transpower with regard to the proposed land use and subdivision consent.

Consent Notice Amendments

Amendments to Consent Notice 7067811.11

Consent Notice 7067811.11 was imposed at the time of the subdivision that created the existing lots. This was imposed due to the proximity of the subject site to the National Grid transmission lines that extend from east to west, to the north of the site.

This consent notice imposed a large Transmission Line Consent Notice Area (TLCNA) that covers all of the backyard space of the existing lot outside of the approved building platform area. Since this time, the District Plan review has been undertaken and this identified minimum requirements relating to development in proximity of the National Grid, including the National Grid Yard (12m from the centre line) and the National Grid Subdivision Corridor (32m for 110V lines). This change to the planning framework provides a basis for reviewing the requirements of the consent notice.

A review of other applications for development along Herries Lane has identified that development up to the 12m National Grid Yard distance is acceptable to Transpower in this location.

Amendments are therefore proposed to Consent Notice 7067811.11 to allow for the proposed construction of the new residential unit within the existing Transmission Line Consent Notice Area.

Affected party approval is being sought from Transpower in this regard.

Cancellation of Consent Notice 7067811.12

Consent Notice 7067811.12 was also registered at the time of subdivision which created the subject sites and this requires that all dwellings and accessory buildings are located within the approved building platforms.

Building platforms were identified at the time of subdivision given that the zoning at that time under the Operative District Plan was Rural Residential. However, under the District Plan review, the subject sites have been re-zoned to Suburban Residential Zone and building platforms are not required for this zone.

This change to the zoning provides a basis for reviewing the requirements of the consent notice and it is therefore proposed that this Consent Notice be deleted as it relates to the subject site.

12 Assessment of Effects on People

The potential adverse effects of the proposal upon the adjoining properties are assessed below taking into account the permitted baseline as detailed in Section 9 above and the assessment of effects upon the environment in Section 11 above.

14 Herries Lane

The proposed new residential unit will adjoin the eastern boundary of 14 Herries Lane. The bulk and location requirements of the PDP are met by the proposed residential unit and therefore the potential adverse effects upon this adjoining property are consistent with the development anticipated by the PDP. The single storey height and modest scale of the proposed building are also consistent with the established character of the surrounding area and the existing development within 14 Herries Lane.

The subject site shares an access with 14 Herries Lane. The proposal will result in one additional residential unit utilising this access. As the access is already formed with a width which allows for up to 12 residential units and given the access with be straight and flat, it is anticipated to be safe and effective.

Less than minor effects are therefore anticipated upon this property.

24 Onslow Road

24 Onslow Road adjoins the subject site to the west. As noted above, a resource consent has been lodged for a five lot subdivision of this site and for the construction of four additional two storey residential units. The outcome of this consent application is still pending.

The proposed residential unit within the subject site will comply with all of the PDP bulk and location standards and the potential effects of the development will therefore be consistent with that which is anticipated by the PDP. The single storey height and modest scale of the proposed building are also consistent with the established character of the surrounding area. Less than minor effects are therefore anticipated upon this property.

10 Herries Lane

The property shares an access with 10 and 14 Herries Lane. As noted above, the proposed development will result in one additional residential unit utilising this access. As the access is already formed with a width which allows for up to 12 residential units and given the access with be straight and flat, it is anticipated to be safe and effective.

Recreation Reserve

The subject site adjoins the Recreation Reserve to the north. The single storey design and the generous setback for the proposed residential unit is considered to mitigate any potential adverse effects upon users of the Recreation Reserve.

Transpower

As detailed above, affected party approval is being sought from Transpower.

13 Public and Limited Notification Assessment

Section 95 of the Act sets out the statutory tests (steps) for determining whether a resource consent application requires public or limited notification. These are addressed below.

13.1 Public Notification

The following is an assessment of the proposal against the steps within Section 95A of the Act.

Step 1 – Mandatory public notification

This is not required as:

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

Step 2 – Public notification precluded

Public notification of this resource consent application is not precluded as:

- Public notification of this resource consent application is not precluded by any rule or national environmental standard.
- The proposal is not for a controlled or boundary activity.
- The proposal is not a prescribed activity.

