

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	S Haslett
RM Reference:	RM161104
Location:	35-41 Goldfield Heights, Queenstown
Proposal:	Land use consent to construct four self-contained units, each with eight bedrooms, and associated parking, earthworks and landscaping.
Type of Consent:	Land Use Consent
Legal Description:	Lot 4 DP 472532 in CFR 644473
Valuation Number:	2910319908
Zoning:	Low Density Residential (Medium Density Residential Sub-Zone)
Activity Status:	Restricted Discretionary
Limited Notification:	19 April 2017
Commissioners:	W D Whitney & L Beattie
Date of Decision:	31 October 2017
Decision:	Consent is granted subject to conditions.

A. INTRODUCTION

A.1 Background

1. Simon Haslett has applied to the Queenstown Lakes District Council for land use consent to construct four self-contained units, each with eight bedrooms, and associated parking, earthworks and landscaping at 35-41 Goldfield Heights being a road that winds its way up Queenstown Hill from Frankton Road (State Highway 6A). The subject site has an area of 2000m² more or less and is described as Lot 4 DP 472532 as contained in Computer Freehold Register Identifier 644473 in the Otago Land Registration District.
2. The site is irregular in shape, is somewhat elongated and has a narrow frontage to Goldfield Heights. The site contains an existing dwelling and sealed driveway off Goldfield Heights; and the rear portion of the site is undeveloped being steep and rocky.
3. Immediately to the north of the site are access strips that, with others, are subject to reciprocal right of way easements and that contain a carriageway known as Woodbury Rise. Woodbury Rise provides access to several residential properties. Immediately to the south of the site are several residential properties which have frontage to Goldfield Heights. These properties include 45, 49A, 49B, and 51 Goldfield Heights.
4. It is noted that the properties to the south of the site slope down into a gully which contains a watercourse. The subject site is on the opposite side of the gully and watercourse from those properties. Substantial plantings exist in the gully particularly on the rear portion of the properties at 45, 49A, 49B and 51 Goldfield Heights which provide some screening of the subject site.
5. The entrance to the site is located on a curve in Goldfield Heights. Yellow dashed “no parking” lines are located at the kerb on either side of the entrance to the subject site off Goldfield Heights.

A.2 The Proposal

6. The proposal has been modified since the application was originally lodged with the Council. The proposal, as presented at the hearing, involves the removal of the existing dwelling and the placement of two purpose-constructed residential buildings

on the site instead. Each residential building will comprise two units (one on each floor); and each unit will contain eight bedrooms, four bathrooms, a kitchen and living area. Building 1 is located closer to Goldfields Heights and Building 2 is located to the rear. Building 1 and Building 2 will be constructed at the Genius Homes factory at Washdyke and will be transported to the subject site. Building 1 and Building 2 are each two storeys in height and each will have a low profile roof. The buildings are to be clad in natural tones and photomontage images which accompany the application show the built form proposed.

7. Two options have been presented with respect to parking and associated earthworks. The applicant's preferred option is to provide 9 parking spaces on site; and associated earthworks will comprise 1250m³ of cut, 500m³ of fill with an export excess of 750m³.
8. A second option is for 13 parking spaces to be provided; and this, if constructed from the outset, would result in earthworks comprising 1400m³ of cut and 600m³ of fill, resulting in an export volume of 800m³.
9. Consent is sought for both the 9 parking space and the 13 parking space options to future proof the proposal and to cater for tenants that may differ in their parking needs from the initial tenants.
10. The cut required to excavate the rock on the site will be to a cut depth of 6.5 metres.
11. Landscaping of the site is proposed. It is noted in particular that this landscape treatment will provide areas of open space to the north of Building 1 and Building 2; and for a communal area to be created to the south of the carpark and access, such communal open space having an area of approximately 56.5m². Triangular decks that have 8m² of outdoor space are proposed at the first floor levels of Building 1 and Building 2.
12. Provision is to be made for rubbish bins to be located between Building 1 and Building 2 and between Building 1 and the Goldfield Heights frontage of the site, adjacent to a gas bottle storage enclosure.
13. All four units are to be leased to Youth With A Mission Queenstown (YWAM) for a two year period. This entity is a registered charity which provides 18 to 35 year olds from overseas an opportunity to find purpose by working in charitable organisations such as the Salvation Army. YWAM currently rents 10 properties in Queenstown and has

rented the existing dwelling on the subject site since 2015. By consolidating at the subject site the Commission was informed that 5-6 YWAM residential units elsewhere in Queenstown would become available to other tenants.

14. While the units are to be leased to YWAM in the first instance it may be that the units are used for workers accommodation in the longer term.

15. Several conditions have been offered by the applicant with respect to the use of the proposed units. In summary these are as follows:

- The maximum number of vehicles owned or in possession of the residents of each of the units shall be limited to 2 per unit (if there are 9 carparks provided on site) and 3 per unit (if there are 13 carparks provided on site).
- The units are not to be leased or rented for short-term visitor accommodation.
- Each unit is only to be permitted to be rented to a single entity/employer ie. rooms are not to be individually let.
- A review condition.
- A Management Plan is to be submitted which provides for management of waste collection, management of outdoor areas to ensure noise is not excessive and management of parking and manoeuvring areas to ensure that no vehicle is required to exit the site by reversing onto Goldfield Heights.
- A condition to the effect that only one kitchen is to be permitted in each unit.

16. The Commission confirms that it has assessed the proposal on the basis of the application as presented at the hearing and in terms of the conditions offered by the applicant prior to and at the hearing; including draft conditions provided with the applicant's written reply dated 13 October 2017.

A.3 Zoning

17. The site is zoned Low Density Residential and is in the Medium Density Residential Sub-Zone as shown on Maps 31 and 32 of the Queenstown Lakes Operative District Plan (Operative District Plan/District Plan).

18. The Proposed Queenstown Lakes District Plan (Proposed District Plan) was publicly notified on 26 August 2015. The site is zoned Low Density Residential as shown on Maps 31 and 32 of the Proposed District Plan.
19. Section 86B(1) of the Resource Management Act 1991 (the Act) confirms that a rule in a Proposed District Plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. As no decision has been made and publicly notified with respect to the relevant rules of the Proposed District Plan those rules do not have legal effect albeit that the objectives and policies of the Proposed District Plan are relevant to the consideration of this application. The status of the current proposal must therefore be determined by reference to the rules of the Operative District Plan only.
20. Prior to determining the status of the proposal it is necessary for the Commission to determine whether each of the units is a residential unit as defined in the Operative District Plan. The definition of “Residential Unit” as contained in the Operative District Plan is as follows:
- “Residential Unit - Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.”*
21. The issue of whether each of the four units proposed are residential units was a focus for discussion in the section 42A report and supporting documents and in a legal opinion contained in a memorandum dated 4 October 2017 provided by Maree Baker-Galloway and Rosie Hill of Anderson Lloyd; and this matter was also subject to legal submissions and evidence presented at the hearing and was addressed in the applicant’s written reply.
22. Following consideration of the various views the Commission has found that each of the four units proposed is a residential unit as defined in the Operative District Plan. Each is a self-contained household unit as each contains a kitchen and laundry. The Commission does not consider it necessary to “read in” any interpretation of the term

“household unit” as contained in the definition of “Residential Unit”; and the Commission is satisfied that this approach is consistent with the principles determined by the Court of Appeal in Powell v Dunedin City Council [2005] NZRMA 174 (CA); and with the approach followed by the High Court in Uni Living Limited v Christchurch City Council and Creyke Road Residents Association Incorporated [2008] NZRMA 65. This caselaw is discussed in detail in the memorandum dated 4 October 2017.

23. As an aside the Commission observes that if the definition of the term “Residential Unit” creates difficulties for the Council with respect to the absence of a limit on the maximum number of bedrooms which could be in such a residential unit then the appropriate mechanism to address this issue is via either a change to the Operative District Plan or a variation to the Proposed District Plan. This is not a matter which can be resolved in the consideration of an application for resource consent.
24. As the Commission is satisfied that the four units are residential units as defined the Commission has determined that Zone Standard 7.5.5.3iii (which provides for a site density of one residential unit per 450m²) is satisfied. The Commission also finds that the units are not “Non-Identified Activities” for the purposes of Rule 14.2.2.3i as residential units are identified in Table 1 as contained in Site Standard 14.2.4.1i.
25. Site Standard 7.5.5.2viii(a) stipulates a minimum provision of outdoor living space at ground floor level of 36m² contained in one area with a minimum dimension of 4.5 metres. A breach of Site Standard 7.5.5.2viii(a) is a restricted discretionary activity pursuant to Rule 7.5.3.4vi.
26. Rule 14.2.4.1 contains site standards for Parking and Loading; and Rule 14.2.4.2 contains site standards for Access. In this instance the proposal breaches Site Standard 14.2.4.1iii Size of Parking Spaces; Site Standard 14.2.4.1iv Parking Area and Access Design; Site Standard 14.2.4.1v Gradient of Car Parks; and Site Standard 14.2.4.1vii Reverse Manoeuvring. A breach of these site standards is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
27. The proposal breaches Site Standard 14.2.4.2i Length of Vehicle Crossings and Site Standard 14.2.4.2vi Minimum Distance of Vehicle Crossings from Intersections. A breach of these site standards is a restricted discretionary activity in terms of Rule 14.2.2.3ii.

