



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	M Speight
Location:	11 Stafford Street, Arrowtown
Proposal:	To construct a boundary wall the breaches internal setbacks, continuous building length and height recession plane
Legal Description:	Section 14 Block XIV Town of Arrowtown held in Computer Freehold Register OT379/93
Operative Plan Zoning:	Low Density Residential
Proposed Plan Zoning:	Low Density Residential
Activity Status:	Non-Complying
Notification Decision:	Limited Notified
Delegated Authority:	Quinn McIntyre, Manager Resource Consents
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	7 June 2018

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 108/220 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 Quinn McIntyre Resource Consents, 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 limited notified on 1 February 2018.

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 Quinn McIntyre (Manager Resource Consents) on 18 April 2018.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 5.4 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 6.4 of the S42A report outlines Part 2 of the Act.

3.1 RELEVANT PLAN CONSIDERATIONS

The subject site is zoned Low Density Residential. Resource consent is required for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(iv) in regard to the minimum internal boundary setback, which is 2m. It is proposed to construct a wall structure up to the boundary of the site. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(vi) in regard to continuous building length, which is restricted to 16m. It is proposed to construct a wall structure on the boundary of the site with a length of 30m. Council's discretion is restricted to this matter.
- A **non-complying** activity pursuant to Rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3(v) in regard to the height recession plane. It is proposed to erect a wall with a maximum height of 3m on the boundary of the site. As such the wall would exceed the height recession plane by 1.5m.

PROPOSED DISTRICT PLAN

Council notified the Proposed District Plan on 26 August 2015. However there are no rules that have immediate legal effect that relate to the proposed development.

It is noted that the Section 95 report (attached as Appendix 2) identified the application as being a restricted discretionary activity. However this is considered an error. 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, section 42A report and content of submissions are:

- Dominance of built form
- Shading

The findings relating to these principal issues of contention are outlined in Section 6.1.2 of the attached S42A report.

6. ASSESSMENT

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

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

The proposal is considered to result in no more than minor adverse effects in terms of the bulk and height of the wall.

The proposal would a slight positive effects in enabling the efficient and private use of outdoor living areas within 11 Stafford Street.

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

As outlined in detail in Section 6.3 of the S42A report, overall the proposed development is not contrary to 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 considered to be not 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 6.4 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

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

Administrative Matters

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

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

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

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

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

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

Report prepared by

Decision made by




Erin Stagg
SENIOR PLANNER

Quinn McIntyre
MANAGER, RESOURCE CONSENTS

ANNEXURE 1 – Consent Conditions

ANNEXURE 2 – Section 42A Report

ANNEXURE 1

Consent Conditions

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Site Plan' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1
 - 'Lower Upper Floor Plans' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1

stamped as approved on 7 June 2018

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. Within six weeks of the date of the consent being granted, the consent holder shall submit a landscape plan to Council for certification. The approved landscaping plan shall be implemented within the first planting season of approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

In this instance the landscape plan should be designed to meet the following objectives:

- The landscaping shall soften the southern elevations of the wall to reduce dominance on the property at 9 Stafford Street. The proposed planting shall reach a mature height of 2.5m and shall substantially screen, at a minimum, the western most 2m of the both walls located within the internal setback.

For Your Information

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

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

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

ANNEXURE 2

S42A Report

FILE REF: RM170912

TO Quinn McIntyre, Manager Resource Consents
FROM Erin Stagg, Senior Planner
SUBJECT Report on a Limited Notified Consent Application

SUMMARY

Applicant: M Speight
Location: 11 Stafford Street, Arrowtown
Proposal: To construct a boundary wall the breaches internal setbacks, continuous building length and height recession plane
Legal Description: Section 14 Block XIV Town of Arrowtown held in Computer Freehold Register OT379/93
Operative Plan Zoning: Low Density Residential
Proposed Plan Zoning: Low Density Residential
Activity Status: Non-Complying
Limited Notification Date: 1 February 2018
Closing Date for Submissions: 2 March 2018
Submissions: 1

