



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	The Montreux Ltd
RM reference:	RM140826
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to construct two new dwellings with internal setback and height breaches and to construct a garage within an internal setback. Consent is also sought for associated earthworks.
Location:	263 Frankton Road, Queenstown
Legal Description:	Lot 2 Deposited Plan 475539 contained within Computer Freehold Register 655354
Zoning:	High Density Residential – Sub-Zone A
Activity Status:	Non-Complying
Notification Decision:	Limited Notified
Delegated Authority:	Andrew Henderson, Independent Commissioner
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	25 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 Andrew Henderson, Independent Commissioner, 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 20 October 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, Planning Practice) on 22 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 10 of the S42A report outlines Part 2 of the Act.

3.1 RELEVANT PLAN CONSIDERATIONS

The site is zoned High Density Residential – Sub-Zone A and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(iii) whereby buildings shall be setback 4.5m from the road boundary. The proposal breaches this site standard as follows:
 - Dwelling B is situated 0.4m from the road boundary setback for Frankton Road; and
 - The deck of Dwelling A extends 2.0m into the road boundary setback for Frankton Track (which is legal road in this area).

Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(iv) whereby each site shall have one 4.5m internal setback and the remainder setbacks of at least 2m. The proposal breaches this site standard as follows:
 - Dwelling B will be located up to the southwestern property boundary and also within 2m south-eastern setback that adjoins Lot 1 DP 475539.
 - Dwelling A will be located up to 1m from Lot 1 DP 475539.
 - The garage building extends to the boundary of Lot 1 DP 475539.

Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(vii)(a) relating to continuous building length whereby no building shall exceed 16m in length. It is proposed to construct a dwelling (dwelling A) with a 26.5m building length. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(xvi) for earthworks whereby:
 - earthworks shall not exceed 100m³ in volume. It is proposed to undertake approximately 600m³ of earthworks (300m³ of cut and 300m³ of fill),

- earthworks shall not exceed an area of 200m². It is proposed to undertake earthworks over 695m² of the site.
- cuts shall not exceed 2.4m in height, fill not exceed 2m in height and cut/fill height shall not exceed the distance to the site boundary. It is proposed to undertake cuts up to 2.9m, fill up to 3.0m and earthworks up to the site boundary.

Council's discretion is restricted to this matter.

Note: Plan Change 49 for earthworks was notified prior to this resource consent being lodged, but no decision was made at the time of lodgement. As such, the operative earthworks rules at the time the application was lodged are triggered.

- A **non-complying** activity pursuant to Rule 7.5.3.5 in relation to zone standard 7.5.5.3(v)(b) in regard to building height whereby buildings shall have a maximum height of 7m. The proposal breaches the standard as follows:
 - Dwelling B extends 2m above the 7m height plane
 - Dwelling A extends 0.8m above the 7m height plane.

Overall, the application is considered to be a **non-complying** activity.

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 and the section 42A report:

- Dwelling B is proposed over an existing legal Right of Way.
- Conditions of consent can adequately address all other considerations (primarily earthworks and landscaping).

The findings relating to these principal issues of contention are outlined in Section 8 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 8 of the S42A report prepared for Council and provides a full assessment of the application. 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 will not have more than minor effects on the environment; and
- Matters of private property are not a relevant consideration when assessing an application under the RMA. As such, the location of proposed Dwelling B over an existing legal Right of Way is a civil matter and in accordance with Council's legal advice need not be considered under s104; and
- The proposal is consistent with the objectives and policies for the zone and District Wide objectives and policies.

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

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 District Plan.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered contrary to the relevant policies and objectives of the District Plan. On this basis discretion exists to grant consent for this non-complying activity.

6.4 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 10 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.

Please contact the Council if you require a Development Contribution Estimate.

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 Kenny Macdonald on phone (03) 441 0499 or email kenny.macdonald@qldc.govt.nz.

Report prepared by

Decision made by



Kenny Macdonald
PLANNER

Andrew Henderson
INDEPENDENT COMMISSIONER

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Section 42A Report

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans (1-24) by Structural Integrity and Aurum Survey

stamped as approved on 25 November 2016

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

Note: the deck for Dwelling A on the approved site plan shall be 2m wide as per the annotation on the plan, and not 3m wide as originally proposed.

- 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.

Landscaping

3. Prior to the commencement of development, a detailed landscaping plan shall be submitted to Council for certification. The landscaping plan shall include planting between lakeside dwelling (dwelling A) and Frankton Track; and shall identify the number of plants and species to be used.

Please note: the objective of this condition is to provide softening and some screening of the dwelling as viewed from Frankton Track.

4. The landscaping plan certified under condition (3) shall be implemented by the consent holder within the first planting season following occupation of the lakeside unit (dwelling A) on the subject site. If any plant or tree should die or become diseased it shall be replaced in the next available planting season.

Engineering

General

5. 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

6. 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 (7-10) below shall be demonstrated.

7. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and the Tonkin & Taylor geotechnical report Ref 880059 dated June 2008 and submitted with the consent application. 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.
9. 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 Tonkin & Taylor Ref 880059 dated June 2008 report and who shall supervise the excavation procedure and retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

To be monitored throughout earthworks

10. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and certification. The Consent holder shall implement any measures proposed in the report that will mitigate any negative effects of the vibration.
11. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
12. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Tonkin & Taylor Ref 880059 dated June 2008.
13. The consent holder shall ensure that construction of the retaining wall along the northwest and southwest boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 4 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.
14. 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.
15. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the earthworks approved by Unit 5 255 Frankton Road and detailed on Aurum Survey Plan 3620.2R.2A

16. No construction traffic shall utilise the adjoining Frankton Track or Council reserve for access to the site.

On completion of earthworks and prior to constructing any dwelling

17. On completion of earthworks within the building footprint and prior to the construction of the dwelling, 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 dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

On completion of earthworks and prior to occupation of the dwelling

18. On completion of the earthworks, the consent holder shall complete the following:
- a) All earthworked and/or 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.

Advice Notes:

- a. For clarity, this consent is solely for land use consent under the Resource Management Act 1991 and does not remove or dilute any right which persons may hold over any part of the subject land.
- b. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- c. It is recommended that prior to the commencement of work the consent holder 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 and subject to being permitted access. 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 should be documented by way of photos and focusing on any existing damage. Items such as minor cracking in plaster may otherwise be difficult for the consent holder to comprehensively defend. The survey will never cover everything but aims to provide a record that can be provided and/or reviewed in support of the consent holder in the unlikely event of a complaint or issue being raised.

APPENDIX 2 – SECTION 42A REPORT

FILE REF: RM140826

TO Andrew Henderson, Independent Commissioner

FROM Kenny Macdonald, Planner

SUBJECT Report on a limited notified consent application under Section 88 of the Resource Management Act 1991 (RMA).

SUMMARY

Applicant: The Montreux Ltd

Location: 263 Frankton Road, Queenstown

Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to construct two new dwellings with internal setback and height breaches and to construct a garage within an internal setback. Consent is also sought for associated earthworks.

Legal Description: Lot 2 Deposited Plan 475539 contained within Computer Freehold Register 655354

Zoning: High Density Residential – Sub-Zone A

Limited Notification Date: 20 October 2016

Closing Date for Submissions: 18 November 2016

Submissions: None

RECOMMENDATION

(ii) 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 minor.
2. The proposal is not contrary to the relevant objectives and policies of the District Plan.
3. The proposal does promote the overall purpose of the RMA.

1. INTRODUCTION

My name is Kenny Macdonald. I am a resource consents planner with Queenstown Lakes District Council. I have been employed in this role since January 2016 and have approximately 9 years' experience as a planner in various roles in Scotland, Australia and New Zealand.

I hold the qualification of a Bachelor of Arts from the University of Strathclyde, Glasgow, Scotland and I am an associate member of the New Zealand Planning Institute.

I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

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 the Commission to the report entitled, 'Assessment Of Effects & Further Information', prepared by Bruce McLeod of Aurum Survey Consultants attached as Appendix 4, and hereon referred to as the Applicant's AEE.

Consent is sought to construct two additional dwellings and a detached garage, and to undertake associated earthworks. The subject property already contains one existing dwelling, so there will be three dwellings on site.

Proposed dwelling A (also referred to as the lakeside dwelling in the application) will be located in the south-west corner of the site adjoining the Frankton track. Dwelling A will be double storey. The building will be located on a sloping site and there will be earthworks to partially nestle the dwelling into the bank. There will be a south-facing deck off the internal living area, which will be elevated above ground level. The original plans show this deck to extend 3m into the 4.5m south-east boundary setback (which adjoins Frankton Track). The Applicant has since advised in writing (email dated 14 June 2016) that the depth of the deck will be reduced by 1m, so it will extend 2m into the setback rather than 3m as originally sought. However, amended plans have not been submitted to show this change. The dwelling will be 25.6m wide, which includes a 5m wide patio area to the north-east. The building is 7.8m above existing (original) ground level at its highest point. Proposed dwelling A will gain pedestrian access through the site from an external stairway along the western edge of the site.

Proposed dwelling B (also referred to as the apartment dwelling in the application) is located on the north-western corner of the site. This building is three levels, including a garage at the basement level and the residential unit over the upper two storeys. The building has a footprint of 43.9m². The building is 9m in height above original ground level at the highest point. The ground level will include two double garages. One garage will serve dwelling B via tandem parking and the other garage will have a double garage to serve dwelling A. This building (dwelling B) will be constructed up to the south-west internal property boundary, will be within the 2m internal setback that adjoins Lot 1 Deposited Plan 475539, and will extend almost directly up to the road boundary setback from Frankton Road (being approximately 0.4m from the road setback). This building is located over an existing Right of Way (area marked Y on Lot 2 DP 475539 subject to Easement Certificate 254663). The Applicant proposed a consent condition that this Right of Way be removed prior to construction of the building.

A stand-alone garage building is also proposed. The garage building is double storey. On the ground level there is a double garage accessed from the north-east. At the upper level, the garage will be single bay with an adjoining car pad, serving as an additional park, and be accessed from the north-west. The perspective drawings in Figure 1 below illustrate this building. The garage will be located up

to the property boundary for Lot 1 Deposited Plan 475539. The lower level of this garage will serve the existing house on Lot 2. One car park is required per unit and all units will have access to a car park.



Figure 1: Garage building and existing adjoining dwelling on Lot 1 DP 475539

The overall proposed building coverage is 23%. The earthworks plan provided with the application shows the internal setback breaches for dwelling A, dwelling B and the garage building.

Earthworks are proposed to accommodate the three proposed buildings. The Applicant's AEE states earthworks will total approximately 600m³ (300m³ cut and 300m³ fill) over an area of 660m², with a maximum cut of 2.9m and maximum fill depth of 3.0m. The Applicant has confirmed that all earthworks will be contained within the subject site.

It is also proposed to undertake planting between the lake house and site boundary that adjoins Frankton Track. This planting is showing on the south and west elevation plans for this building.

Site and Locality Description

The site is located at 263 Frankton Road and is accessed from Frankton Road, via a Legal Road accessway off the main Frankton Road carriageway.

The site is 1683m² and there is an existing house on the eastern side of the site. The site is bound by the Frankton Road to the north-west, Frankton Track reserve to the south-east and residential sections to the north-east and south-west. The site is rectangular in shape, however there is an irregular shaped allotment (Lot 1 DP 475539) completely bound by the subject site, as shown in Figure 2 below. Lot 1 DP 475539 contains a dwelling and gains access from a Right-of-Way through the subject site (Lot 2 DP 475539).

The subject site slopes from the Frankton Road edge to the north-west, downwards to the Frankton Track edge. There are a number of easements for access and services over the subject site.



Figure 2: Property boundaries of Subject Site, being Lot 2 DP 475539 (263 Frankton Road) and Lot 1 DP 475539 (259 Frankton Road)

3. SUBMISSIONS

No submissions have been received.

4. CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded.

Person (owner/occupier)	Address (location in respect of subject site)
Jason Gunn & Janine Morrell-Gunn	Owners of 259 Frankton Road (which all boundaries adjoin the subject site)
High Gate Ventures Ltd	Owner Unit 5 DP 26129 at 255 Frankton Road (being the unit closest to the south-western boundary of the subject site)



Figure 3: Map of subject site and persons who provided written approval

5. PLANNING FRAMEWORK THE OPERATIVE DISTRICT PLAN

The subject site is zoned High Density Residential – Sub-Zone A.

The purpose of the High Density Residential Zone is to make provision for the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

The relevant provisions of the Plan that require consideration can be found in Section 7 (Residential Areas) of the District Plan.

The proposal requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(iii) whereby buildings shall be setback 4.5m from the road boundary. The proposal breaches this site standard as follows:
 - Dwelling B is situated 0.4m from the road boundary setback for Frankton Road; and
 - The deck of Dwelling A extends 2.0m into the road boundary setback for Frankton Track (which is legal road in this area).

Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(iv) whereby each site shall have one 4.5m internal setback and the remainder setbacks of at least 2m. The proposal breaches this site standard as follows:
 - Dwelling B will be located up to the southwestern property boundary and also within 2m south-eastern setback that adjoins Lot 1 DP 475539.
 - Dwelling A will be located up to 1m from Lot 1 DP 475539.
 - The garage building extends to the boundary of Lot 1 DP 475539.

Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(vii)(a) relating to continuous building length whereby no building shall exceed 16m in

length. It is proposed to construct a dwelling (dwelling A) with a 26.5m building length. Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) in relation to site standard 7.5.5.2(xvi) for earthworks whereby:
 - earthworks shall not exceed 100m³ in volume. It is proposed to undertake approximately 600m³ of earthworks (300m³ of cut and 300m³ of fill),
 - earthworks shall not exceed an area of 200m². It is proposed to undertake earthworks over 695m² of the site.
 - cuts shall not exceed 2.4m in height, fill not exceed 2m in height and cut/fill height shall not exceed the distance to the site boundary. It is proposed to undertake cuts up to 2.9m, fill up to 3.0m and earthworks up to the site boundary.

Council's discretion is restricted to this matter.

Note: Plan Change 49 for earthworks was notified prior to this resource consent being lodged, no decision was made at the time of lodgement. As such, the operative earthworks rules at the time the application was lodged are triggered.

- A **non-complying** activity pursuant to Rule 7.5.3.5 in relation to Zone Standard 7.5.5.3(v)(b) in regard to building height, whereby buildings shall have a maximum height of 7m. The proposal breaches the standard as follows:
 - Dwelling B extends 2m above the 7m height plane
 - Dwelling A extends 0.8m above the 7m height plane.

Overall, the application is considered to be a **non-complying** activity.

Note: This application was lodged prior to the Proposed District Plan (PDP) being notified. As such, the provisions of the PDP with immediate legal affect do not apply.

Section 1.4 of the District Plan provides guidance for the consideration of a non-complying activity in respect to the breach of a Zone Standard, which is applicable to this application.

This provision states:

The Council has adopted through its District Plan a zoning technique based on standards and guidelines to avoid, remedy or mitigate potential adverse effects of activities and to achieve the Plan's objectives and policies.

***Site Standards** are specified in relation to matters which tend to impact on the use of the particular site or adjacent areas. While these standards are important, they are not considered fundamental to the integrity of an area as a whole and so are specified in a way that if development does not comply with these standards the Council will consider the matter of non-compliance by way of a resource consent for a discretionary activity. This enables the Council to consider the implications of non-compliance on the use and enjoyment of the site involved and on neighbouring sites.*

***Zone Standards** are standards which are fundamental to environmental standards or character which are to be attained for a zone or area. Because of their importance all activities which fail to meet these standards are non-complying activities which face a more rigorous assessment if they are to obtain a resource consent (as compared with a discretionary activity).*

The objectives and policies relevant to this application are contained within Part 4 (District Wide Issues), Part 7 (Residential Areas), and Part 14 (Transport), which require consideration under section 104(1) of the RMA.

The Assessment Matters in the District Plan that are relevant to this application are as follows:

- Section 7.7 – Resource Consents – Assessment Matters – Residential and Visitor Accommodation Zones; and
- Section 14.3 – Resource Consents – Assessment Matters: Transport.

6. STATUTORY CONSIDERATIONS

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.*

In addition, Section 104D (Particular Restrictions on non-complying activities) states that:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

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 10 of this report outlines Part 2 of the RMA in more detail.

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

7. INTERNAL REPORTS

The following reports have been prepared on behalf of QLDC and are attached as appendices.

- Urban Design Assessment by Council's Urban Designer, Paula Costello. This is included in Appendix 3.
- Engineering Report and amendment by Council's Resource Management Engineers, Mr Dennis and Mr Wardill. These are included in Appendix 4.

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 (precedent, other statutory documents)

EFFECTS ON THE ENVIRONMENT

8.1 The Permitted Baseline

Section 104(2) of the Act states that 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 three residential units and earthworks are permitted on the subject site subject to meeting Site and Zone standards. Of note, Site Standard 7.5.5.2(vii)(b) provides for a continuous building length of 30m, where there is a break in the continuous elevation of at least 2m in depth and 4m in width.

8.2 Receiving Environment



Figure 4: Property boundaries of subject site (shown solid red), outline of Lot 1 DP 475539 (shown broken red), and surrounding District Plan zoning.

The receiving environment is illustrated in Figure 4 above. The subject site lies in the High Density Residential Sub Zone A, with the Medium Density Residential Sub Zone on the north west side of State Highway 6A (Frankton Road). Surrounding development consists of both single residential units and multi-unit developments, some of which are utilised for visitor accommodation.

All adjoining private allotments have been developed although the rules of the High Density Residential Sub Zone A allow for potential additions or replacement buildings as a permitted activity. This would include construction of up to 3 units on a site, with a maximum building coverage of 65%, setback from road boundaries of 4.5m, one internal boundary setback of 4.5m and all remaining setbacks of 2m, maximum aggregate building length of 30m, and a maximum building height of 7m or 8m for sloping or flat sites respectively.

8.3 Actual and Potential Effects on the Environment

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

8.3.1 Character & Amenity

Residential amenity

The proposed design includes height intrusions of 0.8m for Dwelling A and 2m for Dwelling B.

With regards to Dwelling A, the height breach will be only 0.4m at the point closest to the south west boundary and will be located further down the slope than the neighbouring unit building to the south west. With this in mind, I do not consider that the neighbouring properties to the south west will suffer detrimental effects that are greater than minor.

The height breach associated with Dwelling B will be more significant, but again will be reduced towards the south western boundary. At its south western edge, the flat-roofed element of the building will have a maximum breach of 0.4m. The mono-pitch roof element will have a maximum breach of 2m but this will occur at the north eastern elevation of the building, well back from the boundary. The land immediately adjacent to the building is utilised for car parking and I consider the building to be located a sufficient distance from the neighbouring units to the south west to ensure that there will be no significant loss of sunlight. With regards to its position on the south western boundary, this element of the building will be non-habitable with no windows or openings facing the boundary. The remainder of the building will be at least 2m from the internal boundary.

