LAND USE CONSENT APPLICATION

705 FRANKTON ROAD, QUEENSTOWN
SEPT 2026

NICOLA SCOTT
WANAKA RESOURCE MANAGEMENT LTD

Ph 027 443 6114
nicolascott@xtra.co.nz

Contents

1.0 Introduction 3

2.0 The Land 3

2.1 Location and Legal Description 3

2.2 Topography and Land Use 3

2.3 Consent History 3

3.0 The Proposal 4

3.1 Proposed Construction 4

3.2 Earthworks & Landscaping 5

3.3 Services 5

3.4 Parking & Access 6

3.5 Geotechnical Report 6

4.0 District Plan & RMA Provisions 6

4.1 Operative District Plan (ODP) 6

4.2 Proposed District Plan (PDP) 6

5.0 Effects on Persons 7

6.0 Assessment of Environmental Effects 10

6.1 Permitted Baseline 10

6.2 Actual and Potential Effects 11

7.0 Section 104 Assessment 15

7.1 Effects (s104(1)(a)) 15

7.2 Relevant Provisions (s104(1)(b)) 15

7.3 Objectives and Policies of District Plan (s104(1)(b)(vi)) 16

7.4 Part 2 of the RMA 17

8.0 Conclusion 17

1.0 Introduction

This application is for land use consent to undertake earthworks, and construct two new residential units. Consent is also sought for breaches of zone standards.

Note: For any questions regarding this application, please in the first instance use this contact: Tony Bennett - Tab Architectural Design, tony@tabdesign.co.nz, 027 405 4501.

2.0 The Land

2.1 Location and Legal Description

The site is 1384m^2 in area and is legally described as Lot 2 Deposited Plan 16599 and Part Lot 7-8 DP 10787, comprised in Record of Title OT7C/692.

The site address is 705 Frankton Road, Queenstown. The lot is a rear site accessed down a right of way.

2.2 Topography and Land Use

The site contains an existing residential unit, located in the north western corner. The surrounding land contains long established residential properties.

The site slopes steeply down from the right of way access toward Lake Wakatipu, with an elevation change of approximately 10m. A lot of vegetation has been cleared from the site, ready for development, apart from a few trees on the south eastern boundary, and vegetation around the dwelling area.

2.3 Consent History

RM190689: Approval to allow the use of a residential unit and a residential flat for visitor accommodation for 11 people for up to 365 nights per year.

RM240769: Approval to subdivide site into two allotments, and land use consent for an existing dwelling to infringe the yard setback in relation to the proposed new internal boundary, and for infringement to the access width requirement for shared private accesses serving 1 – 6 residential units.

RM250374: Approval to change conditions 1, 8a and 10g of RM240769 to alter boundary location, lot size, right of way design, and pedestrian access of an approved subdivision.

The above subdivision and land use consent has not yet been given effect to, and it is proposed to alter the boundary again, to reflect the final design layout of residential units, as in this current application. The application to vary that subdivision is to be made separately by the applicant's

Surveyors, and therefore the current land use consent application is in relation to the original/existing legal lot boundaries.

3.0 The Proposal

3.1 Proposed Construction

It is proposed to construct two attached residential units on the site, each containing a residential flat. Please refer to Tab Architectural Design Plans, attached. The new units are to be constructed across the south east lower part of the site, on a platform partially cut into the escarpment. The development will be partially suspended and supported on piled foundations, with a masonry retaining wall supporting the cut.

The units will comprise a single level, with an 89.3m^2 floor area for both Units 1 and 2. Flat 1 comprises a 54.63m^2 floor area and Flat 2 comprises a 50.05m^2 floor area. The building height is just under the 7m maximum height plane as shown on the elevations.

Proposed external materials for the units are as follows:
Roof: 5 Rib Colorsteel longrun;
Walls: 5 Rib vertical Colorsteel cladding; and
JSC Vertline Cedar shiplap cladding, oiled in Wood-X Damper.

The colour of all roofing, steel cladding, joinery, and exposed steelwork is Flaxpod (LRV 7%).