28. Site Standard 14.2.4.2iv relates to Minimum Sight Distance from Vehicle Access. There is mature vegetation in the road reserve of Goldfield Heights that should be removed or trimmed so that the required sight distance is achieved. The applicant has offered a condition precedent to this effect in the written reply dated 13 October 2017. Accordingly Site Standard 14.2.4.2iv will be met.
29. Site Standard 22.3.3i stipulates that the maximum total volume of earthworks (m^3) shall not exceed that specified in Table 22.1 and this table stipulates a maximum total volume of $300m^3$ of earthworks in the Low Density Residential Zone. A breach of Site Standard 22.3.3i is a restricted discretionary activity in terms of Rule 22.3.2.3(a).
30. Site Standard 22.3.3ii(b)(i) stipulates that the maximum height of any cut shall not exceed 2.4 metres; and Site Standard 22.3.3ii(b)(iii) stipulates that the vertical height of any cut or fill shall not be greater than the distance of the top of the cut from the site boundary, except where the cut is retained, in which case it may be located up to the boundary if less or equal to 0.5m in height. A breach of Site Standards 22.3.3ii(b)(i) and (iii) is a restricted discretionary activity in terms of Rule 22.3.2.3(a).
31. Having regard to the above the Commission has considered the proposal as an application for land use consent for a restricted discretionary activity.

A.4 Submissions

32. The application was notified on a limited basis and a total of 3 submissions were received within the statutory submission period which closed on 18 May 2017. The submissions lodged by Juliet Satterthwaite, Luis Rodriguez and Sandra McElrea are all opposed to the application.
33. The Commission has given consideration to the contents of these submissions.

A.5 Pre Hearing Meeting

34. A pre-hearing meeting was held on 6 June 2017 which was chaired by Commissioner Nixon. The Commission has had regard to the report of the pre-hearing meeting which is dated 8 June 2017, pursuant to section 99(7) of the Act.

A.6 Reports and Hearing

35. The Commission has had the benefit of a section 42A planning report dated 14 June 2017 prepared by Ms Wendy Baker, Consultant Planner; and of an engineering report prepared by Mr Tim Dennis, Engineer, of Southern Land Limited dated 10 March 2017. The Commission has also had the benefit of an addendum to Ms Baker's section 42A report dated 6 September 2017; and of a technical review with respect to parking and access prepared by Mr Mike Smith the Principal : Road Safety with Stantec New Zealand Limited, such technical review being dated 24 August 2017.
36. The hearing commenced on 6 July 2017 and was suspended at the applicant's request pursuant to section 91A(1) of the Act immediately following the formal commencement. At the resumed hearing on Friday 6 October 2017 the Commission was assisted by Ms Baker, Mr Wardill (the Council's Resource Management Engineer who had reviewed Mr Dennis's report prior to release) and Mr Smith. Ms Charlotte Evans, a Committee Secretary with the Queenstown Lakes District Council, provided administrative support at the resumed hearing.
37. Prior to the resumed hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A planning report and addendum and the appendices to both; the pre-circulated evidence prepared by Mr Rider, Mr Carr and Ms Vining for the applicant; and the memorandum dated 4 October 2017 prepared by Ms Baker-Galloway and Ms Hill. The Commission undertook a site inspection prior to the initial commencement of the hearing on 6 July 2017.
38. At the resumed hearing the applicant was represented by Ms Maree Baker-Galloway, Counsel of Anderson Lloyd, who presented written submissions; by Mr David Rider, a Senior Engineering Geologist/Geoprofessional with RD Agritech Limited; Mr Andrew Carr, a Traffic Engineer and Director of Carriageway Consulting Limited; and Ms Melissa Vining, a Planning Consultant and Director of Breakthrough Resource Management Limited. It is also noted that Mr Andy Scalas, Director of YWAM Queenstown, was present at the hearing albeit that he did not present evidence.
39. Mr Tim Sinclair of Macalister Todd Phillips presented legal submissions in support of the submissions lodged by Juliet Satterthwaite and Luis Rodriguez. Ms Sandra

McElrea also appeared and presented a written statement in support of her submission.

40. The planning, engineering and parking and access technical review reports were taken as read. Mr Smith, Mr Wardill and Ms Baker were invited to comment following the presentation of the evidence and submissions for the applicant and submitters. Ms Baker-Galloway provided brief comments in reply and leave was granted for her to submit a formal written reply in writing.

41. The hearing was adjourned pending receipt of the written reply which was received on 13 October 2017.

A.7 Draft Conditions

42. Leave was granted for a set of draft conditions to be prepared by the applicant for the Commission's consideration. These draft conditions were forwarded to Ms Evans along with the written reply on 13 October 2017.

A.8 Principal Issues in Contention

43. The principal issues in contention are the effects on the environment of allowing the development to occur in the Low Density Residential Zone.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted Baseline

44. Section 104(2) of the Act states that when forming an opinion for the purposes of section 104(1)(a), a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect.

45. In this instance the permitted baseline in terms of the Operative District Plan includes 4 residential units and four residential flats (which would need to comply with the requirements included in the definition of "Residential Flat" in the Operative District Plan).

46. If 4 residential units and 4 residential flats were constructed on the subject site a total of 12 parking space would be required, based on the parking space requirements

detailed in Site Standard 14.2.4.1i; and if 4 residential units (only) were constructed 8 parking spaces would be required.

47. While 4 residential units and 4 residential flats provide a theoretical permitted baseline it is acknowledged that earthworks would be required to accommodate such development on this site; and it is clear that such earthworks would breach Site Standard 22.3.3i and Site Standard 22.3.3.ii(b)(i) and (iii) which relate to Earthworks. Accordingly the permitted baseline is of limited relevance albeit that the Commission acknowledges that it would be possible for such earthworks to be consented separately in the first instance; and for built development to proceed as a permitted activity thereafter. It is also noted for completeness that Ms Baker-Galloway tabled plans at the hearing which showed how each of the proposed units could be reconfigured such as to provide one residential unit and one residential flat in each.

B.2 Receiving Environment

48. The receiving environment is briefly described in Section A.1 of this decision. Of particular note is that residential subdivision and development exists adjacent to and in the immediate vicinity of the subject site. This includes substantial multi-storeyed dwellings located on the hillside above Goldfield Heights.

B.3 Affected Persons Approvals

49. At the hearing affected persons approvals to the latest iteration of the proposal were tabled. These affected persons approvals were provided by Kay Benneworth and Gary Preston the owners/occupiers of 49A Goldfield Heights; and by Sean & Jane McLeod the owners/occupiers of 1, 3 and 5 Woodbury Rise and 57 Goldfield Heights. Ms Baker-Galloway also submitted that correspondence from the owners of 45 Goldfield Heights clearly amounts to a written approval to an earlier iteration of the proposal; such correspondence stating that those owners “.... are happy with the design that has been presented to us.”

B.4 Assessment Matters

50. The Operative District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 7, 14 and 22 that are relevant to development in the Low Density Residential Zone. It is noted that the officer's reports and the evidence presented to us have assessed the effects of the

activity; and that such assessment is informed by the relevant assessment matters. We have assessed the actual and potential effects of the proposed activity on the environment in accordance with the approach taken in the officer's reports and evidence; and accordingly we have chosen not to address the proposal in terms of each specific relevant assessment matter in this decision.

51. Given that the proposal has status a restricted discretionary activity we have confined our consideration to those matters to which our discretion is restricted as required in terms of section 104C of the Act.

B.5 Actual and Potential Effects on Environment

B.5.1 Outdoor Living Space

52. The proposal does not meet the required outdoor living space requirement for residential units located on the ground floor of both buildings. While the required area of 36m² is met, the stipulated minimum dimension of 4.5 metres is not.

53. The District Plan requires outdoor living space to be readily accessible from a living area. Due to the location of the internal driveway, manoeuvring area and carparking spaces, the only area that this space could be located is to the north of both buildings. Ms Vining explained that the 4.5 metres width is not practically possible due to the steep topography of the site in this location and the narrow width of the site. Some outdoor living space is provided in this area for both ground floor residential units as shown on the Site Plan (Sheet R101).

54. The Commission has had regard to the effect of breaching Site Standard 7.5.5.2viii(a) having regard to the provisions of Assessment Matter 7.7.2xxii. Whilst an outdoor living space of the required dimensions will not be provided readily accessible from the living area for the two ground floor residential units; an alternative communal area has been provided on-site to the south of the vehicle access and parking area, such communal open space having an area of 56.5m². This communal area is in addition to the outdoor living spaces which are provided to the north of the ground floor residential units; and the provision of the communal area is consistent with the alternative provision envisaged in terms of Assessment Matter 7.7.2xxii(b). Ms Vining noted that the communal area is located in a position on the site that will receive better

access to sunlight and will have greater amenity values than the area to the north of the buildings.

55. Ms Vining also noted that the demographics of the future residents (being YWAM members and workers) are not anticipated to comprise families who would otherwise have more demand for a larger outdoor living space. The future residents will be off-site during work hours.

56. In all the circumstances the Commission finds that the outdoor living space proposed will ensure that any adverse effects, when compared to the provision of outdoor living spaces in terms of Site Standard 7.5.5.2viii(a), will be no greater than minor.

B.5.2 Parking and Access

57. The applicant has provided two options with respect to the provision of parking. The applicant's preferred option is to provide 9 carpark spaces on site; and the applicant's less preferred option is to provide 13 carpark spaces on site albeit that the applicant seeks consent for both options.

