

FILE REF: RM160445

TO: Blair Devlin – Manager, Planning Practice

FROM: Erin Stagg

DATE: 22 November 2016

SUBJECT: Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991 (RMA).

Talwar Trust Limited Trustees Limited have applied for resource consent to construct two residential units and breach site density. The subject site has an area of 933m².

On 25 August 2016 the application was publically notified and notice of the application was served on surrounding properties in the near vicinity of the application site that may be adversely affected by the proposal, and to those properties that had provided affected party approval. The submission period closed on 22 September 2016 with no submissions being received.

The persons served notice of the application are listed in the applicable section 95 (notification) report which is attached as Appendix 1.

A report has been prepared (attached as Appendix 2) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and the RMA.

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

Section 100. Obligation to hold a hearing

A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard at a hearing and no other party wishes to be heard.

Given the conclusions contained in the report attached, it is considered that a formal hearing of the application is not necessary for the substantive determination of this application.

Report prepared by

Approved by



Erin Stagg
SENIOR PLANNER



Blair Devlin
MANAGER PLANNING PRACTICE



REFERENCE: RM160445

APPLICANT: Talwar Trust Limited

ACTIVITY: Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use consent to construct two units that breach site density and an internal boundary setback

LOCATION: 1 Lagoon Avenue, Albert Town

The applicant has requested that the application be publicly notified. Pursuant to section 95(2)(b) of the Resource Management Act 1991, the consent authority must notify an application for a resource consent if so requested by the applicant.

It is therefore recommended that the application be publicly notified pursuant to section 95(2)(b) of the Resource Management Act 1991.

1 Public Notification

Section 2AA of the Resource Management Act sets out that *public notification* means the following:

- (a) *giving public notice of the application or matter in the prescribed form; and*
- (b) *serving notice of the application or matter on every prescribed person.*

1.1 Public Notice

Public notice of the application is to be given in the prescribed form by way of advertisement in the The Wanaka Sun

1.2 Service

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) *The consent authority must serve that notice on—*

- (a) *every person who, in the opinion of the consent authority, is an affected person within the meaning of section 95E in relation to the activity that is the subject of the application or review:*

The parties considered affected in the context of section 95E of the Act are as follows:

Those persons identified on the attached map attach

(b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:

N/A

(c) the regional council or territorial authority for the region or district to which the application or review relates:

**Otago Regional Council
Queenstown Lakes District Council**

(d) any other iwi authorities, local authorities, persons, or bodies that the consent authority considers should have notice of the application or review:

The iwi authorities to be served notice are as follows:

**Kai Tahu Ki Otago
Te Runanga o Moiraki
Kati Huirapa Runanga ki Puketeraki
Te Runanga o Otakou
Te Ao Marama Inc
Ngai Tahu Group Management**

Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:

**Upper Clutha Environmental Society
Albert Town Community Association**

Any other person whom the consent authority considers should have notice of the application is as follows:

N/A

(e) the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:

N/A

(f) the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:

N/A

(g) the Heritage New Zealand Pouhere Taonga, if the application or review—
(i) relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or
(ii) affects any historic place, historic area, wahi tapu, or wahi tapu area registered under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT)

N/A

(h) a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.

N/A

(ha) a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:

N/A

(i) Transpower New Zealand, if the application or review may affect the national grid.

N/A

Report prepared by



Erin Stagg
PLANNER

Report reviewed by

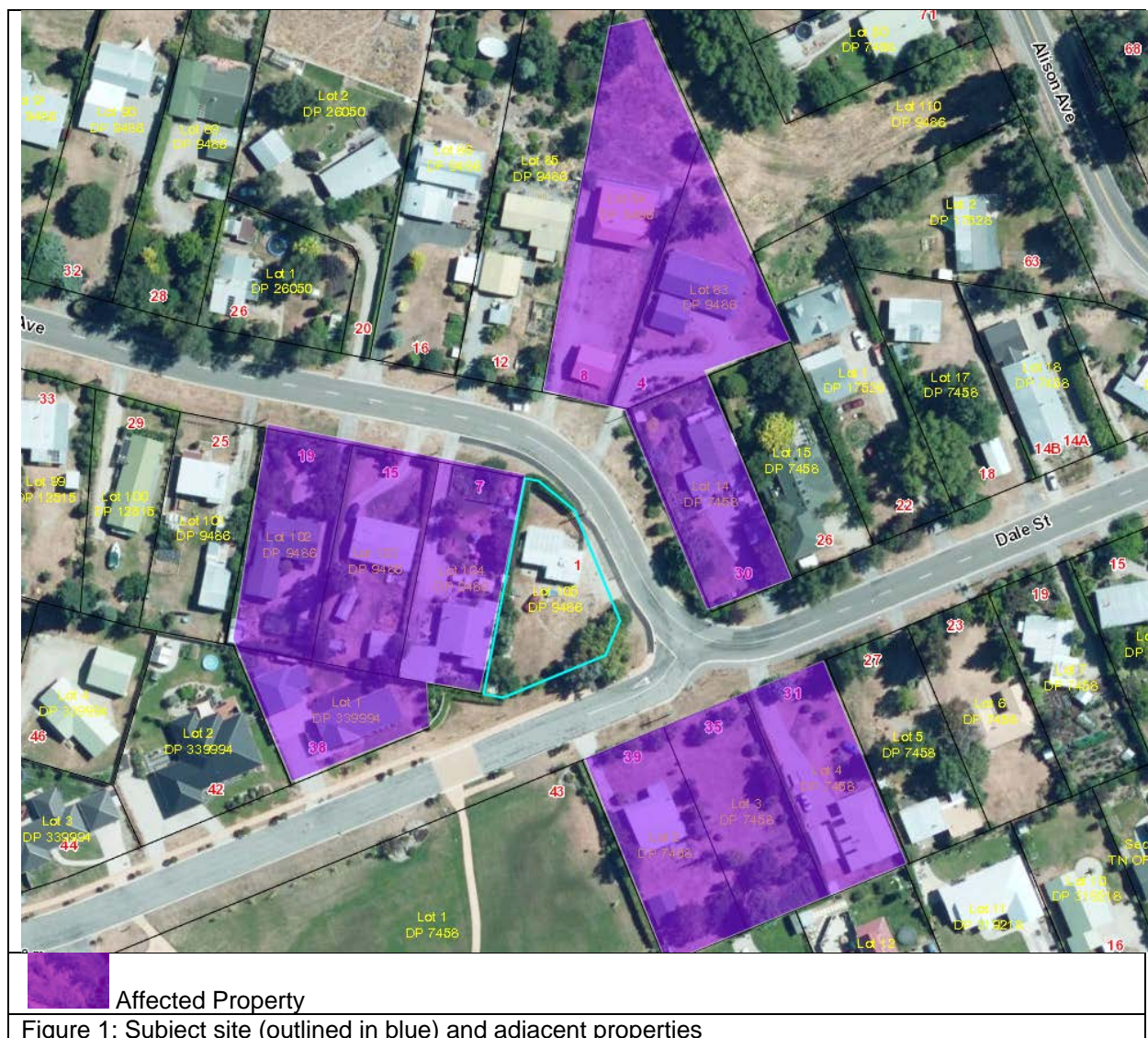


Sarah Picard
PLANNER

PLANNER'S RECOMMENDATION

For the reasons set out in the above assessment this application for resource consent shall be processed on a notified basis, comprising public notice and the service of the application on the above identified prescribed persons.

Report Dated: 3 August 2016

APPENDIX 1 MAP OF AFFECTED PERSONS

Bruce and Jacqueline Barnett	7 Lagoon Avenue (Property to the west of the subject site)
Nicola Olds and Timothy Read	15 Lagoon Avenue (Property to the west of the subject site)
Mario de Bono	19 Lagoon Avenue (Property to the west of the subject site)
Ynyr and Kathryn Russell	38 Dale Street (Property to the west of the subject site)
Giles and Katherine Wynn-Williams	8 Lagoon Avenue (Property to the north of the subject site)
Campbell and Simon McKinney	4 Lagoon Avenue (Property to the north of the subject site)
Alison Robertson and James Bretherton	30 Dale Street (Property to the east of the subject site)
Bartley and Angela Thomas and Aquarius Trustees Ltd	31 Dale Street (Property to the south-east of the subject site)
Ivon and Barbara Johnston and Downie Stewart Trustee Ltd	35-39 Dale Street (Property to the south of the subject site)

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Talwar Trust Limited
RM reference:	RM160445
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct two units that breach site density
Location:	1 Lagoon Avenue, Albert Town
Legal Description:	Lot 105 Deposited Plan 9486 held in Computer Freehold Register OTB2/21
Zoning:	Township
Activity Status:	Restricted Discretionary
Notification Decision:	Publicly Notified
Delegated Authority:	Sarah Picard
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	22 November 2016

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Sarah Picard, Senior Planner as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Section 2 of the Section 42A (S42A) report prepared for Council (attached as Appendix 2) provides a full description of the proposal, the site and surrounds and the consenting history.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 25 August 2016.