Building Coverage & Landscape Permeable Surface Area

Proposed building coverage and Landscape Permeable Surface Area for the site is as follows:

	Building Coverage	Landscape Permeable Surface Area
Existing lot boundaries	41.3%	32.1%
Future lot boundaries around new units (subsequent application)	45.4%	23.3%

Note that the new/subsequent boundaries which will be subject to a varied subdivision application are indicated for reference, to show compliance with standards.

Rule breaches:

- Area of spa pool and deck (over 1m high from existing ground) on northeast side will encroach the 1.5m setback. The breach is an area of 0.6m^2, and is located 1.0m from the internal boundary;
- In relation to the reserve boundary (south east), the proposal includes external stairs for each unit, for which a portion of the stairs (2.2 – 2.4m^2 areas) extends into the 1.5m internal boundary setback. The stairs will be located a distance ranging from 880mm to 934mm from the boundary;

- Area of car deck (7.4m^2) on northwest boundary that will encroach the 1.5m setback. The car deck is to be located up to the boundary. A 1-1.8m high solid fence will be constructed along the boundary line, either above existing ground height or above the car deck height, whichever is higher; and
- Recession plane intrusion to north east boundary (refer to South Elevation plan on Sheet 202) – 2.644m intrusion through the recession plane, comprising part of the roof, wall and windows of Unit 1. Along with the true recession plane on the site's external boundary, an indicative recession plane is also depicted, which shows the boundary of 717 Frankton Road. The 2.009m wide private way of 709 Frankton Road (along the mutual boundary) means there is increased separation to the boundary of #717, and no infringement in relation to that site.

Note: Building Length – the proposed building length is 39m. It has been interpreted that the proposal does not breach Rule 9.5.7. based on advice regarding this rule previously obtained from QLDC. The single level building sits on the ground at the rear, and there is no sub-floor beneath that part of the building which is elevated from the ground. Therefore, it is not considered to be 'above ground floor level'.

3.2 Earthworks & Landscaping

	Cut volume	**Fill volume**	**Max cut height**	**Max fill height**
	245m^3	33m^3	2.9m	0.8m
Total cut to fill for site	278m^3			

Cut earth will be removed off the site. The height of earthworks (retained) will be greater than the distance from the site boundary. This occurs on the south western boundary where the cut depth is 1.5m and located 0.7m from the boundary.

Engineer-designed concrete masonry retaining walls are to be located in several locations within the site. Structural engineering works have been designed by The Structural Firm, Chartered Engineers. The engineering design plans, and associated PS1 Producer Statement are provided.

Steve Hewland, Hewland Projects Ltd, has prepared an Environmental Management Plan for the site development, as attached.

A landscaping plan is included within the Tab Architectural Design set, and focuses on planting around the boundaries.

3.3 Services

The relevant matters of discretion do not include servicing provision, and the specific details will be addressed in the subsequent building consent process.

Services were all assessed for the underlying subdivision consent and variation, noted in Section 2.3 above. Council reticulation is available to service the new units for water and wastewater. The

drainage from the existing house will be re-routed around the new proposed units. Any necessary easements will be dealt with in the future subdivision variation to adjust the boundaries in line with the proposed construction location.

3.4 Parking & Access

Access to the site was assessed within the underlying subdivision consent, and the right of way deemed appropriate. RM240769 included a breach of Transport Rule 29.5.13(b) in terms of minimum access widths. A condition of consent (to be a consent notice) addresses the requirement for onsite vehicle turning and manoeuvring areas for all parking spaces, to ensure vehicles can depart the site in a forward-facing direction.

A cantilevered steel and concrete car deck is proposed, and vehicle swept paths are indicated on the Tab Architectural Site Plan. Structure details and plans for the car deck are included in The Structural Firm documents and plans. A total of five parks are proposed for the development.

3.5 Geotechnical Report

Initia Geotechnical Specialists have prepared a Geotechnical Report, as attached. Investigations and recommendations include, but are not limited to, slope stability, earthworks, retention, foundations, site seismicity/site subsoil class.

