

# <u>DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL</u>

## **RESOURCE MANAGEMENT ACT 1991**

Applicant: Northlake Investments Limited

RM reference: RM180492

**Location:** Northlake Drive, Wanaka

Proposal: To subdivide Lot 2005 into 20 residential lots and to vest the proposed

central reserve in QLDC.

Land use consent to erect 20 terrace housing units on the lots approved by the subdivision along with associated earthworks, servicing and

landscaping.

Type of Consent: Subdivision and land use

**Legal Description:** Lot 2005 Deposited Plan 529185 and Lot 66 Deposited Plan 371470

held in Computer Freehold Register 857195

**Zoning:** Northlake Special Zone Activity Area D1 (Operative District Plan)

N/A (Proposed District Plan)

Activity Status: Non-complying (Operative District Plan)

Public Notification: 13 September 2018

**Commissioners:** Dr Lee Beattie and Jane Sinclair

Date of Decision: 5 February 2019

Decision: CONSENT IS GRANTED subject to conditions

IN THE MATTER of the Resource Management Act 1991

**AND** 

IN THE MATTER of an Application to QUEENSTOWN LAKES

**DISTRICT COUNCIL by NORTHLAKE** 

**INVESTMENTS LIMITED** 

Council Reference: RM180492

# DECISION OF COMMISSIONERS DR LEE BEATTIE AND JANE SINCLAIR APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RMA ACT 1991

The Hearing and Appearances

**Hearing Date:** Wednesday 12 December 2018, in Wanaka

Appearances for the Applicant: Mr Warwick Goldsmith, Legal Counsel;

Mr Marc Bretherton, Applicant's

Development Manager;

Mr Garth Falconer, Urban Designer and

Director of Reset Urban Design; and

Mr Duncan White, Planning Consultant of

Paterson Pitts Limited Partnership.

Appearances for the Council: Ms Sarah Gathercole, Senior Planner;

Mr Tim Church, Consultant Urban Designer

of Boffa Miskell;

Ms Lyn Overton, Resource Management

Engineer; and

Ms Charlotte Evans, Hearings Secretary.

#### **Abbreviations:**

The following abbreviations are used in this decision:

Northlake Investments Limited 'the Applicant'

Queenstown Lakes District Council 'the Council'

The Operative Queenstown Lakes District Plan 'the ODP'

The Proposed Queenstown Lakes District Plan 'the PDP'

Assessment of Environmental Effects 'AEE'

Resource Management Act 1991 'RMA'

The land subject to this application is referred to as "the site".

The hearing was closed on 10 January 2018, following receipt of the requested information, supplied in writing on behalf of the Applicant.

#### INTRODUCTION AND BACKGROUND

- This decision is made on behalf of the Queenstown Lakes District Council ('the Council')
  by Independent Hearings Commissioners Dr Lee Beattie and Ms Jane Sinclair,
  appointed and acting under sections 34 and 34A of the Resource Management Act 1991
  ('the RMA') to hear and determine the application by Northlake Investments Limited ("the
  Applicant").
- 2. The site is located on Northlake Drive, within the Nothlake subdivision, Wanaka. The site is located on Lot 1017 which we understand was approved as part of resource consent RM161292 (as modified by resource consent RM171077). We further understand that the subdivision to create this lot has not yet been finalised and that the legal description has changed since the application was lodged due to the completion of another stage of the Northlake subdivision. We were advised that at the time of the hearing the legal description was Lot 2004 Deposited Plan 526557 however, since the adjournment of the hearing a new Computer Freehold Register was issued changing the legal description to Lot 2005 Deposited Plan 529185 and Lot 66 Deposited Plan 371470. The site currently comprises a total area of 85.0744 hectares. We understand that this legal description will change again when Lot 1017 RM161292 deposits.
- 3. The site is located within Activity Area D1 of the Northlake Special Zone ('NSZ') and is located close to the Northlake Village centre. The site is bounded by Cluden Street to the east, Oblelisk Street to the south and Mount Nicholas Avenue to the west. The site is separated from Northlake Drive to the north by a reserve to vest (Lot 1018).
- 4. The site is currently vacant of built form and we were informed that the bulk earthworks that have been completed on the site have been carried out as part of the works associated with resource consent RM161292. We were informed that the stormwater detention pond located on site is a temporary pond associated with construction activities.
- 5. In reaching this decision we have considered:
  - a. The application, its AEE and all its supporting documents;
  - b. The Council Officer's s.42A report, with supporting reports attached to the s.42A report;
  - The pre-circulated evidence from the Applicant;
  - d. The responses to our questions during the hearing;
  - e. The Applicant's right of reply;
  - f. The site visit; and
  - g. The relevant provisions of both the Proposed and Operative Queenstown Lakes District Plans.

#### THE PROPOSAL

The proposed development involves the subdivision of Lot 2005 into 20 residential lots and the construction of 20 terrace housing units on these lots. The application is described in detailed within the Applicant's AEE with the key features of the proposal being;

#### Subdivision

- The creation of 20 residential lots oriented long-side east-west in two rows along the eastern and western boundaries of the site. Each lot has road frontage and individual pedestrian and vehicle access;
- The two rows of lots are seperated by a proposed reserve comprising 1025m<sup>2</sup> providing a north-south pedestrian link;
- The lots comprise ten lots of 155m<sup>2</sup>, eight lots of 200-210m<sup>2</sup>, and two larger lots of 320m<sup>2</sup> and 355m<sup>2</sup> respectively;

#### Land Use

- The terrace houses are designed in a series of five blocks, with each block containing 4 units and each block seperated by a 3 metre gap. Each unit is to be loacted on one of the 20 lots proposed as part of the subdivision;
- Each terrace house comprises three bedrooms and one bathroom and have a
  maximum height of 8 metres from finished ground level. It is proposed to vary
  the facades of the houses using a variety of external materials. Each unit has a
  40m² outdoor living area.
- Each unit includes an uncovered parking space for two vehicles in a tandem parking arragement;
- Infrastructure to service the development;
- · Associated landscaping; and
- The proposal has been design to achieve an efficient and affordable housing project.

## Amendments to the application

7. A number of amendments have been made to the application since it was notified, which were drawn to our attention either prior to the hearing or during the course of the hearing. We were advised in a Memorandum by the Applicant's legal counsel dated 30 November 2018 that they wish to remove all reference to Rule 15.2.20.1 relating to the provision of 20 affordable lots required by that zone standard. As a consequence of this amendment, consent is no longer sought or required under this rule and the 20 affordable lots issue is no longer relevant. Other amendments to the application include the plans being amended to show a proposed garden shed for each lot, screening for the rubbish bin area and amended landscaping.

8. We are of the view that the proposed changes are generally within the scope of the application as notified.

#### **NOTIFICATION AND SUBMISSIONS**

- 7. The application was publicly notified on 13 September 2018, with submissions closing on 11 October 2018. No submissions were received on the application.
- 8. No written approvals or evidence of consultation were provided with the application.

#### PLANNING FRAMEWORK

## The Operative Plan

- 9. The site is zoned Northlake Special Zone, located in Activity Area D1 under the ODP.
- 10. While we have considered this as an integrated package of resource consents we are clear that we have considered the relevant s.9 matters independently from the s.11 matters, with the relevant subdivision and land use consent matters are set out below.

#### Subdivision

11. The resource consents required in relation to the **subdivision** consent application are set out in section 5.1 of Ms Gathercole's s.42A report. With the Applicant withdrawing consent being required under Rule 15.2.3.4 relating to 20 affordable lots, there was no disagreement between the parties on matters as to the range of subdivision consents required. As a result we adopted Ms Gathercole's rule assessment, noting that the subdivision activity must be assessed as a **non-complying activity**.

#### Land Use

- 12. The resource consents required in relation to the land use consent application are also set out in section 5.1 of Ms Gathercole's s.42A report. There was no disagreement between the parties as to the range of consents required and as a result we have adopted these as set out for this decision, noting that the land use activity must be assessed as a **restricted discretionary activity**.
- 13. The relevant provisions of the ODP that require consideration can be found in Part 12.34 (Northlake Special zone); Part 14 (Transportation) and Part 15 (Subdivision, Development and Financial Contributions).
- 14. Ms Gathercole in her s.42A report advised us that the Council notified its decisions on Stage 1 of the PDP on 5 May 2018, with an appeals version released in July and that the subject site is not proposed to be rezoned through this stage. However she advises that the objectives and policies of Chapter 3 Strategic Direction are relevant to consider.
- 15. Further, we were advised that Council notified Stage 2 of the PDP (Stage 2 Notified

Version 2017) on 23 November 2107 and that the site is also not proposed to be rezoned through this stage and therefore there are no rules relavent to this proposal. There was no disagreement between the parties on these matters and as such we have considered the ODP and the PDP's policy framework (objectives and policies) with the appropriate weight, a point that we will return to later in the decision.

## Operative Regional Policy Statement

16. The relevant objectives and policies are in Part 5 Land and Part 9 Built Environment.

## Proposed Regional Policy Statement

- 17. The Proposed Regional Policy Statement was notified on 23 May 2015 and decisions were notified on 1 October 2016. Appeals were lodged with the Environment Court, covering a wide range of topics. Consent orders have now been signed off by the Environment Court addressing those appeals and we have assessed this proposal against the consent order version of the proposed RPS where that is relevant. We understand two appeals are not yet resolved.
- 18. The relevant objectives and policies are found in Chapters 1, 4 and 5. These generally align with the Operative Regional Policy Statement.
- 19. Overall we have considered the activity as a **non-complying activity**.

## **Relevant Statutory Matters**

- 20. As a non-complying activity the application is subject to a s.104D gateway assessment before a s.104 determination can be made. Section 104D requires that adverse effects on the environment are no more than minor and that the proposal is not contrary to the objectives and policies of the district plan. Our decision will follow this format and only undertake a s.104 determination if one or both of the s.104D gateway test are met.
- 21. Further, s.106 provides that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.
- 22. Finally, sections 108 and 220 empower the Commission to impose conditions on land use and subdivision consents if granted.
- 23. We address Part 2 later in this decision.

## **LEGAL SUBMISSIONS AND EVIDENCE HEARD**

24. Pre-circulated expert evidence was received from the Applicant before the hearing. The Applicant presented legal submissions at the hearing. No additional evidence was tabled at the hearing and following the presentation of the legal submission, each

witness confirmed their evidence as circulated and answered questions from the Commission.

25. The section below is a summary only of the evidence that we heard. The detail of the expert evidence in particular is addressed below in the assessment of environmental effects and in our section addressing the relevant planning provisions.

## For the Applicant

- Mr Goldsmith, Legal Counsel presented extensive opening legal submissions addressing the proposal, amendments to the application, the consents required, issues under debate, the significance of the approved reserve, lot sizes and dimensions, Part 14 Transport, the East-West link and the building setback issue. His submission also addressed the s.104D gateway tests, precedent, Part 2 of the RMA and conditions. Mr Goldsmith helpfully set out the issues under debate as being:
  - The removal of what is referred to as the 'East-West link' associated with the subdivision consent application, being the East-West pedestrian link shown on the approved Outline Development Plan; and
  - The setback of approximately 10m between the road boundary and the proposed residential building on each lot associated with the land use application.
- 27. Mr Goldsmith reiterated that the '20 affordable lots' was no longer an issue due to the amended application. He submitted that the subdivision and the land use consents applied for are separate issues and are not interlinked and must be considered on their own in relation to objectives, policies and assessment matters relevant to that consent.
- 28. Mr Goldsmith submitted¹ that the only issue under debate for the subdivision consent application is the restricted discretionary consent required in relation to the East-West link and that adverse effects arising from the loss of the link are, at most minor and that the application does not result in the proposal being contrary to any relevant objectives, policies and assessment matters.
- 29. Referencing the expert evidence, Mr Goldsmith submitted that the only issue under debate for the land use consent requested is associated with Rule 12.34.2.3.iii for a restricted discretionary activity for the construction of buildings with more than three residential units. He submitted<sup>2</sup> that this rule has four matters of discretion and that the only issue of debate relates to "The location, external appearance and design of the building". He set out that there is no debate on the design and external appearance and that the issues relate to the location of the buildings being setback approximately 10m from the road boundary. Mr Goldsmith submitted that the design is an inevitable consequence of design and affordability and that it creates a different urban design outcome but is not necessary an adverse outcome with more than minor effects.
- 30. Mr Goldsmith reminded the Commission that the central reserve has been considered and approved by resolution of the full Council on 13 July 2016, and that accordingly the

<sup>&</sup>lt;sup>1</sup> Opening legal submissions for Applicant, paragraphs 23 & 24

<sup>&</sup>lt;sup>2</sup> Opening legal submissions for Applicant, paragraphs 26 &27

location, extent and dimensions now form part of the planning framework. In regard to lot size and dimensions Mr Goldsmith submitted<sup>3</sup> that when the evidence is considered the long narrow lots are not contrary to the policies of the zone. Mr Goldsmith submitted<sup>4</sup> that the adverse effects identified in the s.42A report associated with the East-West link are not supported by expert evidence; the link is not logical or significant part of the wider pedestrian and cycling network; adverse effects will not be more than minor; and the loss will not undermine the integrity of the district plan. In considering the building setback issue Mr Goldsmith<sup>5</sup> advised us that care must be taken to ensure that the correct assessment and analysis has been undertaken before determining how much weight to place upon the conclusion. He agreed that the lack of a garage, together with stacked parking results in a relatively unusual urban design outcome however the proposal complies with setback requirements. Mr Goldsmith advised us the that Applicant strongly opposes Mr Church's recommended design solutions on the basis that the reserve has been approved and that the residential units are designed to face and interact with the reserve.