No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 21 November 2016.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6 of the S42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9 of the S42A report outlines Part 2 of the Act.

3.1 RELEVANT PLAN CONSIDERATIONS

The site is zoned Township and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 9.2.3.3(v) as the proposal breaches site standard 9.2.5.1(i) in regard to minimum site density, which requires a minimum net allotment size of 800m². It is proposed to construct two units on a site with an area of 933m², which results in a site density of one residential unit per 466.5m² net site area. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3(a) as the proposal breaches site standard 22.3.3(ii)(b)(iii) in relation to the depth of cut or fill and proximity to the boundary. It is proposed to undertake earthworks adjacent to the boundary of the site. Council's discretion is restricted to this matter.

Overall, the application is considered to be a **restricted discretionary** activity.

3.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application, section 42A report and content of submissions are:

- Character
- Servicing and Access
- Earthworks
- Natural Hazards

The findings relating to these principal issues of contention are outlined in Section 8.1.2 of the attached S42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section X of the S42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

The proposal would result in minor adverse effects in terms of character and less than minor effects in relation to servicing and access.

The proposal would have positive effects in terms of the provision of additional affordable housing in the District.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.2 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the District Plan.

As outlined in detail in Section 8.3 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the Otago Regional Policy Statement.

6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9 of the S42A report.

7. DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 108 of the RMA.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Erin Stagg on phone (03) 441 0499 or email erin.stagg@qldc.govt.nz.

Report prepared by

Decision made by



Erin Stagg
PLANNER

Sarah Picard
SENIOR PLANNER

- APPENDIX 1** – Consent Conditions
- APPENDIX 2** – Section 42A Report
- APPENDIX 3** – Applicant's AEE
- APPENDIX 4** – Engineering Report

APPENDIX 1

Consent Conditions

APPENDIX 1 – PROPOSED CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

Mollison & Associates Ltd

- 'Site Works Plan' Proposed Two Dwelling Development for Talwar Trust Ltd Sheet 1
- 'Site, Floor Plan' Proposed Two Dwelling Development for Talwar Trust Ltd Sheet 3
- 'Elevations' Proposed Two Dwelling Development for Talwar Trust Ltd Sheet 4

stamped as approved on 21 November 2016

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

General

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 3rd 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. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
5. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with "A Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council.
6. 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 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. 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.

7. 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 and who shall supervise the excavation and fill procedure and ensure compliance with NZS 4431:1989 (if required). This engineer shall continually assess the condition of the excavation and fill procedure.
8. 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 both dwellings. This shall include an Acuflo GM900 as the toby valve to each unit. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to both dwellings. The costs of the connection shall be borne by the consent holder.
 - c) The provision of a connection from all potential impervious areas within the development of each unit to the reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each dwelling.

To be monitored throughout earthworks

9. 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.

On completion of earthworks and prior to the Construction of the dwelling

10. On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall ensure that the foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration the geotechnical report reference 160670 which makes a number of recommendations for the proposed foundation design and includes any areas of uncertified fill on-site.

To be completed when works finish and before occupation of dwellings

11. Prior to the occupation of the dwellings, the consent holder shall complete the following:
 - a) The completion and implementation of all certified works detailed in Condition 8 above.
 - b) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards.
 - c) The construction and sealing of vehicle crossings to both dwelling in accordance with the Mollison & Associates Ltd 'Proposed two Dwelling Development for Talwar Trust Ltd, 1 Lagoon Avenue, Albert Town' (dated May 2016) to Council's standards.
 - d) 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 Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

- e) Any power supply and/or telecommunications connections to the dwellings shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.
- f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Accidental Discovery Protocol

12. If the consent holder:

- a) 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 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 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 Council, the 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 may only recommence following consultation with Council.

Advice Notes

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
3. 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 3rd 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 3rd June 2015 and subsequent amendments to that document up to the date of issue of any subdivision consent.

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Approval Application form](#) and submit this completed form and an electronic set of documents to engineeringapprovals@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

APPENDIX 2

Section 42a Report



FILE REF: RM160445

TO Blair Devlin

FROM Erin Stagg, Planner

SUBJECT Report on a publicly notified consent application.

SUMMARY

Applicant: Talwar Trust Limited

RM reference: RM160445

Application: Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use consent to construct two units that breach site density

Location: 1 Lagoon Avenue, Albert Town

Legal Description: Lot 105 Deposited Plan 9486 held in Computer Freehold Register OTB2/21

Zoning: Township

Public Notification Date: 25 August 2016

Closing Date for Submissions: 22 September 2016

Submissions: Zero

RECOMMENDATION

(i) That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be no more than minor:
2. The proposal is consistent with the relevant objectives and policies of the District Plan for the following reasons:
 - The proposal will retain the character of Alberttown
 - The proposal relates to the consolidation of development within the identified township boundaries
3. The proposal promotes the overall purpose of the RMA.

1. INTRODUCTION

My name is Erin Stagg. I am a resource consents planner with Queenstown Lakes District Council. I have been employed in this role since November 2014. Prior to this I worked as a policy planner for the Dunedin City Council for 1 year.

I hold the qualifications of a Bachelor of Arts from Wellesley College, Massachusetts USA and a Master of Planning from the University of Otago. I am a graduate member of the New Zealand Planning Institute.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

2. PROPOSAL AND SITE DESCRIPTION

A copy of the application and accompanying assessment of effects and supporting reports can be found in the "Application" section of the Agenda.

I refer Mr Devlin to the report entitled, '*Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct two residential units that breach site density*', prepared by Lucy Milton of LM Consulting attached as Appendix 1 to the s104 report, and hereon referred to as the applicant's AEE.

The applicant has provided a detailed description of the proposal and the site and locality in Section 1 of the applicant's AEE. This description is considered accurate and is adopted for the purpose of this report.

3. SUBMISSIONS

3.1 SUBMISSIONS

No submissions were received.

4. CONSULTATION AND WRITTEN APPROVALS

No written approvals or evidence of consultation have been provided as part of the application.

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

The subject site is zoned Township.

The purpose of the township Zone is to provide for residential activities with associated services and facilities whilst maintaining the character and amenity of the township.

The relevant provisions of the Plan that require consideration can be found in Part 9

Resource consent is required for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 9.2.3.3(v) as the proposal breaches site standard 9.2.5.1(i) in regard to minimum site density, which requires a minimum net allotment size of 800m². It is proposed to construct two units on a site with an area of 933m², which results in a site density of one residential unit per 466.5m² net site area. Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 22.3.2.3(a) as the proposal breaches site standard 22.3.3(ii)(b)(iii) in relation to the depth of cut or fill and proximity to the boundary. It is proposed to undertake earthworks adjacent to the boundary of the site. Council's discretion is restricted to this matter.

Overall, the application is considered to be a **restricted discretionary** activity.

5.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

6.

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (ii) *Other regulations;*
 - (iii) *a national policy statement*
 - (iv) *a New Zealand coastal policy statement*
 - (v) *a regional policy statement or proposed regional policy statement*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Under Section 104C of the RMA, only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion can be considered when deciding to grant or refuse the application. If an application is granted, conditions may be imposed under Section 108 only in relation to those matters specified in the plan or proposed plan over which discretion is restricted.

Following assessment under Section 104, the application must be considered under Section 104B of the RMA. Section 104B states:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*
- a) may grant or refuse the application; and*
 - b) if it grants the application, may impose conditions under section 108.*

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9 of this report outlines Part 2 of the RMA in more detail.

Section 108 empowers the Commission to impose conditions on a resource consent.

7. INTERNAL REPORTS

The following report has been prepared on behalf of QLDC and is attached as appendices to the s104 report.

- Engineering Report prepared by Mr Warren Vermaas, Council's Resource Management Engineer (Appendix 4 to the s104 report)

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.

8. ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment guided by Assessment Criteria (but not restricted by them)
- (ii) Objectives and Policies Assessment
- (iii) Other Matters

8.1 EFFECTS ON THE ENVIRONMENT

8.1.1 The Permitted Baseline

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case any dwelling and associated accessory buildings that complies with the Site and Zone Standard specified in Section 12 of the District Plan is a permitted activity. The relevant permitted standards relating to this application are:

- One residential unit can be constructed per lot.
- The maximum height for buildings is 7.0 metres.
- The minimum internal setback for buildings is one setbacks of 4.5m, one of 3m and the rest of 2m.
- The minimum road setback is 4.5m.

This outline of the permitted baseline will be discussed further below in terms of comparison against effects resulting from the proposal. Given the foregoing, the application of the permitted baseline is a relevant consideration and should be applied in this instance.

8.1.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

This assessment of actual and potential effects on the environment is guided by assessment matters provided in the District Plan where appropriate. Part 9 of the District Plan includes a range of assessment matters.

I consider the proposal raises the following actual and potential effects on the environment, with regard but not limited to, the assessment matters as set out above:

- Character (8.1.2.1)
- Servicing and Access (8.1.2.2)
- Earthworks (8.1.2.3)
- Natural Hazards (8.1.2.4)
- Positive Effects (8.1.2.5)

8.1.2.1 Character

The construction of two residential units on a 933m² site have the potential to have adverse effects on character. However, it is noted that the two units will be located within one structure, which will comply with the required setbacks and site coverage requirements. The proposed building would be one storey high and therefore be below the maximum height for the zone. Therefore it is considered that the proposed building would be of a scale that is similar to, or slightly smaller than, the dwellings within the surrounding area.

From Lagoon Avenue development would look to be one residential unit with associated outdoor living areas and yards. From Dale Street the two access ways onto the site as well as both entrances and garages will be visible. As such it will be clear from this vantage that the density of the site will be greater than anticipated in the Zone. Further, the proposal will result in an increase in traffic movements onto and off of the subject site.

However it is not fanciful to consider that the permitted baseline would allow for a single dwelling in this location with a four car garage, or two separate two car garages as proposed. Further, a single dwelling could be constructed on this site of a much larger scale and the rooms of the dwelling could be rented out to various individuals, which would result in a similar number of individuals living on the subject site, with associated noise and vehicles. Given the small scale of the anticipated increase in vehicle movements, and the location of the proposed access onto the site between Lagoon Avenue and a corner of McMurdo Park, it is considered that these movements can be absorbed by the existing environment and will not have a noticeable effect on the amenity or character of the neighbourhood.

Additionally, it is noted that no members of the public have submitted on the application and no one has raised concerns in relation to the effects of the development on the character of Albert Town. The residential units would be of a fairly small scale and opposite McMurdo Park, which will ensure the green open space character of the surrounding environment is retained.

Therefore it is considered that construction of one building to contain two residential units on this site is appropriate in this instance, and that adverse effects on the environment in relation to character have been appropriately mitigated or minimised.

8.1.2.2 Servicing and Access

Mr Vermaas has assessed the proposal in relation to servicing and access.

Mr Vermaas is satisfied that the proposed access and vehicle crossings are in accordance with Council standards.

In relation to servicing, Mr Vermaas is satisfied both proposed units can connect to Council reticulated services, including stormwater.

Overall it is considered that adverse effects in relation to servicing and access will be less than minor.

8.1.2.3 Earthworks

Mr Vermaas has assessed the proposal in relation to earthworks and is satisfied that no adverse effects in relation to land stability will result from the proposal. Should consent be granted, Mr Vermaas has recommended conditions in relation to the founding of buildings over fill, site management, traffic management and the formation of construction crossings.

Overall, it is considered that adverse effects in relation to earthworks would be less than minor.

8.1.2.4 Natural Hazards

Mr Vermaas has identified that the subject site is potentially susceptible to liquefaction from seismic events. The applicant has provided a geotechnical report in relation to the proposed development. Mr Vermaas accepts the recommendations made by the geotechnical report and has recommended an advice note in relation to the construction of foundations should consent be granted.

Mr Vermaas is satisfied that any risk from flooding from dam burst are minimal.

Overall, it is considered that adverse effects from natural hazards would be less than minor.

8.1.2.5 Positive Effects

The proposed development will encourage the construction of two residential units on one site that will contribute to the availability of affordable housing in the district. The proposal will also have positive financial benefits to the applicant.

Overall, I consider that the proposal would result in minor positive effects.

8.1.2.6 Summary of Effects

I consider that the proposal results in minor adverse effects in terms of character and less than minor effects in relation to servicing and access.

The proposal would have positive effects in terms of the provision of additional affordable housing in the District.

8.2 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

Operative District Plan

The relevant Objectives and Policies are found in Part 9 of the Operative District Plan and include the following:

Objective 1: *Recognition and consolidation of the townships. Recognition of the low density open space residential amenity of the townships. Recognition of the particular character, built environment and range of uses existing in the individual townships.*

Policies:

1.1 To encourage consolidation of the townships within identified boundaries.

1.2 To protect the low density living environment of the townships by providing for limited peripheral expansion where this does not adversely affect important adjoining rural resources and amenities.

1.3 To limit the extent and density of development of the townships in recognition of:

1.3.1 risk of natural hazards;

1.3.2 the need to provide options for reticulated services;

1.3.3 the desired living environment of the majority of the township residents;

1.3.4 the effects of activities in the townships and the scale of activities on the main transport routes;

The proposed development relates to the construction of a building that would be of a size and design that is anticipated in the zone. However the building will be split into two attached residential units. Therefore it is considered that the proposed development will retain the open space, amenity and character of Albert Town. Further the proposed development will encourage the consolidation of the Township and will not result in the peripheral expansion of the township. The proposed development can be fully serviced by Council reticulated services and it has been determined that any adverse effects on transportation routes would be less than minor.

In relation to the desired living environments of township residents, it is considered that the proposed development would not impact on the experience of living in Albert Town for neighbouring residents or residents passing the subject site on Dale Street or Lagoon Avenue.

Overall, it is considered that the proposed development is consistent with the direction encouraged by the Objective and policies of the Township Zone.

Proposed District Plan

QLDC notified the Proposed District Plan on 26 August 2015. However, the Townships Zones will be reviewed through stage 2 of the District Plan Review and therefore there are no relevant Objectives and Policies proposed in relation to the proposed development.

Summary

The proposed development is considered to be consistent with most of the relevant objectives and policies of the Operative District Plan.

8.3 REGIONAL POLICY STATEMENT

The objectives and policies contained within the Otago Regional Policy Statement (RPS) are also relevant to the proposal. In addition it is appropriate to consider the Regional Policy Statement review. The proposed changes to the RPS were notified on the 23 May 2015.

Relevant objectives of the operative Regional Policy Statement include 5.4.1, which seeks to promote the maintenance of the primary productive capacity of rural land while meeting the present and reasonably foreseeable needs of Otago's people and communities and 9.4.1 which seeks to promote the sustainable management of Otago's built environment to provide for amenity values and meet the present and reasonably foreseeable needs of Otago's people and communities.

In relation to the proposed Regional Policy Statement, Objective 3.7 seeks to ensure the urban areas are well designed, sustainable and reflect local character; and Objective 3.8 seeks to ensure urban growth is well designed and integrates effectively with adjoining urban environments.

The proposed development is considered to be consistent with the relevant objectives and policies of the Operative and Proposed Otago Regional Policy Statements.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

It is considered that the proposed development relates to the efficient and sustainable use of a residential site and will enable people and communities to provide for their health and wellbeing by providing additional housing opportunities in the District.

Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters, including:

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

The proposal is considered to relate to the efficient use of a physical resource whilst maintaining amenity values and the quality of the environment.

Overall, I consider the proposal does promote sustainable management.

10. RECOMMENDATION

An application has been received to construct two residential units that will breach minimum site density.

Adverse effects have been appropriately mitigated or minimised and the proposal is considered to be consistent with the intent of the relevant objectives and policies. For these reasons I recommend that consent be granted.

Draft conditions (Appendix 1 to the s104 report) have been provided to assist the Commission should the Commission be of a mind to grant consent.