58. At the hearing Mr Sinclair (for Juliet Satterthwaite and Luis Rodriguez) and Ms McElrea both expressed a strong preference for the 9 parking space option. The Commission has also noted the condition offered by the applicant to the effect that the maximum number of vehicles owned or in possession of the residents of each of the residential units shall be limited to 2 per unit in the event that 9 parking spaces are to be provided. In all the circumstances, and given the requirement of 2 parking spaces per residential unit (in terms of Site Standard 14.2.4.1i), the Commission considers it appropriate to consider the proposal on the basis of both the 9 parking space option and the 13 parking space option. The Commission notes that less earthworks (with associated visual effects) will be required if the 9 parking space option is adopted.

59. As previously noted several site standards relating to Parking and Loading and Access have been breached. The Commission acknowledges that these breaches are clearly identified in Mr Carr's evidence and that he has assessed the effects of each breach.

60. In terms of Site Standard 14.2.4.1iii Size of Parking Spaces Mr Carr noted that the dimensions of the 90 degree spaces (closest to Goldfield Heights) are not a

combination mentioned in the District Plan for residential parking, but he observed that since the dimensions are appropriate for Class 2 users (unfamiliar users) they will also be suitable for residents.

61. In terms of Site Standard 14.2.4.1iv Parking Area and Access Design Mr Carr noted that the Council now requires the application of a more recent Standard to that referenced in the District Plan (being NZS 4404:2010 and the Council's Subdivision Code). Mr Carr noted that the layout is in accordance with the more recent Standard except that the separation of passing places will be slightly greater than permitted. Mr Carr is of the opinion that the difference (5 metres) is unlikely to lead to any adverse effects.

62. Site Standard 14.2.4.1v relates to the Gradient of Car Parks. Mr Carr noted that the parking spaces are steeper than permitted; but that the gradients are comparable to other parking areas in the District. He also noted that the fact that the carparks will be used by residents provides mitigation as those users will be familiar with the gradients.

63. Site Standard 14.2.4.1vii relates to Reverse Manoeuvring. Mr Carr noted that six of the spaces (provided in a parallel arrangement) require a reverse movement upon entry plus a reverse movement on exit. Mr Carr noted that this breach is unlikely to inconvenience drivers and that it is unlikely that any vehicles will reverse from the site and affect the Goldfield Heights road.

64. Site Standard 14.2.4.2i relates to the Length of Vehicle Crossings. Mr Carr noted that the length of the vehicle crossing proposed exceeds the permitted maximum by 0.2 metres and that this can be rectified; but that the extent of the exceedence is very small and will not result in any noticeable effects.

65. Site Standard 14.2.4.1vi relates to Distances of Vehicle Crossings from Intersections. In this instance Mr Carr noted that the vehicle crossing is 4 metres closer to the nearest intersection (with Golden Terrace) than permitted; but he observed that the minor arm of the intersection is on the opposite side of the Goldfield Heights road from the access and that this largely eliminates the possibility of a driver being confused about where another vehicle is turning.

66. Following consideration of Mr Carr's evidence the Commission has concluded that the technical breaches of the various site standards discussed above will have no more than a minor effect on the environment. The Commission notes that Mr Carr is able to support the proposal from a transportation perspective and that he is of the view that there are no transportation-related reasons why consent should not be granted.

B.5.3 Earthworks

67. The evidence of Mr Rider confirmed that for the 9 parking space option earthworks will consist of 1250m³ of cut and 500m³ of fill; and that there will be an export excess of 750m³. Mr Rider also noted that if the 13 parking space option was adopted from the outset that 1400m³ of cut and 600m³ of fill would be required resulting in an export excess of 800m³; but that increasing on-site parking from 9 to 13 spaces at a later date would increase the cut volume to 1800m³ and would increase the export excess to 1300m³ for the two stages summed together (as less fill will be utilised within the site). Mr Rider also confirmed that the maximum height of cuts will be 6.5 metres.

68. Ms Vining noted that the proposed excavation has been reduced as a result of bringing the excavation closer to the rear of the building, away from the northern boundary. The quantum of earthworks would be further reduced if 9 parking spaces only were provided (being the applicant's preferred option).

69. The Commission concurs with Ms Baker that in locations such as this extensive earthworks are "the norm" as is realisation of the maximum development potential of a site.

70. The reduction to 9 parking spaces would reduce the need for earthworks at the western end of the site which would otherwise be visible from the McElrea and Satterthwaite/Rodriguez properties at 49B and 51 Goldfield Heights, respectively. Earthworks to the north of the buildings will generally be obscured from those residential properties to the south by the buildings themselves.

71. The Commission has noted Ms Baker's observation that from public places the earthworks would be virtually imperceptible; and the Commission concurs with this assessment.

72. Mr Rider has expressed his professional opinion that the earthwork solutions proposed for each of the options are geotechnically suitable for the development and earthworks proposed. The Commission has also noted the proposal to construct a masonry block wall (rather than rock bolting) along a portion of the northern boundary as detailed in the Geotechnical Addendum prepared by Mr Rider dated 12 October 2017, which was provided with the applicant's written reply.

73. In all the circumstances, and having regard to the Assessment Matters presented in Section 22.4 of the Operative District Plan, the Commission considers that any adverse effects on the environment associated with the earthworks under either option (including visual effects) will be limited.

B.5.4 Servicing Effects

74. The provision of services was addressed in the report prepared by Mr Dennis. The Commission notes that existing easement area L on DP 472532 created by Transfer 664208.1 will require modification to provide for the realignment of the stormwater main which crosses the site. The Commission is satisfied that provision for this matter via easement (and provision for rock bolting into the adjacent properties to the north) can be addressed via appropriate conditions of consent.

75. The Commission is satisfied that any effects in terms of the provision of services can be adequately mitigated by adherence to appropriate conditions of consent, consistent with Mr Dennis's recommendations.

B.5.6 Positive Effects

76. The proposal will have a positive effect by providing housing for YWAM and workers at the subject site. The proposal will have a positive effect by contributing to the availability and range of housing stock within the District; including the freeing up of housing stock currently occupied by YWAM participants.

B.6 Summary : Effects and Assessment Matters

77. The Commission finds that the proposal will not have significant adverse effects in this instance having regard to the relevant matters to which discretion is restricted and to the assessment matters. This conclusion is reached with respect to both the 9 parking

space and the 13 parking space options. Again the Commission acknowledges that the proposal will have positive effect in terms of contributing to the range and availability of housing stock within the District.

C. OBJECTIVES & POLICIES

78. Section 104(1)(b)(vi) of the Act requires that the consent authority have regard to any relevant provisions of a plan or proposed plan.

79. Ms Baker's section 42A report and Ms Vining's evidence comprehensively assesses the proposal in terms of the objectives and policies of the Operative District Plan and the Proposed District Plan. To a large degree the objectives and policies of the Operative District Plan and the Proposed District Plan relate to matters discussed in Section B of this decision. It is neither desirable or necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

C.1 Operative District Plan

80. Parts 4, 7, 14 and 22 of the Operative District Plan contain objectives and policies for the whole District, for the Residential Areas, for Transport, and for Earthworks.

Part 4

81. Ms Baker has discussed various objectives and policies from Part 4.9 as contained in Part 4 of the Operative District Plan in her section 42A report. The Commission is satisfied that the proposal is consistent with the objectives and policies stated in Part 4.9 in Part 4.

Part 7

82. In her section 42A report Ms Baker has discussed objectives and policies from Part 7 which relates to the residential areas of the District that include the Low Density Residential Zone. The Commission has given consideration in particular to Objective 1 – Availability of Land, Objective 2 – Residential Form and Objective 3 – Residential Amenity and the associated policies as presented in Part 7.1.2. In this instance the proposal is to use a large site in the Low Density Residential Zone for residential

purposes; and the Commission has previously noted that four residential units and four residential flats comprise the permitted baseline. The Commission also acknowledges that a range of conditions are proposed with respect to a limit on the number of vehicles, the renting of each unit to a single entity/employer and the management of the residential units, with a view to maintaining residential amenity in this locality. The Commission is satisfied that the proposal is generally consistent with the objectives and policies stated in Part 7 of the Operative District Plan.

Part 14

83. The relevant objectives and policies in Part 14 of the Operative District Plan are concerned with efficiency, the maintenance and improvement of access, and addressing the environmental effects of transportation. In this instance the proposal is to provide parking which is consistent with the permitted baseline for residential units and a condition is proposed to restrict the number of vehicles owned by those residing at the site. While technical breaches of site standards will occur these have been assessed by Mr Carr who supports the proposal from a transportation perspective. The Commission's conclusion is that the proposal is consistent with the objectives and policies stated in Part 14.

Part 22

84. Objective 1 in Part 22.2 of the Operative District Plan seeks to enable earthworks as part of a development in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment; and Objective 3 seeks to ensure the stability of the land. In this instance the earthworks are necessary for the development and Mr Rider has concluded that the proposed earthwork solutions for each of the parking space options are geotechnically suitable for the development and earthworks proposed. The Commission considers that, subject to the imposition of conditions, any potential adverse effects associated with earthworks will be consistent with the relevant objectives and policies contained in Part 22.2.

C.2 Proposed District Plan

85. The objectives and policies from the Proposed District Plan are referred to in Ms Baker's section 42A report; and her conclusions are supported by Ms Vining.

86. The Proposed District Plan applies the Low Density Residential Zone to the subject site. While the proposal is generally consistent with the objectives and policies of the Proposed District Plan the Commission considers that limited weight can be placed upon these provisions given the inchoate nature of these provisions which may be amended as an outcome of the statutory Proposed District Plan submission/appeal process.