- 1 submissions have been received in opposition to the application:

Charles L Hay

the submitter does not wish to speak at the hearing

RECOMMENDATION

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

1. It is considered that the adverse effects of the activity will be no more than minor for the following reasons:
 - Adverse effects in relation to dominance, shading and outlook on the owners/occupiers of 9 Stafford Street have been determined to be no more than minor given the small extent of the breach beyond what can be constructed as of right, the location of the wall, and conditions imposed to reduce the dominance of the wall.
2. The proposal is not contrary to the relevant objectives and policies of the District Plan for the following reasons:
 - The proposal is consistent with the objectives and policies of the Operative District Plan.
 - The proposal is consistent with the objectives and policies of the Proposed District Plan.

Overall, it is considered that the residential amenity of the area and the neighbouring sites will be retained.

1. INTRODUCTION

My name is Erin Stagg. I am a Senior Resource Consents Planner with Queenstown Lakes District Council. I have been employed by QLDC since 2014. Prior to this I worked as a Policy Planner for the Dunedin City Council for 1 year.

I hold the qualifications of a Bachelor of Arts from Wellesley College, Massachusetts USA and a Masters of Planning from the University of Otago. I am a graduate member of the New Zealand Planning Institute, which brings with it obligations with regard to continuing professional development.

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 on the Environment*', prepared by Mr John Blair attached as Appendix 1, and hereon referred to as the applicant's AEE.

Retrospective resource consent is sought to erect a wall within the internal boundary setback. The wall is constructed immediately adjacent to the north-west boundary of the site and is 30m in length and up to approximately 3m in height at the highest point. The wall is a solid white boundary wall that steps up the slope.

It is noted that from reviewing Council's maps it appears that the wall may also be partially constructed within the neighbouring property, 9 Stafford Street. However, without survey accurate data in relation to the location of the boundary between the two properties, it is impossible to determine if the wall is located entirely within the applicant site or otherwise. This is a civil matter between the applicant and the owner of 9 Stafford Street.

Subject Site and Surrounding Environment

The subject site is located to the north of Stafford Street and is currently occupied by a dwelling. The surrounding environment is characterised by low density residential development and mature landscaping (Figure 1 below).



Figure 1: Subject site (outlined in blue) and surrounding environment

Relevant Resource Consent History

Resource Consent RM130414 was granted on 24 September 2013 to construct an addition onto an existing dwelling that breached internal boundary setbacks. These breaches related to the southern and eastern sides of the dwelling.

3. SUBMISSIONS

3.1 SUBMISSIONS

A copy of submissions received can be found in the "Submission" section of the Agenda and are summarised below for the Commission's benefit.

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Charles Hay	9 Stafford Street Arrowtown	No effects raised but concern about the height and proximity of the wall raised	To be considered



4. CONSULTATION AND WRITTEN APPROVALS

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

5. PLANNING FRAMEWORK

5.2 THE OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential.

The purpose of the Low Density Residential Zone is to provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage.

The relevant provisions of the Plan that require consideration can be found in Part 7 of the Operative District Plan.

Resource consent is required for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(iv) in regard to the minimum internal boundary setback, which is 2m. It is proposed to construct a wall structure up to the boundary of the site. Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(vi) in regard to continuous building length, which is restricted to 16m. It is proposed to construct a wall structure on the boundary of the site with a length of 30m. Council's discretion is restricted to this matter.
- A **non-complying** activity pursuant to Rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3(v) in regard to the height recession plane. It is proposed to erect a wall with a maximum height of 3m on the boundary of the site. As such the wall would exceed the height recession plane by 1.5m.

PROPOSED DISTRICT PLAN

Council notified the Proposed District Plan on 26 August 2015. However there are no rules that have immediate legal effect that relate to the proposed development.

5.3 STATUS

It is noted that the Section 95 report (attached as Appendix 2) identified the application as being a restricted discretionary activity. However this is considered an error. Overall, the application is considered to be a **non-complying** activity.