Report prepared by



Erin Stagg
PLANNER

Reviewed by



Sarah Picard
SENIOR PLANNER

Attachments:

Appendix 1 to s104 report
Appendix 3 to s104 report
Appendix 4 to s104 report

Proposed Conditions
Applicant's AEE
Engineering Report

Report Dated:

21 November 2016

APPENDIX 3

Applicant's AEE

L M CONSULTING LTD

Resource Consent Applications ♦ Urban & Rural Planning Advice ♦ Environmental Management & Monitoring

Applicant:	Talwar Trust Limited
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct two residential units that breach site density.
Location:	1 Lagoon Avenue, Albert Town, Wanaka
Legal Description:	Lot 105 Deposited Plan 9486 contained within Computer Freehold Register OTB2/21
Valuation:	2908327500
Zoning:	Township (Albert Town)
Site Area:	933m ²
Activity Status:	Restricted Discretionary

SUMMARY OF CONSENTS SOUGHT

1. Land Use Consent

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 SITE DESCRIPTION

The subject site is legally described as Lot 105 Deposited Plan 9486 contained within Computer Freehold Register OTB2/21, attached and marked **C**. The site is located at 1 Lagoon Avenue, Albert Town and is on the corner of Lagoon Avenue and Dale Street, as shown on the Location Map attached and marked **B**. The site is an irregular triangular shape, with a predominately flat contour, and contains an existing dwelling, lawn and mature vegetation along parts of the road boundaries. The site dips slightly in the southern part of the site on the area of land which adjoining Dale Street.

1.2 SITE HISTORY

Resource consent RM930056 was approved on 12 March 1993 for a two lot subdivision. The allotments would be 493m² (with the existing dwelling) and 443m². The subdivision at that time was a Controlled Activity under the Vincent County District Scheme. The consent contained two conditions, one for reserves contribution and the other for headworks fees. A variation was approved on 27 April 1993 to delete condition 2.

Resource consent RM940633 was approved on 19 August 1994 to enclose an existing car port.

1.3 THE PROPOSAL

Resource consent is sought for the construction of two residential units that breach site density, with associated earthworks, access, and landscaping.

The subject site is relatively large at 933m², with the minimum lot size in the Township Zone being 800m². This means there is an opportunity for an appropriate level of additional density to be accommodated. The site is, however, situated on the corner of two roads with all the setbacks being 4.5m, which reduces the available area for buildings to be positioned without breaching setback rules. Nonetheless, the proposal has been designed to comply with the setbacks and building coverage requirements. The proposed building will therefore have the overall appearance, massing, coverage and height of one larger single dwelling, which is anticipated for this site.

The proposed units will be contained within one building and separated by a common/fire wall. Each unit will contain three bedrooms, two bathrooms, living and kitchen spaces, and attached double garage. Unit one will have a gross floor area of 143m², and unit two 139m² (including garages). Each unit will have an independent driveway to provide access from Dale Street. Proposed plans are attached and marked **D**. Each unit will have access to outdoor living space that will be finished in lawns and domestic plantings, with fences for privacy.

The proposal will comply with all relevant site and zone standards, except for site density, as follows:

Standard	Complies
Part 9 – Township Zone	
Site density – one residential unit per 800m ²	No – the site is 933m ² and two residential units are proposed
Building coverage 35%	Yes – 30%
Road setback 4.5m	Yes
Internal boundary setback 4.5m	Yes – with a permitted accessory building (garage) less than 7m in length (6m) partly within the setback
Access	Yes – each unit has a driveway onto Dale Street
Continuous building length 16m	Yes
Outdoor living space 100m ²	Yes
Building height 7m and recession planes	Yes
Part 14 - Transport	
Two car parks per unit	Yes – each unit has a double garage
Access 3.0m wide	Yes – each driveway is 3.0m wide
Sight distances 45m from access	Yes
Maximum number of vehicle crossings 2 per road frontage 19-60m	Yes – road frontage on Dale Street is 25m and 2 crossings are permitted
Distance of vehicle crossings to intersection 25m	Yes – the closest driveway is approximately 30m from the intersection with Lagoon Avenue

Part 22 - Earthworks	
Volume no more than 300m ³ in any one 12 month period	Yes – earthworks will equate to 205m ² (Excavation/Cut – 115m ³ and Fill – 90m ³)
Height of Cut no more than 2.4m	Yes – total height of cut is less than 2.4 metres
Height of Fill no more than 2m	Yes – total height of fill is less than 2 metres
Vertical Height/Distance to Boundary	Complies – cuts limited to central parts of the site

The proposal will connect to existing Council reticulation for water and sewer, however there is no connection for stormwater. It is expected that a new connection is likely to be required as part of the building consent process.

The proposal does not seek to subdivide each of the units. Both units will be managed in the same ownership.

2.0 ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is zoned Township in the Operative District Plan and the proposed activity requires resource consent for the following reasons:

Land Use Consent:

- A **restricted discretionary** activity pursuant to Rule 9.2.3.3 (v) for a breach of Site Standard 9.2.5.1 (i) where the minimum net allotment size for each residential unit shall be 800m². The net allotment size for the site is 933m², and it is proposed to construct two residential units.

The Township Chapter is not part of Stage 1 of the Proposed District Plan and there are no rules with immediate legal effect that apply to the proposal.

Overall, the application will be a **restricted discretionary** activity.

3.0 SECTION 95A NOTIFICATION

It is requested that the application is processed on a non-notified basis, for the following reasons as set out in the Assessment of Effects below:

The applicant does not request public notification of the application (s95A(2)(b)).

There is no rule or national environmental standard which requires or precludes public notification of the application (s95A(2)(c)).

There are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

The consent authority shall publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect follows.

4.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

Written approval has not been provided from any person.

4.2 PERMITTED BASELINE (s95D(b))

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the construction of one residential dwelling that meets all the relevant site and zone standards within the Township Zone is a permitted activity.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The relevant assessment matters are found in section 9.3.2 (vii) Site Density and Building Coverage, and are addressed below.

ix Setback from Internal Boundaries

- (a) The extent to which intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.***

The proposed built form on site has been designed to ensure all setback distances are complied with, to allow for the remaining areas of the site to be used more efficiently, and to allow for on-site car parking and outdoor amenity areas. The proposed residential units will share a common wall, but as the proposed development will not be subdivided, there will not be a new boundary created which would result in an intrusion. As such the proposal will comply with the above assessment matter.

- (b) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance of the outlook from adjoining sites and buildings, which is out of character.***

The overall built form within the site, comprising two residential units, will appear as one building when viewed from outside of the site. The overall bulk of the building will have a character similar to that of a large single dwelling.

- (c) Any adverse effects on adjoining sites in the proximity of the building, in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings to an extent which is inconsistent with the suburban living environment.***

The site is located on a corner which will reduce the number of adjoining properties that are within the proximity of the site. As mentioned above, from outside of the site, the overall built form will have the appearance of a single dwelling. This is characterised by the central common wall which separates the units running parallel with the adjoining neighbouring property to the south west. Therefore when viewed from that property, the site will have the appearance of a single residential unit (e.g. one clothes line, one vegetable garden etc). Boundary fencing will also screen the central common wall which separates the units. Therefore the overall building will have the appearance of a single dwelling and will be consistent with the existing suburban living environment.

(d) Any adverse effects of the proximity or bulk of the building in terms of loss of daylight on adjoining sites.

There will be no loss of daylight to any of the surrounding or adjoining sites. This is due to the subject site being a corner site, and due to the overall built form maintaining a single level which will ensure that the bulk of the building is minimised on the adjoining property to the south west.

(e) The ability to provide adequate opportunities for landscaping.

Adequate landscaped areas can be provided for each of the units, in separate areas. Therefore the proposed density breach will not adversely effect the ability to provide landscaping within the site.

(f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.

Access into each of the proposed allotments, and/or any of the adjoining sites will not be compromised by the proposed density breach.

(g) Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.

The proposal does not seek to provide any buildings for the housing of animals.

(h) The ability to mitigate any adverse effects of the proposal on adjoining sites.

Adverse effects from the proposed setback intrusion will be mitigated by the overall bulk of the building and location of the density breach being central to the site. The overall built form will be similar to that of a larger single residential dwelling, as such will not adversely affect any adjoining sites.

vii Site Density and Building Coverage

(a) The extent to which the character of the site will remain dominated by open space and garden plantings, rather than buildings.

The proposal has been designed to comply with the road and internal boundary setbacks, as well as building coverage. The site therefore will be developed at the anticipated domestic scale, with the character of the site remaining dominated by open space and garden plantings. Accordingly, an

additional residential unit can be accommodated on this site without resulting in adverse effects in regard to openness or domestic scale that would be more than minor.

(b) The ability to provide adequate opportunity for landscaping.