- 31. Mr Goldsmith submitted that the proposal passes through at least one, if not both of the gateway tests under s.104D and that the Commission has discretion to grant consent. Further that the proposal must be judged on its merits and that similar applications had been granted in the area. Finally, Mr Goldsmith queried whether Part 2 was relevant given that the proposal was being assessed against the Operative District Plan and that there has been no suggestion that reference to Part 2 is necessary to assist with the evaluative exercise required of the Commission. In doing so Mr Goldsmith referred us to the decision of the Court of Appeal in *Davidson*<sup>6</sup>, noting that the Court confirmed the application of Part 2 of the Act to resource consent applications but noting also that such recourse to Part 2 may not add anything where planning documents have been competently prepared in a manner that appropriately reflects the provisions of Part 2.7 We agree with this approach and find the ODP is considered a valid, complete and certain planning document.
- 32. **Mr Bretherton**, Development Manager presented both written and oral evidence. His evidence outlined development considerations, affordability, alternative scenarios, and the previously granted resource consent RM180702. He explained that the approved reserve is the driver for the subdivision design and that there is nothing inherently undesirable with long narrow lots provided they contain enough room for houses to be built on. In his view, the combination of a well throughout, three bedroom design, along with reserve access will provide an attractive liveable option. He further explained that a principal consideration of the design is to improve affordability without compromising the integrity of the Northlake development. In his view aspects of affordability directly relate to land cost, cost of construction and size of dwellings and that when you combine smaller lots sizes, efficiencies in construction and smaller houses it is possible to achieve a more affordable dwelling.

<sup>&</sup>lt;sup>3</sup> Opening legal submissions for Applicant, paragraph 38

<sup>&</sup>lt;sup>4</sup> Opening legal submissions for Applicant, paragraph 47

<sup>&</sup>lt;sup>5</sup> Opening legal submissions for Applicant, paragraph 50

<sup>&</sup>lt;sup>6</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

<sup>&</sup>lt;sup>7</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, at paragraphs [74]-[75]

- 33. Mr Bretherton advised that with the District Plan requiring a 40m<sup>2</sup> outdoor living area and parking for two vehicles on site along with the north/south location and orientation of the approved reserve has limited the design options. He submitted that this combination and the desire to improve affordability has resulted in an appropriate outcome.
- 34. Further Mr Bretheton drew our attention to resource consent RM180702 which has been granted for a similar development albeit for 10 lots with ten residential units and in particular that this development approved a 10m setback with uncovered stacked parking for two duplexes (lots 2/3 and 4/5). He noted that this consent included a covenant that fencing and hedging between the street and building does not exceed 1.2m in height. Mr Bertherton advised that the Applicant is willing to offer the same consent notice for this development in the form of an auger condition.
- 35. Mr Falconer, Urban Designer presented both written and oral evidence. His evidence addressed urban design considerations and the district plan urban design assessment matters. Mr Falconer advised us that that the terrace house typology is a relatively novel model in the New Zealand market and that aligning all the units in an east west arrangement will achieve better solar access and allow for the consolidation and expansion of the central reserve. He submitted that a larger setback is required to provide for the requirement of two car parks on site and that with attractive landscape treatment will not result in a car dominated streetscape. Further his evidence advised that the landscape treatment on the street frontage will provide a suitable level of connection with the street. In his opinion an alternative parking scenario will provide poorer outcomes in terms of urban design and safety. Mr Falconer submitted that the building form is appropriately varied and modulated to provide interest and variety and that the rear of the units will have a generous interface with the large central reserve. Mr Falconer advised that the proposal is consistent with the district plan assessment matters and objectives and policies and will provide a quality design aimed at the affordable market.
- Mr White, Planning Consultant presented planning evidence outlining his understanding of the relevant plan provisions. He disagreed with the conclusions of the s.42A report and considered that the development can and should be granted. His evidence addressed differences from the approved Outline Development Plan, lot sizes, reserves, setbacks and parking, passive surveillance and interface with the adjoining reserves. He concluded that the proposal will have no more than minor adverse effects and there will be some positives effects arising from potential housing affordability. Mr White assessed the objectives and policies and advised that affordability and efficient use of land are key issues in the Northlake Special zone. He addressed objectives and policies of the Northlake Special zone, Part 14 and Part 15, concluding that the proposal complies with the relevant objectives and policies of the ODP and PDP and that the departure from the Outline Development Plan and lack of an East-West link are not specific requirements directed by any of the relevant provisions.

## **Council Officers**

37. **Ms Overton** Council's Resource Management Enginner attended the hearing and represented the engineering report prepared by Mr Antony White. Mr White's report

included specific assessment of the roads and access, road lighting, vehicle crossings, parking and loading, sight lines, distance from vehicle crossings to intersections, services, easements, earthworks, natural hazards and recommended a number of conditions. In Ms Overton's oral report at the hearing, she addressed alternative access and parking arrangements.

- 38. **Mr Church's** (Urban Designer) first urban design report concluded the proposal is generally consistent with the approved Outline Development Plan for Activity Area D1 in terms of its provision of medium-density terraced housing and open space provision and connections to the wider networks of the Northlake Structure Plan. However, he recommended a more direct connection is provided to the East, between Blocks D and E. He submitted that the urban design impact of the lot configuration and the poor quality urban design outcomes remain outstanding issues. He recommended that the lot configuration is revised to achieve a better balance between urban design outcomes and maintaining clustering and consistent typologies to enforce affordability.
- 39. Mr Church provided further comments (via email dated 19 July) on the Applicant's response to his initial report where he advised that while the architectural designs of the dwellings was acceptable, the regimented layout and carport configurations will not deliver expected urban design outcomes. He advised that the dominance of car parking on the street frontage is due to both the long setback of the front door behind the stacked parking and the multiple vehicle crossings created by the narrow terraced house frontage.
- 40. In a further email dated 9 August, Mr Church advised that the removal of the car ports and further material articulation of the end terraces is an improvement in the design. Mr Church accepted that the short groupings of terraces and relatively short blocks are mitigating aspects, and the East-West link while advisable, is not critical given the short block. However, he does not consider the stacked parking arrangement as typical for a medium density housing type. Further the long setback, intervening parked cars and only bedrooms facing the street restricts passive surveillance. Finally, Mr Church drew our attention to some inconsistencies in the submitted landscape plans.
- 41. **Ms Gathercole**, Senior Planner spoke to her written report and clarified some matters in relation to resource consent RM180702. Ms Gathercole's relied on Mr Church's evidence and her recommendation did not change following the hearing of the evidence. At the request of the Commission, Ms Gathercole provided further information and clarification relating to the processing and approval of RM180702 in a later memo which explained that no land use consent was sought or required for the construction of these residential dwellings, and that in her opinion, the application is significantly different from this application and should not be a precedent which can be relied on for this application.

## Right of Reply

42. **Mr Goldsmith** gave an oral right of reply addressing a number of issues. He reiterated that the Applicant was applying for two different consent applications and that each application had its own separate considerations. In response to issues raised by Council about redesigning the car parking area, he submitted that the Applicant cannot create a

- common space for car parking with a Joint Own Access Lot as part of this process. Mr Goldsmith agreed that the proposal must be assessed as a non-complying activity and that we were entitled to apply the assessment matters as part of our consideration.
- 43. Mr Goldsmith submitted that the Northlake Special zone activity rule relating to lot size refers to indicative lot sizes and that we are not bound by the Outline Development Plan. He further submitted that the subdivision controls are concerned with lot size and dimensions, subdivision design, and property access and that the proposal clearly fits within these parameters.
- 44. In regard to the East-West link, Mr Goldsmith submitted that Ms Gathercole didn't mention that Mr Church accepted that the link was not critical given the relatively short block length. He submitted that the relevant consideration in the rule is the extent of inconsistency with the Outline Development Plan and if the proposal undermines the integrity of the structure plan. He reminded us that the reserve has been approved by the full Council and that they did not want the East-West link.
- 45. Finally, Mr Goldsmith submitted that the concerns around the setback issues were related to access, legibility of the entrance and surveillance. He submitted it was not about the dominance of cars and submitted that adverse effects were not significant and did not justify the refusal of the consents.

#### **SECTION 104D ASSESSMENT**

- 46. As considered above, it was common ground between the parties that the application was a Non-Complying Activity under the Operative District Plan. Noting, that even if we considered that the application satisfied one or other of the gateway tests under s.104D we still have the discretion as to whether or not to grant consent under s.104. We have undertaken a s.104D assessment and if this shows to us that the application meets one or both of these gateway tests, we shall proceed to a s.104 determination.
- 47. In terms of the permitted baseline we agree with Ms Gathercole that given all forms of residential development and subdivision require consent there is no relevant permitted baseline for us to take into consideration as part of this decision.

## PRINCIPAL AREAS IN CONTENTION

- 48. Having read and heard the evidence and submissions presented, we find that the following are matters in contention between the parties:
  - The size and location of the proposed lots;
  - The provision of stacked car parking and the impact this would have on the streetscene;
  - The potential loss of a pedestrian connection 'the East-West link' as shown on the Outline Development plan; and

- Whether the proposal is contrary to the objectives and policies of the ODP.
- We note for completeness that traffic, servicing (storm water, wastewater and water) and earthwork related effects of land stability, runoff, dust, etc were not in contention between the parties. We agree with this, and find that these issues can be addressed through the appropriate conditions of consent.

## The size of the location of the lots

- 50. In essence, the planners differed on the impact the proposed lot structure and associated housing design which would be provided by this lot structure, would have on the environment and in particular its streetscene in this location. Ms Gathercole, based in part on Mr Church's urban design evidence, was of the view that the long narrow nature of the proposed lots would, in conjunction with the 10 metre set back (which we consider below) create an adverse impact on the streetscene, the wider environment and would undermine the lot layout shown within the approved Outline Development Plan. This layout is shown in Image 2 of Ms Gathercole s.42A report.
- 51. This raised two fundamental questions for us. Firstly, what is the formal role of the Outline Development Plan process in this hearing. That is, does it describe the future subdivision and housing patterns for the subdivision and land use consent applications that follow its approval, or it's more of an indictive guild of the likely development to come addressing roading and open space pattern and infrastructure provision required for the level of development proposed overall? Secondly, even if we found that it was more that an indictive guild, what would be the implications of an variation from the approved Outline Development Plan? Noting, that subdivision consent applications are a Restrictive Discretionary Activity in the Northlake Special zone and this was only a Non-Complying Activity due to the failure to provide a range of 'off site' social infrastructure, which was agreed by all the parties not to be an issue in this particular application.
- Mr Goldsmith, based on Mr White evidence was of the view that Outline Development Plan was more of an indictive guild of the likely development to come and that the site by site issues were to resolved at the individual resource consent stage. Ms Gathercole was of a different view, and believed it set out the future subdivision pattern, as would be seen in a master planned approach for future development. We are unclear over its formal role and which camp the Outline Development Plan actually falls into and in our view the ODP, unfortunately did not provide us with definitive answer to this question either. This left us with the second question and we have considered the application on this basis. This is not to say we did not have any regard to the Outline Development Plan, but we considered what would be the implications in planning terms of the application as it is currently proposed.
- 53. In turning to the issue of the lot sizes we find that these are appropriate and will not generate adverse effects on the streetsecene or the wider environment which could be considered to be more that minor. In this regard we favour the evidence of Mr Falconer. We note that application has shown how these lots could provide for a realistic form of residential development. We also acknowledge the Northlake Special Zone objectives and policies seek to provide for medium density housing opportunities in suitable parts

of the Zone. We find that the terrace housing as proposed falls within this policy outcome, a point acknowledged by Ms Gathercole at section 7.2.1 of s.42A report.