4.0 District Plan & RMA Provisions

4.1 Operative District Plan (ODP)

The site is zoned High Density Residential in the Operative District Plan. There are no relevant rules in the ODP pursuant to section 86F of the RMA.

4.2 Proposed District Plan (PDP)

The site is zoned High Density Residential (HDR) in the Proposed District Plan (PDP), and in the PDP as varied by the Urban Intensification Variation (UIV) planning maps. The proposal requires resource consent for the following:

<u>Land Use</u>

- A **restricted discretionary** activity consent pursuant to Rule 9.5.5 for a breach of the north eastern boundary recession plane (where the HDR zone applies on each side of the boundary). Further detail provided in Section 3.1 above; and

- A **restricted discretionary** activity consent pursuant to Rule 9.5.8. for a breach of the 1.5m internal boundary setbacks on the north east (spa and deck), north west (part of car deck) and south east (part of stairs) boundaries. Further detail provided in Section 3.1 above.

Earthworks

- A **restricted discretionary** activity consent pursuant to Rule 25.5.15 as the maximum depth of cut exceeds 2.4m. The proposed maximum cut is 2.9m; and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.18 as the height of earthworks (retained) will be greater than the distance from the site boundary. This occurs on the south western boundary where the cut depth is 1.5m and located 0.7m from the boundary.

Overall, the status of the application is a **restricted discretionary** activity. Matters of discretion for each rule are listed in Section 6.0 of this AEE.

5.0 Effects on Persons

The adjoining properties are indicated in Figure 1 below, and specific reference is made to each of these, following the initial general assessment.



Figure 1: Adjoining properties marked with red stars.

It is considered that the construction of the proposed buildings will not adversely affect the amenity of adjoining sites given the minor nature of breaches of various zone standards and a density which is anticipated in the urban zone. The resulting effect will be of a high quality finished development that does not detract from the pleasantness of the site as viewed from the adjoining sites. The built form will align with the Residential Zone Design Guidelines and urban design principles. It is not considered there will be adverse effects, of a minor or more than minor nature, on adjoining properties in terms of dominance or outlook.

In regards to earthworks, expected consent conditions limiting hours of operation to standard earth-working hours, and Environmental Management Plan (EMP) conditions related to noise, should satisfactorily mitigate any short-term noise effects on persons, provided contractors adhere to the restrictions. Further, a letter drop to neighbours prior to construction, providing details of the proposed earthworks, including complaints procedures, is a standard condition anticipated on such earthworks consents. Land stability is expected to be addressed via the structural engineering undertaken for the development and building consent process. Engineer-designed retaining walls are to be located in several locations within the site.

Frankton Recreation Reserve
Consultation has been undertaken with QLDC Parks Planning in relation to the proposal.

The EMP notes that it is a relatively small earthworks footprint, and that the excavation will be undertaken in stages. This does have a preferred sequence requiring the excavator to access the lower development area via the Frankton track. It is anticipated that any necessary access arrangements and permissions sought by the contractor will include the required management of equipment to minimise effects on users of the reserve. For example, the use of cones and barrier arms to maintain access for track users. An alternative is provided, should access from the Frankton track not be achieved. The EMP also contains details on Noise Management during the earthworks.

In relation to the reserve boundary (south east), the proposal includes external stairs for each unit, for which a portion of the stairs (2.2 – 2.4m^2 areas) extends into the 1.5m internal boundary setback. The stairs will be located a distance ranging from 880mm to 934mm from the boundary. The site boundary is located approximately 5m from the track surface. Views of the development from the Frankton Recreation Reserve are mitigated by the use of dark recessive materials and colours. The elevation on the south eastern boundary utilises varied materials, including large amounts of glazing, and a stepped façade, providing visual interest. Proposed landscaping in and around the slope of the site will provide an attractive external appearance. It is not considered that the minor encroachment of the stairs will adversely affect the overall amenity in relation to the adjoining reserve and its users. The elevated design, glazing and balconies provide opportunity for natural surveillance over the public reserve.