C.3 Summary : Objectives and Policies

87. Following the above analysis, the Commission finds that the proposal is consistent with those objectives and policies of the Operative District Plan that are relevant to the application; and that the proposal is generally consistent with the relevant objectives and policies stated in the Proposed District Plan.

D. REGIONAL POLICY STATEMENT

88. Ms Baker's section 42A report assessed the proposal in terms of the objectives and policies contained in the Regional Policy Statement for Otago which became operative on 1 October 1998; and in terms of the Proposed Regional Policy Statement for Otago, decisions with respect to which were released on 1 October 2016.
89. The Commission finds that the proposal is generally consistent with, and not contrary to, the objectives and policies of the Operative and Proposed Regional Policy Statements. Again it is noted that limited weight can be placed upon the provisions of the Proposed Regional Policy Statement, many of which are subject to appeal.

E. NATIONAL ENVIRONMENTAL STANDARD AND NATIONAL POLICY STATEMENT

90. Section 104(1)(b)(i) and (iii) require the consent authority to have regard to any relevant provisions of a national environmental standard and a national policy statement.

E.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

91. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into effect on 1 January 2012. Ms Baker advised, based on the applicant's review of Council records, that the site is not a Hazardous Activities and Industries List (HAIL) site and that therefore the NES does not apply.
92. Accordingly the Commission is satisfied that the proposal is a permitted activity under the NES.

E.2 National Policy Statement for Urban Development Capacity

93. The National Policy Statement for Urban Development Capacity (NPS) came into effect on 1 December 2016. The NPS seeks to ensure that planning decisions result in effective and efficient urban environments that enable people, communities and future generations to provide for their wellbeing, provide opportunities to meet demand for housing and business land, and provide choices in terms of dwelling type and location.
94. The Commission is satisfied that the proposal is consistent with the objectives and policies of the NPS and will assist in achieving the objectives of the NPS.

F. OTHER MATTERS

95. Section 104(1)(c) of the Act requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

F.1 Precedent

96. Precedent is not a relevant consideration as consent is sought for a restricted discretionary activity. As previously noted the permitted baseline includes four residential units and four residential flats.

F.2 Matters Raised by Submitters

97. The Commission confirms again that it has given consideration to the matters raised in the submissions.

98. The submitters have raised various matters relating to the proposal including the scale of the development. As previously noted the Commission has found that each of the four units is a residential unit; and conditions have been offered by the applicant which have the effect of maintaining residential amenity in this locality. In these circumstances, and having regard to the permitted baseline, the Commission does not propose to address the concerns raised by submitters in any further detail.
99. The Commission again acknowledges that Mr Sinclair (for Juliet Satterthwaite and Luis Rodriguez) and Ms McElrea confirmed at the hearing that they supported the 9 parking space option as this minimises visual effects on the outlook for their respective properties. The Commission has come to the conclusion that the 9 parking space option should be made available as a potential development option in this instance.

F.3 Housing Need

100. Ms Baker noted that anecdotally, there is a housing shortage in the Queenstown Lakes District. She noted that rent prices and advertisements from persons seeking accommodation bear this out; and that the Council's draft 10 year plan includes affordable housing as a priority and places much emphasis on the high level of growth experienced over the last few years and anticipated in the next few. The proposal will provide shared accommodation which is much in demand; and leasing to YWAM will release properties for rent elsewhere in Queenstown.

F.4 Issues Relating to Scope/Notification

101. The addendum to Ms Baker's section 42A report raised issues with respect to scope and notification. The Commission has given careful consideration to her concerns and finds that the proposal, as presented at the hearing, is within scope given that a breach of Site Standard 7.5.5.2viii(a) was inherent in the original application (albeit not identified in the original application text and section 42A report); that the parking now proposed is consistent with the permitted baseline (noting the condition offered by the applicant with respect to limiting vehicle ownership); and that any effects of the amended earthworks are accepted by the affected neighbours as evidenced by the affected persons approvals tabled at the hearing.

102. The Commission finds that it is not necessary for any other parties to be notified and considers that there is no constraint to the granting of a resource consent in this instance in terms of section 104(3)(d) of the Act.

F.5 Other Matters

103. No other matters appear to have any particular relevance in this instance in terms of section 104(1)(c).

G. PART 2 OF THE ACT

104. The Commission records here that it is aware of the developing caselaw around the relevance of Part 2 of the Act to resource consent applications. Until such time as the caselaw is further settled, the Commission considers it prudent to undertake an assessment in terms of Part 2 matters.

105. Part 2 of the Act contains sections 5 to 8. These are referred to in reverse order.

106. Section 8 requires the Commission, in exercising its functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised in reports or evidence in relation to section 8.

107. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and the maintenance and enhancement of the quality of the environment. The proposal will serve to achieve efficient use and development of natural and physical resources; and will maintain and enhance amenity values and the quality of the environment. There are no other matters stated in section 7 which are of any relevance to the current application.

108. There are no matters of national importance stated in section 6 which are of any relevance to the application.

109. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable

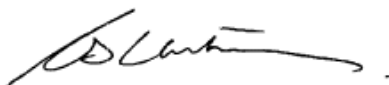
management contained in section 5(2), the Commission is satisfied that this application will achieve the purpose of the Act.

110. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of this site will be developed in such a way that the social and economic wellbeing of the applicant and the wider community (in terms of increasing and providing diversity in housing stock) is provided for, while the potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of ecosystems will not be compromised and any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

H. OUTCOME

111. Section 104 of the Act directs that when considering an application for resource consent and any submission received in response to it, the Commission must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan and of the Proposed District Plan. In the course of considering the application and the submissions and in reaching this decision the Commission has followed this process. Under section 104C the Commission has discretion to grant consent to the application and the Commission hereby does so subject to the imposition of conditions of land use consent as attached in a Schedule to this decision.

This decision on RM161104 is dated 31 October 2017.



W D Whitney

COMMISSIONER

For the Commission being WD Whitney and L Beattie

APPENDIX 1 - Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS

1. That the development shall be undertaken/carried out in accordance with the plans:
 - Genius Homes Site Plan Sheet R101 Rev P dated 17 July 2017.
 - Genius Homes Elevations (Building 1) Sheet R104 Rev H dated 17 July 2017.
 - Genius Homes Floor Plans (Building 1) Sheet R103 Rev K dated 17 July 2017.
 - Genius Homes Elevations (Building 2) Sheet R106 Rev H dated 17 July 2017.
 - Genius Homes Floor Plan (Building 2) Sheet R105 Rev H dated 17 July 2017.
 - Genius Homes Cross Section & Elevation – Protrusion Sheet R108 Rev K dated 17 July 2017.
 - Genius Homes Cross Sections & Excavation [sic] Area Sheet D109 Rev P dated 17 July 2017.
 - Genius Homes Parking & Landscape Sheet R110 Rev P dated 17 July 2017 [9 parking space option] or Genius Homes Parking & Landscape Sheet R1 Rev F dated 14 March 2017 [13 parking space option – for parking aspects only]
 - Aurum Survey Earthworks Plan – Stage 1 Drawing 4085.4E.1C dated 22 August 2017 and Aurum Survey Earthworks Plan – Stage 2 Drawing 4085.4E.2C dated 22 August 2017 [for 9 parking space option with ability to extend to 13 parking spaces] or Aurum Survey Earthworks Plan Drawing 4085.2E.1E dated 22 August 2017 [for 13 parking space option from outset]; these plans being subject to amendment as shown on amended version of Aurum Survey Earthworks Plan Drawing 4085.4E.2C attached to Geotechnical Addendum dated 12 October 2017 prepared by David Rider of RD Agritech.

stamped as approved on 31 October 2017.

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$290. This initial fee has been set under section 36(1) of the Act.

Engineering

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link:

<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

To be completed prior to the commencement of any works on-site

4. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 5-10 below shall be demonstrated.
5. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

6. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that this representative will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
7. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following engineering works required:
 - a) The provision of a water supply to each unit within the development in terms of Council's standards and connection policy. Connection shall be made to the 100mm main in Golden Terrace. The costs of making these connections shall be borne by the consent holder. This shall include either:
 - i) Installation of an Acuflo CM2000 toby valve for each unit located at the road reserve boundary.
 - OR
 - ii) A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to the development. The costs of the connection shall be borne by the consent holder.
 - c) The relocation and protection of the stormwater main that runs through the property. This shall include a producer statement for design that confirms there will be no additional loading of the stormwater main as a result of the works.
 - d) The provision of a stormwater collection system from all potential impervious areas within the development to an appropriate stormwater disposal location/system. The onsite system shall be designed to remove contaminants prior to discharge and to provide gravity drainage for the entire developed area within the site.
 - e) The provision of sealed vehicle manoeuvring and car parking areas in accordance with Council's standards, with the exception of those non-compliances that have been approved by this consent, including providing compliant queueing distances from Goldfield Heights road. Parking and loading spaces shall be clearly and permanently marked out. Provision shall be made for stormwater disposal.
 - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
 - g) A barrier shall be provided for pedestrian and vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to the occupation of the buildings.