54. Finally in this section, we would like to address the issue of the location of the open space, which we acknowledge has been approved by the full Council. We also agree that the amended layout will not adversely effect the usage of this space, both for the future residents of this development, but the wider Northlake area. However, we agree with the applicant, as advised to us during the hearing, that the fencing facing onto the newly created reserve would be a maximum height of 1.2 metres. Thereby reinforcing the sense of surveillance over this open space, which in our view is a critical factor in its successful implementation.

# The provision of stacked car parking and the impact this would have on the streetscene

- 55. In essence, this issue is interrelated to the lot size issue considered above, as while the terrace housing proposed can be considered to medium density housing development in the appropriate location the ODP also requires at two least car parking space per unit to be provided. The ODP also seek to ensure the best practice urban design outcomes are achieved through the development process. Setting aside what that could be as this is not clearly articulated in the Plan, and in this regard we agree with Mr Falconer that this is contextual and depends on a range of factors and what could be considered good urban design in Auckland or Sydney may not be the case in Wanaka.
- The issue of car parking can, and will have an impact on the design solution used. It was also clear to us that this issue of car parking was actually required given the lack of transit options and the distance to the town centre. This is no to undermine the active travel options available for the future residents which should be encouraged. We were also not convinced by the suggestion that a lane way option could be used to address the car parking issue. Firstly, as this is not what was applied for and secondly this can create its own safety issues if not designed appropriately. Finally, we did not find Mr Falconer's proposed design solution in this regard helpful.
- 57. The question for us as is whether the stacked car parking proposed creating a 10 metre building set back from the road would create an impact which could be considered to more than minor. We note that actual housing style and materiality were not in question between the parties, just its location and orientation on site.
- As we have set out above, in the evidence considered section, we had two differing views on this matter, both from qualified urban designers, which was refreshing to actually have qualified professional providing us evidence on this matter. We note that during the hearing process the landscape plans were amended to reflect the renders provided to us by the Applicant. This, with the fencing proposed, in our view did provide a suitable design solution for the site. A sufficient level legibility of the buildings, with their entrances and surveillance of the street would be achieved. While we accept that the provision of stacked parking and the associate building set back is not the ideal solution for the site, it does not create adverse effects which could be considered to be more than minor in this situation. In this regard we favour the evidence of Mr Falconer. However, this is not to be seen as a criticism of Mr Church.

#### The potential loss of a pedestrian connection 'the East-West link'

59. In this regard we favour Mr Falconer's view on this matter. Noting that Mr Church acknowledged that this was not critical given the relatively short block length. We agree with this and find that by not providing an East-West link in block 60 by 70 metres with not adversely affect connectivity throughout the overall Northlake area.

## Effects summary

60. In summary, we find that the adverse effects of the activity on the environment will be no more than minor subject to the imposition and implementation of appropriate conditions as offered by the applicant.

## Whether the proposal is contrary to the objectives and policies of the ODP

61. We have considered the assessments of the objectives and policies of the relevant district plans as set in the Application, the s.42A report and the evidence. To a degree the objectives and policies relate to matters discussed in the actual and potential effects assessment. It is therefore, neither desirable, or necessary, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing our analysis of the application.

## Operative District Plan

- Although Ms Gathercole and Mr White agree that the relevant provisions are Parts 12.34, 14 and 15 which contain objectives and policies for the Northlake Special zone, for Transport, and for subdivision, development and financial contributions, they however reach different conclusions relating to some of the objectives and policies as to whether the proposal is contrary or not to the stated matters.
- 63. In terms of Part 12.34 Northlake Special Zone we note that Objective 1 Residential Development seeks to establish a range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities. Both planners agree that the proposal is consistent with this objective and its related policies. We are satisfied that the proposal is consistent with this objectives and the relevant policies being 1.1, 1.2, 1.6 and 1.8.
- Objective 2 seeks that urban design development demonstrates best practice in urban design and results in a range of high quality residential environments. There is agreement between the planners that the proposal is consistent with policies 2.1, 2.2 and 2.5. We agree with these assessments. However there is a disagreement in relation to policies 2.3 and 2.4. In regard to Policy 2.3, Ms Gathercole is of the opinion that the proposal is inconsistent with the approved Outline Development Plan and will not achieve appropriate integration due to urban design concerns. In contrast, Mr White is of the view that this policy sets up the framework for the use of Outline Development Plans as a tool, and does not state that a proposal is required to exactly implement an approved Outline Development Plan in order to meet the policy. We accept Mr White's evidence, and find that the proposal is generally consistent with the Outline Development

Plan, achieves the required density, and appropriately integrates with adjacent land uses.

65. Ms Gathercole states that the proposal does not comply with Policy 2.4 due to the lack of an East West pedestrian link. The East West pedestrian link has been discussed in the effects assessment above and these findings will not be repeated. Mr White is of the opinion that the proposal provides suitable connectivity for pedestrians and cyclists and we agree with this conclusion.

## Part 14 (Transportation)

- 66. The relevant objectives and policies in Part 14 are concerned with maintaining and improving access, ease and safety of pedestrians and vehicle movements. Ms Gathercole considers that the streetscape will be dominated by vehicles and accesses and will not be consistent with Policy 2.2. Further, as the proposal does not provide an East-West link the proposal is also inconsistent with Policy 2.4. We agree with Mr White that these policies are concerned with road safety rather than urban design outcomes and that while technical breaches of site standards will occur these have been assessed by Ms Overton who has accepted the Applicant's assessment and that the proposal is appropriate. Matters associated with the East West link have been discussed above and will not be repeated here. We are of the view that the proposal is consistent with the objectives and policies stated in Part 14.
- 67. Part 15 (Subdivision, Development and Financial Contributions)
- The planning experts generally agree that the proposal is consistent with Objectives 1 and 2 relating to servicing requirements. However there is a disagreement relating to Policy 5.1 which is concerned with ensuring lot sizes and dimensions provide for the efficient and pleasant functioning of anticipated land uses.
- Ms Gathercole is of the opinion that the proposal does not meet this policy due to differences in the proposed design from that of the approved Outline Development Plan. In contrast, Mr White considers that the proposal is generally consistent with the Outline Development Plan and that terrace housing is anticipated on the lots. We agree with Mr White that the policy does not specifically reference the requirement to strictly comply with the Outline Development Plan as it is a high level master plan and that the proposal will provide for an efficient land use, quality affordable housing and direct connectivity to open space. The Commission's conclusion is that the proposal is consistent with the objectives and policies set out in Part 15.

#### Stage 1 of the Proposed District Plan

70. There is agreement between the planning experts that Chapter 3 Strategic Direction is a relevant consideration. Further they agree that Objectives 3.2.2 and 3.2.2.1 are relevant, however they reach different conclusions. Ms Gathercole is concerned with urban design outcomes and considers the proposal contrary to the stated objectives. Whereas, Mr White is of the opinion that the proposal specifically implements the anticipated land use of the Outline Development Plan and that the proposal will achieve strategic and integrated urban growth. We favour Mr White's evidence and find that the

- proposal is generally consistent and not contrary with the stated objectives and associated policies.
- 71. Overall we find that the proposal is generally consistent and not contrary to the relevant objectives and policies stated in the Operative District Plan and the relevant parts of the Proposed District Plan.

# **SECTION 104D DETERMINATION**

Pased on our assessment above, we have concluded that the proposed activity will have no more than minor adverse effects and that the proposal is not contrary to the objectives and policies of the Operative District Plan. Accordingly, we have the jurisdiction to undertake a s.104 assessment.

#### **SECTION 104 DETERMINATION**

- 73. Based on our consideration above and based on evidence, we find that the proposal is acceptable in effects terms and that the proposal is not contrary to district plan policy. Moreover, we find that the proposal will have positive benefits to the district by providing further housing opportunities. We have amended the proposed conditions of consent slightly to pick up on a number of the issues raised through the hearing, which we have signalled above.
- 74. For completeness we agree with Ms Gathercole that the proposal is generally consistent with, and not contrary to, the objectives and policies of either the Operative or Proposed Regional Policy Statement.

## Subdivision (s.106)

75. We note for completeness that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. As we have already noted, there was not disagreement between that parties and there are no risk from natural hazards on this site that cannot be mitigated against. Consent can therefore be granted under section 106 of the Act.

#### **DECISION**

76. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104D and 108 of the RMA, we determine that resource consent (s.11 subdivision consent and s.9 land use) can be granted to erect 20 terrace housing units on the lots approved by the subdivision along with associated earthworks, servicing and landscaping on these lots at Northlake Drive, Wanaka (Lot 2005 Deposited Plan 529185 and Lot 66 Deposited Plan 371470 held in Computer

Freehold Register 857195).

77. The reasons for our decision have been set out in the sections above.



Dr Lee Beattie (Chair)

For the Hearings Commissioners (Dr Lee Beattie and Jane Sinclair)

5 February 2019

**APPENDIX 1 – Consent Conditions** 

## APPENDIX 1 - CONSENT CONDITIONS

# Part A - Conditions of Subdivision Consent

- 1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Lots 172 191 being a subdivision of Lot 1017 RM161292 (Northlake Stage 6)'
     Drawing No. 002, Sheet No. 100, Revision 4, by Paterson Pitts Group, dated 04/04/2018; and
  - 'Lots 172 191 being a subdivision of Lot 1017 RM161292 (Northlake Stage 6) Landscape Plan' Drawing No. 002, Sheet No. 101, Revision 6, by Paterson Pitts Group, dated 19/12/2018.

## Stamped as approved on 4 February 2019

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

- 2. 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.
- 3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
- 4. All engineering works, including the construction of retaining walls (if required), shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3<sup>rd</sup> June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Note: The current standards are available on Council's website via the following link: <a href="http://www.qldc.govt.nz/planning/resourceconsents/qldc-land-development-and-subdivision-codeof-practice/">http://www.qldc.govt.nz/planning/resourceconsents/qldc-land-development-and-subdivision-codeof-practice/</a>

5. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

<u>Stage 1 – (Block A)</u> Lots 172 – 175

<u>Stage 2 – (Block B)</u> Lots 176 – 179

Stage 3 – (Block C)

Lots 180 – 183

<u>Stage 4 – (Block D)</u> Lots 184 – 187

<u>Stage 5 – (Block E)</u> Lots 188 – 191

The stages set out above may be combined in any order providing all necessary subdivision works (such as servicing, provision of formed access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under Section 223 and 224(c) of the Resource Management Act 1991. The Local Purpose Reserve shall be vested as part of first stage of this development.

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

- 6. Prior to the commencement of any works on site, the owner of the land being developed shall provide a letter to the Manager Resource Management Engineering at QLDC advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
- 7. At least 5 working days prior to commencing work on site, the consent holder shall advise the Manager Resource Management Engineering at QLDC of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 9 12 below shall be demonstrated at this time.
- 8. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from QLDC if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
- 9. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing to the site, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council.
- 10. Prior to commencing works onsite, the consent holder shall submit to the Resource Consenting Manager at the QLDC for certification a Construction Environmental Management Plan (CEMP) to include the specific management sections in relation to:

Site and Noise Management:

# SMP - Site Management Plan (General)

- a) The detailed site management plan and construction methodology to be prepared in conjunction with the earthworks contractor to the Manager Resource Management Engineering at QLDC for review and certification. This plan shall include but not be limited to:
  - (i) Erosion and sedimentation controls and on-going management techniques including necessary calculations and documentation to demonstrate adequate storage and ensure removal of sediment, contaminants or debris prior to discharge;
  - (ii) Dust suppression techniques;
  - (iii) Procedures during and after either high rainfall or high wind events;
  - (iv) Procedures for ensuring debris is not deposited on surrounding roads or land;
  - (v) Identification of any stockpile areas and management of those stockpiles both short term and long;
  - (vi) Temporary cut or fill slope parameters;
  - (vii) Hours of activity;
  - (viii) Top soiling, re-grassing or alternative stabilisation of earth-worked areas;
  - (ix) Communication with neighbouring land owners;

## Noise Management Plan

b) A Noise Management Plan that ensure that noise from operations do not exceed Construction Noise Standard NZS6803:199.