697 Frankton Road
This dwelling is at a similar elevation as the existing dwelling on the subject site. The outlook from 697 Frankton Road will be across the top of the proposed development, given the steeply sloping ground levels. In relation to the earthworks cut proximity to this boundary, slope stability is expected to be addressed via the structural and geotechnical engineering undertaken for the development and building consent process.

Existing and proposed landscaping will assist in filtering views of the development. It is considered that the potential effects of the proposed activity on this property are less than minor.

701 Frankton Road
The dwelling on this property is sufficiently distanced from the building proposal, being separated by the existing dwelling, and is at a higher elevation. There are no anticipated effects in terms of

dominance, outlook, access to sunlight or loss of amenity. It is considered that the potential effects of the proposed activity on this property are less than minor.

709 Frankton Road

This site adjoins the north eastern and north western boundaries. Their land Title includes a 2.009m wide strip of land providing pedestrian access to the lake front (private way). Refer to Figure 2 below. In relation to this adjoining property, the proposal has 0.6m^2 area of spa pool and deck located 1.0m from the internal boundary. This is located adjacent to the private way and native planting is proposed between the boundaries to maintain privacy. The encroaching area of built-form in relation to the spa and deck is very minor in nature and scale. The proposed recession plane intrusion is also along this adjoining boundary, comprising part of the roof, wall and windows of Unit 1. The subject site is on the southern side of the boundary (being the private way), therefore shading is unlikely to be an adverse effect, and the dwellings on 709 Frankton Road sit at a higher elevation. The private way is utilised in a transient manner, therefore adverse effects are considered to be low.



Figure 2: Private way along boundary, part of 709 Frankton Road property.

A 7.4m^2 area of the car deck on the northwest boundary will encroach the 1.5m setback. A 1-1.8m high solid fence will be constructed along the boundary line to provide screening and privacy. The bulk and height of a fully compliant dwelling could be constructed along this boundary that would have far greater potential adverse effects on the adjoining property, potentially blocking views of the lake. The architectural designer advises that the current design was proposed to protect views from behind. It is not considered therefore that the minor encroachment of the car deck will have adverse effects that are minor, or more than minor.

Overall, it is considered that the potential effects of the proposed activity on this property are less than minor.

717 Frankton Road
The location of the spa pool and deck is separated from this neighbouring landowner by the 2.009m private way belonging to 709 Frankton Road. This is considered to provide adequate separation of that small encroachment, that the effects are insignificant on 717 Frankton Road.

The proposed recession plane intrusion is also along the north eastern boundary with 709 Frankton Road, comprising part of the roof, wall and windows of Unit 1. The boundary of 717 Frankton Road is separated a further 2.009m by the private way. Given this increased separation, the physical effects of the recession plane are lessened in relation to 717 Frankton Road, and there is no infringement in relation to this particular boundary. The location is also in the lower corner of the site, away from the dwelling on 717 Frankton Road, and existing trees on the neighbouring property aid in filtering views of the development. Landscaping is also proposed on the site boundary.
It is considered that the potential effects of the proposed activity on this property are less than minor.

Overall, it is considered that any potential adverse effects on persons from this proposed development will be less than minor.

6.0 Assessment of Environmental Effects

6.1 Permitted Baseline

For this site, the permitted baseline includes the construction of residential units (to a density of three or less per site) which comply with the standards of the zone, and other relevant District Wide standards. This would include buildings designed as follows (only relevant comments are noted):

- Maximum height of 7m;
- Building coverage of maximum 70%;
- Landscape permeable surface coverage of 20% minimum;
- Building length, above ground floor level, not exceeding 30m;
- Minimum boundary setbacks of 1.5m to internal boundaries, and 4.5m to the road (with exceptions for accessory buildings which may be located within the setback distances (other than for road boundaries), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane);
- Recession planes at 45 degrees, 2.5m above ground level, other than northern boundary where it is 55 degrees. Exclusions apply to site boundaries adjoining a reserve, and gable end roofs may penetrate the building recession plane by no more than one third of the gable height.

The proposed density of development meets the anticipated level as a permitted activity, however, there are several breaches of zone standards and earthworks standards. The permitted baseline is considered to be relevant to some degree for this application.