8. Prior to the commencement of any works on the site the consent holder shall provide Council with:
 - a) A computed easement plan and easement instrument to detail the relocated stormwater main as it relates to Lot 4 DP 472532. The final wording of the easement instrument shall be provided to the Queenstown Lakes District Council's Subdivision Planner for certification prior to registration on the Computer Freehold Register for the site. A copy of the updated Computer Freehold Register showing registration of the approved easement variation document shall then be provided following registration.
 - b) A computed easement plan and easement instrument for any easement required for rock anchor bolts under the neighbouring property/properties.
9. Prior to commencing any work on the site the consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and in accordance with the RDAgritech Geotechnical Assessment Report Rev 4 or Rev 5 dated 31 August 2017. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
10. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the RDAgritech Geotechnical Assessment Report Rev 4 or Rev 5 dated 31 August 2017, and who shall supervise the excavation and filling procedure and retaining wall construction. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Principal Resource Management Engineer at Council new designs/work methodologies for the works prior to further work being undertaken. With the exception of any necessary works required to stabilise the site in the interim.

To be monitored throughout earthworks

11. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by RDAgritech Geotechnical Assessment Report Rev 4 or Rev 5 dated 31 August 2017 and as amended by the Geotechnical Addendum dated 12 October 2017
12. The consent holder shall ensure that construction of the retaining wall along the northern boundary of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 8 weeks following excavation, temporary retaining and/or protection measures shall be installed to protect the exposed batter face from the elements and potential erosion or instability until such time as the cut is permanently stabilised.
13. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
14. No earthworks, temporary or permanent, are to breach the boundaries of the site except where rock anchoring is required as detailed in the RD Agritech Geotechnical Assessment Report Rev 4 or Rev 5 dated 31 August 2017 and as amended by Addendum dated 12 October 2017 and for the installation of services and access.

On completion of earthworks & prior to construction of a unit

15. On completion of earthworks within the building footprint and prior to the construction of the units, the consent holder shall ensure that either:
 - a) Certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer;

or

- b) The foundations of the units shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

16. On completion of the earthworks, the consent holder shall complete the following:

- a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

To be completed when works finish and before occupation of units

17. Prior to the occupation of the buildings, the consent holder shall complete the following:

- a) The submission of 'as -built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as -built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all certified works detailed in Condition 7 above.
- c) The removal of any redundant water lateral connections to the site by capping at the main.
- d) Remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- e) Obtain a Code of Compliance Certificate under a Building Consent for any retaining walls constructed as part of this consent which exceed 1.5m in height or are subject to additional surcharge loads as set out in Schedule 1 of the Building Act.
- f) All newly constructed stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- g) Any power supply and/or telecommunications connections to the buildings shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.
- h) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- i) The provision of a sealed vehicle crossing that shall be constructed to the development to Council's standards.
- j) The provision of a connection from all potential impervious areas within the development to the un-named creek. Provision shall be made to remove settleable solids prior to discharge to the creek.
- k) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- l) Confirmation that the trees on Council road reserve immediately uphill (west) of the site entrance have been trimmed to increase the sightline to comply with Site Standard 14.2.4.2iv of the Operative Queenstown Lakes District Plan.

Landscaping

18. An amended landscaping plan shall be submitted to Council prior to any development of the site for certification. The certified landscaping plan shall be implemented within the first planting season after occupation of any of the property, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

The landscaping plan should be designed to meet the following objectives:

- Based on the Planting and Landscape Plan, Genius Homes, Sheet R110 dated 17 July 2017.
- Include a statement from a suitably qualified person (e.g. Landscape Architect) confirming the viability of the plants proposed and setting out the management programme.
- Include a statement from a suitably qualified person (e.g. Engineer) confirming the proposed planting will not affect the integrity of the retaining.

Precondition Survey

19. Prior to commencing any works on site, the consent holder is to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed excavations. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photograph, focusing on any damage that is already apparent.

Note: Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised.

Surveyor's Certificate

20. In order to ensure that the proposed building is located exactly as proposed in the application and complies with the maximum height control of the Queenstown Lakes District Plan, the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
- a) Certify to Council in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and
 - b) Confirm to Council in writing upon completion of the building that it has been built in accordance with the approved plans and complies with the maximum height control.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

Management Plan

21. Prior to occupation of any of the units, the consent holder shall submit to Council for certification a management plan for the site which achieves the following:
- a) Private waste collection from the site in accordance with the documentation submitted with the application OR

An alternative waste collection plan which does not involve bins being put on the public road and which ensures odour is contained and rodents are discouraged.
 - b) Use of outdoor areas to ensure noise from the site is not excessive. This may include but is not limited to restrictions on the time that outdoor areas can be used, limits on the numbers of persons using outdoor areas, signage and education of tenants.
 - c) Use of the parking area to ensure turning remains available and no vehicle is required to exit the site by reversing onto the public road. This may include but is not limited to 'no parking' signs on the turning bay and education of tenants.

22. The consent holder may submit an amended management plan in accordance with Condition 21 for certification to the Council at any time.
23. The Council may have the management plan peer reviewed by suitably qualified persons at the consent holder's expense. This is limited to when the plan is first submitted and certified in accordance with Condition 21, when amendments are made in accordance with Condition 22, and in the event of complaints in relation to the matters managed as listed in Condition 21a)-c).

Specific Conditions

24. The maximum number of vehicles owned or in possession of the residents of each of the units shall be limited to 2 per unit if there are 9 parking spaces provided on site, and 3 per unit if there are 13 parking spaces provided on site. If the units are rented, the owner will ensure that the tenants are bound to the restriction of 2 cars (for 9 parking spaces) or 3 cars (for 13 parking spaces) per unit through a legally enforceable mechanism such as the special terms of any tenancy agreement or similar.
25. The units shall not be leased or rented for short term visitor accommodation.
26. In order to ensure that the residential units will be utilised for worker/staff accommodation each unit shall only be permitted to be rented to a single entity/employer.
27. Each unit shall be permitted to have only one kitchen facility (in accordance with the Operative District Plan definition of "Kitchen Facility").

Accidental Discovery Protocol

28. If the consent holder:
 - a) Does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify the Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall only recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) Discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise the Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall only recommence following consultation with Council.

Review

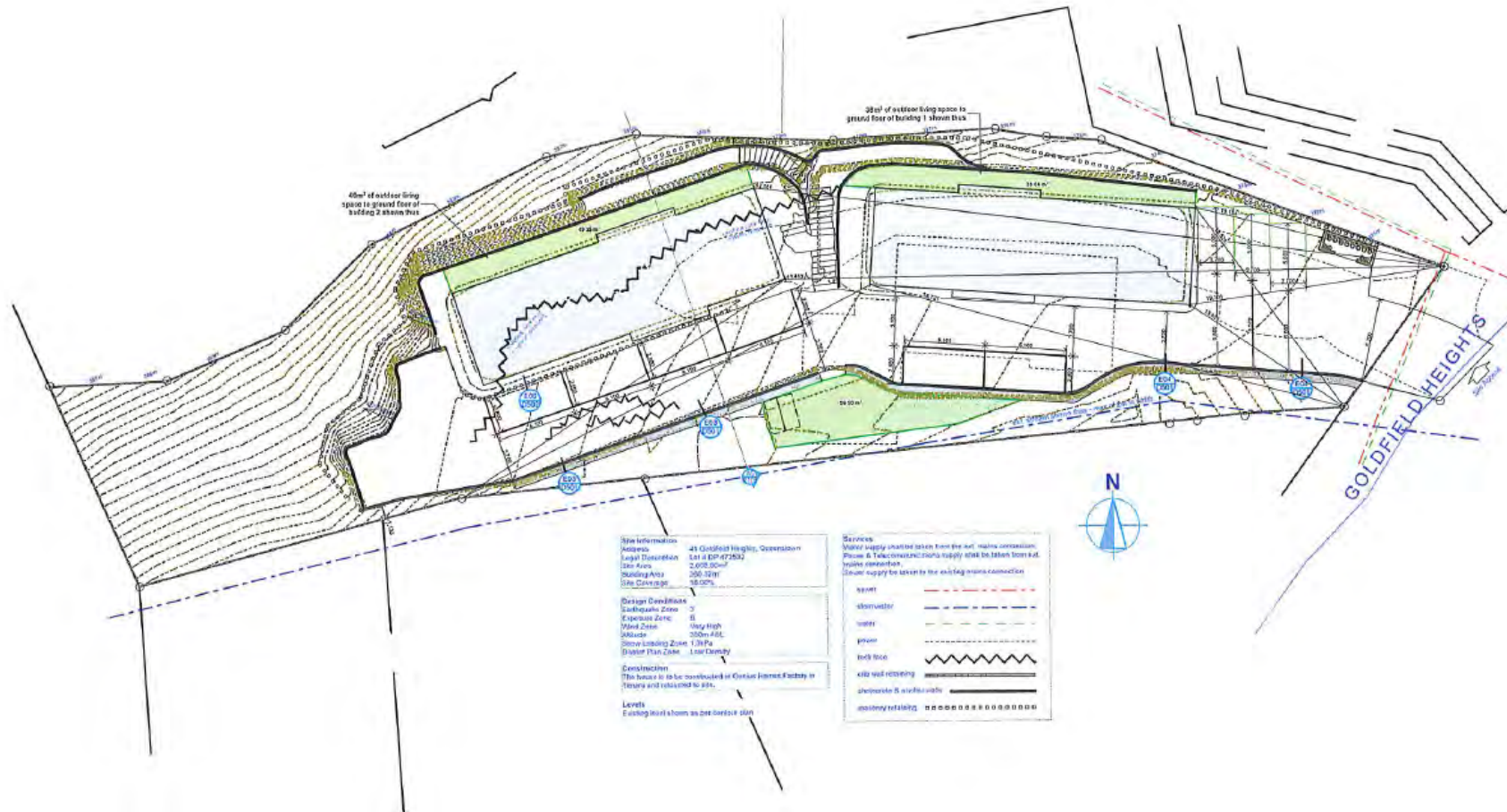
29. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse affects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