Step 3 – Public notification is required in certain circumstances

There are no circumstances which require public notification of this proposal as:

- There is no National Environmental Standard which requires public notification.
- As detailed in this report, the adverse effects of the activity on the environment will not be more than minor.

Step 4 – Public notification required in special circumstances

No special circumstances are considered to exist in relation to the proposal.

Overall, it is considered that the proposal can be processed without public notification.

13.2 Limited Notification

The following is an assessment of the proposal against the steps within Section 95B of the Act.

Step 1 – Notification of certain groups and affected persons

No notification is considered to be required under Step 1 as the proposal will not affect:

- Any protected customary rights groups
- Any customary marine title groups

The proposal is also not on or adjacent to, and will not affect, any land subject to a statutory acknowledgement.

Step 2 – Limited notification precluded

Limited notification of this resource consent application is not precluded as:

- Public notification of this resource consent application is not precluded by any rule or national environmental standard.
- The proposal is not for a controlled activity.

Step 3 – Notification is required in certain circumstances

There are no circumstances which require limited notification of this proposal as:

- The proposal is not a boundary activity.
- As detailed above, the adverse effects of the activity on people will not be minor or more than minor.

Step 4 – Notification in special circumstances

No special circumstances are considered to exist in relation to the proposal.

Overall, it is considered that the proposal can be processed on a non-notified basis.

14 Assessment against Policy Framework

14.1 Operative District Plan

Given that the subject sites have been rezoned under the District Plan review and the objectives, policies and methods that apply to the proposed development under the PDP are all treated as operative, no assessment of the proposal against the objectives and policies of the Operative District Plan (ODP) has been undertaken. Furthermore, the change in the zoning of the land from Rural Residential to Suburban Residential is considered to constitute a significant policy shift making the weighting of the PDP of higher significance that the ODP.

14.2 Proposed District Plan

The objectives and policies of relevance to the subject application are within Chapters 7 – Suburban Residential, 27 – Subdivision and Development and 30 – Energy and Utilities. These are addressed below.

Chapter 7 – Lower Density Suburban Residential

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

Policies

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

The proposal is consistent with the above policy as it provides for intensification, whilst also maintaining the existing character of the area through the size and design of the proposed residential units as assessed in Section 11 above. The proposed residential unit is detached and of single storey building height.

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

The design of the proposed residential unit meets all of the bulk and location standards within Chapter 7. A non-compliance as a result of the proximity of the new Lot 1 boundary to the existing residential unit will occur however this will have internal effects only.

The detached dwelling design, low height and low site coverage are all considered to maintain the suburban intensity character of the surrounding Lake Hayes Estate. The low height and proposed setbacks also ensure that the privacy and access to sunlight for surrounding properties is maintained.

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

Policies

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

The proposed right of way access is to have a lesser legal width but a compliance formed width. The formed carriageway width will be a minimum of 3m and the topography of the right of way is flat and it will be straight. Consequently, no traffic safety effects are anticipated.

A minimum of two on-site car parks are to be provided on each of the proposed lots and the location and design of these meet the PDP standards. Manoeuvring is provided within the subdivision and unit design allowing for all vehicles to exit the lots in a forward gear.

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

Given the zoning of the subject sites, capacity to connect to the reticulated network is anticipated.

Chapter 27 – Subdivision and Development

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

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

The access and installation of services will be designed and constructed to meet Council standards.

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.

The proposed subdivision design has been assessed against the QLDC Subdivide Design Guidelines in Section 11 above and the design does respond to the neighbourhood context through provision of an additional residential lot that will provide for the construction of a residential unit that is consistent with the established character of the surrounding Lake Hayes Estate area.

The proposed lots are approximately rectangle in shape and of a size that is anticipated by the District Plan.

The flat topography and large size of the site is identified as a key opportunity for the provision of an additional residential unit. The access is seen as a potential constraint; however, this has been assessed as still being safe in use above. Another constraint is the location adjacent to the National Grid. Consultation has been undertaken with Transpower to identify and resolve any potential issues.