The proposal does not breach the building coverage requirement, meaning there is ample opportunity for landscaping around the building. The site's existing overgrown vegetation will be replaced by appropriate domestic landscaping comprising lawns, plantings and fencing for each unit. The proposed breach of site density will not result in any adverse effects in regard to landscaping that would be more than minor.

(c) The extent to which there is a need to decrease the site size or increase the building coverage in order to undertake the activities on site.

The site is relatively large and can accommodate the two proposed units without any encroachments into setbacks or increase in permitted building coverage.

(d) The extent to which the proposed building will be compatible with the scale of other buildings in the surrounding area.

The proposed building will have the same massing, coverage, height, and overall appearance of a single dwelling, which will ensure that it is compatible with the scale of other buildings in the surrounding area. The proposed development will not result in adverse effects on the character of the surrounding area that would be more than minor.

(e) The ability to provide adequate on-site vehicle parking and manoeuvring space.

The units will each have a double garage and separate driveway accessed from Dale Street. Off-street reverse manoeuvring space is not required for individual driveways accessed from a local road. The proposal does not result in any breaches of Part 14 – Transport. The increase in density will not result in adverse effects in regard to on-site vehicle parking and manoeuvring space.

(f) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

The proposal does not breach any zone standards, however, this assessment matter is considered to be relevant.

Housing affordability is a well-known problem in the District with the most recent median price reported as \$815,000 (www.reinz.co.nz March 2016). The breach of site density is considered to contribute to general housing affordability by creating two residential units that are smaller (and therefore more affordable) than a single standalone dwelling that might otherwise be anticipated for this site. This is considered to be a considerable positive effect that should be taken into account in the assessment of this proposal.

(f) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.

Each unit will have access to private outdoor living space of 100m² with a northerly aspect to ensure a good level of residential amenities.

(g) The ability to mitigate any adverse effects of increased coverage or site density.

The proposal does not breach building coverage. Any adverse effects of the proposed breach of site density will be mitigated by the domestic scale of the building and appropriate landscaping and fencing for each unit. The building and site design ensures that the overall appearance is similar to that of a single standalone dwelling, which will maintain the amenity values of the surrounding Township Zone.

General Assessment

The site is identified as being at risk of a possible moderate risk of liquefaction hazard, with a very small corner of the site within the flooding – damburst hazard area (Hawea Lake Control Structure Failure). Liquefaction risk can be addressed by an advice note to ensure that the applicant is aware of these hazard issues and possible means of mitigation through structural design of building foundations or other specifically engineered solution. These matters will be addressed at building consent stage. Subject to the advice note, the proposal will have no more than minor adverse effects in terms of hazards.

The resulting configuration of the proposed residential units will provide for sufficient outdoor living areas to comply with the District Plan requirements for residential units and will fulfil the intended purpose of the zone. The site is predominately flat, but is located on a corner section whereby the required setback distances limit the extent of where permitted building can occur which may limit some developments opinions. In this situation, the proposed building layout and design will ensure that proposed development results in a safe and effective use of the site which will be compatible with the pattern of development within adjoining sites, which is somewhat anticipated by the area.

Both units have been orientated to optimise solar gain for buildings and views given the sunlight hours and sun location during different times of the year. Each building will be in general compliance with the relevant site and zone standards for the Township Zone with the exception of the site density breach, which has been assessed previously.

Overall, it is considered that the proposed development will not result in an adverse effect on the wider environment.

4.4 SUMMARY: EFFECTS ON THE ENVIRONMENT (s95A(2))

In summary, the proposal has been considered against the relevant assessment matters of the Operative District Plan to determine potential adverse effects from the proposed breach of site density associated with the construction of two residential units. Any adverse effects from the increased site density will be mitigated through the design of the building and its location on the site, to ensure that adverse effects on the environment are less than minor.

5.0 EFFECTS ON PERSONS

Section 95B(1) requires assessment as to whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if adverse effects of the activity on the person are minor or more than minor (but not less than minor).

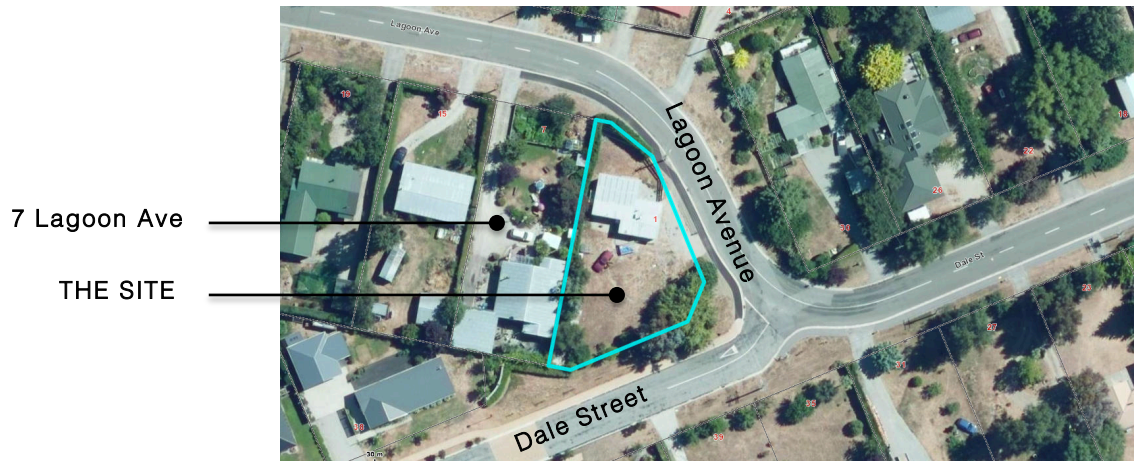


Figure 1: Showing location of neighbouring properties

7 Lagoon Ave

The recession planes along the internal boundary and 4.5m internal setback will not be breached and the building is within the height limit. The garage located partly within the setback is permitted. The building will not result in any dominance or shading on the neighbouring property at 7 Lagoon Ave. There is a 1.8m fence along the boundary which ensures that the privacy of the neighbouring residents will not be adversely affected. Potential adverse effects from the proposed site density will be limited to the central part of the site, with the central common wall running parallel with the and therefore will not be seen, or have an adverse effect on the neighbouring property.

When viewed from the neighbouring property, only a single residential dwelling and associated outdoor activities will be seen. This is due to the proposed boundary running parallel with the boundary of that site. This will prevent the additional residential activity from being seen in conjunction with both residential units adjoining the boundary of 7 Lagoon Ave. This will ensure that any potential effects are no more than that of a permitted residential activity within the site.

In summary, the proposed increase in site density will not result in any adverse effects on 7 Lagoon Ave.

Adjacent Road

The 4.5m road boundary setback will not be breached and the driveways will meet all relevant Transport standards. The landscaping and fencing will ensure that the site maintains an overall suburban appearance, to avoid any adverse effects on public visual amenity values.

The proposed site density breach will be centrally contained within the site, and therefore will not be evident from the adjacent road. Additionally, users of the adjacent road will not be adversely affected by the proposed development for the same reasons outlined above.

Overall it is considered that any potential adverse effects created by the proposed residential units and breach of site density will be absorbed within the site to ensure that no person is adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

In determining whether the application should be publicly notified, it must be established whether the activity will have or is likely to have adverse effects on the environment that are more than minor. It is concluded that the adverse effects of the activity will less than minor and therefore the application need not be publicly notified.

7.0 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The proposed development is a discretionary activity. The objectives and policies of the District Plan are relevant under Section 104(1)(b) of the Resource Management Act 1991.

The relevant objectives and policies are contained in Part 9 (Townships) of the Operative District Plan. These are addressed as follows.

7.1 ASSESSMENT OF TOWNSHIPS (PART 9) OBJECTIVES AND POLICIES

Objective 1 and associated policies seek recognition and consolidation of the townships, including the low density open space residential amenity and recognition of the particular character, built environment and range of uses existing in the individual townships.

The proposal will maintain the low density residential amenity of the Albert Town township by ensuring that the increased density does not result in any breaches of setbacks, coverage or building height. The two connected residential units will appear similar to a single standalone dwelling in order to maintain the surrounding residential amenity values. The increased density can be accommodated on this relatively large site without resulting in any adverse effects on neighbours or the desired living environment of township residents. The proposal ensures that density controls do not inhibit an appropriate development option for the site or more affordable housing opportunities.

Overall, the proposed development will be consistent with the objective and relevant policies within Part 9 of the Operative District Plan.