Advice Notes:

1. The consent holder is advised that if it is proposed to subdivide the units in future, then all services should be installed to the units in accordance with QLDC's Land Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document up to the date of issue of any subdivision consent. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with QLDC's Land Development and Subdivision Code of Practice adopted on 3 June 2015 and subsequent amendments to that document up to the date of issue of any subdivision consent.
2. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceed 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt

Tuesday, 31 October 2017

Note
Allow to confirm all dimensions
on site prior to manufacture



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM161104**

Tuesday, 31 October 2017

Appendix B Pre-Circulated Evidence for Recommended Hearing 61

Site
Allow to confirm all dimensions
on site prior to construction



Haslett Residence

Constructed in Genius Homes Factory located at 93 Racecourse Road, Washdyke and transported to selected destination
41 Goldfield Heights, Queenstown

SHEET TITLE:
Elevations (Building 1)

DESIGN:
Genius Homes

DRAWN:
F Silva-Vargas

REVISION #: RC - REV H

ISSUED: 17th July 2017

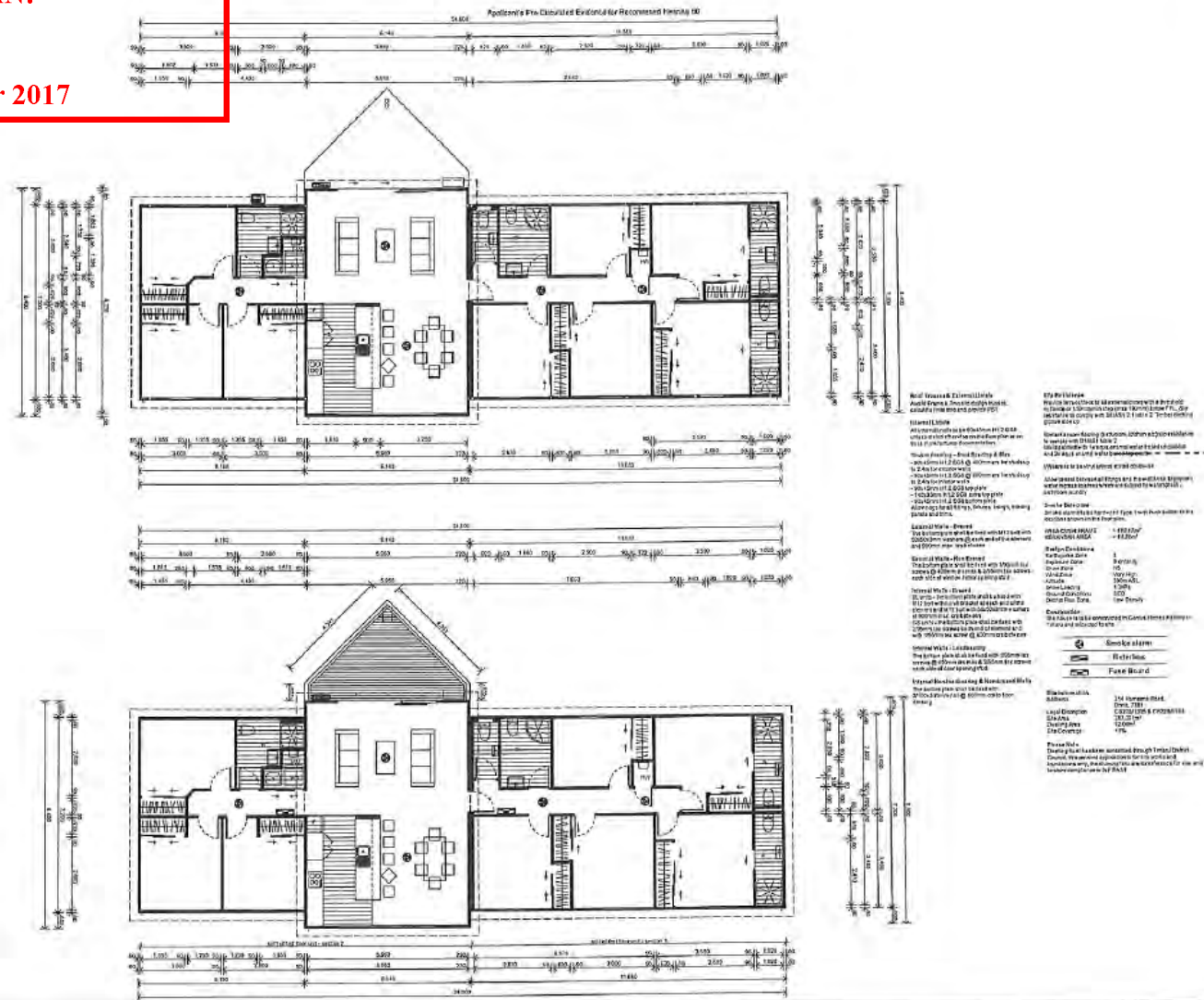
PROJECT #: SH16-388
p072AGH

SHEET

R104

SCALE:
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Tuesday, 31 October 2017



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM161104**

Tuesday, 31 October 2017

Applicant's Pre-Circulated Evidence for Recommended Hearing 03

Note:
Above is correct dimensions
of the plan's manufacture.



Haslett Residence

Construct in Genius Homes Factory located at 93 Racecourse Road, Waihi and transported to selected destination
41 Goldfield Heights, Queenstown

SHEET TITLE:
Elevation (Building 2)

DESIGN:
Genius Homes

DRAWN:
F. Silve-Vallée

REVISION #: RC - REV H

ISSUED: 17th July 2017

PROJECT #: SH-116-388
10/07/24GH

SHEET

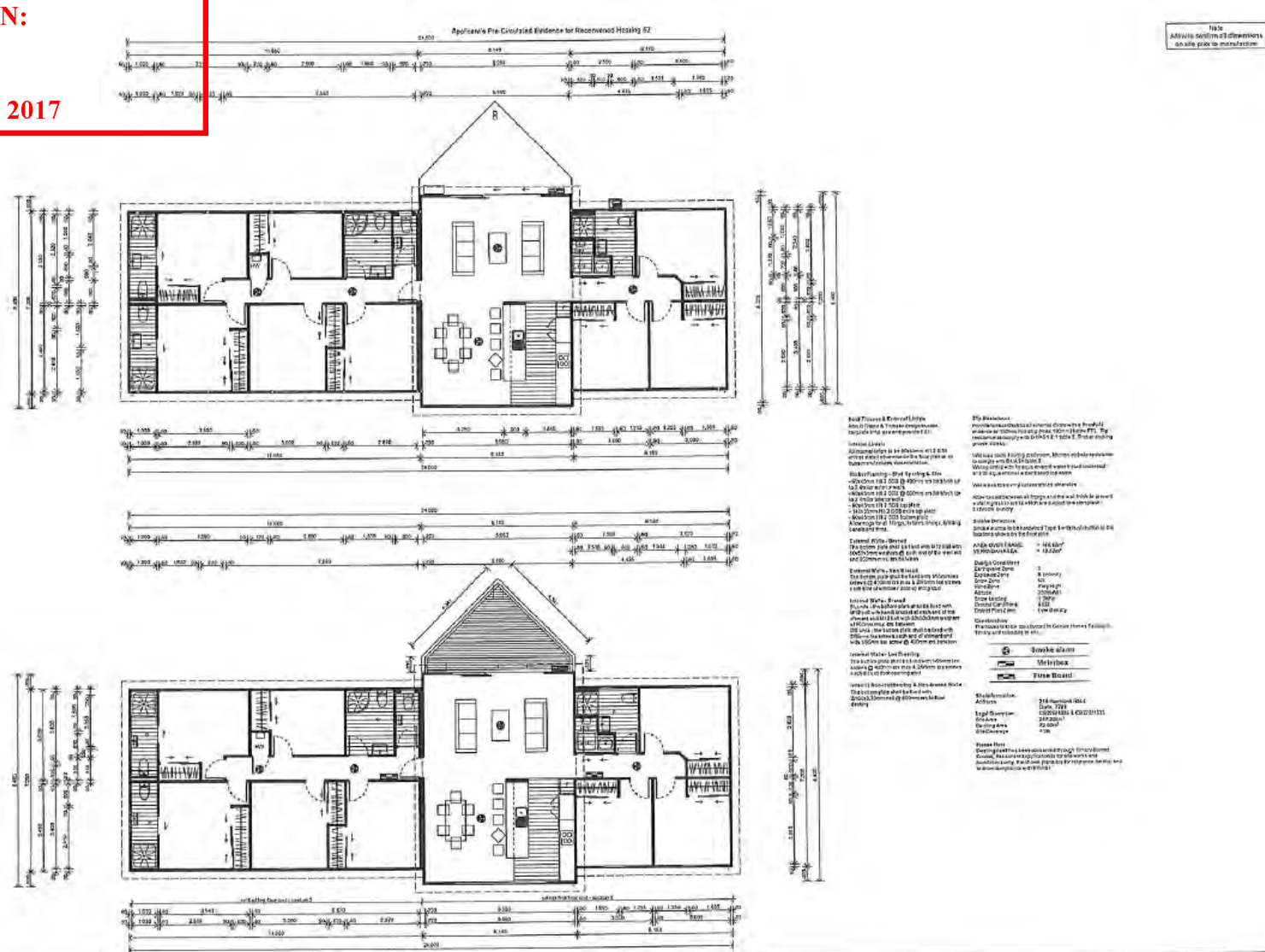
R106

SCALE:
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RM161104

Tuesday, 31 October 2017



Genius Homes
Create homes for happy people

Haslett Residence

Completed in Genius Homes Factory located at 93 Rasmussen Road, Wairarapa and transported to selected destination
41 Goldfield Heights, Queenstown