5.4 STATUTORY CONSIDERATIONS

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

Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application.

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

In addition, Section 104D (Particular Restrictions on non-complying activity) states that the decision maker can only grant a resource consent for a non-complying activity if it is satisfied that the effects of the activity will be no more than minor, or that activity will not be contrary to the Objectives or Policies of any plan or Proposed Plan.

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

6. ASSESSMENT

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

- (i) Effects on the Environment)
- (ii) Relevant Plan Provisions Assessment
- (iii) Other Matters (precedent, other statutory documents)

6.1 EFFECTS ON THE ENVIRONMENT

6.1.1 The Permitted Baseline/Existing Environment/Receiving Environment

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

In this case, any dwelling and associated accessory buildings that complies with the Site and Zone Standards specified in Section 7 of the District Plan is a permitted activity. The relevant permitted standards relating to this application are:

- The maximum height for buildings is 8.0 metres, with no part of any building protruding through a recession line inclined towards the site at an angle of 25 degrees and commencing at 2.5 metres above ground level at any point on the site boundary.
- The minimum internal setback for buildings is two setbacks of 4.5m and the rest of 2m, with decks and porches being permitted within the setback up to 0.6m provided they measure no more than 2m parallel to the nearest boundary and the floor level is no higher than 1m above existing ground level.
- Accessory buildings can be constructed up to the boundary of a site, provided they are no longer than 7.5m in length, have no openings, and do not protrude through the height recession plane.
- Walls and fences of up to 2m in height are permitted along the boundary of any property.

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

In relation to the existing environment there are no unimplemented resource consents that relate to the subject site or any neighbouring sites. Therefore comparison with the existing or receiving environment is not applicable in this instance.

6.1.2 Actual and Potential Effects on the Environment

This assessment of actual and potential effects on the environment is guided by assessment matters provided in the District Plan where appropriate. Part 7 of the District Plan includes a range of assessment matters that set out both the process for and matters to be considered for development within the Low Density Residential Zone (the list of relevant District Plan assessment matters is attached in full as Appendix 3).

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

- Built Form and Dominance (6.1.2.1)
- Shading (6.1.2.2)
- Positive Effects (6.1.2.3)

The effects of the wall have been previously assessed in the Section 95 Report (Appendix 2).

6.1.2.1 Built Form and Dominance

The wall is located along the north-western boundary of the site. It steps up the slope with two high points, the western-most of which is 2.8m in height and easternmost of which is 3m in height. While the wall is 30m in length, the non-compliant sections of the wall are short (approximately 3m and 4m) in length and triangular in shape.

The permitted baseline allows for the construction of a wall along the boundary of the site with a maximum height of 2m. The wall is located along the north-western boundary of the application site and, therefore, the south-eastern boundary of the property located at 9 Stafford Street. The southern side of 9 Stafford Street is currently occupied by the driveway and garage for the dwelling. If a new dwelling were proposed to be constructed on this site in the future, it is likely that this area would be retained for use as access and parking given its location and orientation in relation to the sun. Therefore, given the extent of the exceedance, being 1m height at its greatest extent, and the low amenity of the area on 9 Stafford St adjacent to the wall, it is considered that adverse effects in relation to dominance on the owners or occupiers of 9 Stafford Street would be no more than minor. In order to reduce effects in relation to dominance, a condition is recommended to require a landscape plan be submitted to Council for certification that will screen the southern elevations of the walls located within the 2m internal setbacks.

Views from the property at 9 Stafford Street are obtained to the west and south (views somewhat in the direction of the application site). However it is noted that the existing dwelling located on the application site obscures views to the south to a greater degree than the wall. Therefore no adverse effects on views or outlook are anticipated from the wall.

No adverse effects in relation to the privacy of the owners or occupiers of 9 Stafford Street will result from the construction of the wall.