The CEMP shall be specific to the current subdivision application and earthworks proposal and give consideration to tying in with site management works progressing or completed on adjacent stages of subdivision.

11. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager Resource Management Engineering at QLDC 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 Riley Consultants Limited report (dated 17 February 2016; and letter Ref: 150693 – D as well as any report submitted in accordance with condition 18(g)) who shall supervise the excavation and fill procedure 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.

- 12. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and acceptance, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 4, to detail the following engineering works required:
  - a) The provision of a water supply to this subdivision in terms of Council's standards and connection policy, with all associated costs to be borne by the consent holder. This shall include:
    - (i) Individual connections to Lots 172 191. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015.
    - (ii) Where required by Council's Parks & Reserves Planning Manager, the provision of a water supply to reserve Lot in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015.
  - b) The provision of a foul sewer connection from Lots 172 191 to Council's reticulated sewerage system in accordance with Council's standards and connection policy. These shall be able to drain the buildable area within each lot and all reticulation shall be sized to cater for the maximum development potential of the lots. The costs of the connections shall be borne by the consent holder.
  - c) The provision of a stormwater connection from Lots 172 191 for all future impervious areas in each residential lot to the LID stormwater system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot. The costs of the connections shall be borne by the consent holder.

#### To be monitored throughout construction

- 13. The temporary batter slopes, batter slopes and site management shall be undertaken in accordance with the following:
  - a) Riley Consultants Limited recommendations as out lined in report Ref: 15832-B "Geotechnical Assessment Northlake Development, Wanaka" dated 17 February 2016; and letter Ref: 150693-D "Final Batter Slope Restrictions at the Northlake Development, Wanaka" dated 1 April 2016.
  - b) The detailed site management plan and construction methodology certified under Condition 10(a) above. All site management measures shall be implemented at the time of commencement of any works on site and shall remain in place for the duration of the project, until all exposed areas of earth are 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. Hours of operation of earthworks, shall be:
  - Monday to Saturday (inclusive): 0.800am to 6.00pm.
  - Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

- 16. Prior to the commencement of any works under this consent on the site, the consent holder shall provide detailed landscape plans and design specifications by a suitably qualified Landscape Architect to be certified by the QLDC's Parks Planning Manager as achieving the following:
  - a) All works shall meet Part 7: Landscape of QLDC's Land Development and Subdivision Code of Practice adopted on 3<sup>rd</sup> June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Note: The current standards are available on Council's website via the following link: <a href="http://www.qldc.govt.nz">http://www.qldc.govt.nz</a>

- b) Ensure that areas of reserve exclude any areas of road;
- c) Details of landscape trees and plants that include the species, size and location;
- d) Irrigation plan showing how trees are to be irrigated;
- e) Tree pit details showing root ball treatment and staking;
- f) Ensure that all batter slopes and mounds are to a gradient not exceeding 1:5 when measured across any point to ensure that all slopes are mowable. This will require that plans clearly demonstrate that this gradient will not be exceeded;
- g) If proposed path width, material and construction details so that all tracks achieve a grade 2 standard as set out in standards http://www.qldc.govt.nz/assets/Uploads/Council-Documents/ParksPlanning-Documents/QLDC-Cycle-Trail-Track-Design-Standard-2016.pdf;
- h) Detail of stormwater soak pits/detention areas, including planting, maintenance and confirmation that the surrounding areas can be easily mown;
- Details and locations for any other proposed assets, such as park seats, irrigation and fencing;

- j) Maintenance requirements;
- k) A potable water supply point to be provided to the boundary of reserve lots.

No works may be undertaken upon the site until the plan has been certified.

Advice Note: The Consent Holder is welcome to seek guidance from the Parks Planning Manager when preparing the landscape plan. This may facilitate certification if any matters of concern are addressed. Street Tree Planting Guidelines are available on request from the QLDC Arborist.

The Consent Holder should also be aware that the certification or acceptance of any landscape plan does not remove the requirement to obtain Council approval for vesting of reserve areas.

## To be completed before Council approval of the Survey Plan

- 17. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council prior to Engineering Acceptance.

## To be completed before issue of the s224(c) certificate

- 18. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition 12 above.
  - c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 6 for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- f) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- g) All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the QLDC's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks the geo-professional shall incorporate the results of ground bearing test results for each residential allotment within the subdivision regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all lots within the subdivision, with the Schedule 2A certification including a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against any lot(s) the Schedule 2A shall also include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. Any remedial works outlined on the Schedule 2A that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.
- h) In the event that the Schedule 2A certificate issued under Condition 18(g) contains limitations or remedial works required, then a consent notice shall be registered on the relevant Computer Freehold Registers. The consent notice condition shall read;
  - "Prior to any construction work (other than work associated with geotechnical investigation, the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building. Any Schedule 2A certificate recommendations for ongoing works, monitoring or maintenance requirements to be completed by the landowner on an ongoing basis shall be adhered to at all times."
- i) On completion of the works, the consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

- j) The completion and implementation of the landscaping and requirements detailed in Condition 16 above.
- k) The Consent Holder shall enter into a maintenance agreement under S207A of the Local Government Act 2002 Amendment Act, with the QLDC (Parks and Reserves), with the obligation being upon the Consent Holder to fulfil the requirements detailed in (i) to (iv) below.
- I) The maintenance period shall be five years from any issue of 224(c):
  - (i) All new assets, including irrigation and fencing, shall be kept in good working order and be free of defects or disrepair.
  - (ii) Trees and vegetation shall be irrigated and maintained to an acceptable standard as specified by QLDC Parks and Reserves Planning team. It shall be the responsibility of the consent holder to ensure that any new plantings, as shown on the approved landscape plans, that die or decline at any time over the 5-year maintenance period following the initial planting shall be replaced. The replacement plants shall be of the same species, grade and size as the original specimens and planted no later than the following planting season or as instructed by QLDC.
  - (iii) The vested Local Purpose (Drainage and Recreation) Reserve shall be kept in a tidy condition and shall be free of litter and refuse.
  - (iv) Health and safety plans shall be provided for all non-QLDC approved contractors undertaking maintenance in the reserves or road reserves.

# **Ongoing Conditions/Consent Notices**

- 19. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Title, by way of Consent Notice pursuant to s.221 of the Act.
  - a) All boundary fences along or adjoining any areas of reserve shall be no greater than1.2 metres in height and shall be no less than 50% visually permeable.
  - b) Any fencing (including boundary fencing) and planting between the dwelling and the road boundary shall be maintained to a height no greater than 1.0 metres with the exception of the specimen trees shown on the approved plans detailed in Condition 1.

## Covenant

20. The Consent Holder shall ensure that a fencing Covenant, required under s6 of the Fencing Act 1978, is registered on all land to ensure that any reserves to vest in QLDC are protected and that Council has no liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land.

## **Advice Notes**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

2.	Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.

## Part B - Land Use Conditions

- 1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Proposed Contours' Drawing No. 002, Sheet No. 102, Revision 1, by Paterson Pitts Group, dated 12/06/2018.
  - 'Existing Contours on Completion of RM161292' Drawing No. 002, Sheet No. 103, Revision 0, by Paterson Pitts Group, dated 12/06/2018.
  - 'Proposed Earthworks Cut / Fill Plan' Drawing No. 002, Sheet No. 104, Revision 0, by Paterson Pitts Group, dated 12/06/2018.
  - 'Site Information' Sheet A-002, Revision C, by S A Studio, dated 30/07/2018.
  - 'Project Statement' Sheet A-003, Revision C, by S A Studio, dated 30/07/2018.
  - 'Design Principals' Sheet A-004, Revision C, by S A Studio, dated 30/07/2018.
  - 'Site Plan' Sheet A-100, Revision H, by S A Studio, dated 19/12/2018.
  - 'Site Roof Plan' Sheet A-101, Revision E, by S A Studio, dated 19/12/2018.
  - 'Typical Plans' Sheet A-102, Revision D, by S A Studio, dated 19/12/2018.
  - 'First Floor Site Plan' Sheet A-103, Revision C, by S A Studio, dated 19/12/2018.
  - 'Coverage Diagrams' Sheet A-110, Revision E, by S A Studio, dated 19/12/2018.
  - 'Sun Study Diagrams' Sheet A-111, Revision E, by S A Studio, dated 19/12/2018.
  - 'Materials Key' Sheet A-200, Revision D, by S A Studio, dated 19/12/2018.
  - 'Street Elevations N + E' Sheet A-201, Revision H, by S A Studio, dated 19/12/2018.
  - 'Street Elevations S + W' Sheet A-202, Revision H, by S A Studio, dated 19/12/2018.
  - 'Reserve Elevations' Sheet A-203, Revision E, by S A Studio, dated 19/12/2018.
  - 'Views' Sheet A-204, Revision E, by S A Studio, dated 19/12/2018.
  - 'Views Shed Info' Revision A, by S A Studio, dated 19/12/2018.

## Stamped as approved on 4 February 2019

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

- 2. 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.
- 3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

4. All engineering works, including the construction of retaining walls (if required), shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3<sup>rd</sup> June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Note: The current standards are available on Council's website via the following link: <a href="http://www.qldc.govt.nz/planning/resourceconsents/qldc-land-development-and-subdivision-codeof-practice/">http://www.qldc.govt.nz/planning/resourceconsents/qldc-land-development-and-subdivision-codeof-practice/</a>

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

- 5. At least 5 working days prior to commencing work on site the consent holder shall advise the Manager Resource Management Engineering at QLDC of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions 9 12 below shall be demonstrated.
- 6. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
- 7. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing to the site, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council.
- 8. Prior to commencing works onsite, the consent holder shall submit to the Resource Consenting Manager at the QLDC or certification a Construction Environmental Management Plan (CEMP) to include the specific management sections in relation to: Site and Noise Management:

## SMP - Site Management Plan (General)

- a) The detailed site management plan and construction methodology to be prepared in conjunction with the earthworks contractor to the Principal Resource Management Engineer at Council for review and certification. This plan shall include but not be limited to:
  - (i) Erosion and sedimentation controls and on-going management techniques including necessary calculations and documentation to demonstrate adequate storage and ensure removal of sediment, contaminants or debris prior to discharge;
  - (ii) Dust suppression techniques;
  - (iii) Procedures during and after either high rainfall or high wind events:
  - (iv) Procedures for ensuring debris is not deposited on surrounding roads or land;

- (v) Identification of any stockpile areas and management of those stockpiles both short term and long;
- (vi) Temporary cut or fill slope parameters;
- (vii) Hours of activity;
- (viii) Top soiling, re-grassing or alternative stabilisation of earth-worked areas;
- (ix) Communication with neighbouring land owners;

## Noise Management Plan

b) A Noise Management Plan that ensure that noise from operations do not exceed Construction Noise Standard NZS6803:199.

The CEMP shall be specific to the current subdivision application and earthworks proposal and give consideration to tying in with site management works progressing or completed on adjacent stages of subdivision.