SHEET TITLE:
Floor Plan (Building 2)

DESIGN:
Genius Homes

DRAWN:
P. Sowa-Medica

REVISION#

RG - REV H

SHEET

ISSUED:

17th July 2017

PROJECT #

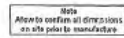
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10/22/2018

R105

SCALE:
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Tuesday, 31 October 2017



QUEENSTOWN LAKES DISTRICT COUNCIL

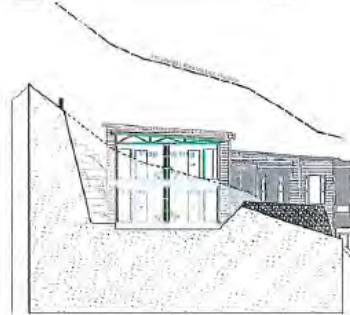
**APPROVED PLAN:
RM161104**

Tuesday, 31 October 2017

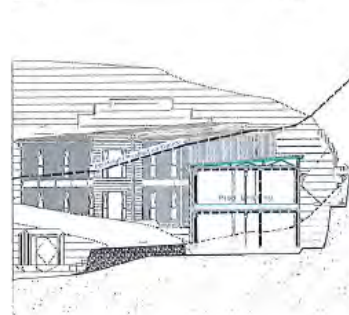
Applicant's Pre-Circulated Evidence for Reconsidered Hearing 05

Note:
Always confirm all dimensions
on site prior to construction

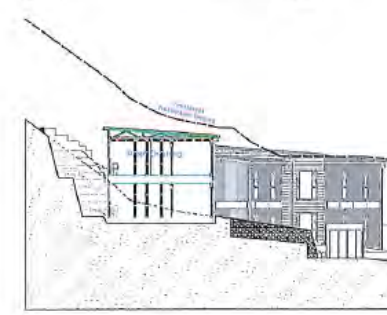
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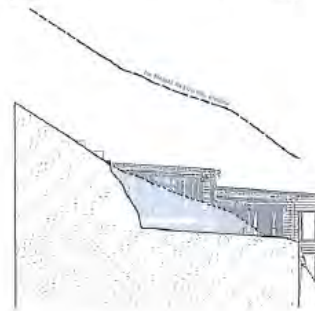
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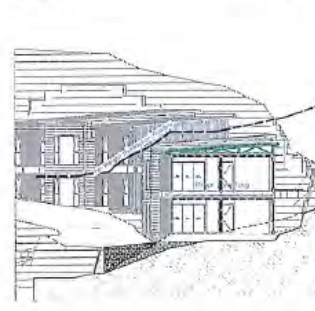
A3 Section AA
1:200



A4 Section AA
1:200



A5 Section AA
1:200



Haslett Residence

Construct in Genius Homes Factory located at 69 Racecourse
Road, Whendyke and transported to selected destination
41 Goldfield Heights, Queenstown

SHEET TITLE:
Cross Sections & Excavation Area
DRAWN:
F Silva-Velozes

REVISION #1: RC - REV P
ISSUED: 17th July 2017
PROJECT #: SH16-389
JH0726GH

SHEET
D109
6010

SCALE:
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

RM161104

Tuesday, 31 October 2017



Genius Homes
smart homes for busy people

Haslett Residence

Construct in Genius Homes Factory located at 93 Racecourse Road, Washdyke and transported to selected destination
41 Goldfield Heights, Queenstown

SHEET TITLE:
Parking & Landscape
DESIGN:
Genius Homes
DRAWN:
F Silva-Vallés

REVISION:
RC - REV P
ISSUED: 17th July 2017
PROJECT #: SH16-369
jnd726GH

SHEET
R110

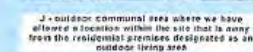
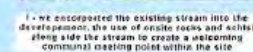
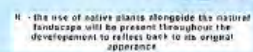
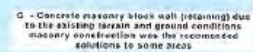
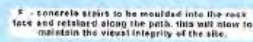
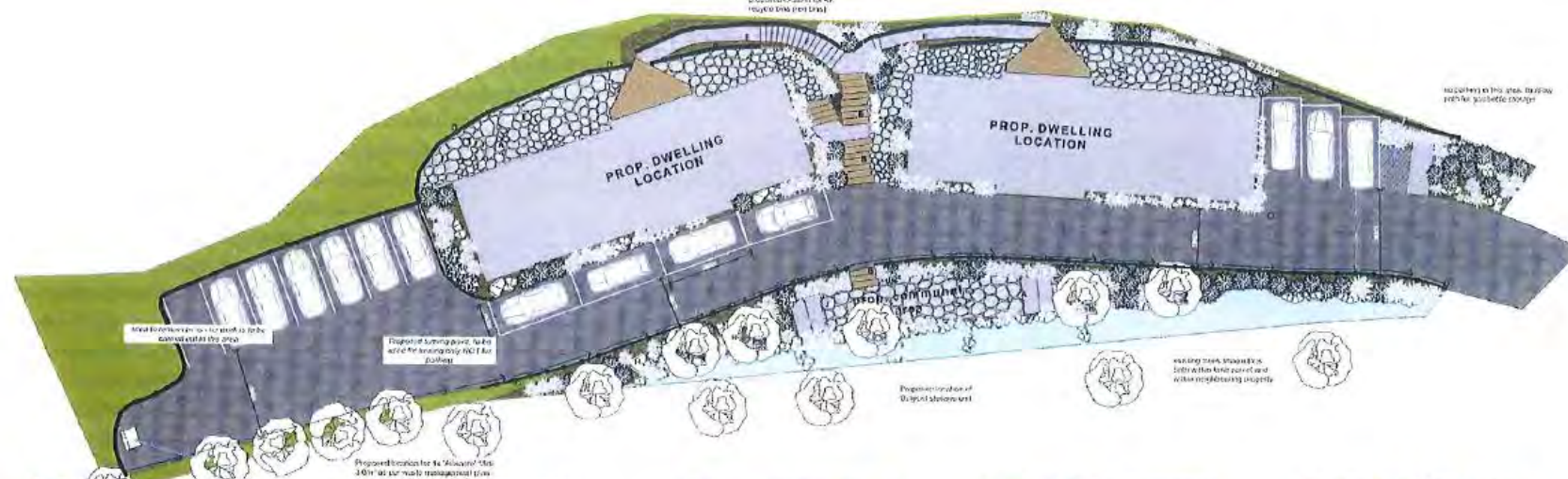
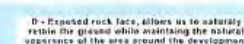
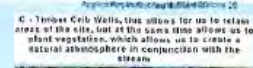
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