6.2 Actual and Potential Effects

The following actual and potential effects have been given consideration in assessing this proposal:

- Amenity, Character & Urban Design;
- Earthworks;
- Natural hazards.

Assessment of the activity is restricted only to listed matters of discretion, pursuant to rules 9.5.5 and 9.5.8 (HDR zone) of the PDP. These matters are listed below, and have been taken into account in the following assessment.

> ***9.5.5 - Recession plane*** *– for boundaries where the High Density Residential zone applies on each side of the boundary. Discretion is restricted to:*
>
> *a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;*
> *b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);*
> *c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.*
> *d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road and any proposed building is located within 9.5 meters of that road boundary, any adverse effects on that infrastructure.*
>
> ***9.5.8 – Minimum Boundary Setbacks****. Discretion is restricted to:*
>
> *a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;*
> *b. streetscape character and amenity;*
> *c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;*
> *d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan).*
> *e. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road and any proposed building is located within 9.5 meters of that road boundary, any adverse effects on that infrastructure.*

6.2.1 Amenity, Character & Urban Design

Effects on neighbouring properties has largely been addressed in Section 5.0 above. In terms of the recession plane, the boundary in question adjoins a 2.009m private way belonging to 709 Frankton Road. The subject site is on the southern side of the boundary, therefore shading is unlikely to be an adverse effect, and the dwellings on 709 Frankton Road sit at a higher elevation, maintaining privacy. Given the increased separation provided by the private way, the physical effects of the recession plane are lessened in relation to 717 Frankton Road. The location is also in the lower corner of the site, away from the dwelling on 717 Frankton Road, and existing trees on the neighbouring property aid in filtering views of the development. Landscaping is also proposed on the site boundary. Any sunlight, shading or privacy effects on adjacent sites and/or their occupants are considered to be less than minor.

The internal boundary setback breaches of the spa and deck, plus car deck have been addressed in Section 5.0 above, in relation to effects on the adjacent property.

Public views are not affected by the proposed infringements given that the public walking/cycling track is at a lower elevation and the outlook from this public space is away from the site toward Lake Wakatipu.

The building is not visible from public roads, therefore streetscape character and amenity is unchanged. Views of the development from the Frankton Recreation Reserve are mitigated by the use of dark recessive materials and colours. The elevation on the south eastern boundary utilises varied materials, including large amounts of glazing, and a stepped façade, providing visual interest. Proposed landscaping in and around the slope of the site will provide an attractive external appearance. Overall, it is not considered the residential units will dominate the local environment.

Site coverage is low, considering the permitted baseline allows for a 70% building coverage. The site can achieve the minimum landscape permeable surface area required. A far more dominant structure could be constructed on the site to the full height limit, however the proposed design maintains lake views for dwellings behind the new units, both on the subject site and on adjoining sites.

Residential Zone Design Guide 2021

In accordance with Rule 9.5A.1 in the PDP, the following is a statement in relation to the Residential Zone Design Guide 2021. The elements of good design for the High Density Residential zone have been reviewed from the guide, and I comment as follows:

- **Entrances and detailing** – this is not a relevant consideration given that this is a rear site, accessed down a right of way. It is not possible for the entrance to be seen from the street.
- **Building Height and roof form** – the simple roof form meets the maximum height of the zone, with the sloping topography allowing for views from residential units behind the development to be maintained.
- **Sunlight and recession planes** – It is considered that the proposed recession plane breach is mitigated by the location against a boundary with an increased separation distance

provided by an private way. The development is south of the infringed boundary reducing the potential for shading.

- **Site Coverage and low impact design -** the site coverage is low and the site maintains sufficient landscaped permeable surface area.
- **Connections to open space** – the development is well connected to open space, with direct access to the reserve. No fencing is proposed along this boundary.
- **Outdoor living space -** there is good outdoor living space, accessed directly from the living areas, and affording prime views.
- **Accessibility** – parking is provided on site, and is located away from public views of the development. Pedestrian connectivity is provided with easy access to the adjoining reserve.
- **Waste and service areas** – available behind the units and within the parking/service area.
- **Creating private and safe places** – Privacy for the site occupants and neighbours is provided by landscaping and the location of the units in relation to other dwellings. The elevated design, glazing and balconies provide opportunity for natural surveillance over the public reserve.
- **Materials and environmental sustainability -** the design is of a high quality with solid and durable materials. Sunlight access is somewhat restricted due to the overall site orientation which maximises the prominent lake views.
- **Landscape** – the site will be attractively landscaped, providing amenity and value.