9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering 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 Riley Consultants Limited report (dated 17 February 2016; and letter Ref: 150693 – D as well as any report submitted in accordance with the requirements of condition 18(g) of the subdivision consent conditions contained in Part A of this decision) who shall supervise the excavation and fill procedure 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 construction

- 10. The temporary batter slopes, batter slopes and site management shall be undertaken in accordance with the following:
  - a) Riley Consultants Limited recommendations as out lined in report Ref: 15832-B "Geotechnical Assessment Northlake Development, Wanaka" dated 17 February 2016; and letter Ref: 150693-D "Final Batter Slope Restrictions at the Northlake Development, Wanaka" dated 1 April 2016.
  - b) The detailed site management plan and construction methodology certified under Condition 8(a) above. All site management measures shall be implemented at the time of commencement of any works on site and shall remain in place for the duration of the project, until all exposed areas of earth are 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. Hours of operation of earthworks, shall be:
  - Monday to Saturday (inclusive): 0.800am to 6.00pm.
  - Sundays and Public Holidays: No Activity

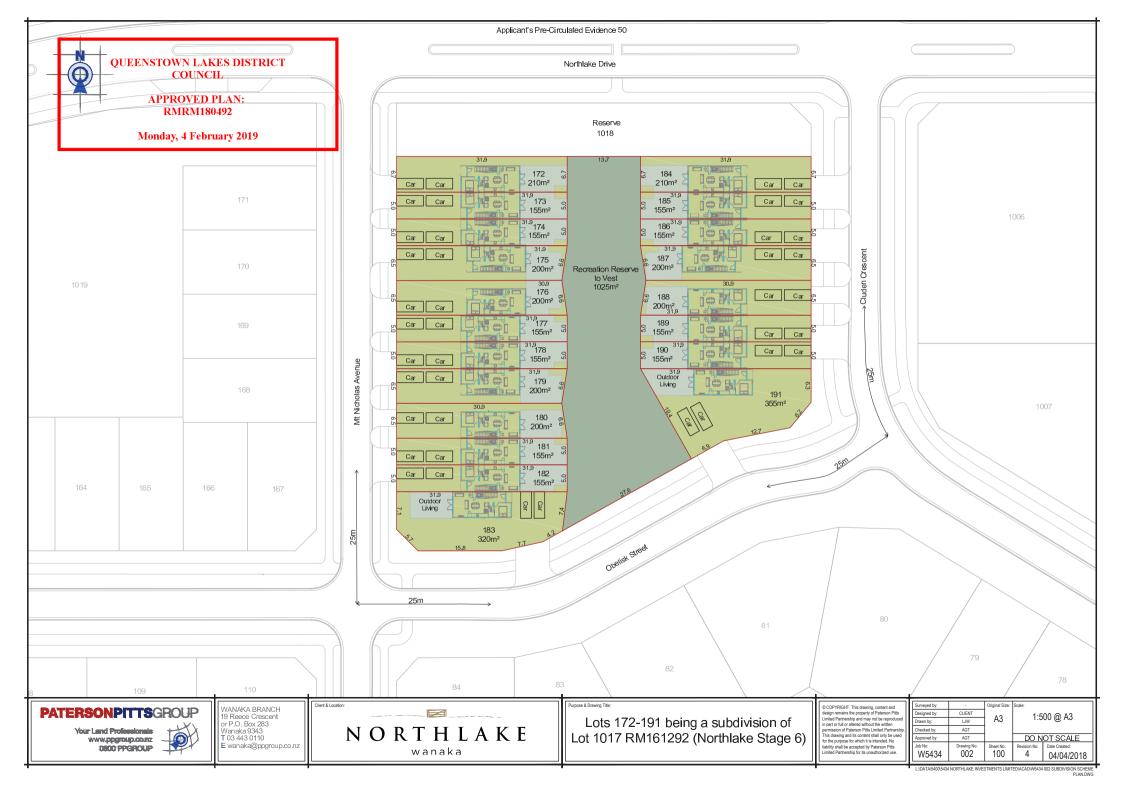
In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

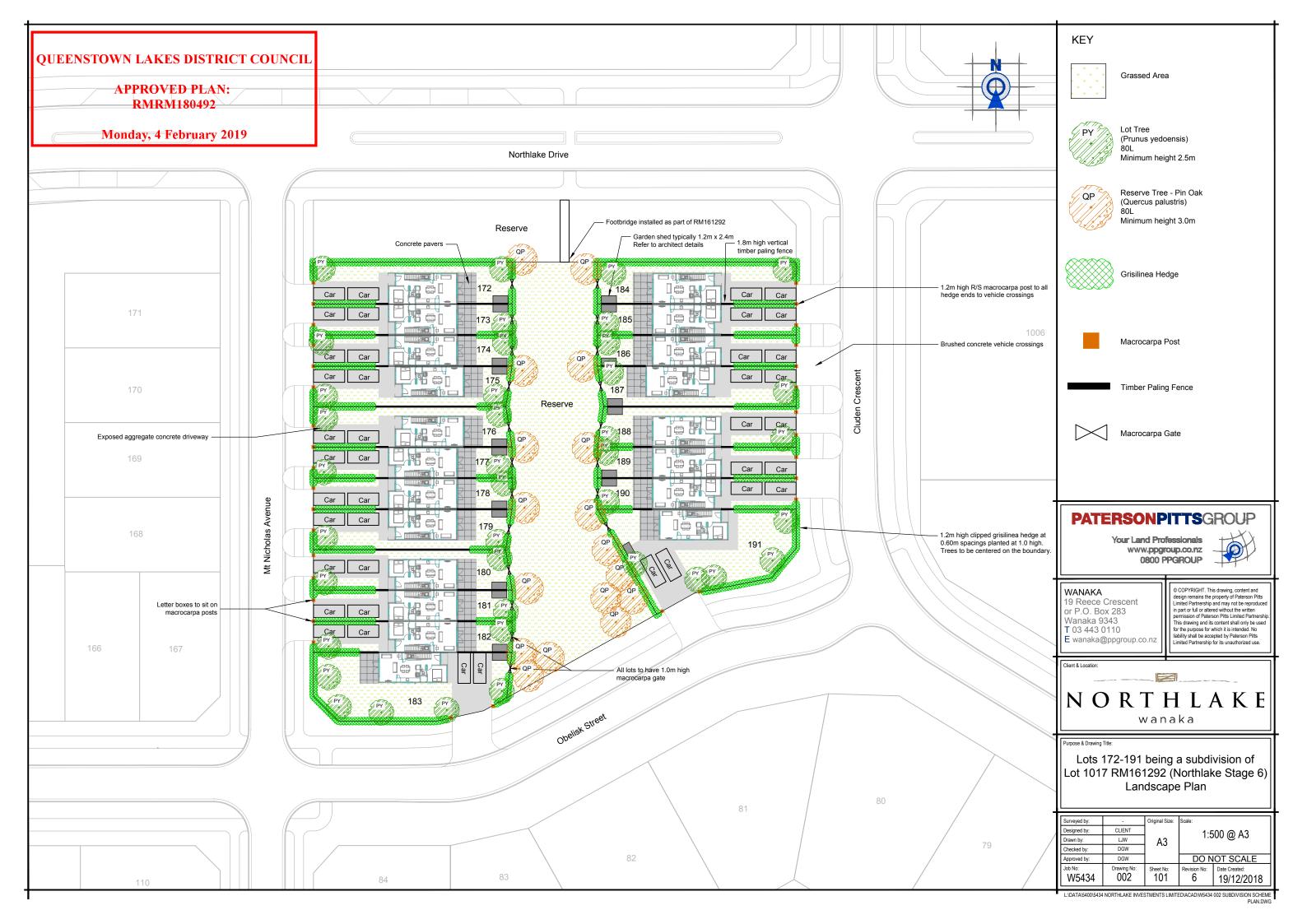
## On completion of earthworks

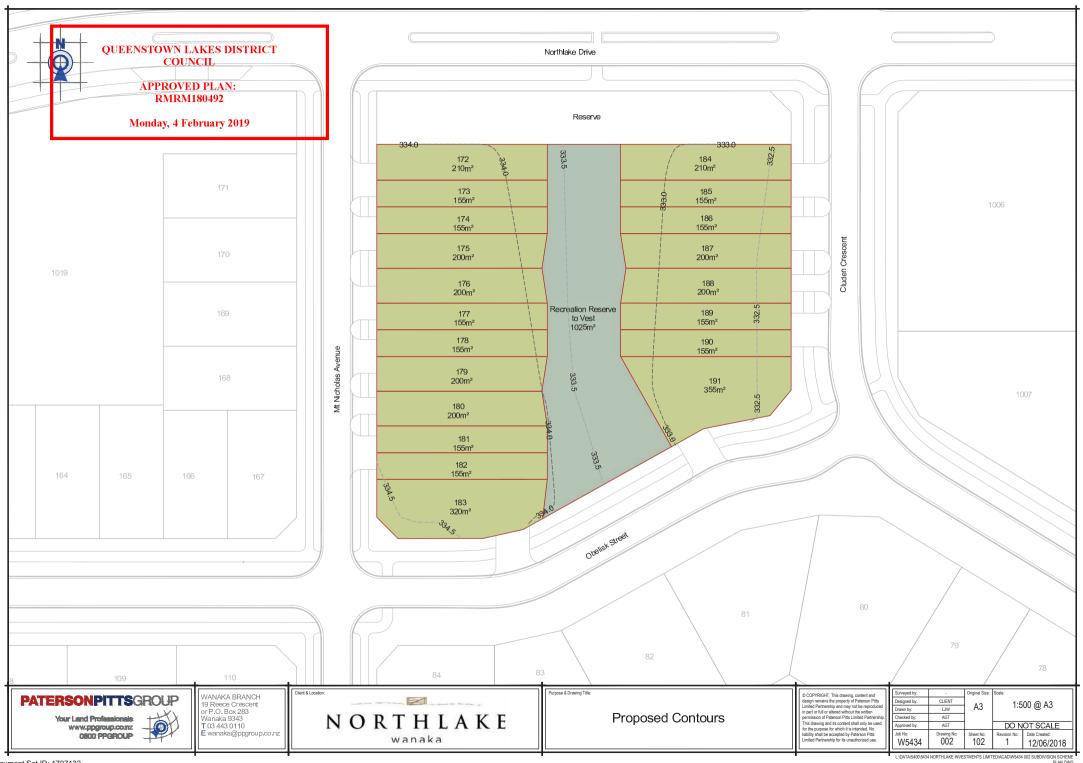
- 13. On completion of the earthworks, the consent holder shall complete the following:
  - a) All earth worked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
  - b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

## **Advice Notes**

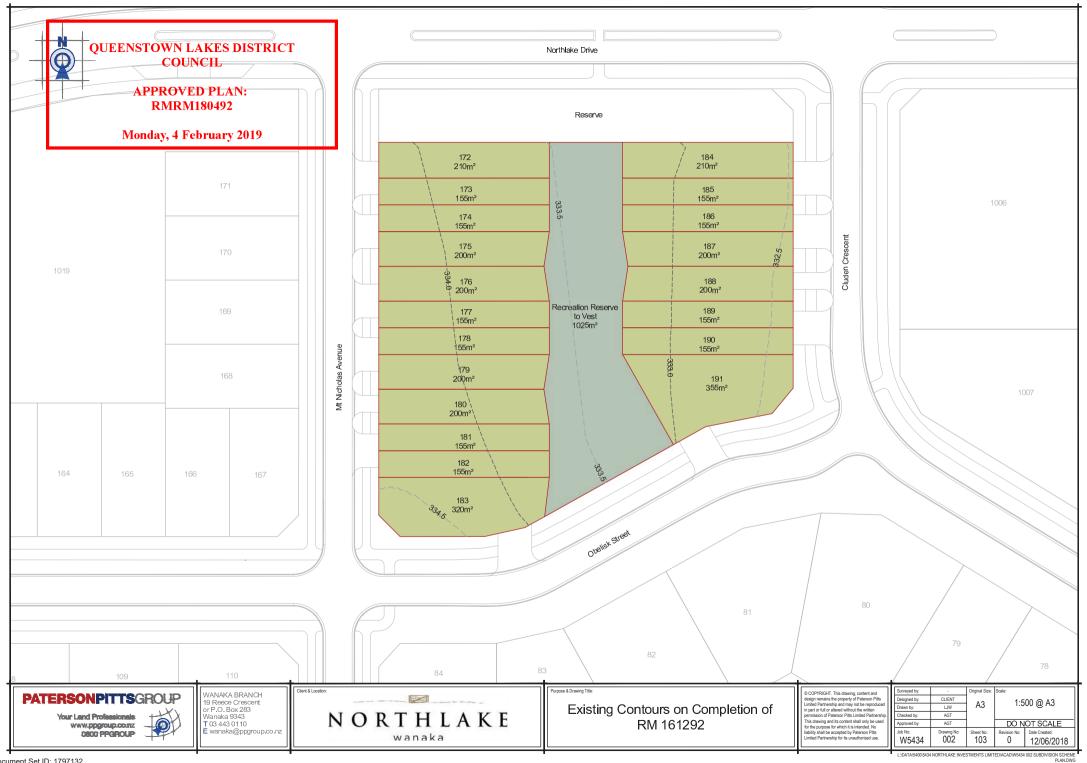
- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
- 2. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
- 3. This site may contain archaeological material. Under the Heritage New Zealand Pouhere Council's s42A Report 300 Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).