The topography of the site, with a steep slope behind the development, will assist in reducing any visual dominance of the buildings when viewed from the Frankton Track. The buildings will be located considerably lower than the level of Frankton Road and will offer no overshadowing in this regard.

The proposed garage will not breach any District Plan rules aside from internal boundary setbacks. In this regard, Affected Persons Approval has been obtained from the relevant neighbour on Lot 1 DP 475539 and the effects on this property are therefore disregarded.

Furthermore, the site is of a size to accommodate three permitted residential dwellings and the overall building coverage meets the relevant building footprint Site Standard. As such, the overall level of development is consistent with what is anticipated for the site by the District Plan.

Character & Streetscape

The design of the buildings proposed is consistent with many of the existing buildings in the local area. Both proposed dwelling buildings display an interesting and varied building form and will not be noticeably higher than the neighbouring multi-storey buildings to the south west.

Dwelling B will be located close to the north western road boundary but will be constructed below the height of the Frankton Road carriageway and footpath, and there is also landscaping in the road

reserve that screens the site from the road carriageway. I am satisfied that the dwelling will not be overtly visible from outside the immediate area and offers a positive contribution to the visual amenity of the area by way of its design.

The principal form of Dwelling A will be setback a sufficient distance from the Frankton Track, with only the proposed deck encroaching into the specified road setback for a distance of 2m. The building will also be of substantial continuous length, with a proposed break in form which is not great enough to comply with the District Plan requirements. However, Council's Urban Designer, Ms. Costello, is satisfied that the building and attached deck are acceptable when considered in the context of the existing surrounding environment and the permitted baseline. I am content to rely upon Ms. Costello's assessment in this regard.

The Applicant has not submitted a detailed landscaping plan but I consider that this could be sufficiently addressed by the imposition of a suitable condition of consent.

Summary

It is my view that the effects of the change to the character of the area are not significant. While breaches of height limits will occur, these are not particularly excessive and the bulk of the proposed buildings are similar to what already exists in the surrounding environment. The buildings have been designed to be visually interesting while not obtrusive, and I believe they will offer a positive contribution to the visual amenity of this residential area. The site can have three residential units as a permitted activity, and as such the level of density proposed is consistent with what the District Plan provides for. As outlined above, I consider the breaches of the setback distances, both from internal and road boundaries, to be either minimal or mitigated by existing site conditions.

8.3.2 Parking

The application proposes 4 car parking spaces to be provided at the ground/basement level of Dwelling B to be shared between Dwelling A and Dwelling B. The proposed detached garage will provide one additional car parking space and a manoeuvring area. The car parks provided satisfy the requirements of the District Plan and are therefore considered to be suitable.

8.3.3 Earthworks & Construction

The earthworks proposed include cuts of significant height (up to 6m), although the volumes are not considered to be particularly excessive. Bearing in mind the finished ground levels, the extent of the proposed buildings, and the existing topography, I do not believe that the earthworks will have any significant effect on visual quality and amenity values, natural landform or visual amenity values of surrounding sites.

Council's Resource Management Engineer, Mr Dennis, has reviewed the proposals and the submitted geotechnical report. Mr Dennis is satisfied with the content and recommendations of the geotechnical report and the extent and design of the earthworks, and recommends conditions to limit the potential effects on the environment during these works. Mr Wardill has also clarified a point relating to one proposed condition and has offered a rewording as an advice note instead. I rely on Mr Dennis' comments and Mr Wardill's amendment in relation to the earthworks proposals and I am satisfied that suitable conditions can be imposed which will remove or mitigate negative environmental effects.

8.3.4 Positive Effects

The proposal will make a small contribution to housing supply in the District, and by providing additional supply to the market, a minor contribution to housing affordability. I also believe the proposal will make a positive contribution to the visual amenity of the surrounding area due to the standard of design of the buildings and further improvements can be made by requiring the implementation of an appropriate landscaping plan as a condition of consent.

8.3.5 Summary

As outlined above, I consider the proposal to be appropriate in terms of visual and residential amenity, neighbourhood character, and streetscape. Appropriate conditions can be imposed to mitigate potential environmental effects of the proposed earthworks and to further reduce any perceived impacts on visual amenity of the proposed buildings.

8.3 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

To avoid unnecessary repetition in this report, the relevant assessment matters have been addressed as part of the assessment of effects on the environment above.

Operative District Plan

The relevant objectives and policies of the Operative District Plan are found within two sections, being:

- Section 4 – District Wide Issues
- Section 7 – Residential Areas

8.3.1 Section 4 - District Wide Issues

4.5 – Energy

Objective 1 - Efficiency

The conservation and efficient use of energy and the use of renewable energy sources.

Policies:

- 1.1 *To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.*
- 1.3 *To encourage residential sites to be large enough to enable buildings to be constructed to take the greatest advantage of solar energy for heating, both active and passive.*
- 1.4 *To control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*

The subject site is located within the Queenstown urban area and enjoys convenient access to the town centre, as well as being serviced by public transport within 500m. Opportunities for solar access are limited due to the positioning of Queenstown Hill to the north and the orientation of the site. The proposed buildings will not impede the ability of existing or proposed buildings to access sunlight. The proposal is therefore consistent with these policies.

4.9 – Urban Growth

Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies:

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*

As addressed previously in this assessment, I consider the development to enhance the built character of the existing residential area and to have no overtly noticeable effects on amenity.

Objective 3 – Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Policies:

3.1 *To enable urban consolidation to occur where appropriate.*

The proposal is consistent with the provisions relating to urban consolidation.

8.3.2 Section 7 – Residential Areas

District Wide Residential Objectives and Policies

Objective 3 - Residential Amenity.

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Policies:

3.4 *To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*

3.6 *To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*

3.7 *To ensure residential developments are not unduly shaded by structures on surrounding properties.*

3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*

High Density Residential Zones – District Wide

Objective 1 – Amenity Values

Sustainable residential communities and neighbourhoods that have high amenity values of a quality and character anticipated in a high density living environment.

Policies

1.1 *To ensure development enables high density living and achieves the character and amenity values anticipated in a high density living zone by:*

1.1.1 *Improving the aesthetic appeal of the built environment.*

1.1.2 *Ensuring buildings integrate well with the neighbouring locality and provide visual connections with the surrounding built and natural environment.*

1.1.4 *Ensuring the maintenance of road setbacks that are free of structures.*

1.1.5 *Ensuring development is of a high architectural quality in accordance with good urban design principles.*

1.1.6 *Ensuring that open space is maintained between buildings on sites, and between neighbouring sites.*

1.3 *To enhance the attractiveness of the zone, including the streetscape, by:*

1.3.3 *Ensuring the effects of developments are internalised to the site and do not detract from the amenities of neighbouring sites and roads.*

Queenstown Residential and Visitor Accommodation Areas

Objectives

1. *Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.*

2. *Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.*

3. *Consolidation of high density accommodation development in appropriate areas.*

4. *To recognise and provide for the non-residential character of the Commercial Precinct overlay which is distinct from other parts of the High Density Residential Zone.*

Policies:

1. *To protect the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.*
3. *To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.*
4. *To provide for higher density residential activity around the town centres and in new areas of residential development.*
5. *To encourage additional consolidated residential activity in the District.*

The external appearance of the proposed buildings are considered to be appropriate and sympathetic to the existing surrounding development. The layout of the development results in a building footprint well below the Site Standard for the Zone, which in turn allows for the sufficient provision of outdoor living and planting. As discussed previously, I do not consider the proposed buildings will result in undue shading on surrounding properties while on-site parking is provided. The development supports the objectives of urban consolidation and higher density residential activity around town centres, while respecting existing amenity and character. Although the development encroaches into road setbacks, this is considered appropriate due to topography and existing vegetation.

Summary of Findings

Overall, I consider that the development is consistent with the objectives and policies of the District Plan by providing a high quality contribution to the built environment which will not have significant detrimental effects on existing residential amenity and local character values.

8.4 OTHER MATTERS

8.4.1 Building over a Right of Way

As outlined in Section 2 of this report, the proposed construction of Dwelling B will occur over an existing Right of Way easement.

While the construction of this building may be considered to contravene the terms of this easement, it is established by case law that matters of private property are not a relevant consideration for a consent authority when assessing an application under the RMA. For example, both '*Director General of Conservation (Nelson-Marlborough Conservancy) v Marlborough DC (2010) NZEnvC 403*', and '*McLaurin v Hexton Holdings Limited (2008) NZCA 570*' held that consent authorities are concerned with the effects of proposed activities and not the nature of the Applicant's legal rights or interests in the subject land.

With this in mind, I do not believe the existence of the Right of Way or the Applicant's ability, or lack thereof, to implement any following resource consent are matters for consideration during the assessment of this application.

9. DETERMINATION

9.1 Legislative Requirements (section 104D)

Section 104D of the RMA requires that a substantive decision can only be made for non-complying activities if the adverse effects on the environment will be minor or, the application is not contrary to the objectives and policies of the District Plan.

As per the preceding sections of this report, the proposal has been assessed as having adverse effects that are no more than minor, and therefore the proposal meets the first gateway test outlined in section 104D. I also consider that the proposal is not contrary to the Objectives and Policies of the Operative District Plan, and that the proposal therefore satisfies the second threshold test.

Therefore, consent can be granted for the non-complying activity. Notwithstanding the conclusion above, an analysis of Part 2 is provided below.

10. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the Act 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.*

The proposal promotes development that enables land use in a way that will enable the Applicant to provide for their social, economic and cultural wellbeing. Therefore, the proposal is consistent with this part of the Act's purpose.

The life supporting capacity of air, water, soil and ecosystems will not be significantly affected by the proposed development.

As discussed previously in this report, the development is not considered to have adverse environmental effects which are greater than minor, provided certain mitigation measures can be implemented. I recommend these measures be implemented by way of conditions of consent.

Section 6 of the RMA references matters of national importance which all persons exercising functions under the Act shall recognise. None of these matters are considered to be directly relevant to the application.

Regard must also 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:*

With regard to the above relevant matters raised by Section 7 of the Act, I consider that the proposal will provide for the maintenance of landscape values and visual amenity values, and will maintain existing amenity values and environmental quality.

Overall, I consider the proposal to promote sustainable management and the overall purpose of the Act.

11. RECOMMENDATION


I consider the proposal to be appropriate with regard to its effects on the environment, and consistent with the objectives and policies of the District Plan and Part 2 of the Act.

Overall, and in accordance with the assessment contained in this report, I consider that the proposal should be approved pursuant to Section 104B of the Act, subject to the inclusion of suitable conditions.

Should consent be granted, a draft set of conditions of consent are attached as Appendix 1.

Report prepared by

Reviewed by



Kenny Macdonald
PLANNER

Andrew Henderson
Independent Commissioner

Attachments:

- | | |
|------------|-----------------------------------|
| Appendix 1 | Suggested conditions |
| Appendix 2 | Applicant's AEE |
| Appendix 3 | Urban Designer's comments |
| Appendix 4 | Engineering comments and revision |

Report Dated: 25 November 2016

APPENDIX 1 - CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans (1-24) by Structural Integrity and Aurum Survey

stamped as approved on 25 November 2016

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

Note: the deck for Dwelling A on the approved site plan shall be 2m wide as per the annotation on the plan, and not 3m wide as originally proposed.

- 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.

Landscaping

3. Prior to the commencement of development, a detailed landscaping plan shall be submitted to Council for certification. The landscaping plan shall include planting between lakeside dwelling (dwelling A) and Frankton Track; and shall identify the number of plants and species to be used.

Please note: the objective of this condition is to provide softening and some screening of the dwelling as viewed from Frankton Track.

4. The landscaping plan certified under condition (3) shall be implemented by the consent holder within the first planting season following occupation of the lakeside unit (dwelling A) on the subject site. If any plant or tree should die or become diseased it shall be replaced in the next available planting season.

Engineering

General

5. 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

6. 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 (7-10) below shall be demonstrated.

7. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
8. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with *A Guide to Earthworks in the Queenstown Lakes District* brochure, prepared by the Queenstown Lakes District Council and the Tonkin & Taylor geotechnical report Ref 880059 dated June 2008 and submitted with the consent application. 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.
9. 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 Tonkin & Taylor Ref 880059 dated June 2008 report and who shall supervise the excavation procedure and retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

To be monitored throughout earthworks

10. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and certification. The Consent holder shall implement any measures proposed in the report that will mitigate any negative effects of the vibration.
11. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
12. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Tonkin & Taylor Ref 880059 dated June 2008.
13. The consent holder shall ensure that construction of the retaining wall along the northwest and southwest boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 4 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.
14. 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.
15. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the earthworks approved by Unit 5 255 Frankton Road and detailed on Aurum Survey Plan 3620.2R.2A

16. No construction traffic shall utilise the adjoining Frankton Track or Council reserve for access to the site.

On completion of earthworks and prior to constructing any dwelling

17. On completion of earthworks within the building footprint and prior to the construction of the dwelling, 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 dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

On completion of earthworks and prior to occupation of the dwelling

18. On completion of the earthworks, the consent holder shall complete the following:
- a) All earthworked and/or 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.

Advice Notes:

- a. For clarity, this consent is solely for land use consent under the Resource Management Act 1991 and does not remove or dilute any right which persons may hold over any part of the subject land.
- b. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- c. It is recommended that prior to the commencement of work the consent holder 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 and subject to being permitted access. 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 should be documented by way of photos and focusing on any existing damage. Items such as minor cracking in plaster may otherwise be difficult for the consent holder to comprehensively defend. The survey will never cover everything but aims to provide a record that can be provided and/or reviewed in support of the consent holder in the unlikely event of a complaint or issue being raised.

APPENDIX - APPLICANT'S AEE

ASSESSMENT OF EFFECTS & FURTHER INFORMATION

In regard to a consent application for:

Earthworks, building height and setback approval

On behalf of:

The Montreux Limited

CONSENT APPLICATION SUMMARY

Applicant:	The Montreux Limited
Location:	263 Frankton Road
Proposal:	Earthworks, building height and setback
Type of consent:	Landuse
Legal description:	Lot 2 DP 475539
Zone:	High Density Residential Sub-Zone A
Date prepared:	3 October 2014
ASCL file reference:	3620

Attached Documents:

- Location Plan*
- Design plans*
- Computer Freehold Register, diagram and covenants*
- QLDC Form 9*
- Affected party approval*

A.) Assessment of Effects in Accordance with Section 88, and the Fourth Schedule of the Resource Management Act 1991

A.1. Description of the Proposal

A.1.1. Site & Location

The site is located at 263 Frankton Road, Queenstown and is legally described as Lot 2 DP 475539 held in computer freehold register 655354. The site is accessed from Frankton Road, via an accessway beneath the main Frankton Road carriageway.

There is an older existing house on the eastern side of the site.

A renovated house is contained in Lot 1 DP 475539, which was stage 1 of the project.

The site slopes to the southeast, down to Frankton Track below, and the Lake Wakatipu shoreline.

A.1.2. The Proposal

The applicant seeks to construct two dwellings on the site (in addition to the existing house), and a second separate garage.

The proposed dwelling (B) in the western corner is a two storey garage and apartment.

The proposed southern dwelling (A) is below the existing house on Lot 1 DP 475539, and is referred to as the lake side dwelling.

Between the existing two houses (on Lot 1 and east side of Lot 2) is a proposed new separate garage, referred to as the second garage.

The garage and apartment complex (dwelling B) actually incorporates two garages, one for the apartment and the other for the proposed lake side dwelling (A). The lake side dwelling is to be accessed by outdoor stairs from above.

All three structures require earthworks for foundation and construction of associated retaining walls. The apartment and garage has some minor height plane infringement, and also encroaches the road and side yard set backs.

A.1.4. Zoning and Activity Status - QLDC District Plan

Under the Queenstown Lakes District Council District Plan the site is zoned High Density Residential Sub-zone A.

Accordingly we seek consent for the following reasons:

- A discretionary activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (iii) in regard to minimum setbacks from road boundaries. The apartment and garage requires a 4.5m setback from the road. The proposal will result in buildings only 0.4m from the road boundary.

- A discretionary activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (iv) in regard to minimum setbacks from internal boundaries. The garage and apartment will be located up to the western boundary line, adjacent to common property and accessory units (car parks) on DP 26129.
- A discretionary activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (iv) in regard to minimum setbacks from internal boundaries. The second garage will be located up to the Lot 1 DP 475539 boundary line.
- A discretionary activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (iv) in regard to minimum setbacks from internal boundaries. The lake side dwelling will be up to 1.0m from the Lot 1 DP 475539 boundary line RM 130803.
- A discretionary activity pursuant to Rule 7.5.3.4 (vi) as the proposal breaches site standard 7.5.5.2 (xvi) in regard to earthworks. The total volume of earthworks is 600m³, comprised of 300m³ of cut and 300m³ of fill. A temporary earthworks cut of up to 2.7m high is within 1.0m of the boundary.
- A discretionary activity pursuant to Rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3 (v) in regard to building heights. The apartment is up to 2.0 through the 7m height plane. The lake side dwelling will be up to 0.8m through the 7m height plane.

Refer to detail below for further information.

Additional information:

No building exceeds 500m² footprint.

Proposed coverage is approximately 23% of Lot 2.

The proposed dwellings comply with site standard 7.5.5.2.xix.

A.2. Alternative Locations

Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

No alternative locations are proposed.

A.3. Actual or potential effects on the environment

An assessment of the actual or potential effect on the environment of the proposed activity:

The proposal will not create any significant adverse effects on the environment.

A.4. Hazardous substances

Where the activity includes the use of hazardous substances and installations, an assessment of the risks to the environment which are likely to arise from such use:

Not applicable.

A.5. Potential Discharge

Where the activity includes the discharge of any contaminant, a description of:

- (i) ***The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and***
- (ii) ***Any possible alternative methods of discharge, including discharge into any other receiving environment:***

Not applicable.

A.6. Mitigation measures

A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

Not applicable.

A.7. Affected persons

An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:

Affected party approval has been obtained from the unit owner (Highgate Ventures Ltd) on the western boundary, as per the forms and signed plans included with the application.

Affected party approval has been obtained from the owner of Lot 1 DP 475539 (Gunn) which was stage 1 of the development, as per the forms and signed plans included with the application.

A.8. Monitoring

Where the scale or significance of the activity's effects are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom:

No monitoring is required.

B.) Further Information

B.1. Apartment and garage (dwelling B)

The apartment and garage complex is located within the Frankton Road setback, being only 0.4m inside the road boundary line. There is a split level carriageway in this location, where the main road is well above the site and a smaller access to a series of properties sits below. The proposed complex lies below the smaller access. Some excavation of the bank (mostly rock) under the smaller access is required for initial construction of the garage which will ultimately act as retaining for the embankment. Excavation depths indicate a cut of up to 2.9m deep in this area, but it is a grazing cut over an existing steep rock face, therefore volume is minimal. Given the differences in height between the two road carriageway and the dwelling site there is little in the way of visual or dominance effect in having the dwelling in the setback area.