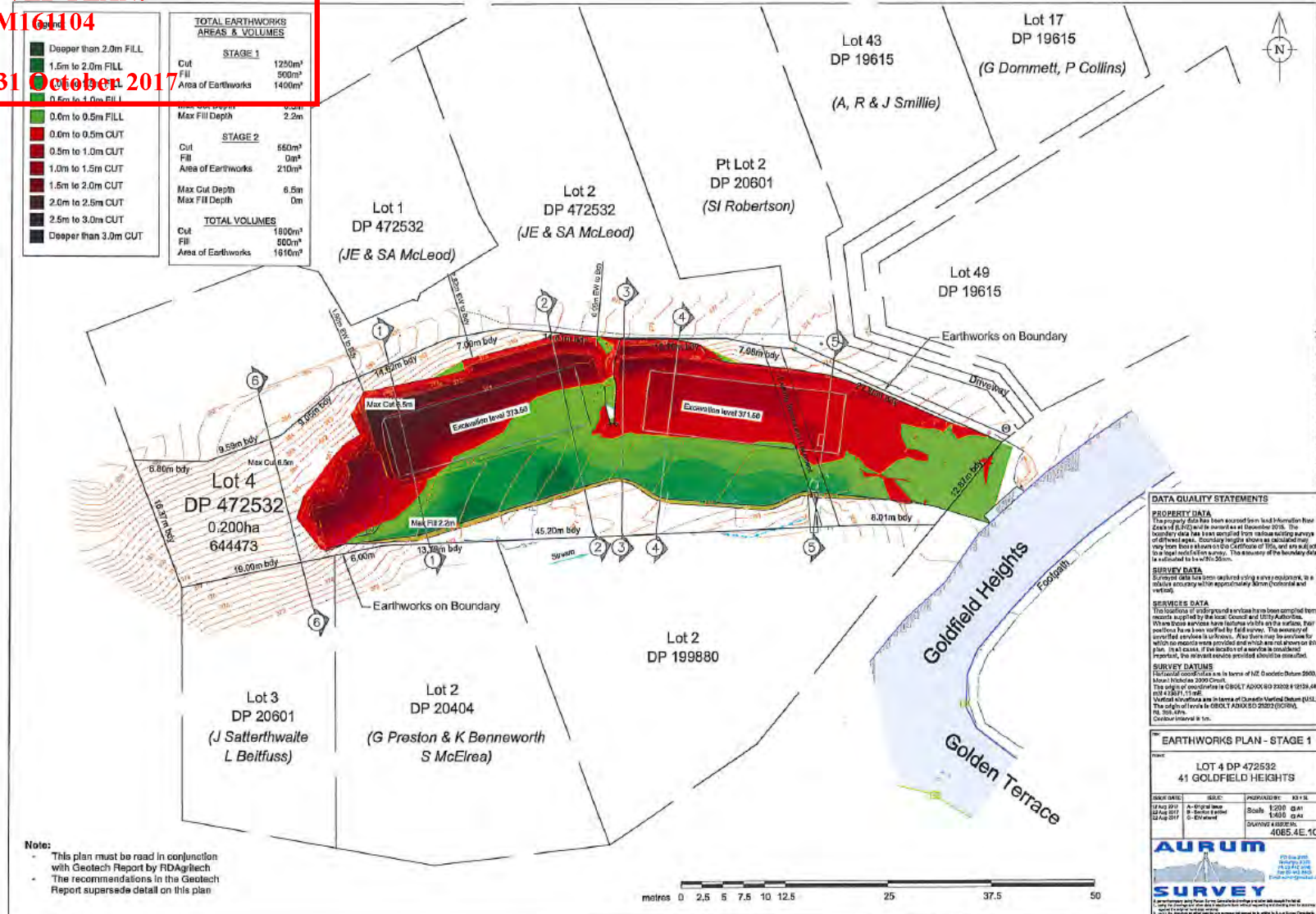
RM161104

Tuesday, 31 October 2017



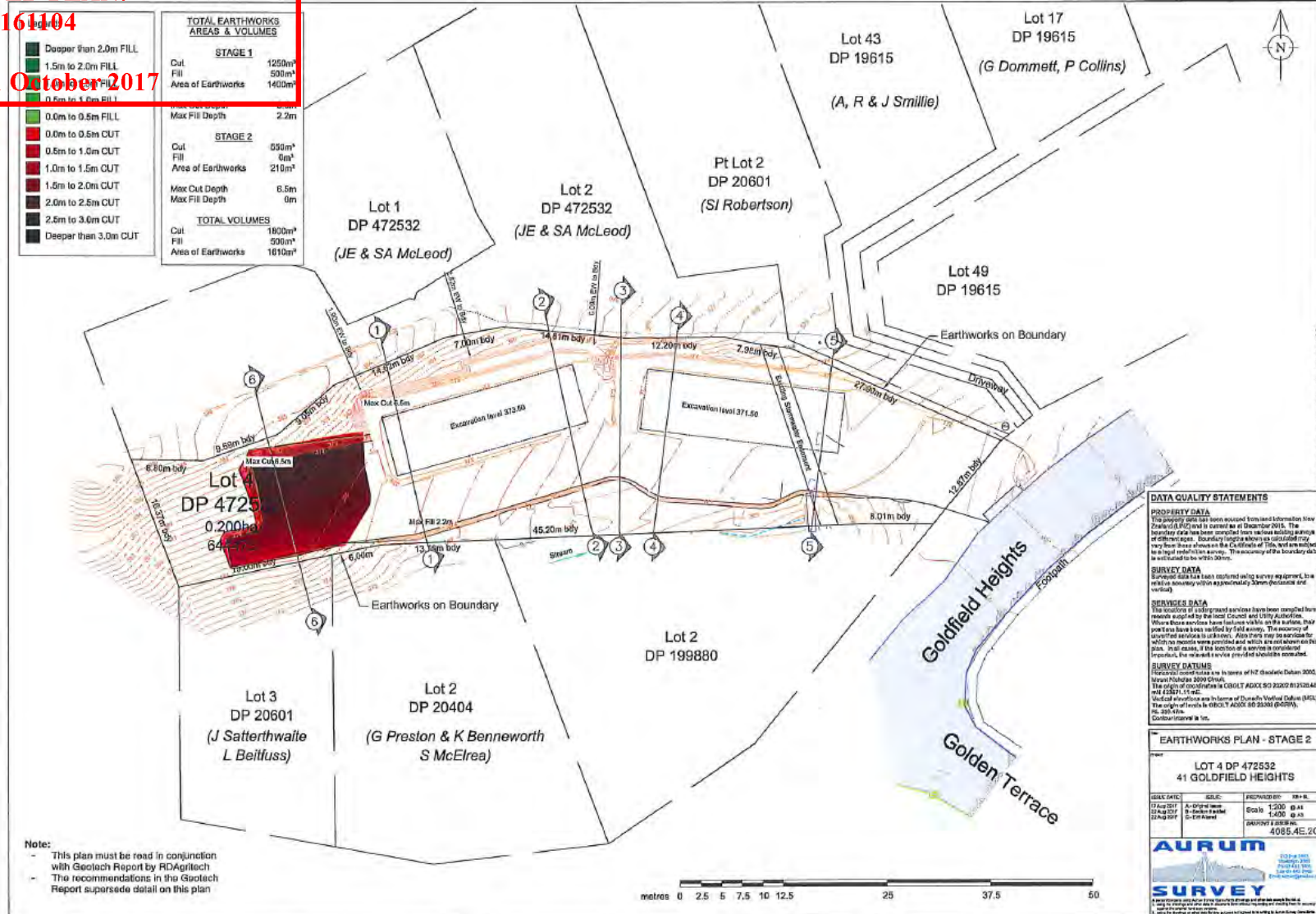
RM161104

Tuesday, 31 October 2017



RM161104

Tuesday, 31 October 2017

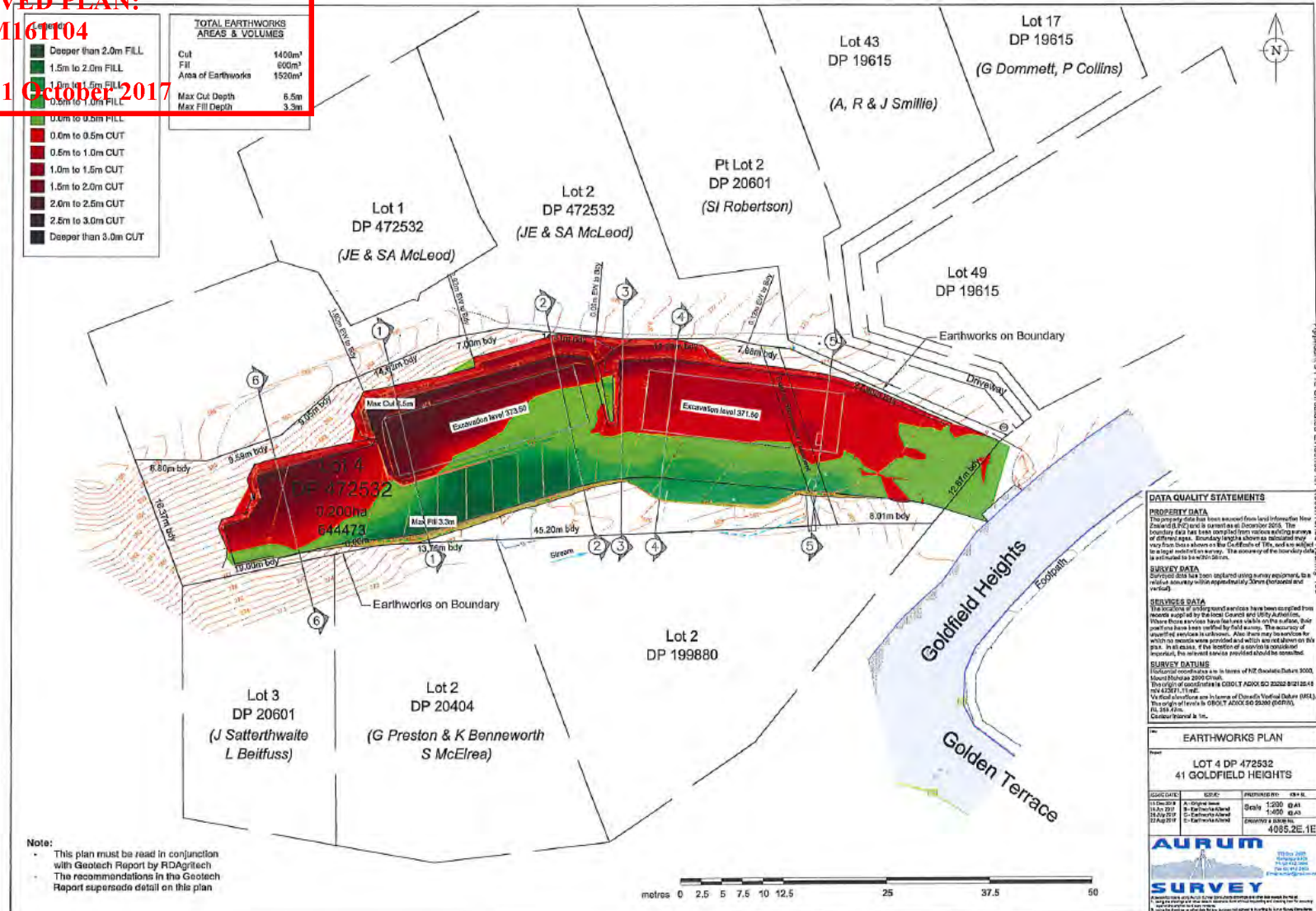


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APPROVED PLAN:

RM1611104

Tuesday, 31 October 2017



RM161104

Tuesday, 31 October 2017