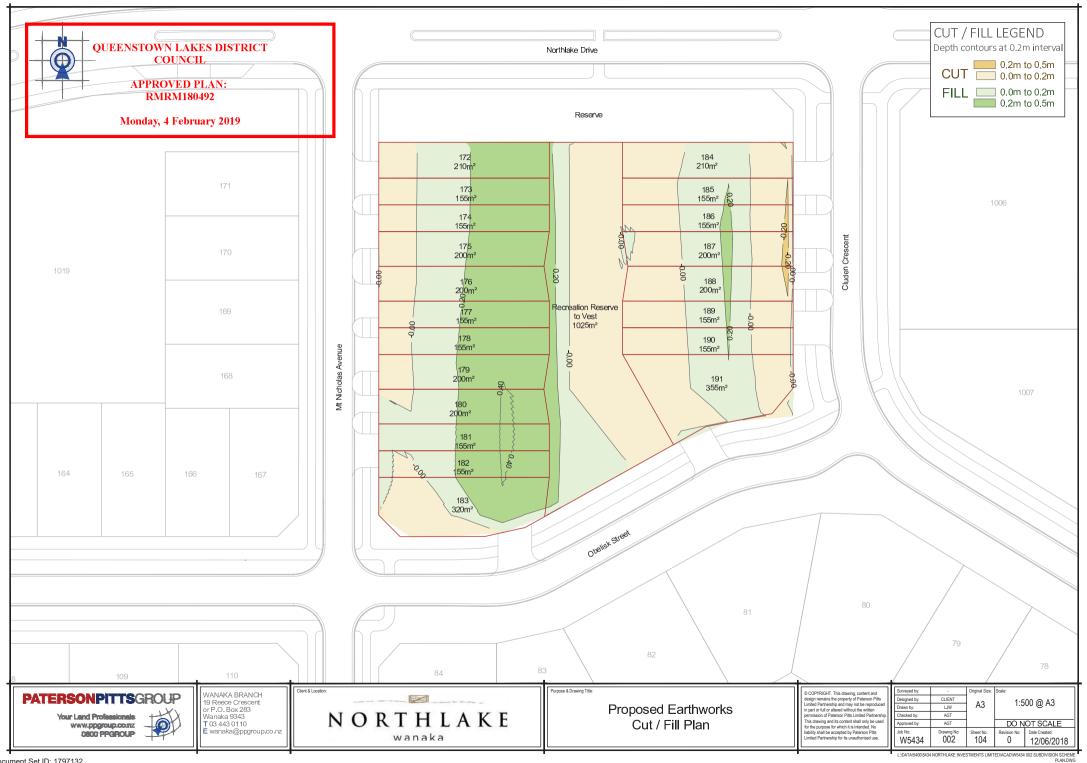




Document Set ID: 1797132 Version: 1, Version Date: 18/06/2018



Document Set ID: 1797132 Version: 1, Version Date: 18/06/2018



Document Set ID: 1797132 Version: 1, Version Date: 18/06/2018





#### CONNECTIONS



Location Plan 1:75000





CONNECTIONS
TO THE NEARBY LAKE

#### **SUBDIVISION WIDE HOUSING OPTIONS**



PRE-DESIGNED HOMES Consistent design elements and a character of the site



DESIGN YOUR OWN
Offer another layer of
character and variation



TERRACE HOUSING (precedent image)
Situated close to amenities and around a central green reserve space.
Terrace housing offers another range of density and vibrancy

NOTES:
All dimensions to be verified on site befor making any shop drawings or commencir any work.
All work to comply with current NZBC and relevant codes and standards.
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REV:	ISSUE:	DATE:	PRO.
Α	FOR COORDINATION	21.03.2018	
В	FOR RESOURCE CONSENT	05.04.2018	
С	FOR RESOURCE CONSENT RFI 2	30.07.2018	

NORTHLAKE LOT 1017	Site Info	ormation	1:750	00
LO1 1017	CLIENT:	DRAWN:	CHECK:	
	northlake inve	ESTMENTS LIMITED	JS	JS
	FILE:	SHEET:	REV:	
	1017	A-002	С	

## **AIM**

#### QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:** RMRM180492

Monday, 4 February 2019



#### PROJECT BRIEF AND OUTCOMES

THE AIM FOR THIS DEVELOPMENT IS TO PROVIDE YET ANOTHER TYPOLOGY OF HOUSING WITHIN THE NORTHLAKE SUBDIVISION.

IT IS TO BE AFFORDABLE, PRACTICAL AND LOW MAINTENANCE TO ALLOW IT TO BE OCCUPIED BY A RANGE OF END USERS.



#### LIVING FENCES

CLADDINGS FOR ARTICULATION.

PLANTINGS TO SOFTEN THE DEVELOPMENT

**BREAK DOWN BARRIERS** 

**FOSTER COMMUNITY** 

PROVIDE ACTIVE/SAFE AREAS

FOSTER PRIDE IN YOUR HOME

FENCES LOCATED FOR REQUIRED **PRIVACY** 



AS AFFORDABILITY IS KEY TO THE VIABILITY WE HAVE CHOSEN A REPEATED FLOOR PLAN WITH DIFFERING

THE CENTRAL RESERVE SPACE AND CLOSE PROXIMITY TO OTHER LANDSCAPE AND AMENITY AREAS ADD TO

BE NICE, IT BECOMES COST PROHIBITIVE FOR AFFORDABILITY AND WE HAVE CHOSEN TO ENHANCE THE

CHARACTER OF THIS SUBDIVISION. TO ALLOW A GREATER AREA OF RESERVE AND PRACTICALITY OF PARKING, STREET FACING CARPARKS HAVE BEEN CHOSEN. WHILE WE ACKNOWLEDGE FURTHER ARTICULATION WOULD

### **ATTRACTIVE OUTDOOR** LIVING **SPACES**

SUITED TO THE SCALE AND **ENVIRONMENT CONDITIONS** 

**EASILY MAINTAINED** 

SUN/OUTLOOK

## **AVOID**



#### **URBAN SPRAWL**

**URBAN CLUSTERS** 

**ENABLE AFFORDABILITY** 

**COMPACT INFRASTRUCTURE** 

**QUALITY URBAN DESIGN** 

LOCATED CLOSE TO

DIFFICULT TO FIND YOUR WAY **CONSUMPTION OF LAND MONOTONOUS** 



#### HARD HIGH FENCES

**FOSTERS UNSAFE ENVIRONMENTS** 

**REDUCED CONNECTIONS** 



#### **UNSUITED GARDEN**

PLANTS NOT SUITED **TO GARDEN** 

HARD TO MAINTAIN

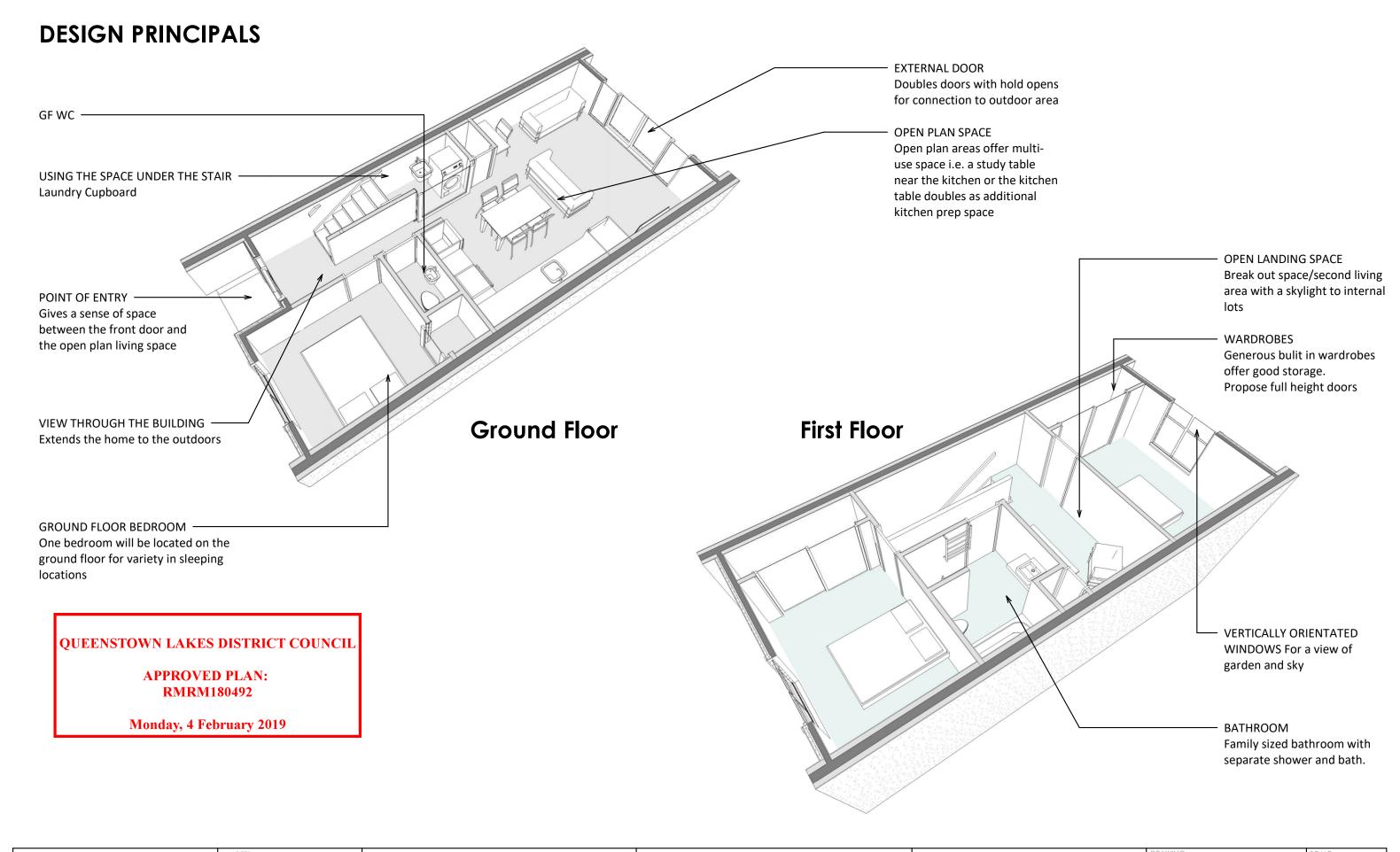
**UN-INSPIRING SPACE** 

- 1	VOILS.
A	All dimensions to be verified on site before
r	naking any shop drawings or commencir
C	iny work.
F	All work to comply with current NZBC and
n	elevant codes and standards.