A portion of the garage also extends into the side yard set back area. The extents of the encroachment are similar in effect to an accessory building, with no openings on the wall and it is less than 7.5m in length and not higher than 2.5m high on the boundary.

The apartment has two areas of minor height plane encroachment as detailed on the attached plans.

Earthworks up to 0.7m deep are required to excavate the foundation for the garage within close proximity of the boundary line. This excavation will be reinstated post construction and the garage wall will act as retaining.

It should be noted the roof of the proposed apartment (dwelling B) will be 8 metres lower than the adjacent Frankton Road footpath.

B.2. Lake Side Dwelling (dwelling A)

The lake side dwelling requires excavation as per the plans included. This involves a temporary cut at the rear of the dwelling of up to 2.7m deep. The slope is to be retained by the rear wall of the building along with suitable backfill. Above the proposed excavation for the house is an old stacked rock wall that needs removed and replaced. Due to the nature of the old wall removal and excavation below the effective height of the cut face will be exaggerated during that time to some 6m high, but the deepest part of the cut from current ground level is only 2.7m. The old wall is to be replaced with suitable retaining to enhance outdoor living space.

Much of the excavated material is to be used on site for fill of the front lawn area. Retaining along the lake side boundary is proposed to create a level outdoor area beside the dwelling. The main Queenstown – Frankton sewer line is within close proximity to the proposed retaining and the foundation location will take that into consideration. Informal discussion with QLDC engineering has already been undertaken in regard to that matter.

The dwelling will encroach the proposed boundary setback with Lot 1 DP 475539 by up to 1m. Affected party approval has been obtained for the proposal (attached). The appropriate fire rating of the wall within proximity of the boundary is being addressed.

The lower floor level of the dwelling is around 3.5m above the level of the adjacent Frankton Walking Track.

B.3. Second garage

An additional two storey garage is proposed between the existing houses on site. The garage will abut the boundary of Lot 1 DP 475539. Affected party approval has been obtained for the construction. The appropriate fire rating of the garage wall within proximity of the boundary is being addressed.

The lower floor of the garage will serve the existing house on Lot 2, while the upper floor will provide the vehicle turning area for those using the access way above, and a single car garage for Lot 1 DP 475539.

Some excavation is required to construct the garage, and its walls will also act as retaining for the adjacent ground, including the access way above.

B.4. Right of way

There is an existing Right of Way over the site in favour of Lots 2 – 4 DP 10151. This is no longer used by those sites and is physically blocked by a fence and car parks of the adjacent development to the west. Refer DP 26129 attached which indicates accessory unit car parks located within the right of way area. The applicant is currently working through removal of this easement with the relevant neighbours. The applicant is aware of the implications of the right of way, however we request this application be processed irrespective, and a suitable advice note added if required.

C.) Conclusion

It is anticipated this application will be assessed as a non complying activity on a non-notified basis as the effects on the environment and neighbours are minimal. Affected party approvals have been obtained from the immediately adjacent residences.

Should you have any queries, please contact the undersigned in the first instance.

Yours faithfully
Aurum Survey Consultants



Bruce McLeod
Registered Professional Surveyor
Mobile 027-4182104
<mailto:bmcleod@ascl.co.nz>

Aurum Survey Consultants
PO Box 2493, Wakatipu 9349
Ph 03 442 3466
Fx 03 442 3469

APPENDIX 3 - URBAN DESIGNER'S COMMENTS

From: Paula Costello
To: [Ellis, Katrina](#)
Subject: RM140826 Urban Design assessment 11 April 2016
Date: Monday, 11 April 2016 11:53:51 AM
Attachments: [image003.png](#)

Hi Katrina

Further to our phone conversation,

In terms of an urban design review of this proposal, I have focused any comments on 'House A' as it is the only part of the proposal which will be perceivable from the public realm.

House A includes an intrusion into the 4.5m setback from the boundary with the Frankton Track in the form of a deck. This deck extends to approximately 1.5m from the internal boundary and, given the topography of the site in relation to the track, is elevated above the users of the track.

The dwelling itself meets the requirements of the District Plan (floor level) to be vertically separated from the level of the track, and is set back 4.5m as required. This means that the position of the dwelling itself is permitted, and will assist to avoid dominance effects on Track users in this location, however the outdoor deck does extend into the permitted setback and in terms of effects, I consider will have some dominance and impact on the sense of privacy and overlooking for users of the track. I consider the deck should be reduced in extent in terms of how far it extends towards the track to reduce this effect.

In terms of other impacts of the built form on the Track, the building complies with the permitted height level. It extends length ways facing the Track (and views of the Lake, a natural orientation for buildings in this area) and therefore there is a large length of building positioned on the 4.5m setback. The continuous building length is approximately 20m excluding the walls of decking and outdoor area (which I don't consider will be perceived as part of the building bulk once constructed) and does have one break in the form. This does not appear to comply with the District Plan requirements for breaking up of length, however is near to. The change in levels of the dwelling visible will also have an impact in reducing dominance effects of continuous building length. While the building will be visible I consider in this context of buildings along the Frankton Track (of which there are many of differing proximity and bulk), and given the permitted baseline, effects will be minor.

I hope this assists any queries please advise. Happy to discuss further.

Kind regards
Paula

Paula Costello BRS(HONS) MUDD | Senior Planner
Planning & Development
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E: paula.costello@qldc.govt.nz



APPENDIX 4 - ENGINEERING COMMENTS AND REVISION



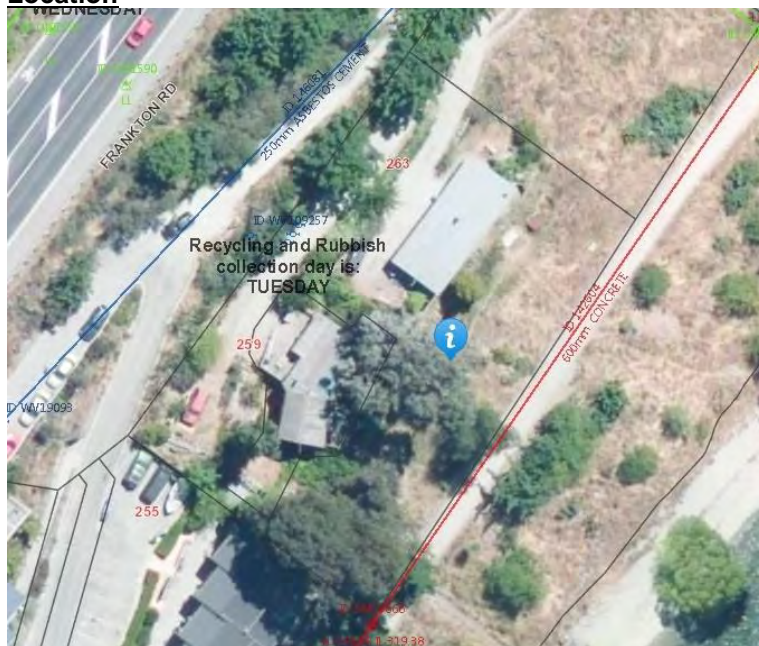
ENGINEERING MEMO

TO: Katrina Ellis
FROM: Tim Dennis
DATE: 22/2/2016

APPLICATION DETAILS	
REFERENCE	RM140826
APPLICANT	Montreux Ltd
APPLICATION TYPE & DESCRIPTION	Land Use consent is sought to undertake earthworks associated with the construction of two dwellings & a garage
ADDRESS	259-263 Frankton Road, Queenstown
ZONING	HDR
LEGAL DESCRIPTION	Lots 1 & 2 DP 475539
SITE AREA	1,900m ²
ACTIVITY STATUS	Non complying

Application	Reference Documents	AEE prepared by Aurum Survey Consultants (ASC) dated 3/10/2014, Structural Integrity Ltd (SIL) design plan set titled "The Montreux Ltd: First light" dated 18 Nov 2015 and including dwg no. P01 dated 17/12/14, P1 dated 18/11/15 & E01 dated 17/12/14
	Previous Relevant Consents	RM130803 - Subdivision of site into 2 lots
	Date of site visit	2014

Location



Comments	
Existing Use	The site contains two existing dwellings
Neighbours	There is an apartment complex to the south-west (255 Frankton Rd) and a dwelling to the north-east. Frankton Road is 21m to the north-west.
Topography/Aspect	The site slopes down moderately to the south-east towards Lake Wakatipu and the Frankton Track
Water Bodies	No water bodies were found on site or within 7m of the site
Requested Areas of Comment	Earthworks

ENGINEERING		COMMENTS	Condition	
EARTHWORKS	Extent	Description	Earthworks for the construction of two new dwellings and a garage	
		Cut /Fill Volume (m³)	The AEE states 300m ³ of cut and 300m ³ of fill	
		Total Volume (m³)	The AEE states 600m ³	
		Area Exposed (m²)	We measure approximately 660m ² from the Aurum Survey Plan ref 3620.2R.1A	
		Max Height Cut/Fill (m)	The Aurum Survey plan 3620.2R.1A details maximum cut of 2.9m for Dwelling B and fill of 2m for dwelling B. Cut for Dwelling A is up to 2m and fill of up to 1m.	
		Prox. to Boundary	The cuts along the south-west and north-west boundary for Dwelling B breach the height to boundary ratio being up to 2.9m deep and between 0 - 400mm off the boundary. For Dwelling A the cuts are up to 2.8m at 2.1m from the boundary of 255 Frankton Rd. The owner of 255 Frankton Rd has given approval to the works. In terms of effects on the legal road, the AEE notes cuts for Dwelling B will be mostly in rock and the dwelling retaining wall will provide permanent support to the roadway. Likewise the cuts for Dwelling A will be permanently retained by the dwelling. There is no effect anticipated on Frankton Road which is 21m to the north-west of the site boundary with earthworks effects limited to the minor access serving this lot and 255 Frankton Rd. I am satisfied that if the works are undertaken in accordance with the Geotechnical recommendations that instability of adjoining sites is unlikely to occur. I recommend a suitable condition in this regard.	X
	Prox. to Water	Closest water body is Lake Wakatipu at 30m to the south-east.		
	Stability	Geotech assessment by	Tonkin & Taylor	
		Report reference	880059 dated June 2008 "259, 263 & 267 Frankton Road Geotechnical Assessment Report". Report supplied direct by the applicants consultant ASC	
		Rock breaking	While no rock was encountered in the test pits, some may be encountered, and breaking may be required. ASC note in the AEE that rock will be encountered for Dwelling B	
Rock blasting		None expected by Geotechnical report		
Preconstruction survey		I recommend that a preconstruction survey is completed prior to earthworks due to the proximity of adjoining structures. I recommend a condition in this regard.	X	

Site Management	Retaining	Numerous retaining walls are detailed on the SIL design plans up to ~3m in height. Most are either integral to the building design, subject to surcharge or >1.5m in height. For this reason I am satisfied they will be addressed as part of the building consent process and appropriate engineering design will be undertaken at that stage. For any walls that do not form part of the buildings such as the wall detailed on the west elevation above Dwelling A, I recommend an advice note	X
	Recommendations on cut/batter slopes	I accept the expert recommendations of the geotechnical report. I recommend a suitable condition in this regard	X
	Fill certification/specific foundation design required	The building platforms will consist of both cut and compacted fill. I am satisfied that a condition of consent requiring certification prior to building development is appropriate.	X
	Engineers supervision	The earthworks include cuts along the south-west boundary adjoining Lot 4 DP 10151 (255 Frankton Rd) as well as cuts adjoining Frankton Road. Affected party approval has been gained from the adjoining landowner. It is appropriate that these cuts are supervised to ensure any temporary retaining or protection is installed as required to prevent any instability to adjoining properties. I recommend a condition in this regard	X
	Uncertified fill covenant	Not required	
	Schedule 2a Certificate	Not required	
	Clean fill only	Not required	
	Report reference	A Guide to Earthworks in the Queenstown Lakes District brochure and the recommendations of the geotechnical report by Tonkin & Taylor	X
	Specific sedimentation management	I am satisfied that sediment can be controlled if the earthworks are undertaken in accordance with Council's Guide to Earthworks and the recommendations of the geotechnical report	X
	Specific stormwater management	I am satisfied that stormwater can be controlled if the earthworks are undertaken in accordance with Council's Guide to Earthworks and the recommendations of the geotechnical report.	X
	Neighbours	The closet neighbour is to the south (Unit 5) and affected party approval has been gained from this landowner. I am satisfied that the works do not pose a nuisance to adjoining landowners provided they are undertaken in accordance with the recommendations in the Geotechnical report.	X
	Traffic management	The site is accessed from an auxiliary road adjoining Frankton Road. It may be possible to undertake the works without disruption to normal traffic movements but this is not clear in the AEE. I am satisfied that a standard traffic management requirement apply if normal traffic operation is affected and recommend a condition in this regard.	X
	Construction crossing	I am satisfied the existing crossing will be adequate for the proposed development.	
Revegetation	To minimise dust, silt and sediment all earthworks areas should be stabilised at the completion of the earthworks. A suitable condition is recommended in this regard	X	

EARTHWORKS	Building over services	Services affected	None	
		Structures within zone of influence	A 600mm diameter concrete sewer main runs along the south eastern side of the site within the "Frankton Track" not far off the site boundary. No earthworks are proposed within the zone of influence of this pipeline	
		Access to services OK	N/A	
		CCTV	N/A	
		Easement to be varied	N/A	
		Engineers design PS1 provided/conditioned	N/A	
		Services relocated	N/A	
		As-builts		

Recommended Conditions

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. 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 **(3-6)** below shall be demonstrated.
3. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
4. Prior to the commencement of work the consent holder shall 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. This shall be prepared by a suitably experienced building practitioner/contractor/surveyor/engineer and shall be provided to the Principal Resource Management Engineer at Council for review and certification.
5. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with *A Guide to Earthworks in the Queenstown Lakes District* brochure, prepared by the Queenstown Lakes District Council and the Tonkin & Taylor geotechnical report Ref 880059 dated June 2008 and submitted with the consent application. 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.
6. 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 Tonkin & Taylor Ref 880059 dated June 2008 report and who shall supervise the excavation procedure and retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the

excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

To be monitored throughout earthworks

7. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and certification. The Consent holder shall implement any measures proposed in the report that will mitigate any negative effects of the vibration.
8. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
9. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Tonkin & Taylor Ref 880059 dated June 2008.
10. The consent holder shall ensure that construction of the retaining wall along the northwest and southwest boundary's of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 4 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.
11. 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.
12. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the earthworks approved by Unit 5 255 Frankton Road and detailed on Aukum Survey Plan 3620.2R.2A
13. No construction traffic shall utilise the adjoining Frankton Track or Council reserve for access to the site.

On completion of earthworks and prior to construction of the dwelling

14. On completion of earthworks within the building footprint and prior to the construction of the dwelling, 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 dwelling shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.

On completion of earthworks and prior to occupation of the dwelling

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

- a) All earthworked and/or 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.

Advice Note

- a. The consent holder is advised that any retaining walls proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- b. 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 photos, focusing on any damage that is already apparent. 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. For consent holders the most efficient way to ensure compliance with the condition is to undertake the survey with a consent processing engineer present. Deliverable for this includes a very brief report accompanied by as many photos as are necessary to cover the potential risks, marked up photos identifying existing damage are even clearer.

Prepared by:

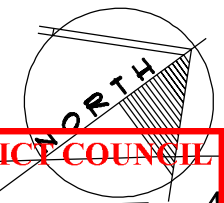


Tim Dennis
Southern Land Ltd

Reviewed by:



Michael Wardill
ENGINEER

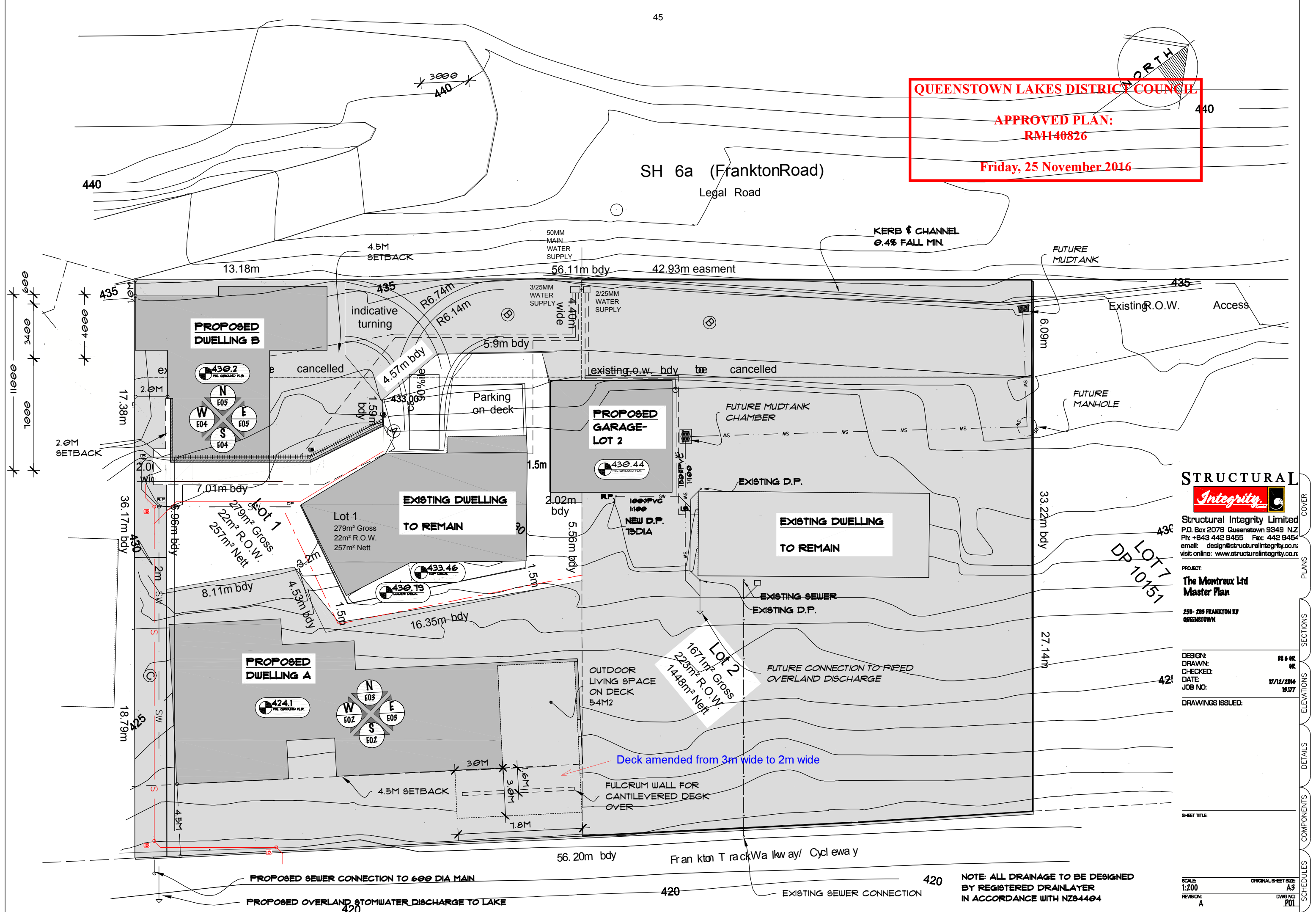


QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016

SH 6a (Frankton Road)
 Legal Road



STRUCTURAL
Integrity

Structural Integrity Limited
 P.O. Box 2078 Queenstown 9349 NZ
 Ph: +643 442 9455 Fax: 442 9454
 email: design@structuralintegrity.co.nz
 visit online: www.structuralintegrity.co.nz