8.0 PART 2 OF THE RMA CONSIDERATIONS

The proposal enables the applicant to be able to provide for their social, economic, and cultural well-being, and contributes towards affordable housing needs for future generations, while ensuring that adverse effects are avoided, remedied or mitigated. As such, the proposal is considered to meet the purpose of Part 2 of the RMA.

9.0 SUMMARY

It has been demonstrated in the assessment above that the proposed development to create two residential units will be appropriate for this site and will maintain the character and amenity of the Township Zone. No person is considered to be adversely effected by the proposal. The proposal meets the relevant objective and policies of the Operative District Plan and Part 2 of the RMA. Overall the proposed development will result in adverse effects which will be less than minor.

APPENDIX 4

Engineering Report

ENGINEERING REPORT

TO: Erin Stagg

FROM: Warren Vermaas

DATE: 26/09/2016

APPLICATION DETAILS	
REFERENCE	RM160445
APPLICANT	Talwar Trust Ltd
APPLICATION TYPE & DESCRIPTION	Application to construct two units that will breach site density and internal boundary setback to create two freehold allotments below the minimum allotment size
ADDRESS	1 Lagoon Avenue, Albert Town, Wanaka
ZONING	Township
LEGAL DESCRIPTION	Lot 105 DP 9486
SITE AREA	933m ²
ACTIVITY STATUS	Non-Complying

Application	Reference Documents	Consent Application.
	Previous Relevant Consents	RM930056 – Original subdivision consent granted but lapsed.
	Date of site visit	07/11/2016

Location Diagram



Comments		
SITE DETAILS	Existing Use	The subject site currently has one existing residential dwelling on site
	Neighbours	The subject site is located on a corner and is triangular in shape, only the Western boundary has a residential dwelling located along it. Lagoon Avenue runs along the Northern and Eastern boundary and this intersects with Dale Street which runs along the Southern boundary.
	Topography/Aspect	The site is predominately flat with a dip in the Southern part of the site on the area of land which adjoins Dale Street.
	Water Bodies	Nil.

ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Parking	The applicant has proposed 2 parking spaces via a double garage attached to each unit. A vehicle manoeuvring area has been indicated in front of each double garage which would allow a vehicle leaving the site to perform a reversing manoeuvre on site and leave the site in a forward direction. I am satisfied that these proposals are feasible and are in accord with Council standards. I recommend a condition to ensure that all vehicle manoeuvring areas are constructed in accord with Council standards.	
	Access	Means of Access	<p><u>Vehicle crossings</u></p> <p>Two sealed vehicle crossings each 3m wide have been proposed to be constructed as part of this development. The proposal for two vehicle crossings is in accord with Council standards as the boundary frontage along Dale Street is 25m long and the distance from the vehicle crossings to the nearest intersection is 30m I am satisfied that this is in accord with Council standards and propose a condition to ensure that the vehicle crossings are constructed in accord with Council standards.</p> <p>The existing vehicle crossing will be required to be removed and the road frontage and road kerbing will be required to be repaired in accord with Council standards.</p> <p><u>Access</u></p> <p>Access to the two proposed sites will be via Dale Street. Each unit dwelling will have a separate driveway leading to a double garage.</p> <p>The proposed access for the units has been assessed in regards to District Plan rule 14.2.4.2 and I am satisfied that the proposal is in accord with this rule. I recommend a condition to ensure that the access ways are constructed in accord with Council standards.</p>	

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	Earthworks are proposed to level out the site and provide a level building platform.	
		Cut /Fill Volume (m ³)	115.0m ³ (cut) 90.0m ³ (fill)	
		Total Volume (m ³)	205m ³	
		Max Height Cut/Fill (m)	0.6m (cut) 1.5m (fill)	

		Prox. to Boundary	Whilst no batter slopes have been indicated on the Earthworks Drawing Sheet 1 dated May 2016, it is noted that the proposed earthworks extend past the site boundaries and out into the road reserve, predominately along Dale Street extending along Lagoon Ave. These earthworks will be filling a gully that exists on site. I am satisfied this proposal will improve the overland flows by making more area impervious and the majority of stormwater flow will be directed into the existing Council reticulated system along Dale Street and Lagoon Ave. I recommend a condition to ensure that this connection into the Council stormwater system is in accord with Council standards.	
		Prox. to Water	None.	
	Stability	Geotech assessment by	None provided.	
		Report reference	None.	
		Rock breaking	None anticipated	
		Rock blasting	None anticipated	
		Preconstruction survey	Not required	
		Retaining	No retaining walls indicated on the plans provided.	
		Recommendations on cut/batter slopes	None recommended.	
		Fill certification/specific foundation design required	The plans submitted with the application indicate that there will be an area of fill placed within the building footprint. The applicants will need to ensure that either the fill is placed in accordance with NZS 4431:1989 or that the foundations of the building are designed appropriately according to soil conditions. An appropriate condition is recommended.	X
		Engineers supervision	The fill processes will need to be supervised by a suitably qualified engineer if certification is required. An appropriate condition is recommended.	X
		Uncertified fill covenant	Not required.	
		Schedule 2a Certificate	Not required.	
		Clean fill only	Not required.	
	Site Management	Report reference	Appropriate conditions are recommended to ensure that the site management is undertaken in accordance with the ' <i>Guide to Earthworks in the Queenstown Lakes District</i> ' brochure.	X
		Specific sedimentation management		
		Specific stormwater management		
		Neighbours	I am satisfied that the earthworks are feasible and no adverse effects will result on neighbouring sites.	
		Traffic management	A traffic management plan will be required as this site is located on the corner of two local roads which service a large number of residences and contain a public footpath. As the proposed earthworks extend out into the road reserve adjacent to the public footpath, I recommend a condition to ensure that a traffic management plan is submitted. Also required for the formation of crossing points.	X
		Construction crossing	An appropriate condition is recommended to ensure that a construction crossing is in place prior to works commencing.	X

		Revegetation	An appropriate condition is recommended to ensure all exposed areas are stabilised or re-vegetated at the completion of earthworks.	X
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SERVICES	Existing Services		<p>The subject site currently has a residential dwelling located on it which is serviced with connections to water, telecommunications, electricity and wastewater. It is noted in the AEE submitted as part of this application, that there is presently no connection from the existing dwelling to the Council stormwater disposal system. I am satisfied that a connection to this Council stormwater system is feasible. I recommend a condition to ensure that a detailed engineering design is provided for each residential unit, and that each unit is supplied with a separate water, sewer and stormwater connection.</p> <p>Note to the Planner : A DCN will be triggered due to the extra connections. I recommend an advice note for this to be made.</p> <p>The new proposed residential dwellings require a FW2 fire fighting supply to the new proposed properties. Currently there is one existing fire hydrant located 75m away in the road reserve along Dale Street and two additional fire hydrants are located within 270m of the subject sites. I am satisfied that firefighting requirements can be met.</p> <p>Power and Telecommunication connections are currently available to the existing residential dwelling. I am satisfied that the additional connections to the new proposed development are available and the connections will be covered under the building consent. Appropriate conditions are recommended.</p>	X
	Water	Potable		
		Fire-fighting		
	Effluent Disposal			
	Stormwater			
	Power & Telecoms			

NATURAL HAZARDS		<p>The subject site has been identified as being located in an area which has been classified as LIC 2 (provisional). A geotechnical report reference 160670 has been submitted by GeoSolve which investigated the possible Liquefaction risk as identified on the subject site. This report confirms the site as being considered a TC1/2 classification. As such a robust foundation will be required and the options of either a Raft type of foundation or a slab on grade placed on a geogrid reinforced gravel raft have been proposed. I recommend an advice note that the foundations are designed in accordance with the GeoSolve geotechnical report reference 160670.</p>	
	Hazards on or near the site	<p>Flooding – Damburst: The subject site has this hazard identified along the Northern boundary. According to a Queenstown – Lakes District Floodplain Report produced by the Otago Regional Council, the possibility of Lake Hawea flooding or the Flood control structure being breached is “almost inconceivable” due to the height of the control structure and lake capacity. A further flood protection system is in place 3Km east of the control structure which reduces the likelihood of flooding even further. Records to date indicate that the flood levels designed for have never been reached to date. I am satisfied that this hazard is minimal and that there are suitable measures in place to prevent flooding. No recommendations required.</p>	X

1.0 RECOMMENDED CONDITIONS

It is recommended that the following conditions are included in the consent decision:

General

1. 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 3rd 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

2. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing.
3. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with "A Guide to Earthworks in the Queenstown Lakes District" brochure, prepared by the Queenstown Lakes District Council.
4. 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 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. 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.
5. 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 and who shall supervise the excavation and fill procedure and ensure compliance with NZS 4431:1989 (if required). This engineer shall continually assess the condition of the excavation and fill procedure.
6. 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 **(1)**, to detail the following engineering works required:
 - a) The provision of a water supply to both dwellings. This shall include an Acuflo GM900 as the toby valve to each unit. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to both dwellings. The costs of the connection shall be borne by the consent holder.
 - c) The provision of a connection from all potential impervious areas within the development of each unit to the reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each dwelling.