The residential unit development has been designed to optimise views, on a steeply sloping site. The new building is not anticipated to dominate the environment, and with the high quality, modern design and materials, it is considered that the proposal will be effectively absorbed within surrounding development.

Overall, it is considered that there will be no more than minor adverse visual effects from the proposed development, with an appropriate balance being achieved between site coverage, on-site parking and minor encroachments of zone standards. The proposal will not adversely affect the residential amenity and the character of the receiving environment.

6.2.2 Earthworks

Matters of discretion from Part 25.7.1 of the PDP are as follows:

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

The proposed earthworks are required to effectively bench a sloping site for construction of a residential development. The overall earthworks volumes are within permitted activity levels for the zone, and it is the cut depth and proximity to boundary on the south western side which require earthworks consent.

Mr Steve Hewland has prepared a comprehensive Environmental Management Plan (EMP) for the site development. Mitigation measures are included in the EMP. This includes sediment and dust control and appropriate hours of operation, lessening nuisance effects. The EMP contains specific management measures (Page 10 EMP) for noise inducing activities. Expected consent conditions and EMP conditions related to noise, should satisfactorily mitigate any short-term noise effects on persons, provided contractors adhere to the restrictions. Sediment control measures will mitigate effects on water bodies.

Land stability, including effects on adjacent sites, is expected to be addressed via the structural and geotechnical engineering undertaken for the development, including the building consent process. Engineer-designed retaining walls are to be located in several locations within the site, and the structural drawings are provided along with a PS1.

Revegetation of the site around the building will follow upon completion of the building development. Visually there are no anticipated adverse effects, with the building, retaining construction, and landscaping to eventually mitigate visual effects of the exposed earthworks to an acceptable level.

The proposed earthworks, and overall nature and scale of the residential construction, is compatible with the receiving environment and appropriate for the zone density. The resulting effect will be of a high quality finished development that does not detract from the pleasantness of the site.

There are no known cultural or heritage sites in the vicinity. An Accidental Discovery Protocol condition is anticipated to be included in any consent granted, and this condition has been imposed on the original subdivision consent.

Overall, the potential adverse effects of the proposed earthworks are considered to be less than minor, provided they are undertaken in accordance with the EMP, engineered-design and consent conditions.

6.2.3 Natural hazards

The site is noted on the Otago Regional Council Natural Hazards Portal, found on the QLDC GIS on-line mapping, as subject to Alluvial Fans – Regional Scale, Active composite.

Initia Geotechnical Specialists have prepared a Geotechnical Report for the site development. Investigations and recommendations include, but are not limited to, slope stability, earthworks, retention, foundations, site seismicity/site subsoil class.

With reliance on the expert reporting as noted, and provided that the development is undertaken in accordance with the Geotechnical and Structural Engineering recommendations and conclusions, there is unlikely to be significant risk from natural hazards.

6.2.4 Summary

The proposed design solution is successful in locating two residential units on the sloping site, making efficient and practical use of the anticipated density for this High Density Residential zone. In terms of the local amenity, character and scale, the proposal will result in a positive urban design outcome.

Earthworks can be managed in accordance with a specific EMP for the site, and engineered-design. Natural hazards have been investigated as noted above.

Overall, given the assessment provided above it is considered that the potential adverse effects on the environment from this development are no more than minor.

7.0 Section 104 Assessment

7.1 Effects (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 6 of this report.

7.2 Relevant Provisions (s104(1)(b))

National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011:
This has been referenced in the underlying subdivision consent RM240769. Section 2.3 of that Council decision determined that the NES does not apply to this site.