PROJECT:
The Montreux Ltd
Master Plan
 259-289 FRANKTON RD
 QUEENSTOWN

DESIGN: PG 6 OF 9
 DRAWN: 02
 CHECKED:
 DATE: 17/12/2014
 JOB NO: 15177

DRAWINGS ISSUED:

SHEET TITLE:

NOTE: ALL DRAINAGE TO BE DESIGNED BY REGISTERED DRAINLAYER IN ACCORDANCE WITH NZ84404

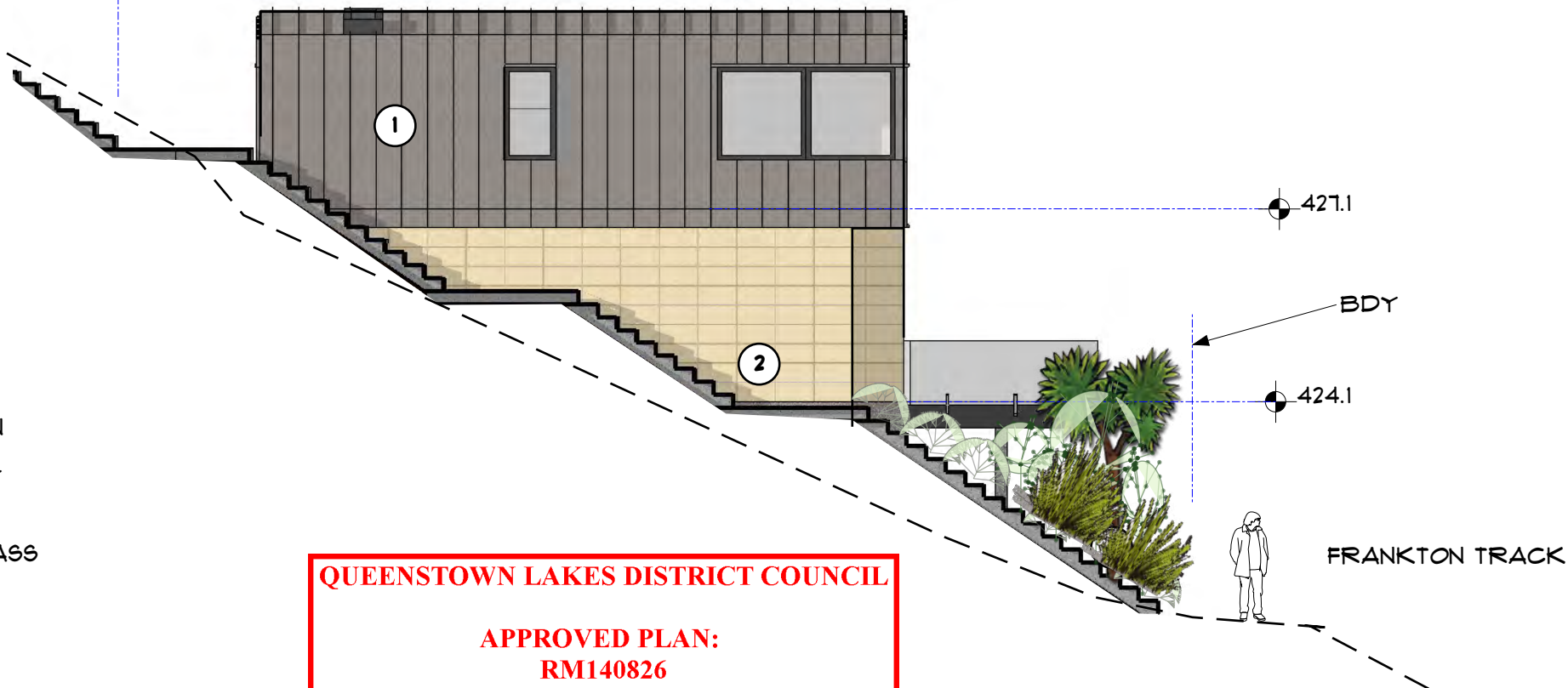
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COVER
 PLANS
 SECTIONS
 ELEVATIONS
 DETAILS
 COMPONENTS
 SCHEDULES



S
P01
South Elevation
1:100

PROPOSED
BDY



- MATERIALS**
- 1- COLORSTEEL TRAY CLADDING IN "IRONSAND" OR SIMILAR
 - 2- LIMESTONE TEXTURED MASONRY VENEER
 - 3- ALUM JOINERY TO MATCH ROOF
 - 4- CANTILEVERED BALCONY & GLASS BALUSTRADE

W
P01
West Elevation
1:100

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016

STRUCTURAL
Integrity

P.O. Box 2078 Queenstown 9349 N.Z.
Ph: +643 442 9265 Fax: +643 442 9258
email: design@structuralintegrity.co.nz
online: www.structuralintegrity.co.nz

PROJECT
The Montreux Ltd
Master Plan

259 FRANKTON RD
QUEENSTOWN

DESIGNED: **DS & GR**
DRAWN: **GR**
DATE: **17/12/14**
JOB NO. **13.177**

SHEET TITLE:
Lakehouse
Elevations
(Dwelling A)

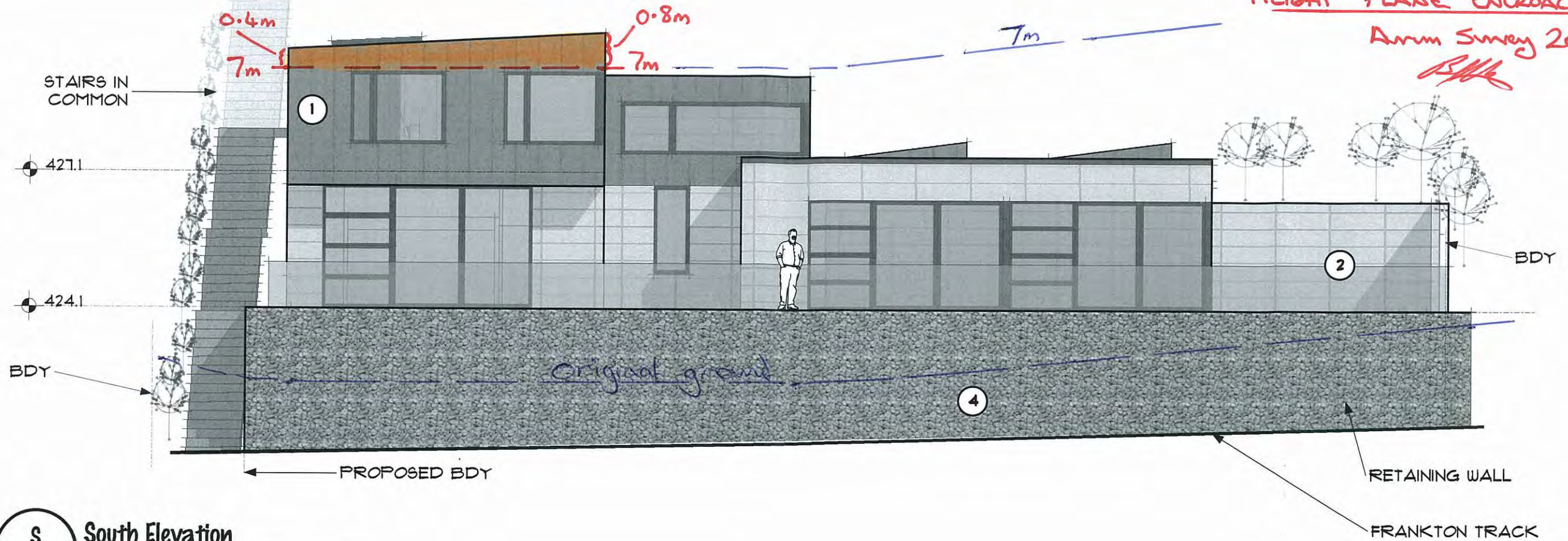
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A **E02**

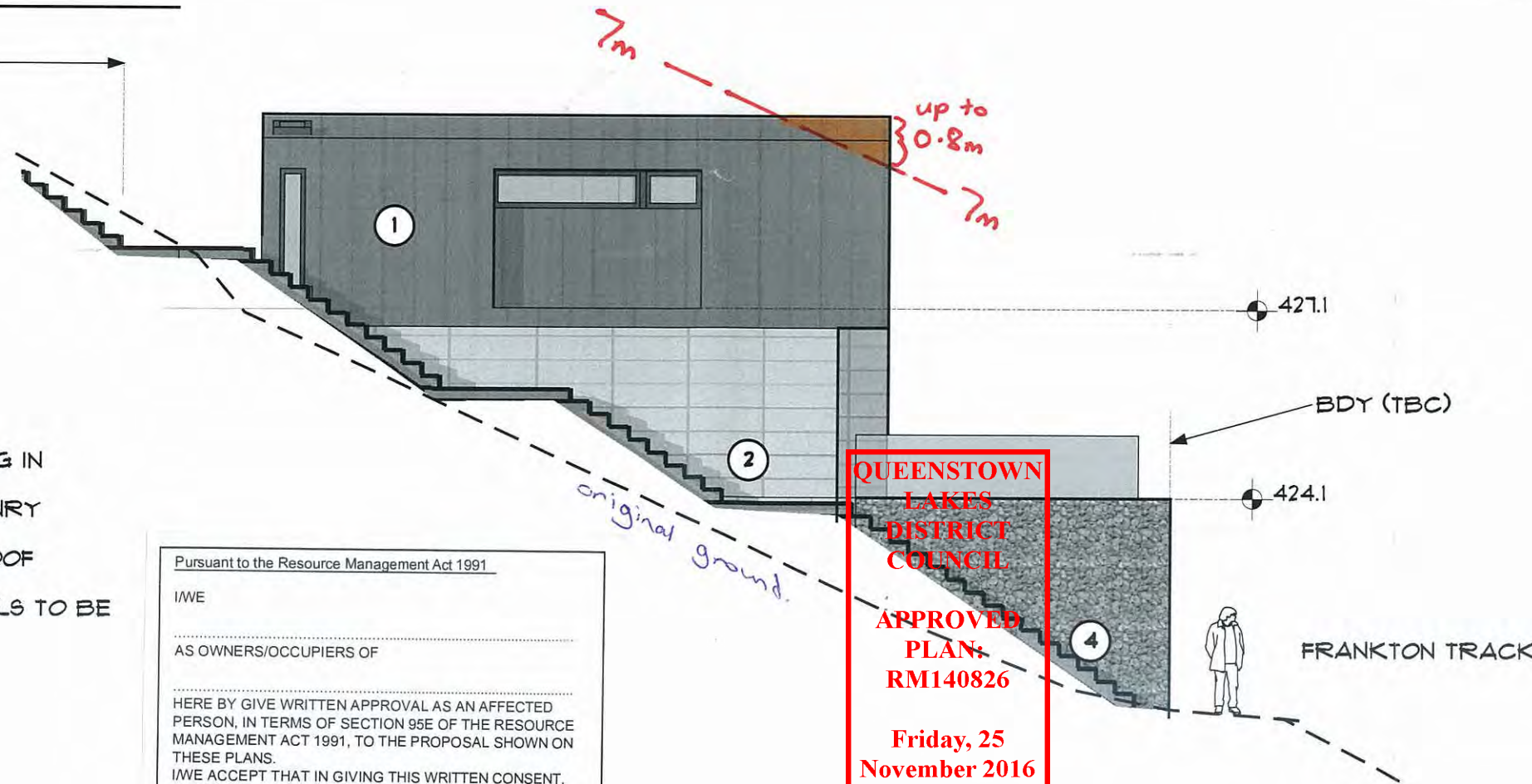
COVER PLANS SECTIONS ELEVATIONS DETAILS COMPONENTS SCHEDULES

HEIGHT PLANE ENCROACHMENT

Annex Survey 2014
R/S



S
P01
South Elevation
1:100



- MATERIALS**
- 1- COLORSTEEL TRAY CLADDING IN "IRONSAND" OR SIMILAR
 - 2- LIMESTONE TEXTURED MASONRY VENEER
 - 3- ALUM JOINERY TO MATCH ROOF
 - 4- RETAINING WALL- SPECIFIC ENGINEERING DESIGN- MATERIALS TO BE CONFIRMED

W
P01
West Elevation
1:100

Pursuant to the Resource Management Act 1991

I/WE
AS OWNERS/OCCUPIERS OF

HERE BY GIVE WRITTEN APPROVAL AS AN AFFECTED PERSON, IN TERMS OF SECTION 95E OF THE RESOURCE MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON THESE PLANS.

I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT, THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY ACTUAL OR POTENTIAL EFFECT UPON ME IN DETERMINING THIS PROPOSAL.

.....(Signature)

.....(Date)

**QUEENSTOWN
LAKES
DISTRICT
COUNCIL**

**APPROVED
PLAN:
RM140826**

**Friday, 25
November 2016**

STRUCTURAL
Integrity.

P.O. Box 2078 Queenstown 9349 N.Z.
Ph: +643 442 9258 Fax: +643 442 9258
email: design@structuralintegrity.co.nz
online: www.structuralintegrity.co.nz

PROJECT
**The Montreux Ltd
Master Plan**
**259 FRANKTON RD
QUEENSTOWN**

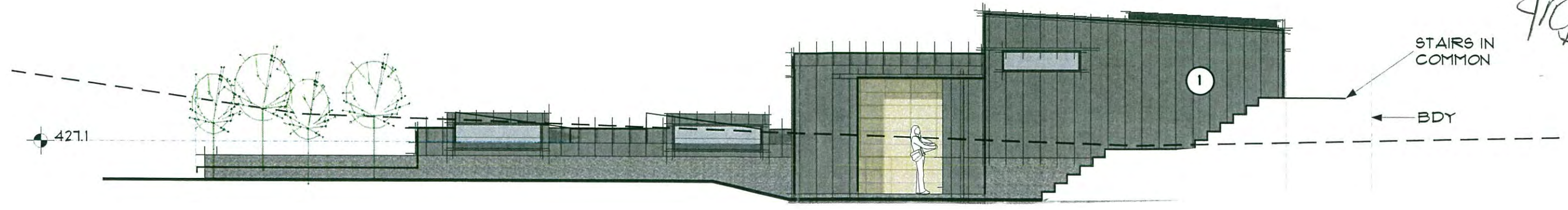
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SHEET TITLE:
**Lakehouse
Elevations
(Dwelling A)**

SCALES: ORIGINAL SHEET SIZE
1:100 A3
REVISION: SHEET NO
0 E02

COVER
PLANS
SECTIONS
DETAILS
COMPONENTS
SCHEDULES

27/3/16
P/O - G



STAIRS IN COMMON

BDY

427.1
424.1

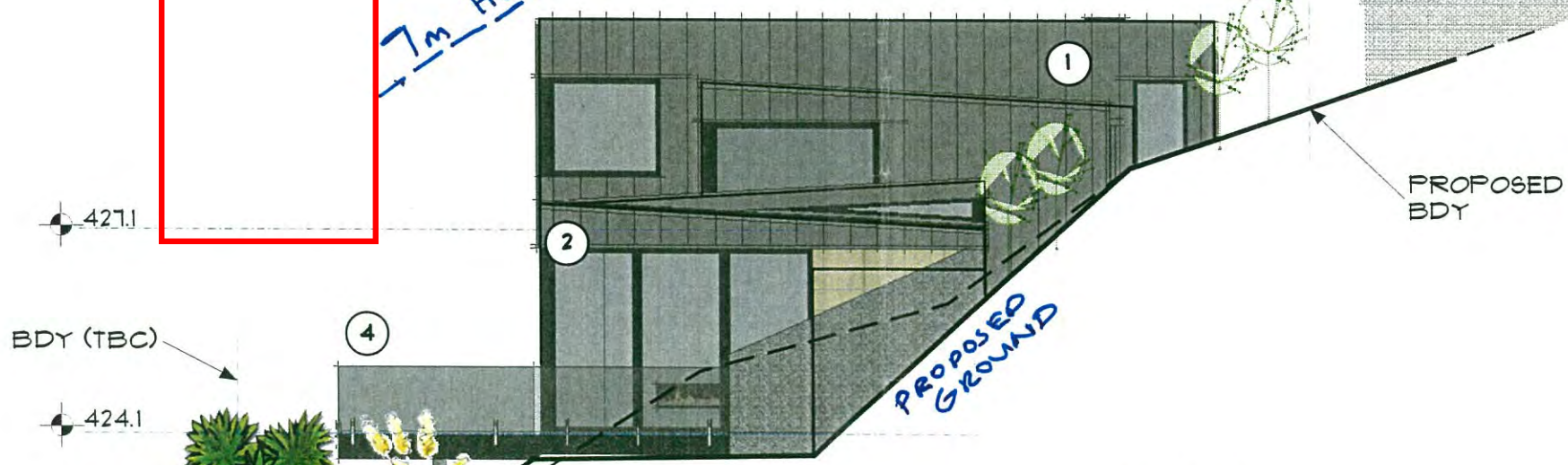
**QUEENSTOWN
LAKES
DISTRICT
COUNCIL**

**APPROVED
PLAN:
RM140826**

**Friday, 25
November 2016**

N
P01
North Elevation
1:100

7m HEIGHT LIMIT



PROPOSED BDY

BDY (TBC)

427.1
424.1

PROPOSED GROUND

ORIGINAL GROUND = EXISTING GROUND

FRANKTON TRACK



E
P01
East Elevation
1:100

- MATERIALS**
- 1- COLORSTEEL TRAY CLADDING IN "IRONSAND" OR SIMILAR
 - 2- LIMESTONE TEXTURED MASONRY VENEER
 - 3- ALUM JOINERY TO MATCH ROOF
 - 4- CANTILEVERED BALCONY & GLASS BALUSTRADE

STRUCTURAL
Integrity

P.O. Box 2078 Queenstown 9349 N.Z.
Ph: +643 442 9258 Fax: +643 442 9258
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PROJECT
**The Montreux Ltd
Master Plan**
**259 FRANKTON RD
QUEENSTOWN**