To be monitored throughout earthworks

7. 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.

On completion of earthworks and prior to the Construction of the dwelling

8. On completion of earthworks within the building footprint and prior to the construction of the dwelling, the consent holder shall ensure that the foundations of the dwelling shall be designed by a suitably qualified engineer taking into consideration the geotechnical report reference 160670 which makes a number of recommendations for the proposed foundation design and includes any areas of uncertified fill on-site.

To be completed when works finish and before occupation of dwellings

9. Prior to the occupation of the dwellings, the consent holder shall complete the following:
 - a) The completion and implementation of all certified works detailed in Condition (6) above.
 - b) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards.
 - c) The construction and sealing of vehicle crossings to both dwelling in accordance with the Mollison & Associates Ltd 'Proposed two Dwelling Development for Talwar Trust Ltd, 1 Lagoon Avenue, Albert Town' (dated May 2016) to Council's standards.
 - d) 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 Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - e) Any power supply and/or telecommunications connections to the dwellings shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.
 - f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Notes

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
3. 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 3rd 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 3rd June 2015 and subsequent amendments to that document up to the date of issue of any subdivision consent.

Prepared by:

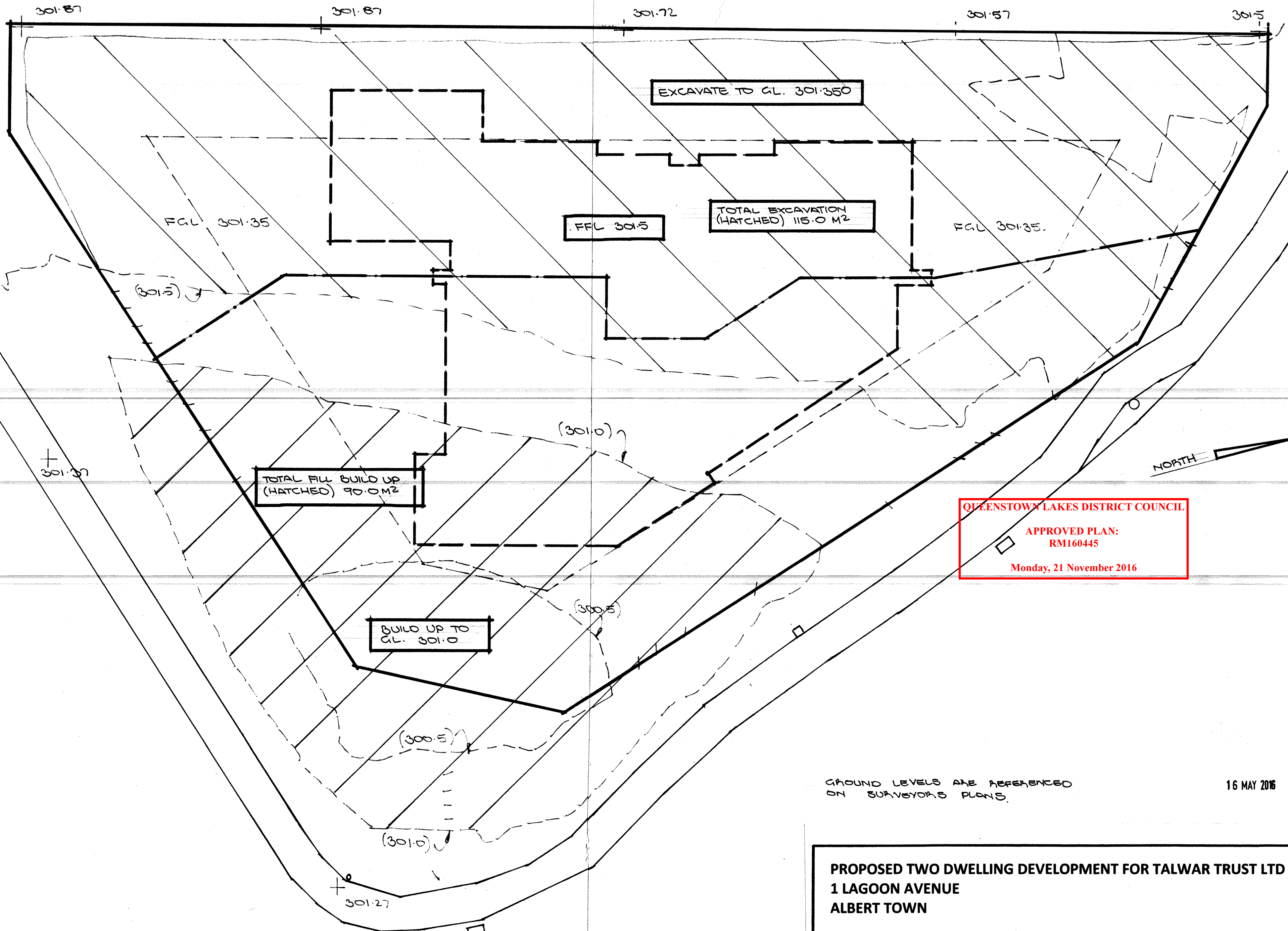
Reviewed by:

A handwritten signature in blue ink, appearing to read 'Warren Vermaas', written in a cursive style.

Warren Vermaas
RESOURCE MANAGEMENT ENGINEER

A handwritten signature in blue ink, appearing to read 'Michael Wardill', written in a cursive style.

Michael Wardill
RESOURCE MANAGEMENT ENGINEER



QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 RM160445
 Monday, 21 November 2016

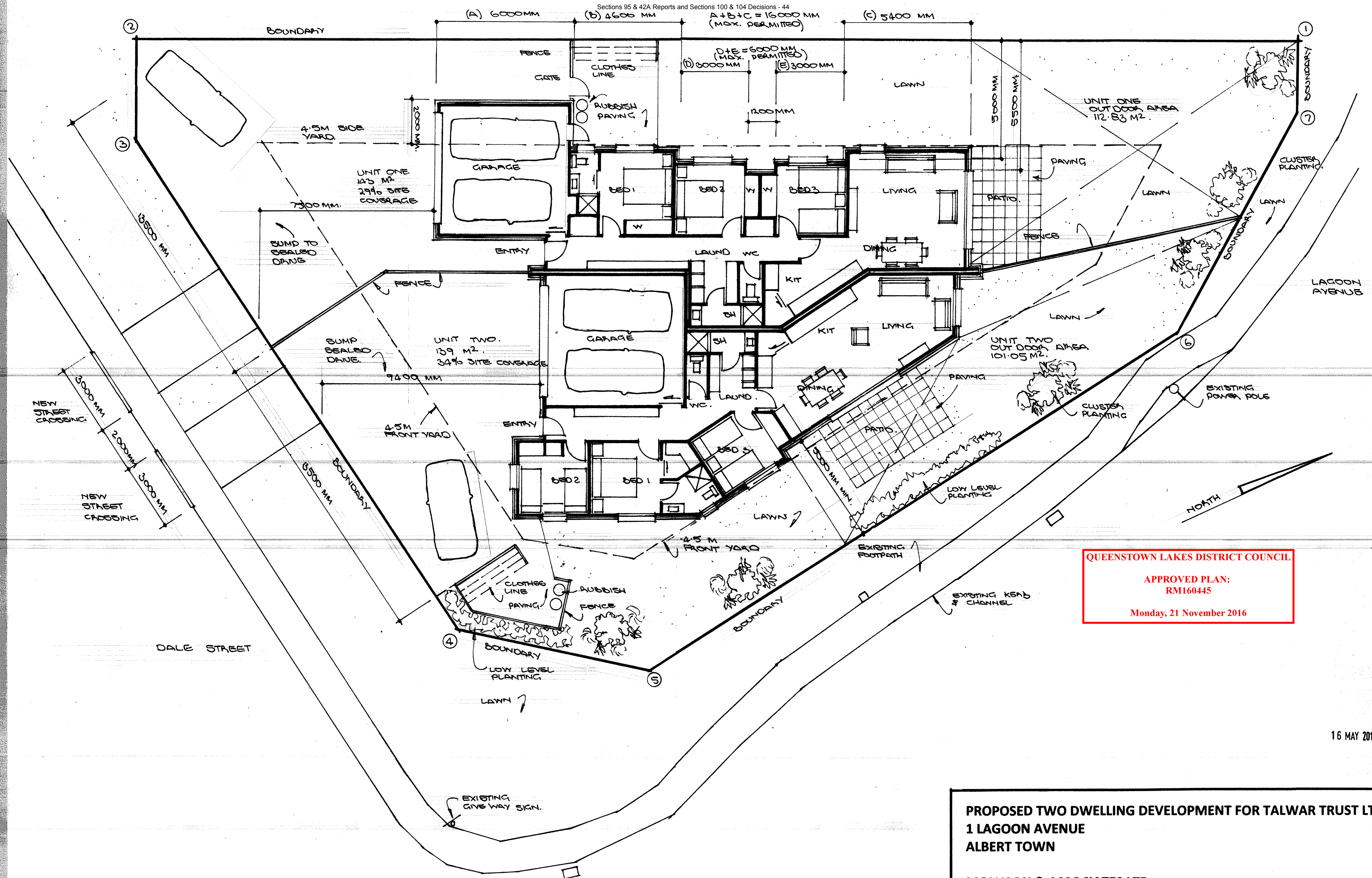
GROUND LEVELS ARE REFERENCED
 ON SURVEYORS PLANS.