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.*

The proposed design of the residential unit on the proposed Lot 1 along with the subdivision design shows that the proposed lots are of suitable size and shape for the anticipated residential land uses. Services will be provided underground to the boundary of the proposed lots.

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.*

The formation of the new access and provision of services to the proposed Lot 1 will be undertaken at the time of subdivision.

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.*

The proposed lots are configured so that the residential units and outdoor living areas are open to the north aspect. This will maximise sunlight access and solar gain.

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.

The location of the subject sites within Lake Hayes Estate mean that the future lots will have good access to public transport, services, trails and adjoining neighbourhoods. The future development of the nearby Ladies Mile area is anticipated to provide additional employment opportunities and community facilities to the surrounding area.

27.2.2.8 *Manage subdivision near to electricity distribution lines to facilitate good amenity and urban design outcomes, while avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.*

Consultation is underway with Transpower to ensure that potential adverse effects upon the distribution lines will not occur. Affected party approval is being sought from Transpower.

27.2.2.8A *Manage subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects on the National Grid and facilitate good amenity and design outcomes, to the extent reasonably possible, and to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised.*

This has been taken into account in the design of the proposal and affected party approval is being sought from Transpower.

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

Policies

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

The proposed legal width of the Lot 1 access does not meet the District Plan requirement. This is assessed above as still providing safe pedestrian and vehicular access.

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

These connections are proposed to be provided at the time of subdivision s224c.

27.2.5.16 Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

Connections to these services will be provided at the time of subdivision. Confirmation of supply is provided in **Appendix E**.

27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

All necessary easements will be provided on the LT plan at s223 stage.

Chapter 30 – Energy and Utilities

30.2.8 Objective -

a. The benefits of a secure and sufficient electricity supply to the District are realised by effective operation, maintenance, upgrade and development of the National Grid;

b. Adverse effects of the operation, maintenance, upgrade and development of the National Grid on the environment are effectively managed;

c. Adverse effects of activities on the operation, maintenance, upgrade and development of the National Grid are effectively managed.

Policies

30.2.8.3 Manage adverse effects on the National Grid by:

a. only allowing new or extended buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;

b. *avoiding National Grid Sensitive Activities within the National Grid Yard and, to the extent reasonably possible, managing activities to avoid reverse sensitivity effects on the National Grid;*

c. *managing potential electrical hazards, and the adverse effects of buildings, structures and National Grid Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation; and*

d. *managing subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects and to ensure that the National Grid is not compromised.*

Consultation with Transpower has been undertaken in the development of the proposal to ensure that the above policies could be achieved. Affected party approval is being sought to ensure that the adverse effects on the National Grid are effectively managed.

15 Other Matters

15.1 Consultation

Consultation is being undertaken with Transpower in the development of the proposal and affected party is being sought.

No other consultation has been undertaken with regard to this application.

15.2 Consideration of Alternatives

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

15.3 Monitoring

No ongoing monitoring is required other than of standard conditions of consent.

16 Part 2 of the Act

The PDP, insofar as it relates to the application site and proposal, is considered a valid, reasonably complete and certain planning document. It has already given substance to the principles in Part 2 of the Act as the plan was prepared in a manner that reflects Part 2, therefore no further assessment against Part 2 matters is considered to be necessary for this application. Regardless, the proposed development is considered to recognise and provide

for matters outlined within Part 2 and achieve the purpose of the Act being sustainable management.

17 Conclusion

Consent is sought to construct a new residential unit and to undertake a two lot subdivision of 12 Herries Lane, Lake Hayes Estate.

The proposal is a discretionary activity.

The proposal is expected to result in potential adverse effects upon the environment and people that are less than minor. The proposal has also been assessed as being consistent with the relevant objectives and policies of the PDP.

It is sought that consent is granted as proposed.

Attachments

Appendix A – Record of title
Appendix B – Consent notices and covenants
Appendix C – Proposed plans
Appendix D – Subdivision plan
Appendix E – Servicing report
Appendix F – Electricity supplier letter
Appendix G – Telecommunications supplier letter
Appendix H – Environmental management plan