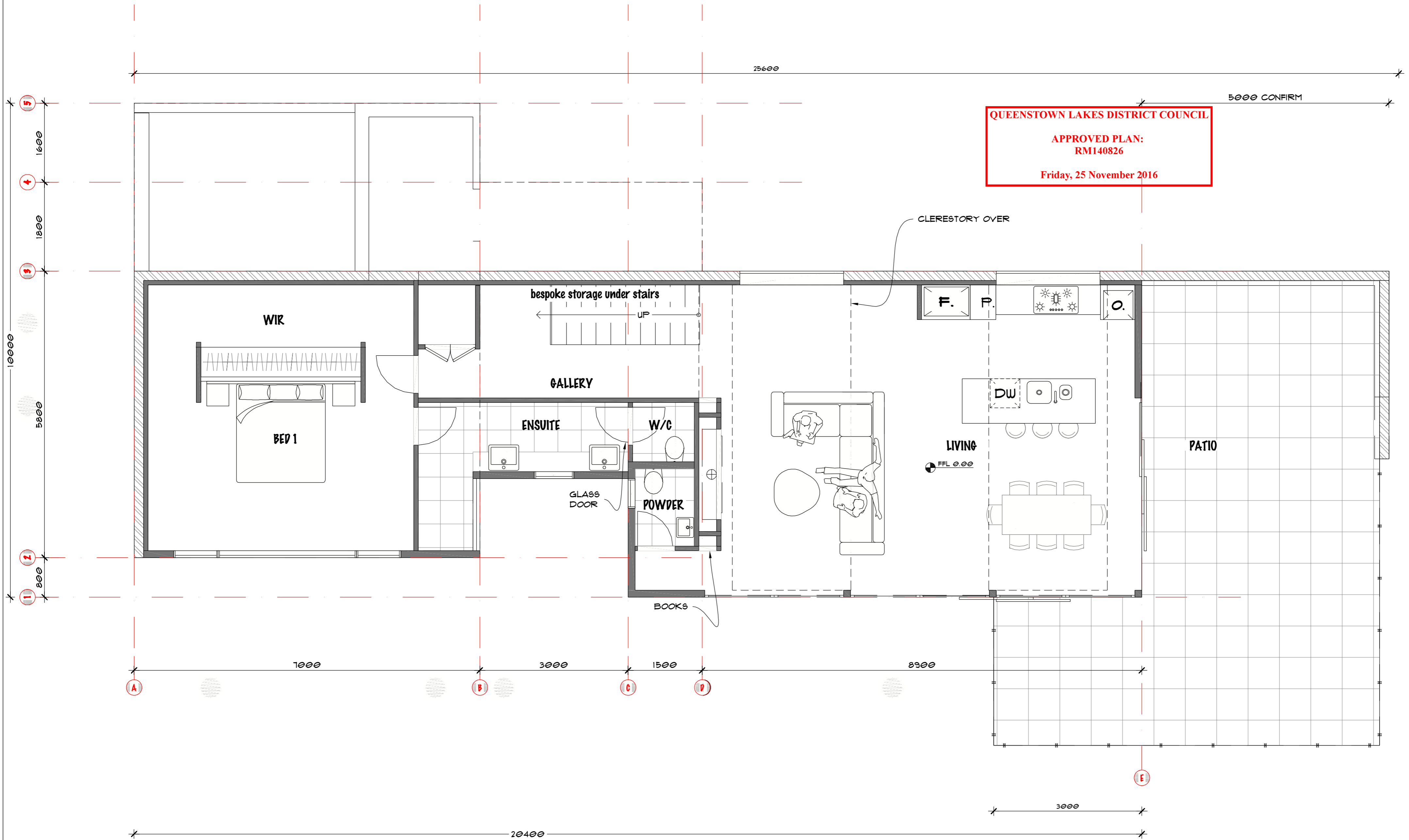
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DRAWN: **GR**
DATE: **24/02/15**
JOB NO. **13.177**

SHEET TITLE:
**Lakehouse
Elevations
(Dwelling A)**

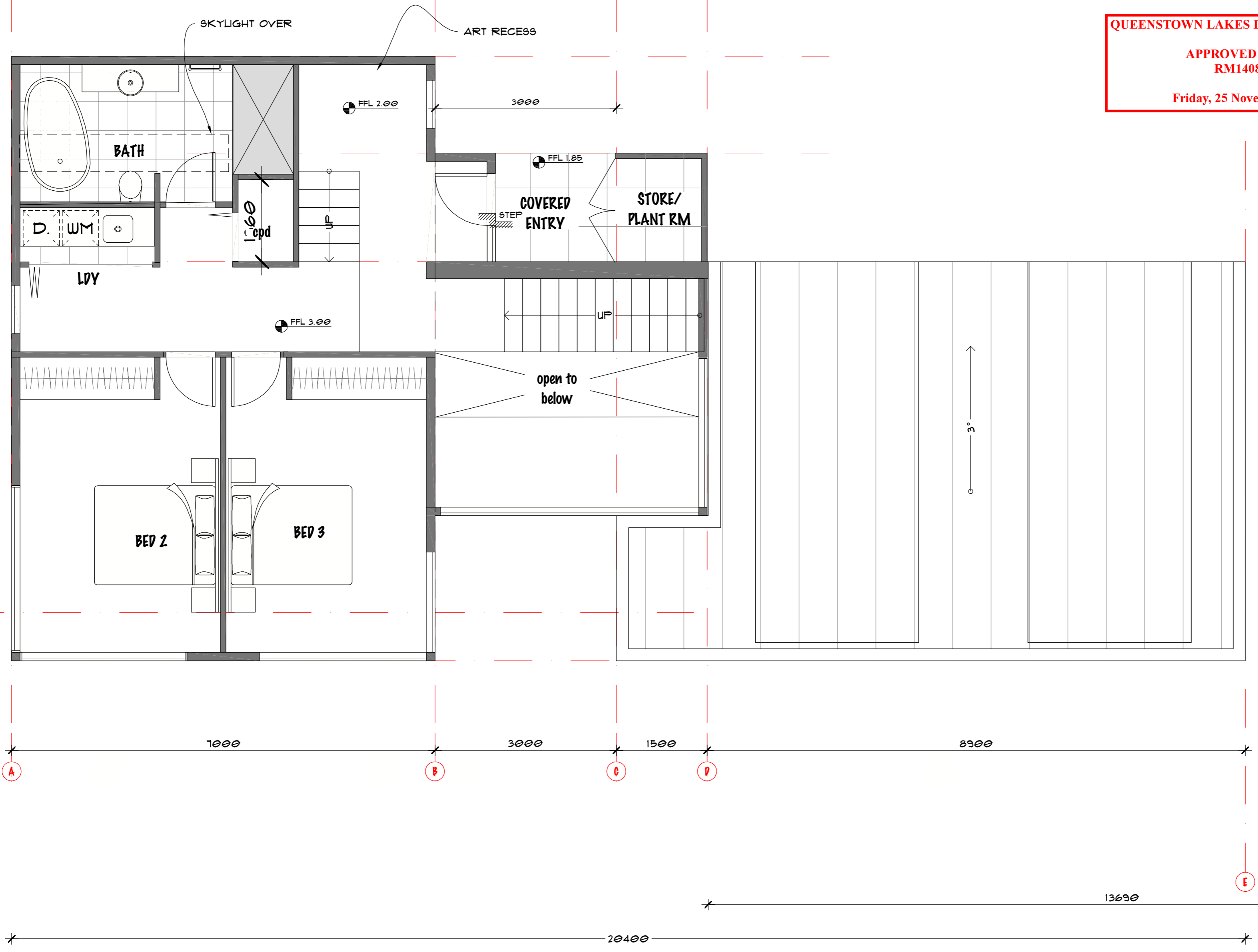
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A E03

COVER
PLANS
SECTIONS
ELEVATIONS
DETAILS
COMPONENTS
SCHEDULES



QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 RMI40826
 Friday, 25 November 2016



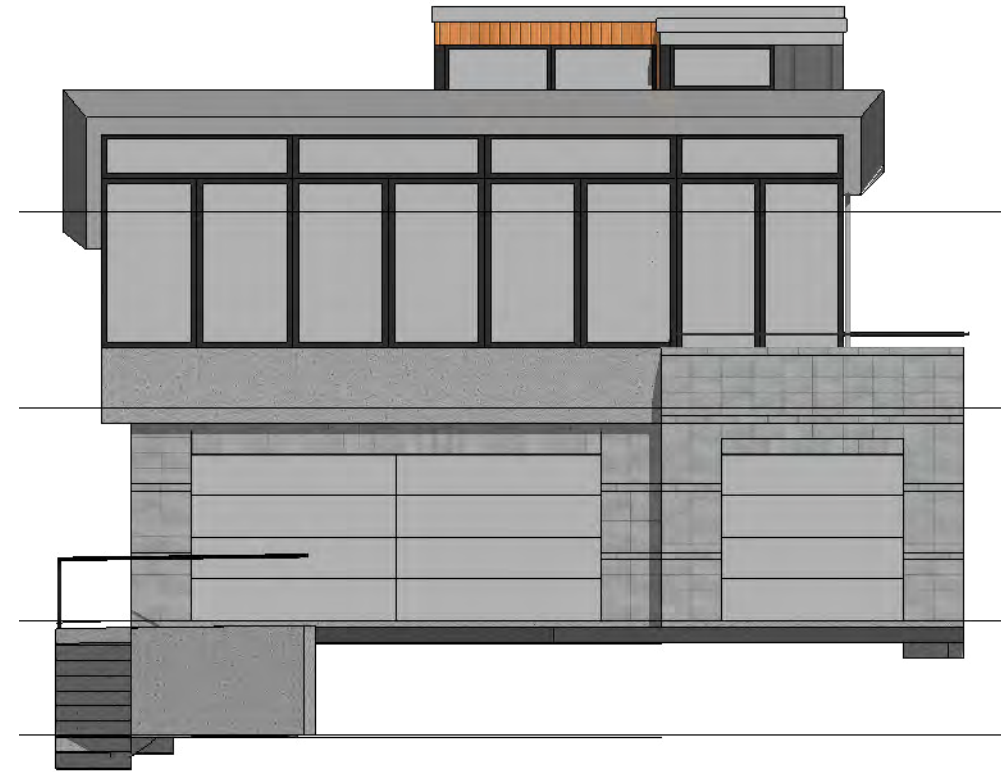
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016



- West Elevation
- 1:100



- East Elevation
- 1:100



- South Elevation
- 1:100



- North Elevation
- 1:100

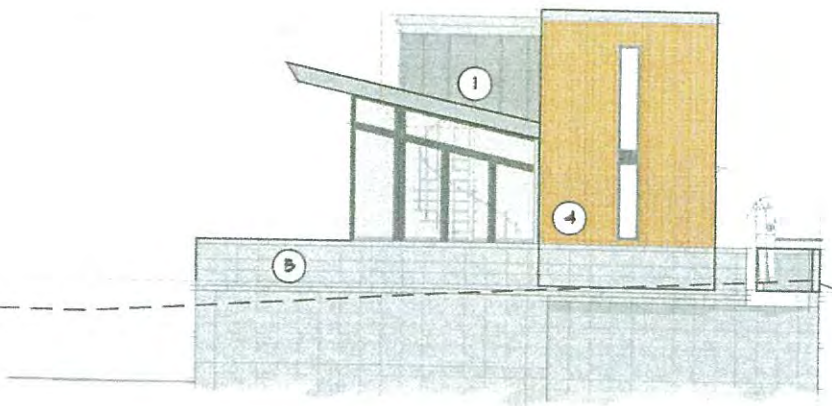
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016

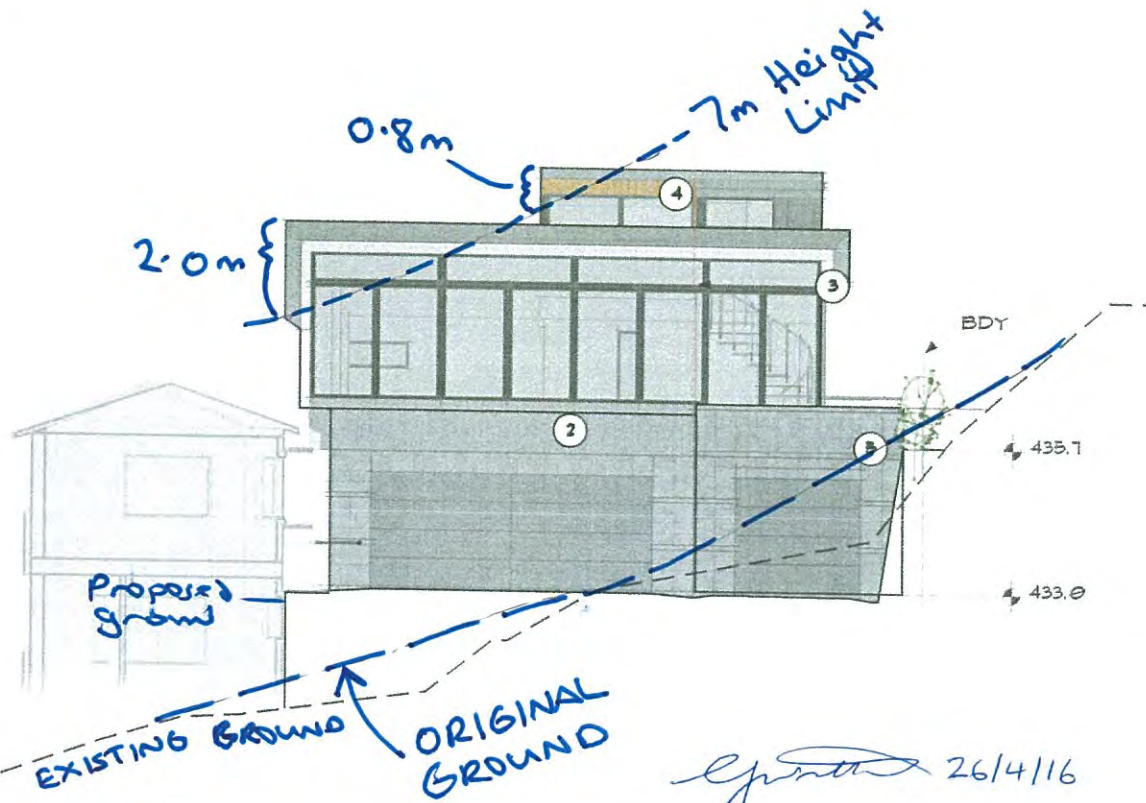
Please sign & Date below

**QUEENSTOWN
LAKES
DISTRICT
COUNCIL**
435.7
**APPROVED
PLAN:
RM140826**
433.0
**Friday, 25
November 2016**



- MATERIALS**
 1- COLORSTEEL TRAY CLADDING IN "IRONSAND" OR SIMILAR
 2- ACRYLIC PLASTER SYSTEM IN SELECTED GREY
 3- ALUM JOINERY TO MATCH ROOF
 4- VERTICAL SHIPLAP CEDAR IN NATURAL BROWN STAIN
 5- HONED CONCRETE BLOCK

N
P01 North Elevation
1:100



STRUCTURAL



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PROJECT
**The Montreux Ltd
Master Plan**
**259 FRANKTON RD
QUEENSTOWN**

DESIGNED: **PS & OR**
DRAWN: **OR**
DATE: **25/02/16**
JOB NO.: **13.177**

SHEET TITLE
**Studio
Elevations
(Dwelling B)**

SCALES: ORIGINAL SHEET SIZE
1:100 A3
REVISION: SHEET NO.
0 E05

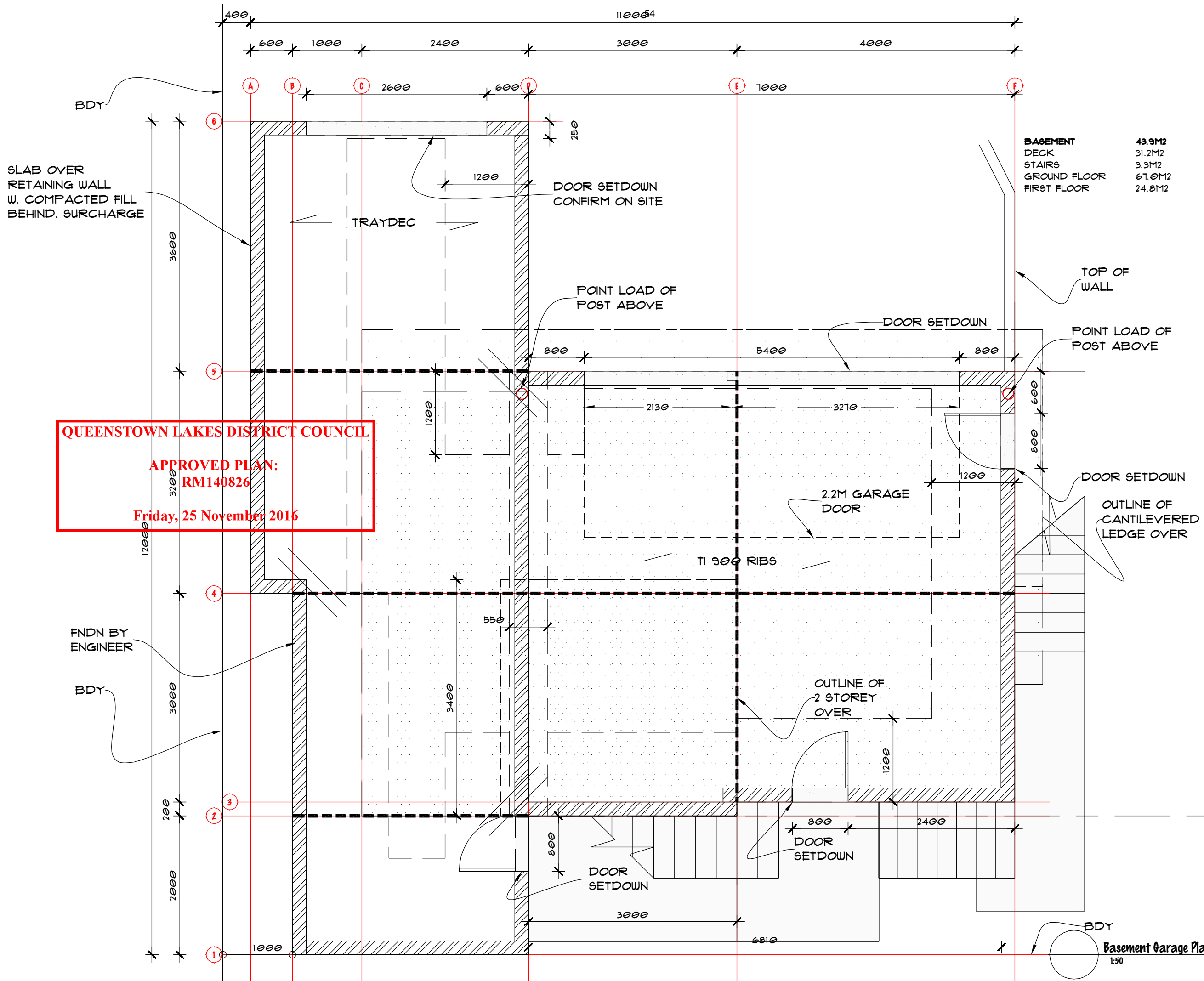
E
P01 East Elevation
1:100

FRANKTON TRACK

Signature 26/4/16

Signature 26/11/16

02/16 R216 REG216 ELEVATIONS DETAILS COMPONENTS



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM140826
Friday, 25 November 2016