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С	FOR RESOURCE CONSENT RFI 2	30.07.2018	

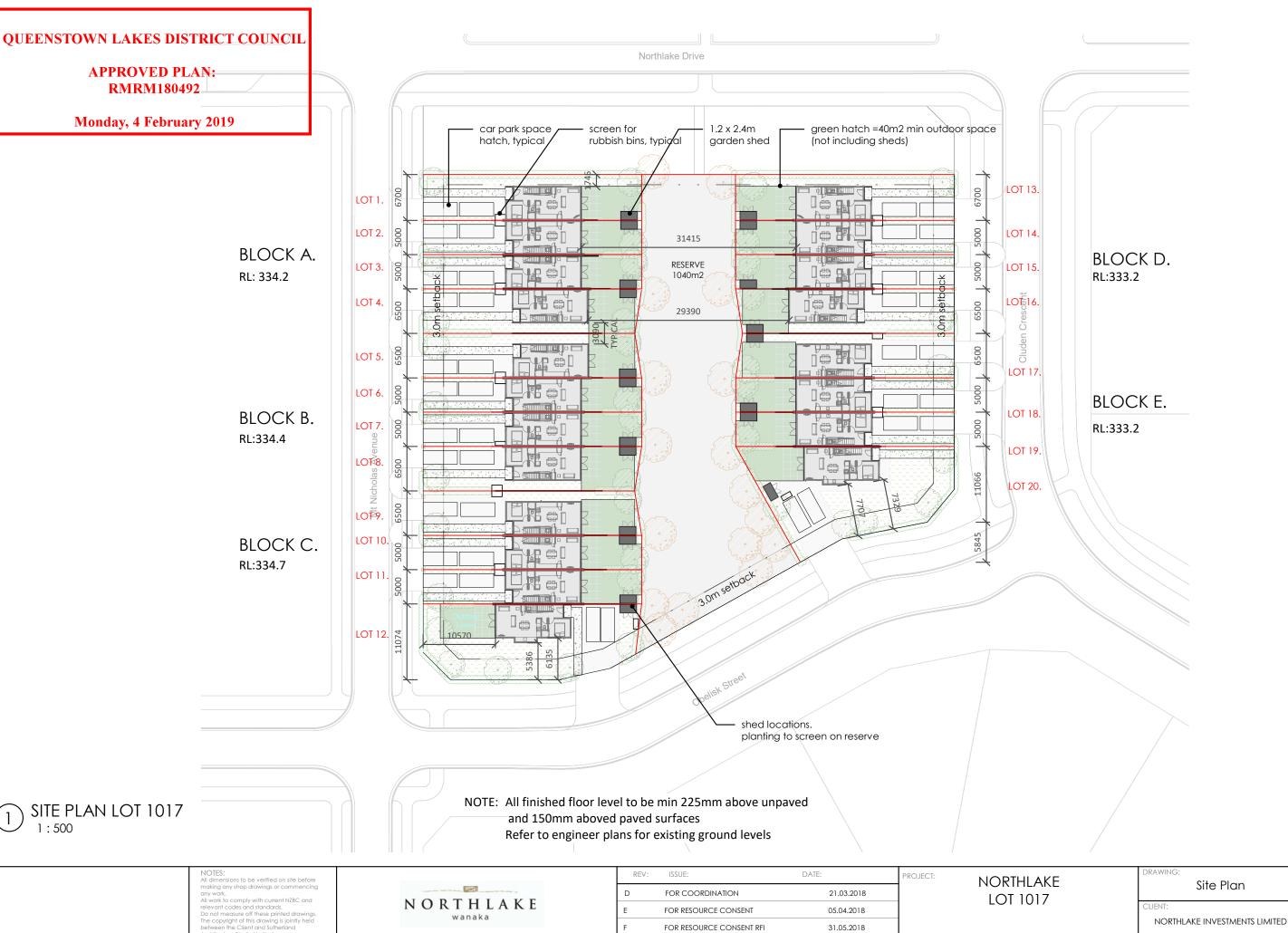
NORTHLAKE LOT 1017	DRAWING: Project	ct Statement	SCALE: 1:1	
LOT 1017	CLIENT:		DRAWN:	CHEC
	NORTHLAKE	INVESTMENTS LIMITED	JS	
	FILE:	SHEET:	REV:	
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			making any shop drawings or cot any work.  All work to comply with current N relevant codes and standards.  Do not measure off these printed.  The copyright of this drawing is jo
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FOR RESOURCE CONSENT RFI 2

FOR RESOURCE CONSENT RFI 3

30.07.2018

19.12.2018

1:500

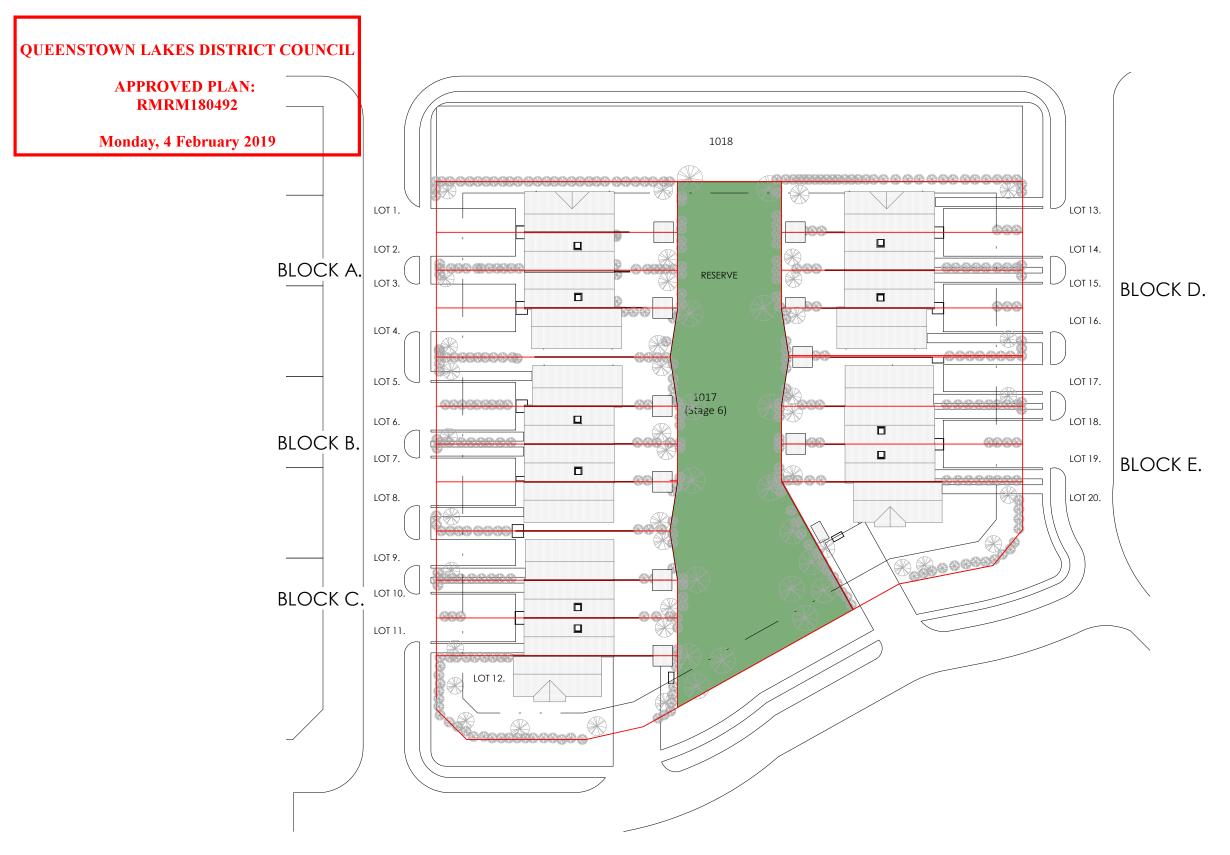
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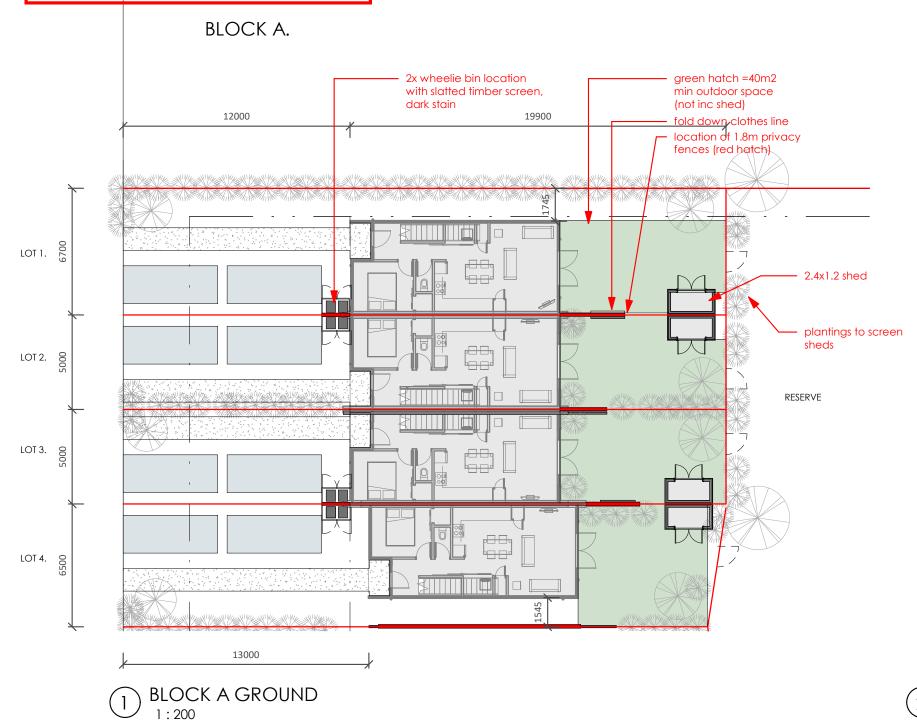
1 LOT 1017 ROOF Plan

	NOTES: All dimensions to be verified on site before		REV:	ISSUE:	DATE:	PROJECT:	NORTHLAKE	DRAWING:	( D)	SCALE:	
	making any shop drawings or commencing any work.  All work to comply with current NZBC and		Α	FOR COORDINATION	21.03.2018		LOT 1017	Site Roof Plan		1:500	
relevant codes and standards.  Do not measure off these printed drawings.	NORTHLAKE		FOR RESOURCE CONSENT	05.04.2018	1		CLIENT:			CHECK:	
	The copyright of this drawing is jointly held between the Client and Sutherland Architecture Studio Limited.	Wallaka	С	FOR RESOURCE CONSENT RFI	31.05.2018			NORTHLAKE INV	ESTMENTS LIMITED	JS	JS
S A STUDIO	If in doubt - ASK		D	FOR RESOURCE CONSENT RFI 2	30.07.2018			FILE:	SHEET:	REV:	
	LOWBURN, OTAGO 021 108 2764 www.sastudio.co.nz jessie@sastudio.co.nz		E	FOR RESOURCE CONSENT RFI 3	19.12.2018			1017	A-101	E	











2 BLOCK A FIRST 1:200

# TYPICAL BLOCK LAYOUT

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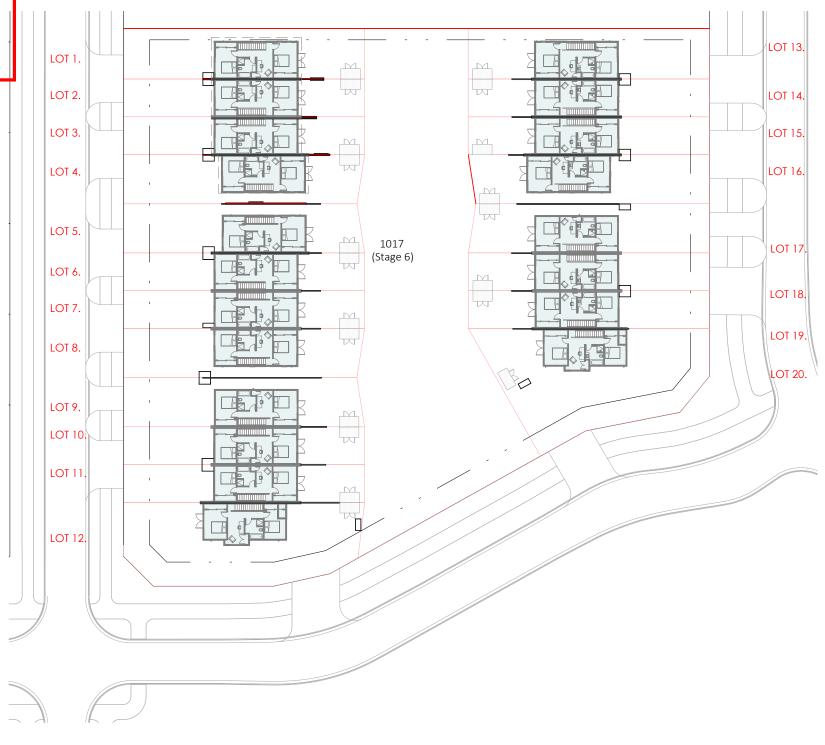
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN: RMRM180492