The National Policy Statement on Urban Development 2020 (NPS – UD) requires Councils to plan well for growth and ensure a well-functioning urban environment. The proposed development meets the anticipated density for the High Density Residential zone. Despite the minor breaches in various standards, the proposal will result in a positive urban design outcome, utilising land efficiently, and contributing to housing supply.

National Policy Statement for Natural Hazards (NPS-NH) – A Geotechnical Assessment was provided and natural hazards addressed, as described in Section 6.2.3 above. As such, it is assessed that the proposal is consistent with the outcomes sought by the NPS-NH.

7.3 Objectives and Policies of District Plan (s104(1)(b)(vi))

7.3.1 Operative District Plan

The relevant ODP objectives and policies are contained within Sections 7 (Residential), and Section 22 (Earthworks).

Assessment in relation to Residential and Earthworks chapters is largely the same as the PDP objective and policy outcomes, from the following Section 7.3.2., and has therefore not been repeated.

7.3.2 Proposed District Plan (PDP)

In terms of the Proposed District Plan, the application has been assessed in relation to the Policies and Objectives contained within Chapters 3 (Strategic Directions), 4 (Urban Development), 9 (High Density Residential), and 25 (Earthworks).

Chapters 3 and 4
Objectives of Chapter 3 and 4 seek to manage urban growth in a strategic and integrated manner, with a quality built environment, and promoting a compact, well designed and integrated urban form. Development within Urban Growth Boundaries is encouraged. This proposal locates development within the Urban Growth Boundary of Queenstown, and is integrated with existing infrastructure. The proposed development is appropriately located to intensify an existing urban area, within zoned density provisions, and avoids sprawl and sporadic development across rural areas. The proposal is consistent with the objectives and policies of Chapters 3 and 4.

Chapter 9
The HDR zone purpose includes the following statement:
"Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban."

The design of the units on the sloping site achieves high levels of visual interest by avoiding bland or unarticulated walls or facades. No public place or street edge is dominated by parking, and the proposal achieves well-overlooked public open space. Landscaped areas will add to the visual amenity values. It is not considered that the proposed minor breaches of standards will have significant adverse effects on any adjoining properties, or the residential environment, in terms of amenity, privacy or visual dominance.

Chapter 9 policies encourage development to provide or enhance connections to public spaces, public transport and active transport networks (walkways, trails and cycleways) where appropriate. The proposed design includes direct connection to the Frankton Recreation Reserve and trail.

It is considered that the development makes efficient use of available land and infrastructure. Overall, the amenity values of the zone are protected and the proposal is in accordance with the relevant objectives and policies of Chapter 9.

Chapter 25
The Earthworks objectives and policies, among other things, seek to ensure the activity minimises erosion, land instability, sediment generation and off -site discharge during construction activities; and encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects and nuisance effects of construction noise, vibration, odour, dust and traffic.

It is expected that consent conditions typical of such earthworks consents (including EMP requirements and noise management) will manage and mitigate any potential adverse effects and nuisance effects. The proposal is therefore in accordance with the relevant objectives and policies of Section 25.

Overall, the amenity values of the zone are protected and the proposal is in accordance with the relevant objectives and policies of the Proposed District Plan.

7.4 Part 2 of the RMA

The proposal will promote the purpose and principles of the Act. The development will result in sustainable management of natural and physical resources, whilst avoiding, remedying or mitigating adverse effects on the environment. The development avoids or mitigates adverse effects on the environment through an efficient use of land resources and infrastructure, whilst achieving a practical and functional residential development layout. Household density for the site is increased at an appropriate level, in an area that is close to existing residential and community amenities, plus ready connections to public transport and public places.

8.0 Conclusion

This application is for land use consent to undertake earthworks and construct two new residential units. Consent is required for breaches of zone standards.

The proposed residential activities can be absorbed within the zone and the development is unlikely to adversely affect the existing residential amenity. This proposal satisfies the efficient use of land, and given the positive urban design outcomes, provides mitigation in terms of potential bulk, dominance and shading.

Overall, it is considered that the proposal is an appropriate development of this site, with no more than minor adverse effects on the surrounding environment.



Nicola Scott
Wanaka Resource Management Ltd