BASEMENT	43.9M²
DECK	31.2M ²
STAIRS	3.3M ²
GROUND FLOOR	67.0M ²
FIRST FLOOR	24.8M ²

14/02/10 Rev 1: revised F&I ground floor

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PROJECT:
The Montreux Ltd
Dwelling B

288 FRANKTON RD
 QUEENSTOWN

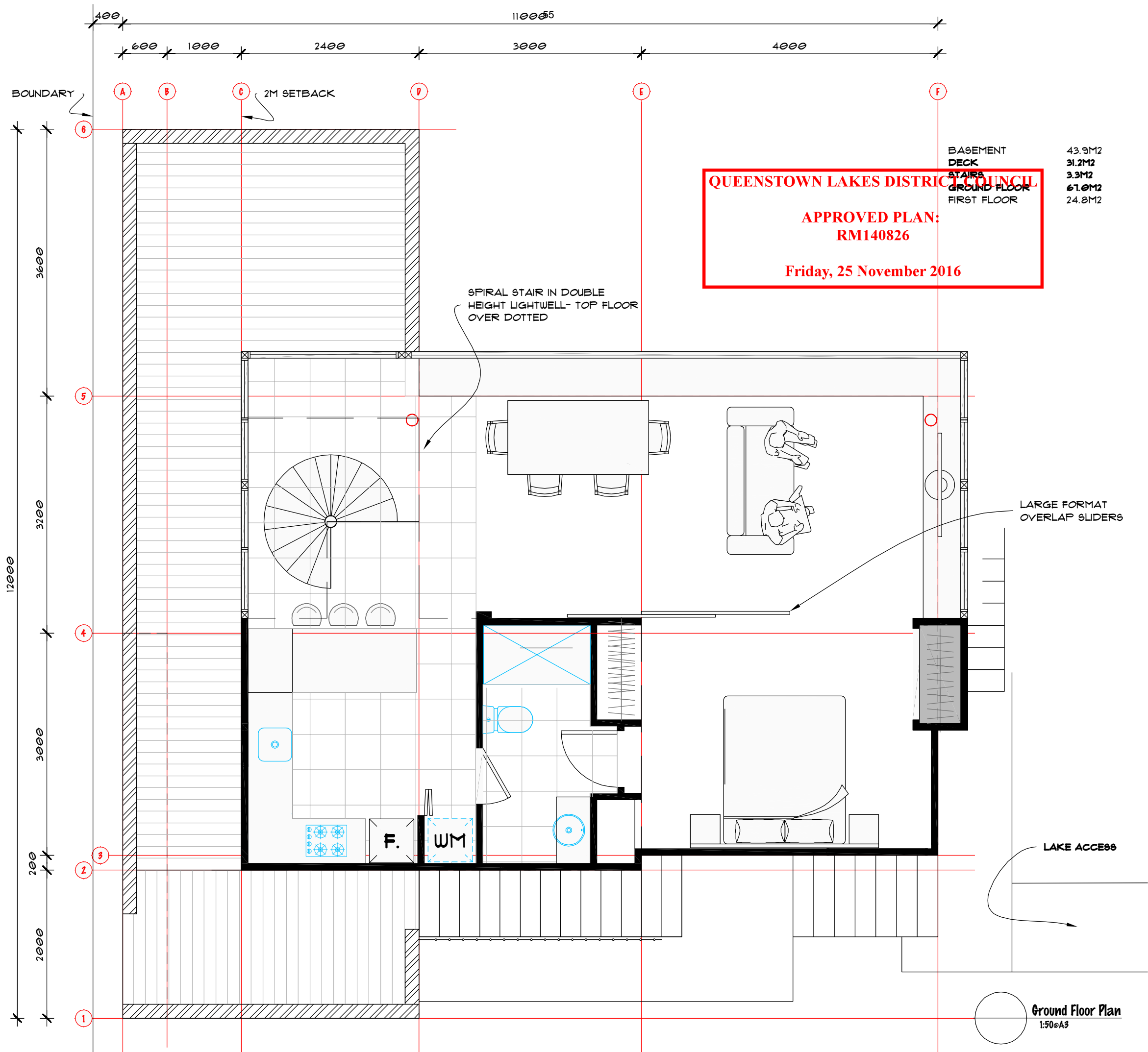
DESIGN:	P.S. & A.K.
DRAWN:	G.L.K.
CHECKED:	
DATE:	18/11/15
JOB NO:	19.177

DRAWINGS ISSUED:

SHEET TITLE:
Basement Garage Plan

SCALE: 1:50
 ORIGINAL SHEET SIZE: A3
 REVISION: 6
 DWG NO: PZ

COVER
 PLANS
 SECTIONS
 ELEVATIONS
 DETAILS
 COMPONENTS
 SCHEDULES



BASEMENT	43.9M2
DECK	31.2M2
STAIRS	3.3M2
GROUND FLOOR	61.0M2
FIRST FLOOR	24.8M2

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM140826
Friday, 25 November 2016

14/02/10 Rev 1: revised F&I ground floor

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PROJECT:
The Montreux Ltd
Dwelling B
 288 FRANKTON RD
 QUEENSTOWN

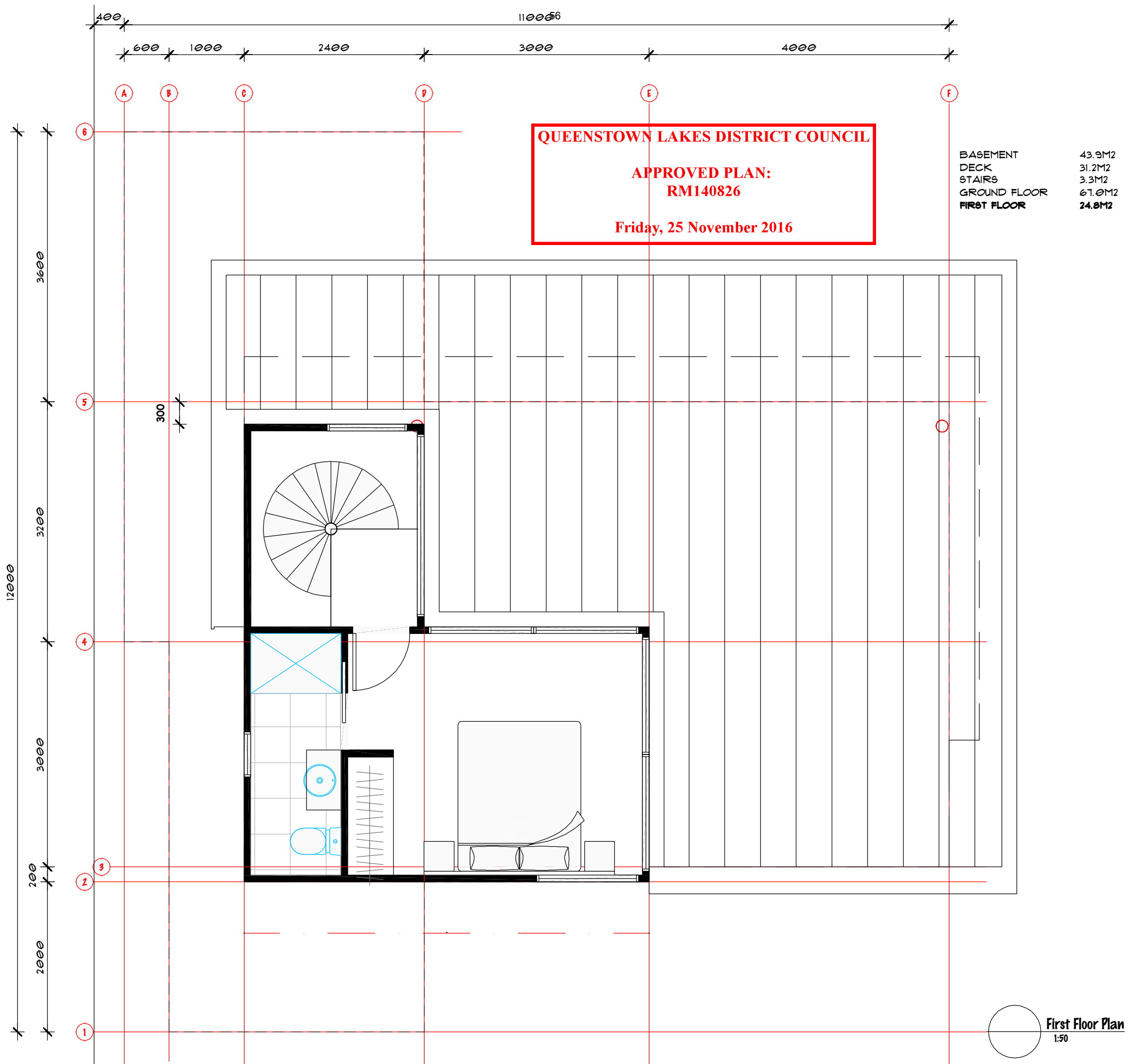
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DRAWN:	A.L.K.
CHECKED:	
DATE:	18/11/19
JOB NO:	19.177

DRAWINGS ISSUED:

SHEET TITLE:

Ground Floor Plan
 1:50 @ A3

COVER
 PLANS
 SECTIONS
 ELEVATIONS
 DETAILS
 COMPONENTS
 SCHEDULES



14/02/10 Rev 1: revised F&I ground floor



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PROJECT:

The Montreux Ltd
Dwelling B

289 FRANKTON RD
QUEENSTOWN

DESIGN:	P.S. G. & K.
DRAWN:	G. I. K.
CHECKED:	
DATE:	18/11/15
JOB NO:	19.177

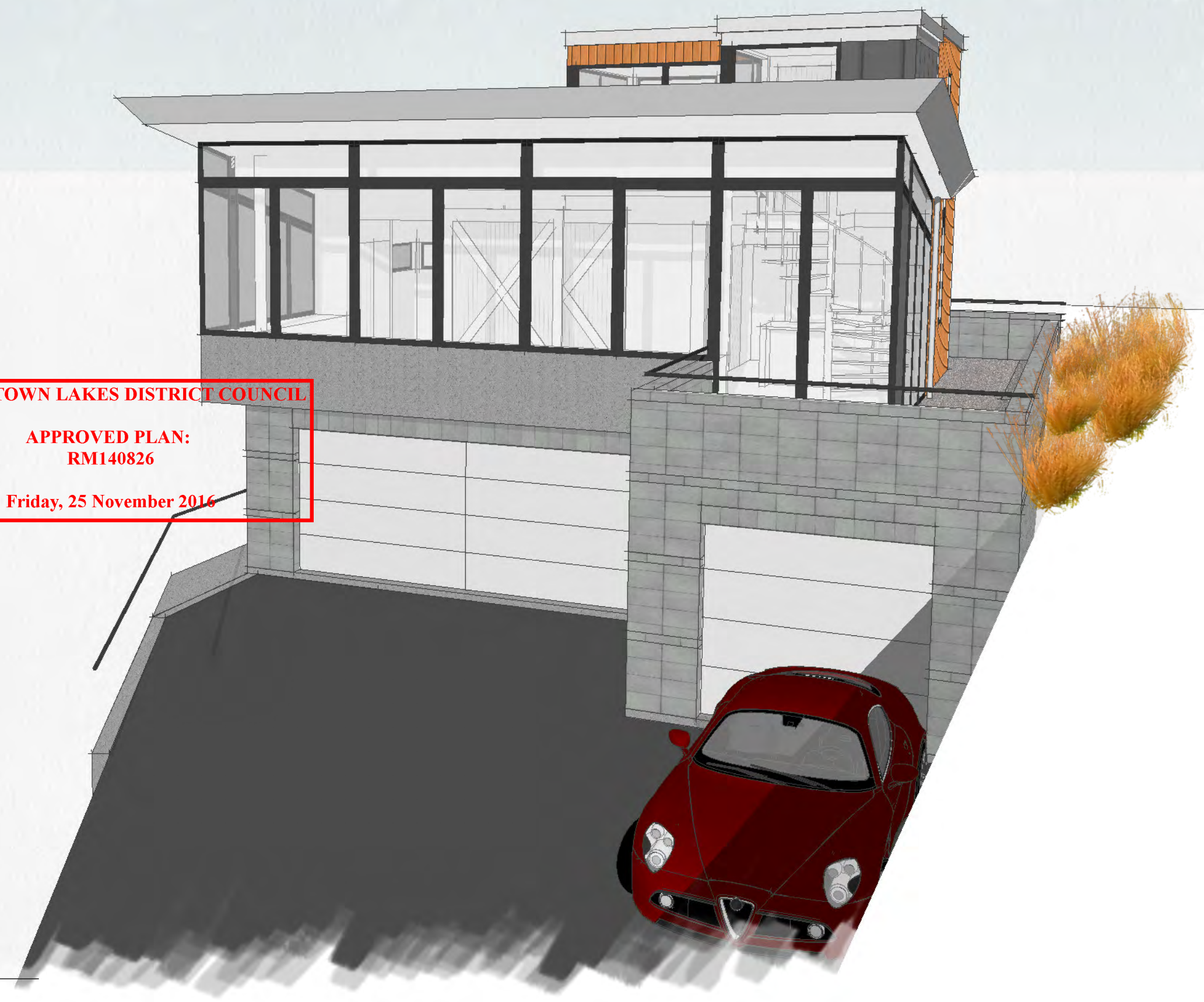
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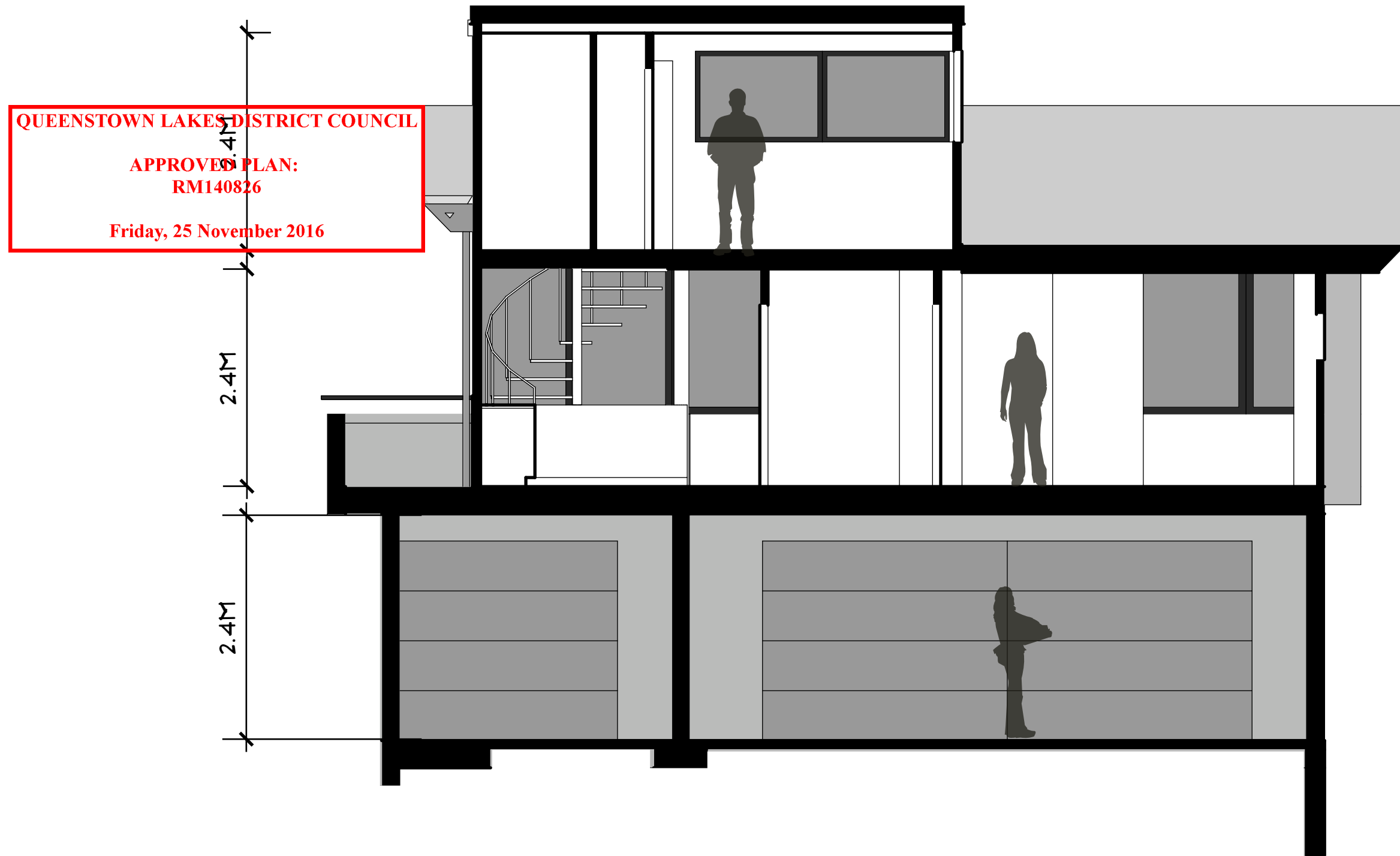
First Floor Plan
 1:50