Monday, 4 February 2019





SITE PLAN FIRST FLOOR
1:500

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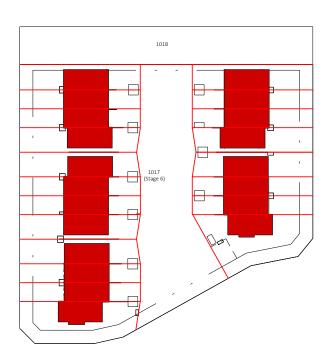
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Α	FOR RESOURCE CONSENT RFI	31.05.2018		LOT 1017	First Floor Site Plan		1:500	)
В	FOR RESOURCE CONSENT RFI 2	30.07.2018		201 1017	CLIENT:		DRAWN:	CHECK:
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#### QUEENSTOWN LAKES DISTRICT COUNCIL

#### APPROVED PLAN: RMRM180492

Monday, 4 February 2019

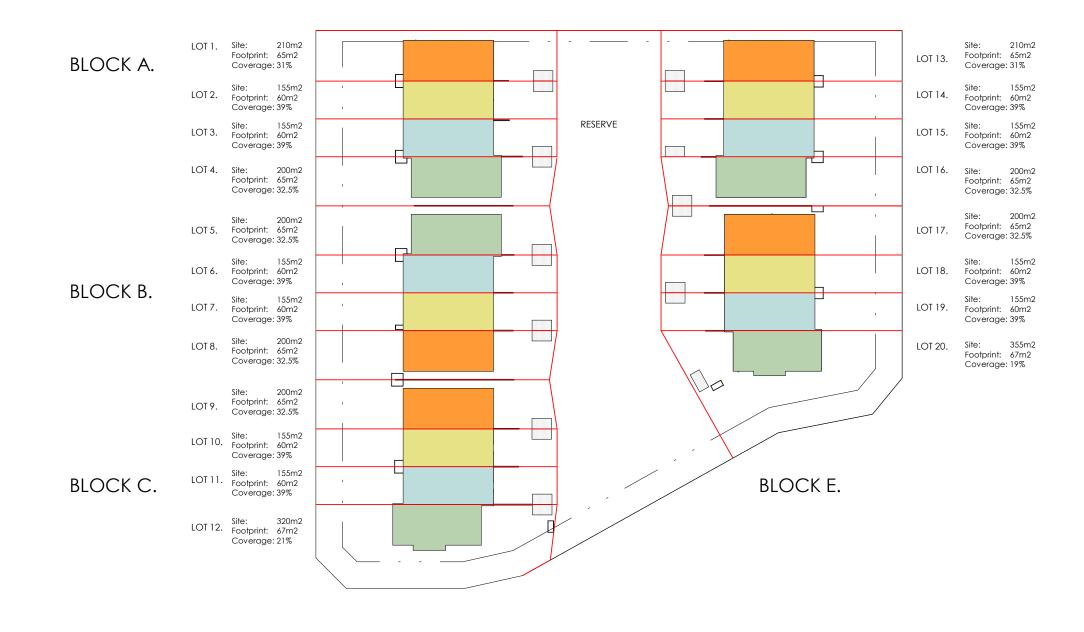


TOTAL SITE:
TOTAL FOOTPRINT:
TOTAL COVERAGE:

4960.55m2 1242m2 25%

OVERAGE LOT 1017







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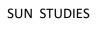


REV:	ISSUE:	DATE:	NORTHLAKE	DRAWING:  Coverage Diagrams		As indicated		
Α	FOR COORDINATION	21.03.2018		Coverage				
В	FOR RESOURCE CONSENT	05.04.2018		CLIENT:		DRAWN:	CHECK:	
С	FOR RESOURCE CONSENT RFI	31.05.2018			NORTHLAKE INVESTMENTS LIMITED		JS	JS
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SUMMER 21/12





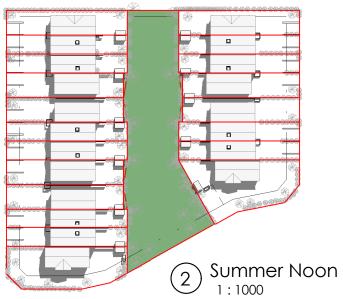
SPRING 21/03



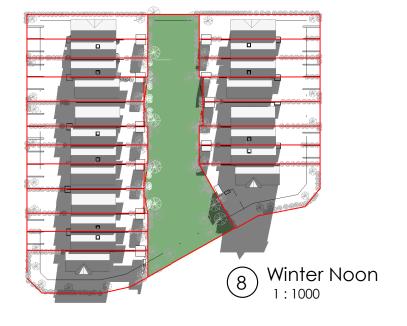
## SUN STUDIES

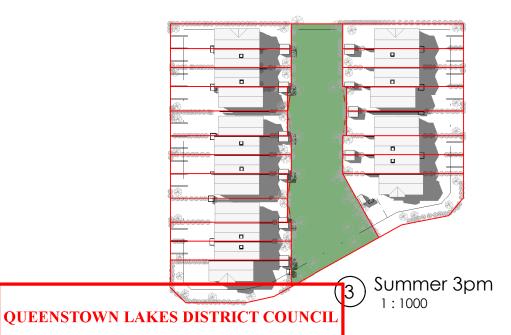
WINTER 21/06















## APPROVED PLAN: RMRM180492

Monday, 4 February 2019 S A STUBIO

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Α	FOR COORDINATION		21.03.2018	
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NORTHLAKE LOT 1017	Sun Study	scale: 1:1000		
LOT 1017	CLIENT:		DRAWN:	CHECK
	northlake inve	ESTMENTS LIMITED	JS	J
	FILE:	SHEET:	REV:	
	1017	A-111		



## (1) EAST APPROACH



A
Linea Lighter Grey
Resene Eight Gravel
LRV 33
(or similar)



D Vertical Cedar Natural Stain (subject to fire design)



B Linea Mid Grey Resene Mid Grey LRV 23 (or similar)



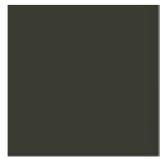
E Vertical Cedar Charcoal Stain (subject to fire design)



C Linea Charcoal Grey Resene Landscape Grey LRV 15 (or similar)



F Axon Cladding Resene Landscape Grey LRV 15 (or similar)



ROOF + RAINWATER GOODS + FASCIA Colorsteel Thunder Grey LRV 12 (or similar)



ALU JOINERY Thunder Grey LRV 12 (or similar)



Colour Scheme Precedent Image This scheme has Thunder Grey Roofing

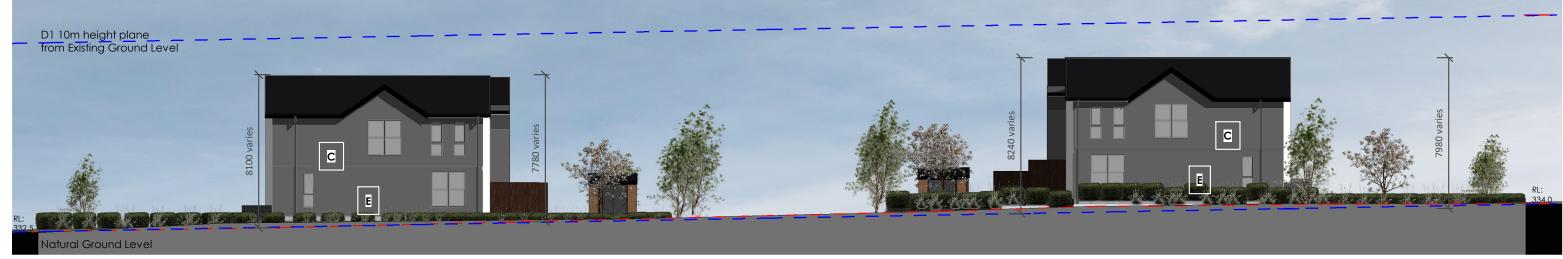
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REV:	ISSUE:	DATE:	PROJECT:	NORTHLAKE DRAWING:  Materials Key		SCALE:		
Α	FOR COORDINATION	21.03.2018		LOT 1017	Marc	mais iccy		
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D	FOR RESOURCE CONSENT RFI 3	19.12.2018			FILE:	SHEET:	REV:	
					1017	A-200	D	





1 : 200 BLOCK D

BLOCK A



(2) EAST BLOCK D

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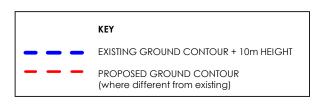


REV:	ISSUE:	DATE:	PROJECT:	CT: NORTHLAKE		Street Elevations N + E		
D	FOR COORDINATION	21.03.2018		LOT 1017	3	IICCI LICVC		
Е	FOR RESOURCE CONSENT	05.04.2018		201 1017	CLIENT		07. (5. )70	
F	FOR RESOURCE CONSENT RFI	13.06.2018			NC	ORIHLAKE INVE	STMENTS LIMITED	
G	FOR RESOURCE CONSENT RFI 2	30.07.2018			FILE:		SHEET:	
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1:200

JS

JS



# QUEENSTOWN LAKES DISTRICT COUNCIL APPROVED PLAN: RMRM180492 Monday, 4 February 2019

D1: 10m Height plane

1 SOUTH 1:200

BLOCK C

BLOCK E



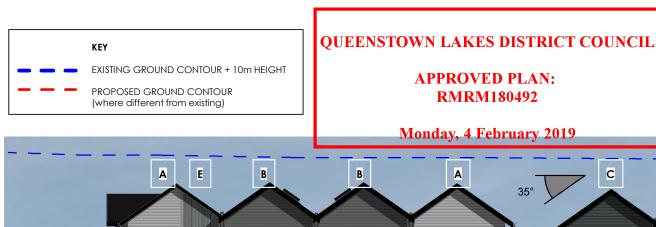
② WEST BLOCK A BLOCK B

ș A STUDIO

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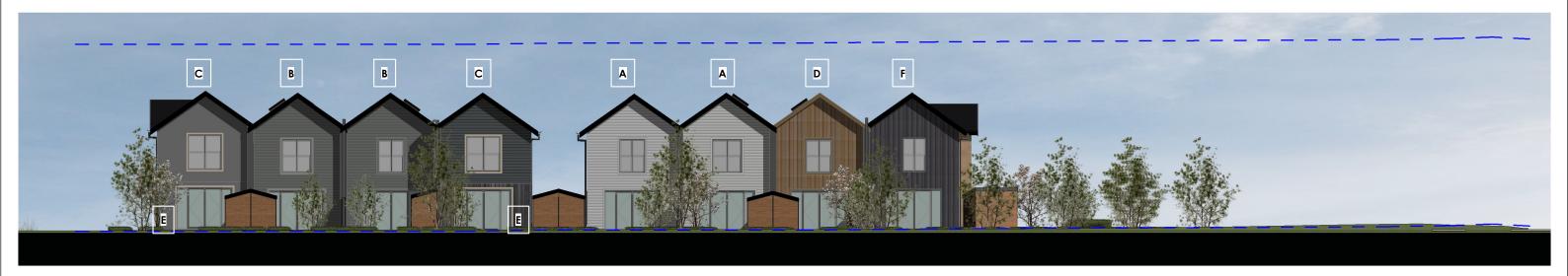


REV:	ISSUE:	DATE:		NORTHLAKE LOT 1017  DRAWING: Street Elevations S + W		SCALE: 1:200		
D	FOR COORDINATION	21.03.2018						
Е	FOR RESOURCE CONSENT	05.04.2018		CLIENT:		DRAWN:	CHECK:	
F	FOR RESOURCE CONSENT RFI	13.06.2018			NORTHLAKE INVESTMENTS LIMITED		JS	JS
G	FOR RESOURCE CONSENT RFI 2	30.07.2018			FILE:	SHEET:	REV:	
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EAST RESERVE
1:200



WEST RESERVE
1:200

S	Α	STUDIO	

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NORTHLAKE LOT 1017	DRAWING: Reserve	Reserve Elevations		
201 1017	CLIENT:		DRAWN:	CHECK:
	NORTHLAKE INV	'ESTMENTS LIMITED	JS	JS
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	1017	A-203	Е	



1. View from North-West



2. View to Reserve from South

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Α	FOR COORDINATION	21.03.2018	LOT 1017		Views			
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