16 MAY 2016

PROPOSED TWO DWELLING DEVELOPMENT FOR TALWAR TRUST LTD
1 LAGOON AVENUE
ALBERT TOWN

MOLLISON & ASSOCIATES LTD
REGISTERED ARCHITECTS
MAY 2016

Sheet 1 - Site Works Plan 1:100 A2



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM160445

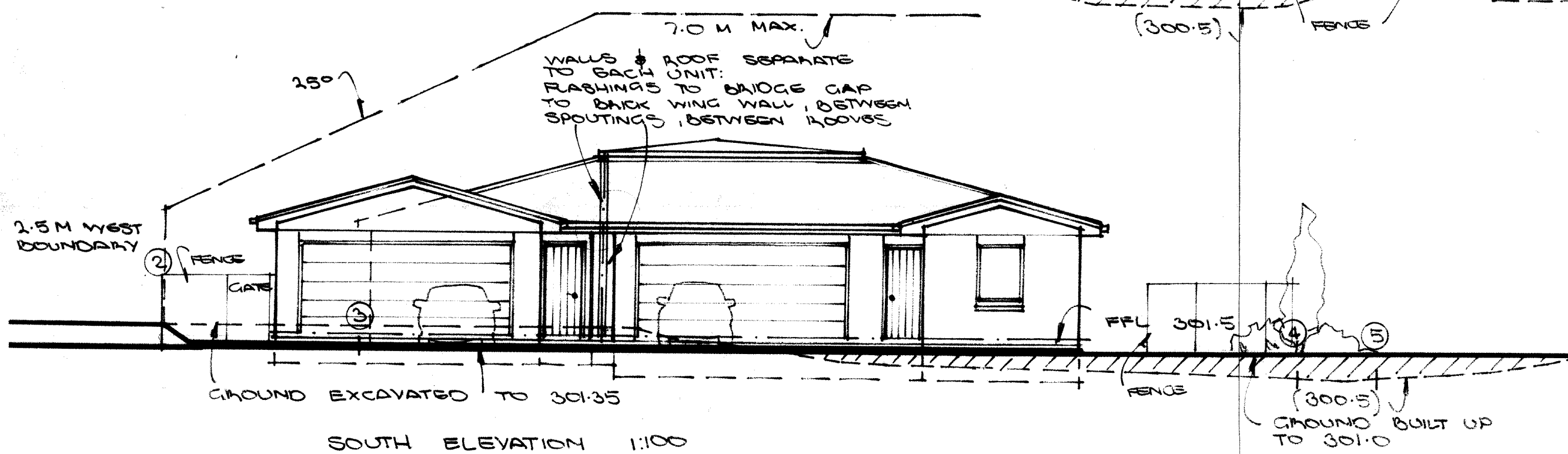
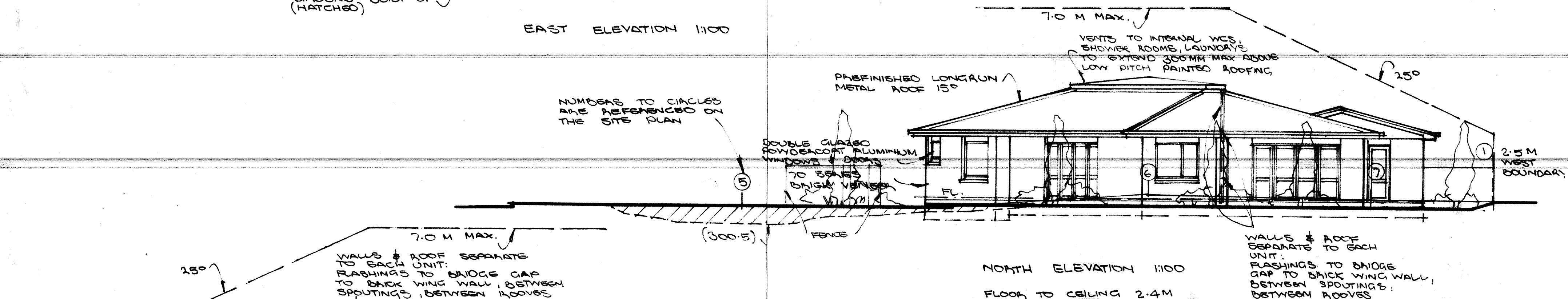
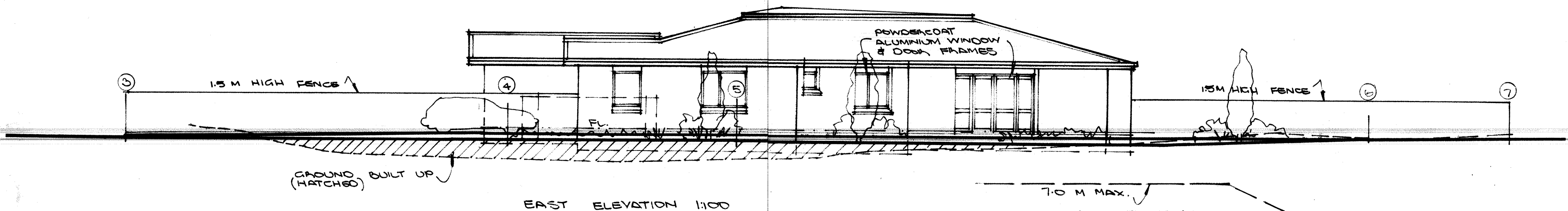
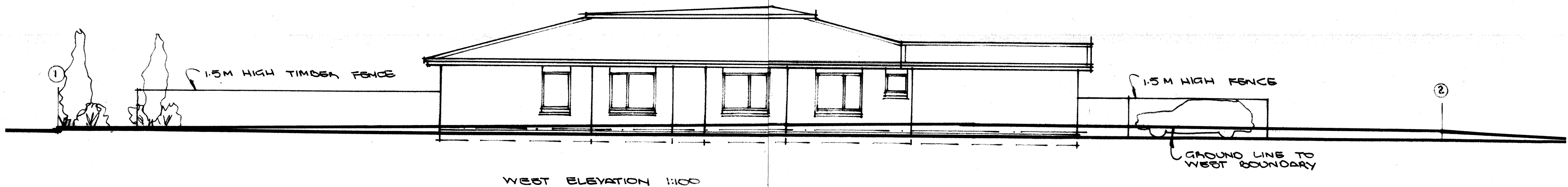
Monday, 21 November 2016

16 MAY 2016

PROPOSED TWO DWELLING DEVELOPMENT FOR TALWAR TRUST LTD
1 LAGOON AVENUE
ALBERT TOWN

MOLLISON & ASSOCIATES LTD
REGISTERED ARCHITECTS
MAY 2016

Sheet 3 - Site, Floor Plan 1:100 A2



16 MAY 2016

PROPOSED TWO DWELLING DEVELOPMENT FOR TALWAR TRUST LTD
1 LAGOON AVENUE
ALBERT TOWN

MOLLISON & ASSOCIATES LTD
REGISTERED ARCHITECTS
MAY 2016

Sheet 4 - Elevations 1:100 A2