SCALE:	As Shown	ORIGINAL SHEET SIZE:	A3
REVISION:	C	DWG NO:	P4

COVER
 PLANS
 SECTIONS
 ELEVATIONS
 DETAILS
 COMPONENTS
 SCHEDULES



- NE perspective
- rts

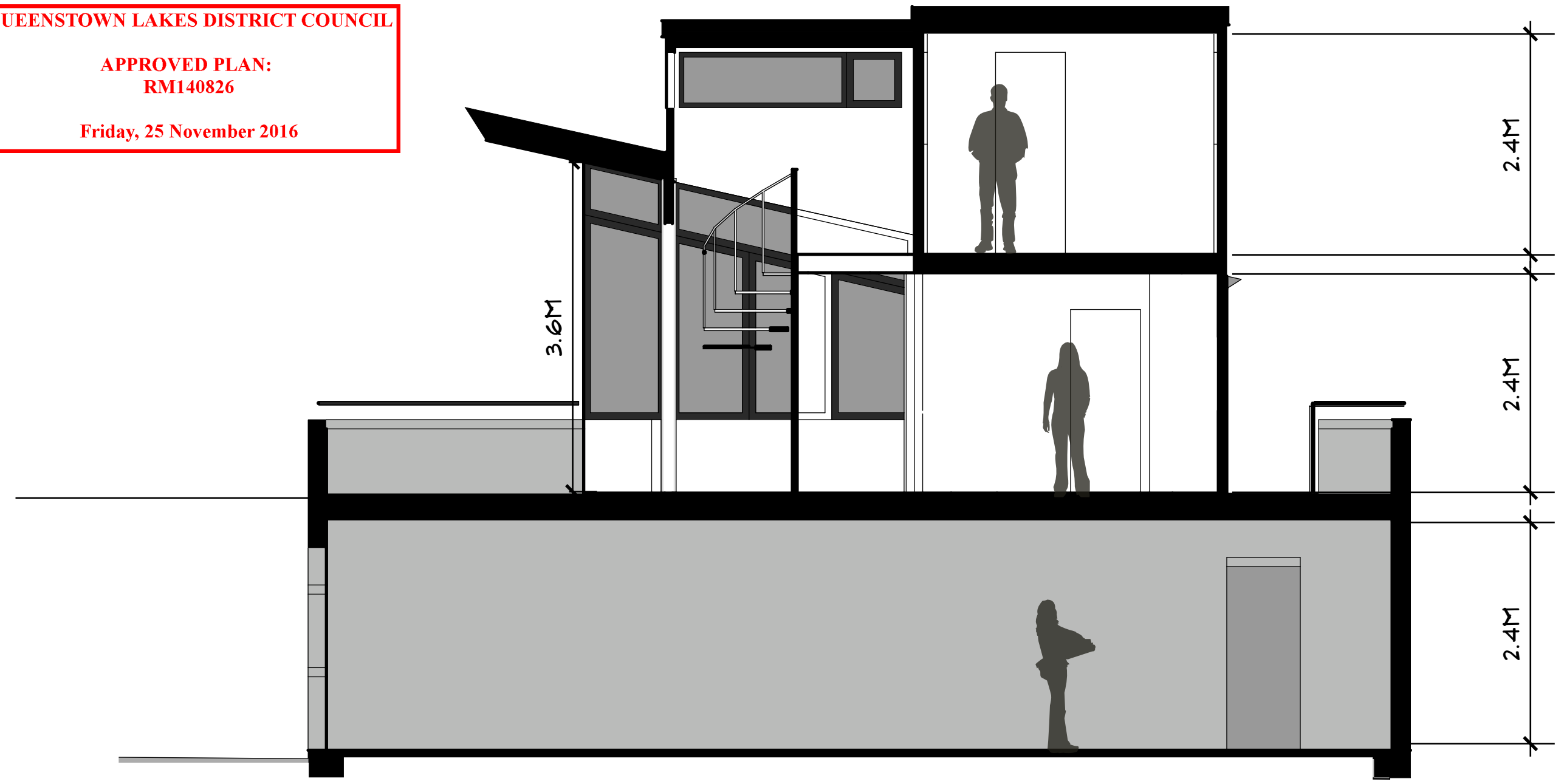


- Longitudinal Section
- 1:50

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016



- **Lateral Section- Stairwell**

- 1:50

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140826

Friday, 25 November 2016



- Lateral Section- Master Bedroom
- 1:50

The Montreux Ltd: Firstlight
263 Frankton Rd

www.structuralintegrity.co.nz

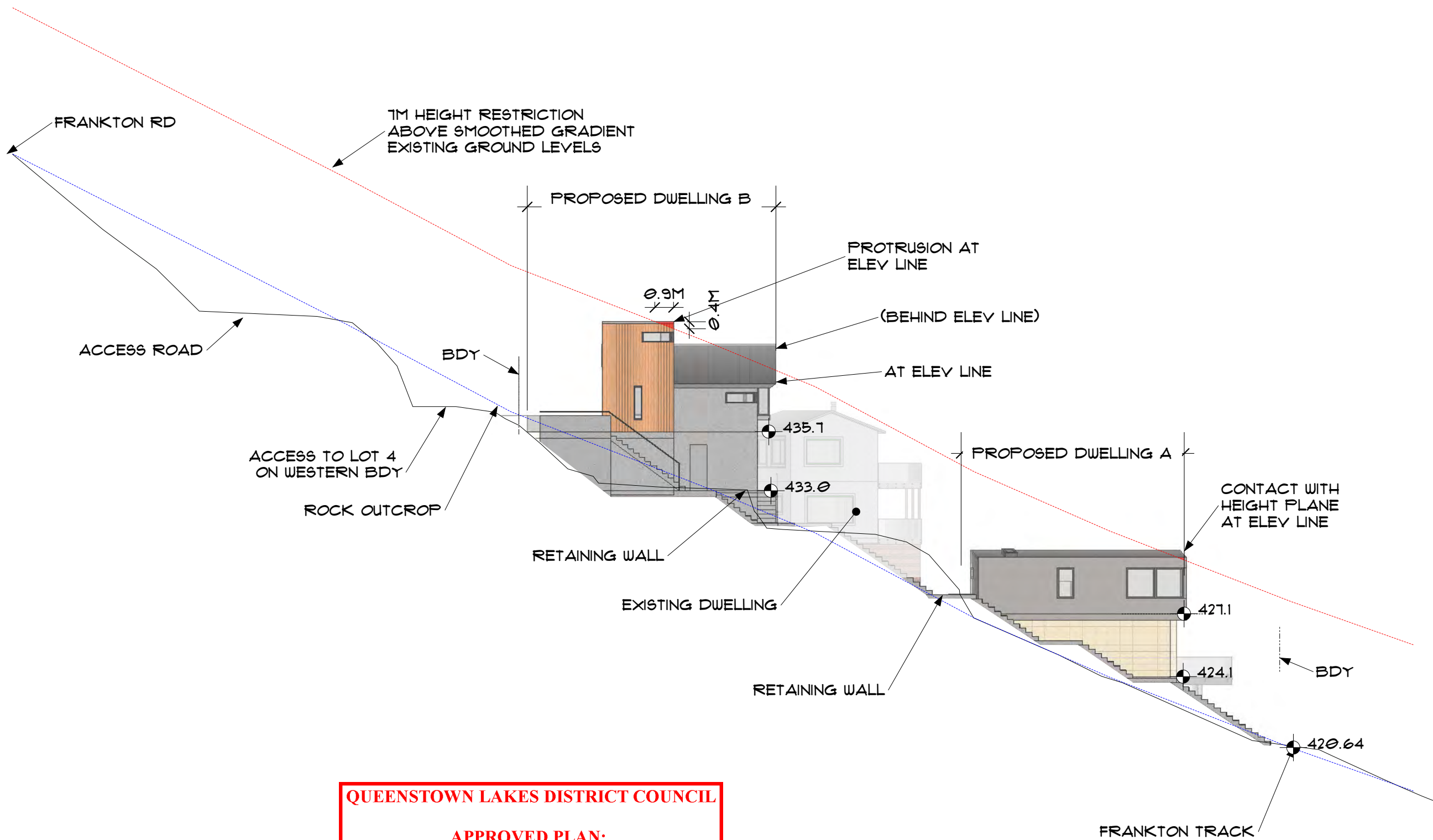
Designer: DS & GR
19 Nov 2015
Scale@A3

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sk
S3

CONCEPT.



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM140826
Friday, 25 November 2016



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PROJECT
The Montreux Ltd
Master Plan

259 FRANKTON RD
QUEENSTOWN

DESIGNED: **DS & GR**
 DRAWN: **GR**
 DATE: **17/12/14**
 JOB NO. **13.177**

SHEET TITLE:
West Elevation

SCALES: ORIGINAL SHEET SIZE
1:200 **A3**
 REVISION: SHEET NO

A **E01**

COVER
PLANS
SECTIONS
ELEVATIONS
DETAILS
COMPONENTS
SCHEDULES

southeast perspective
nts



southwest perspective
nts



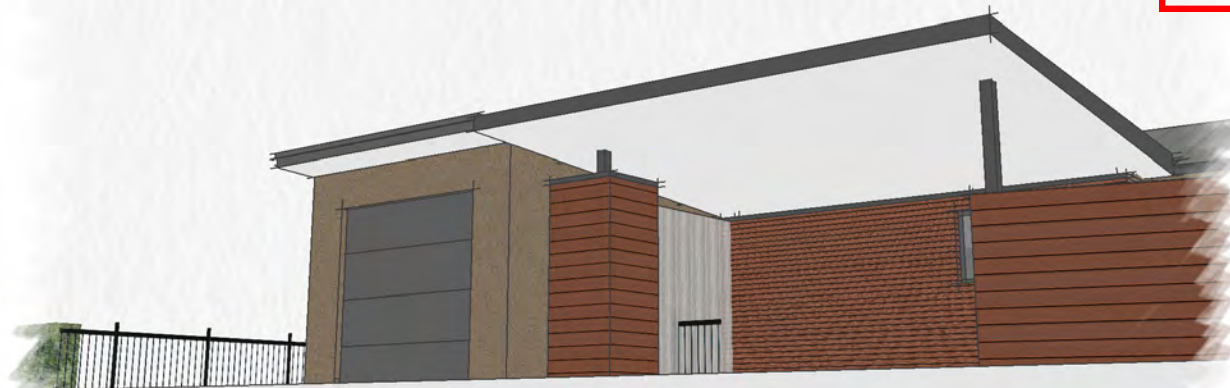
north perspective
nts



northeast perspective
nts



northwest perspective
nts



QUEENSTOWN
LAKES
DISTRICT
COUNCIL

APPROVED
PLAN:
RM140826

STRUCTURAL



Friday, 25
November 2016

PROJECT

The Montreux Ltd
Garage

263 FRANKTON RD
QUEENSTOWN

DESIGNED

COVER
PLANS
SECTIONS
ELEVATIONS
DETAILS
COMPONENTS
SCHEDULES

QR
QR
22/10/14
13.177



NOTES

D1.1 400x2400

D1.2 800x2200

D2.1 1400x2400

D2.2 800x1000

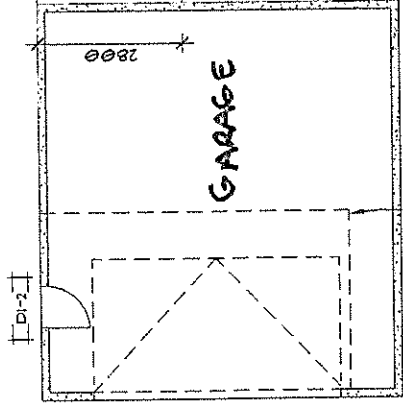
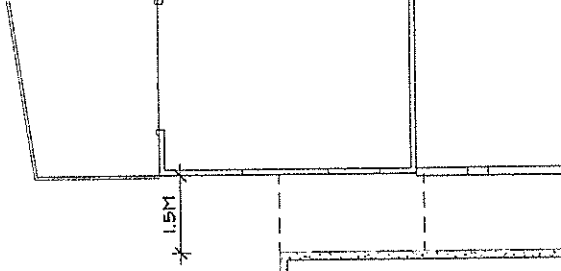
W2.1 800x800 SILL 1300

HEAD TRIMMER 90x30 FIXING TYPE 'G' REFER D05

LINTEL 90x30 FIXING TYPE 'F' REFER D05

HEAD TRIMMER 90x30 FIXING TYPE 'F' REFER D05

PROPOSED BOUNDARY



PROPOSED BOUNDARY

PROPOSED EASEMENT

REGISTERED ENGINEER

STRUCTURAL



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PROJECT

The Mantra Ltd

DESIGNER
DRAWN BY
CHECKED BY
DATE
JOB NO.

ALL
ALL
RUSH
18/17

DRAWINGS INDEX

SHEET FILE

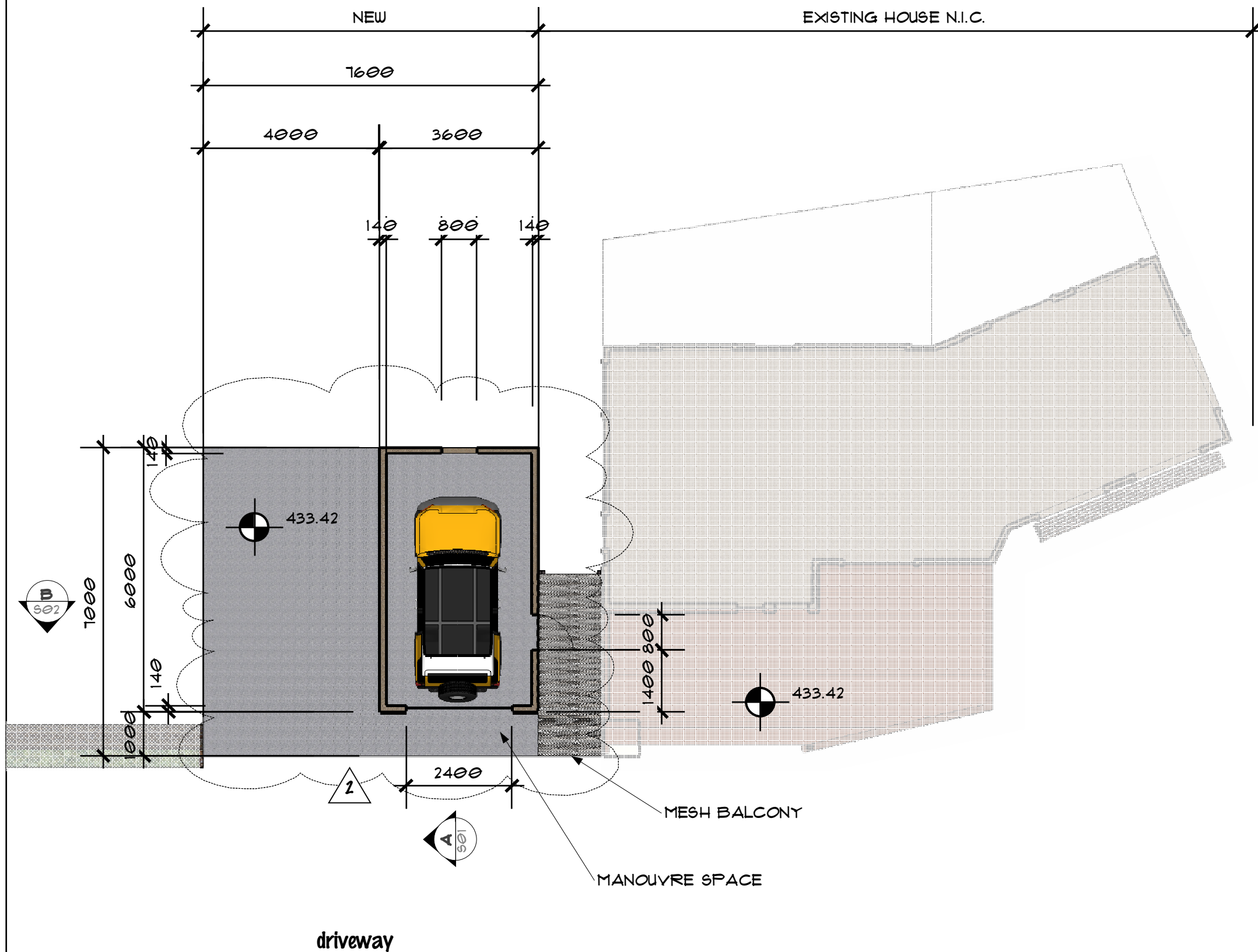
SCHEDULES
COMPONENTS
DETAILS
ELEVATIONS
PLANS
COVER

DATE: 11/11/2016
DRAWN BY: [Signature]
CHECKED BY: [Signature]
JOB NO: RM140826
PAGE: 1
TOTAL: 1/1

**QUEENSTOWN
LAKES
DISTRICT
COUNCIL**

**APPROVED
PLAN:
RM140826**

**Friday, 25
November 2016**



**QUEENSTOWN
LAKES
DISTRICT
COUNCIL**

**APPROVED
PLAN:
RM140826**

**Friday, 25
November 2016**

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PROJECT
**The Montreux Ltd
Garage**

**263 FRANKTON RD
QUEENSTOWN**

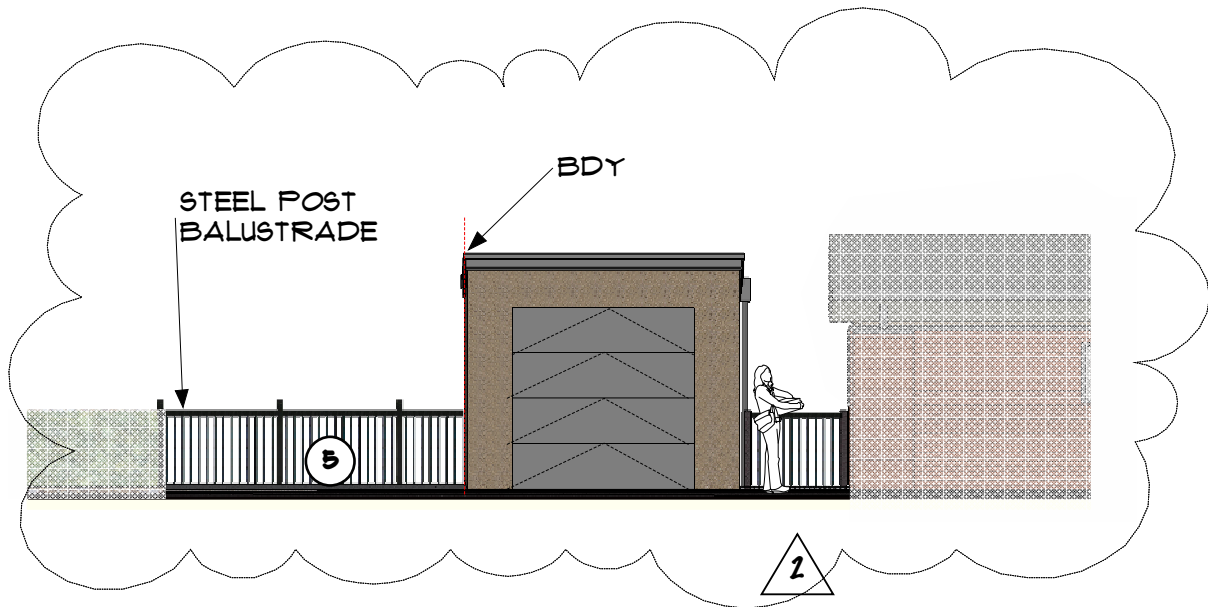
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DRAWN: **GR**
DATE: **22/10/14**
JOB NO. **13.177**

SHEET TITLE:
First Floor Plan

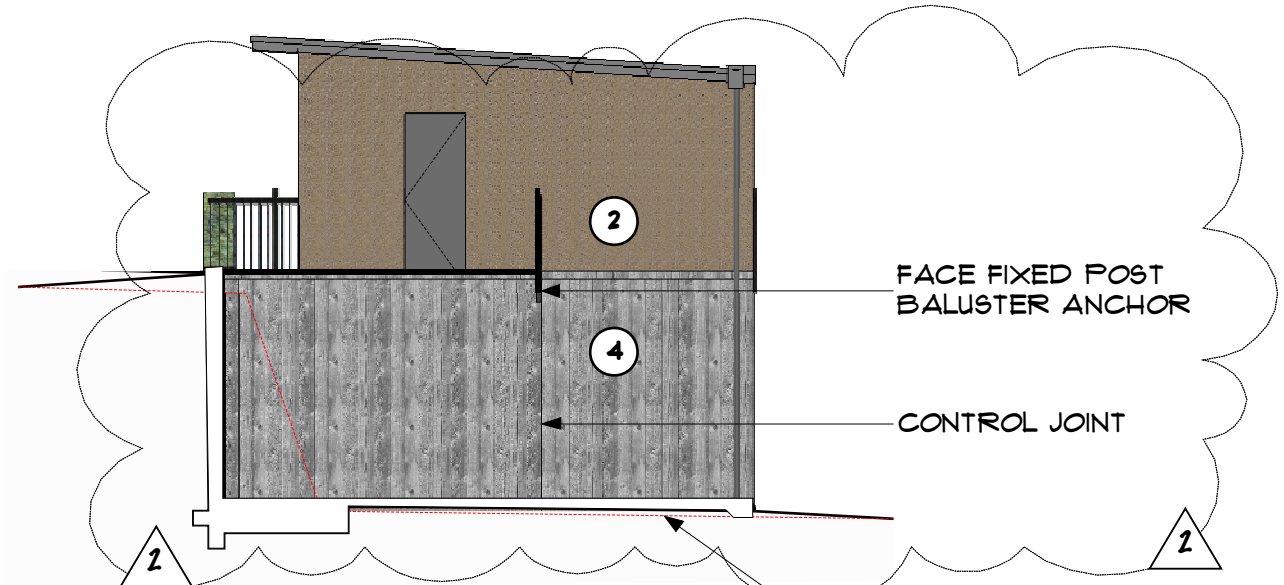
SCALES: ORIGINAL SHEET SIZE
1:100 **A3**
REVISION: SHEET NO

2 **P03**

COVER
PLANS
SECTIONS
ELEVATIONS
DETAILS
COMPONENTS
SCHEDULES



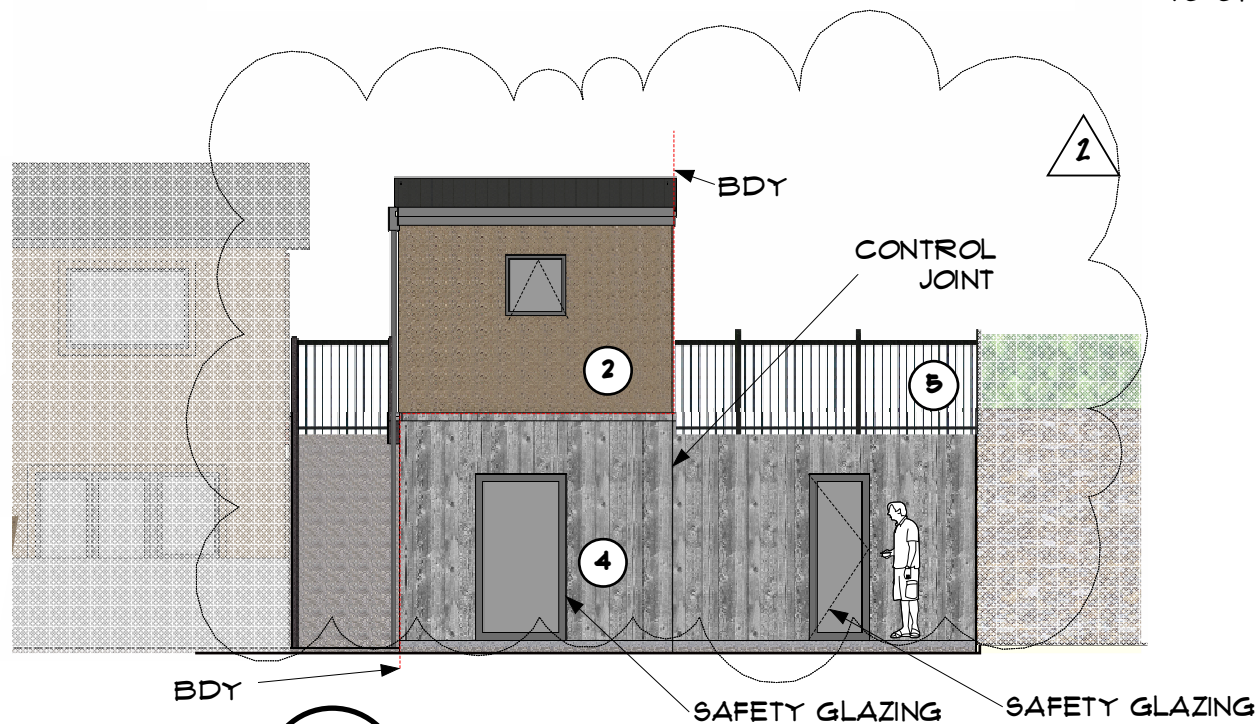
North Elevation
1:100



North Elevation
1:100

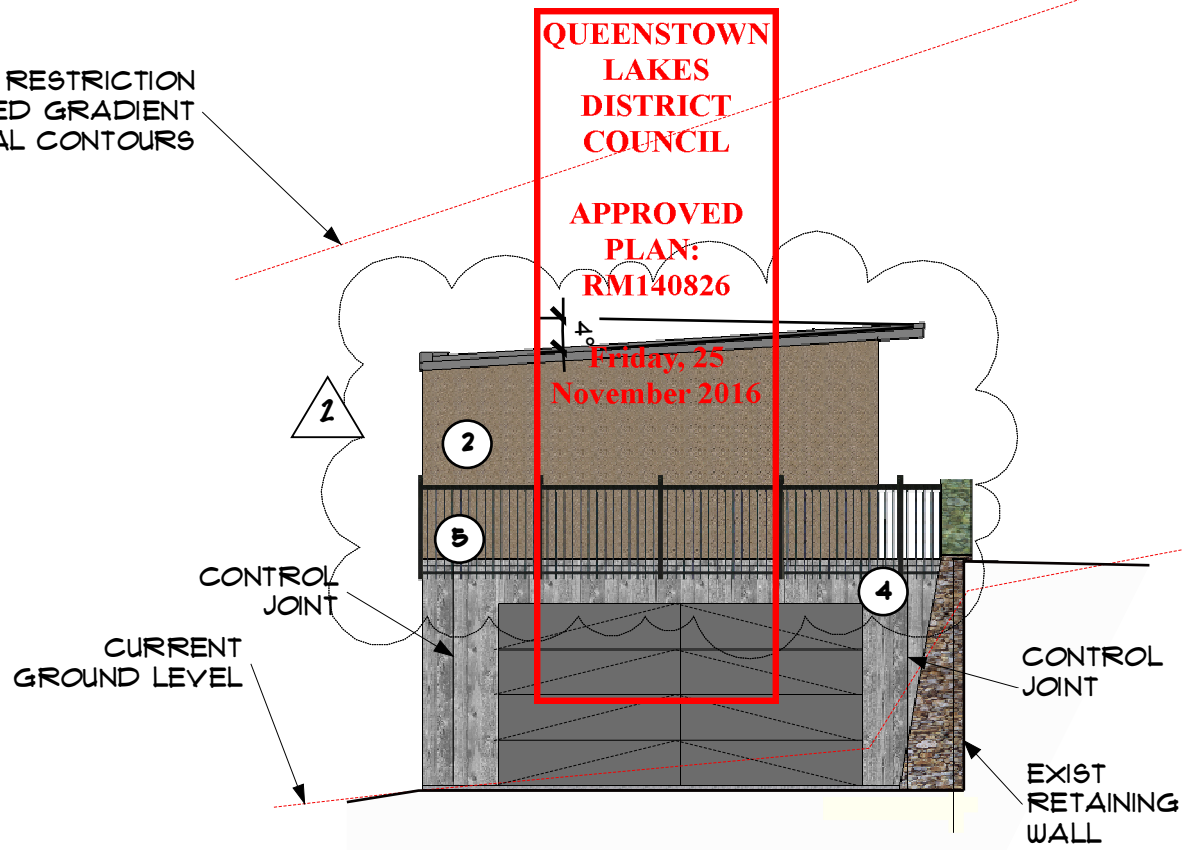
MATERIALS

- 1- COLORSTEEL "HI 5" RIBBED CLADDING IN "IRONSAND" OR SIMILAR
- 2- ACRYLIC PLASTER SYSTEM TO HARDIBACKER ON CAVITY BATTENS SELECTED PLASTER FINISH IE: RESENE 'DOUBLE ARROWTOWN' TO MATCH EXISTING HOUSE PROPOSED LOT 1
- 3- ALUM JOINERY TO MATCH ROOF
- 4- VERTICAL FORMWORK INSITU CONC
- 5- GALVANISED STEEL BALUSTRADE SYSTEM IN SELECTED FINISH



South Elevation
1:100

7M HEIGHT RESTRICTION
SMOOTHED GRADIENT
TO ORIGINAL CONTOURS



East Elevation
1:100

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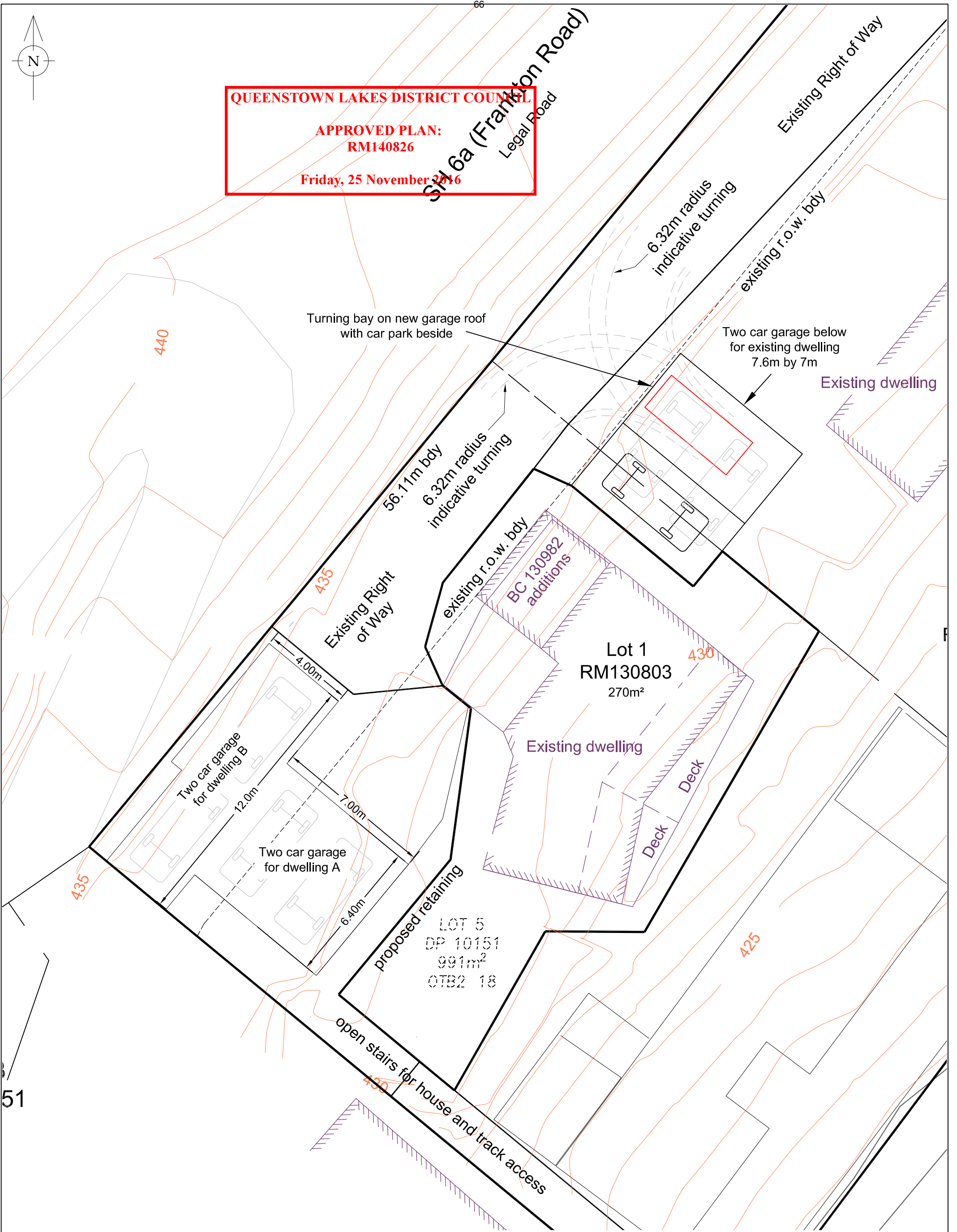
PROJECT
**The Montreux Ltd
Garage**
**263 FRANKTON RD
QUEENSTOWN**

DESIGNED: GR
DRAWN: GR
DATE: 22/10/14
JOB NO. 13.177

SHEET TITLE:
Elevations

SCALES: ORIGINAL SHEET SIZE
1:100 A3
REVISION: SHEET NO
0 E01

COVER
PLANS
SECTIONS
ELEVATIONS
DETAILS
COMPONENTS
SCHEDULES



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM140826
Friday, 25 November 2016

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 1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;
 2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

WARNING NOTE:
 This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed subdivision on the land. It is to read in conjunction with our terms of engagement to Donald Shewan. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

DATE: 20 Oct 2014
 BY: Bruce McLeod

Scale 1:150
 Original Plan A3

DRAWING & ISSUE No.
3620.3R.1A

TITLE:

CAR PARK & TURNING PLAN
Lots 1 & 2, RM 130803
259 - 263 Frankton Road



PO Box 2493
 Wakatipu 9349
 Ph 03 442 3466
 Fax 03 442 3469
 Email admin@ascl.co.nz

A	20/10/14	Initial release	BM
REV.	DATE:	REVISION DETAILS:	BY:

Key to Excavation depths

- 0.0m to 0.5m FILL
- 0.5m to 1.0m FILL
- 1.0m to 1.5m FILL
- 1.5m to 2.0m FILL
- 2.0m to 2.5m FILL
- Deeper than 2.5m FILL
- 0.0m to 0.5m CUT
- 0.5m to 1.0m CUT
- 1.0m to 1.5m CUT
- 1.5m to 2.0m CUT
- 2.0m to 2.5m CUT
- Deeper than 2.5m CUT

Earthworks Summary

Cut 300m³
 Fill 300m³
 Excess cut over fill 0m³

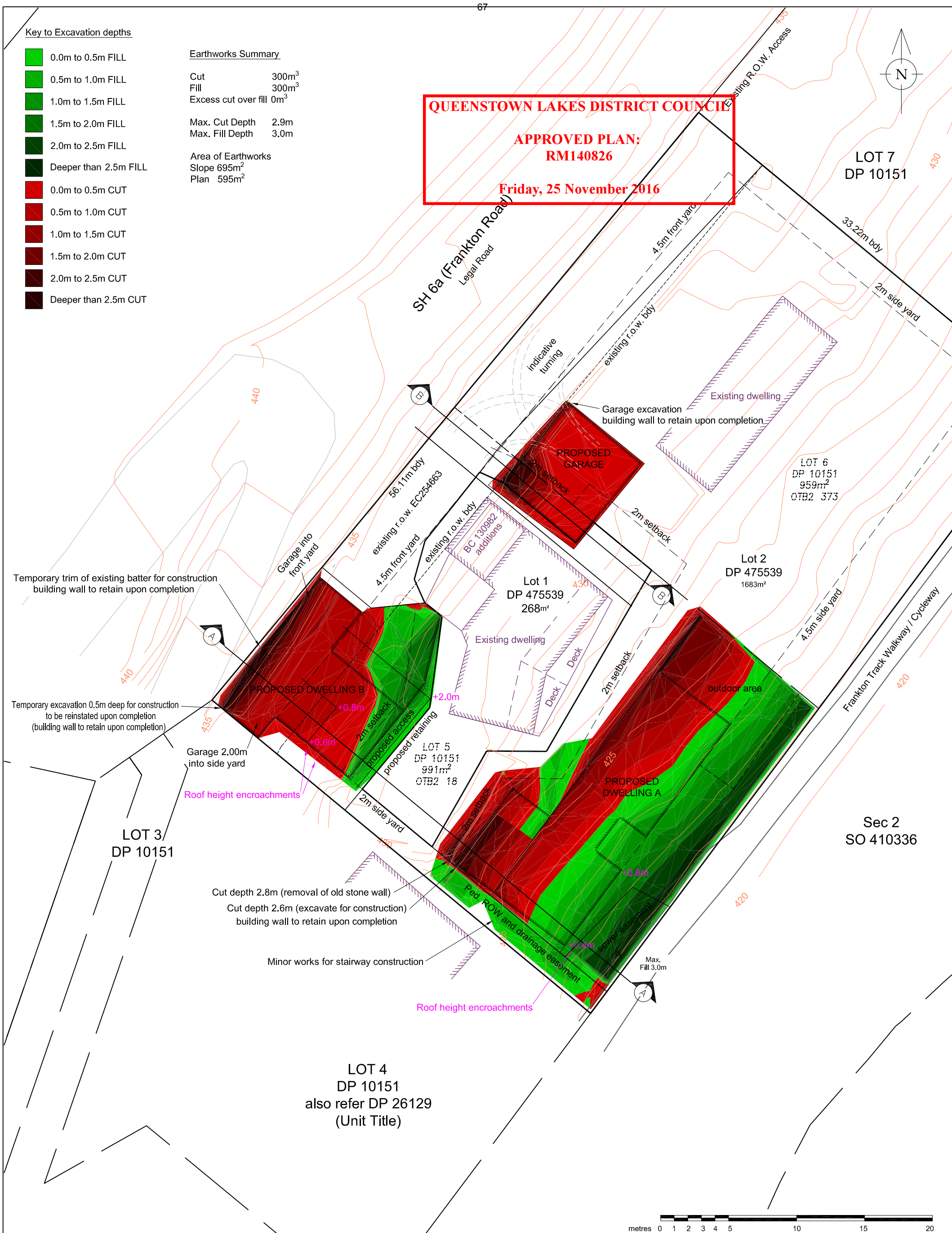
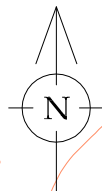
Max. Cut Depth 2.9m
 Max. Fill Depth 3.0m

Area of Earthworks
 Slope 695m²
 Plan 595m²

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140826**

Friday, 25 November 2016



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DATE: 9 June 2016 Scale 1:250 DRAWING & ISSUE No. 3620.2R.1C
 BY: Bruce McLeod Original Plan A3

REV.	DATE:	REVISION DETAILS:	BY:
C	9/6/16	Minor amendments	BM
B	22/10/14	Indicative turning adjusted	BM
A	29/01/14	Initial release	BM

TITLE:
Earthworks Site Plan
Lots 1 & 2, RM 130803
259 - 263 Frankton Road

AURUM SURVEY

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 Email admin@ascl.co.nz