Given the assessment above, it is considered that adverse effects on the owners or occupiers of 9 Stafford Street of the proposed wall are no more than minor.

6.1.2.2 Shading

The wall is adjacent to the driveway and garage on the southern side of the property at 9 Stafford Street. The orientation of the sites is such that there is the potential for shading during the morning to occur.

The permitted baseline allows for a 2m high wall to be constructed in this location as of right. In addition, the permitted baseline would enable the construction of a garage in this location, provided it did not protrude through the height recession plane (which would result in a maximum height of 2.5m on the boundary). The wall exceeds 2.5m by a maximum of 0.5m in two discreet locations. It is therefore considered that the proposed wall would not result in shading beyond what could be caused by a permitted garage constructed in a similar location.

Further to the above, the area adjacent to the wall, being the garage and driveway, are not considered to be areas of high amenity and it is noted that the existing house would create shading prior to the wall having any shading effect. For these reasons, the triangles of additional shade resulting from the proposed wall are not considered to have adverse effects on the amenity or sunlight access of the owners of 9 Stafford Street that would be more than minor.

Overall adverse effects from shading on the owners or occupiers of 9 Stafford Street are considered to be no more than minor.

6.1.2.3 Positive Effects

The construction of the wall along the boundary provides the applicant with additional privacy within the outdoor living space to the north of the dwelling.

6.1.2.4 Summary of Effects

I consider that the proposal results in no more than minor adverse effects in terms of the bulk and height of the wall.

The proposal would a slight positive effects in enabling the efficient and private use of outdoor living areas within 11 Stafford Street.

6.2 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

6.2.1 Objectives and Policies – Operative District Plan

The full details of the relevant objectives and policies of the Operative District Plan and Proposed District Plan are found in Appendix 4. Discussion of these is provided below.

Operative District Plan Part 7 - Residential

Objective 1 and its associated policies seek to provide sufficient land for a diverse range of residential opportunities. It is considered that the proposed development relates to the use of residential land in the residential zone in an efficient and effective manner. Therefore the proposal is considered to not be contrary with the intent of this objective and associated policies.

Objective 3 and its associated policies seek to provide for pleasant living environments while also providing for community needs. Policy 3.1 seeks to protect and enhance residential cohesion and sense of community. It is not considered that the proposed development would affect residential cohesion. The proposal would retain the low density residential character of the area and is therefore not contrary with Policies 3.2 and 3.14.

Policy 3.7 directs Council to ensure that undue shading does not affect residential activities. It is considered that the shading effects of the wall would be no more than minor and therefore the effect is considered, in this instance, appropriate. For this reason I consider the activity is not contrary with the intent of this policy.

Overall, I consider the proposed development is not contrary with the direction sought by Objective 3.

Overall, the proposed development is considered to be consistent with, and not contrary to, the objectives and policies of the Operative District Plan.

6.2.2 Objectives and Policies – Proposed District Plan

QLDC notified the Proposed District Plan Stage 1 on 26 August 2015, and Stage 2 on 23 November 2017.

Chapter 3 – Strategic Directions

Objective 3.2.3.1 seeks to achieve a built environment that ensures urban areas a desirable places to live work and play. Policy 3.2.3.1.1 seeks to ensure that development responds to the character of its site. The proposed wall is fairly large and imposing when considered in relation to the residential context within which it was constructed. Therefore the development is considered to be inconsistent with this policy. However, given that the wall is located adjacent to the driveway and garage on the neighbouring site, it is not considered that the wall substantially detracts from the desirability of the urban environment. Therefore the proposal is, overall, considered to not be contrary with the intent of this objective.

Chapter 4 - Urban Development

Objective 4.2.1 seeks to ensure that urban development is coordinated with infrastructure and services, and is undertake in a manner that protects the environment. It is considered that the proposed development would not be contrary with this Objective.

Objective 4.2.3 and its associated policies seeks to provide for a compact and integrated urban form. The proposed development is considered to not be contrary with this Objective and policies.

Chapter 7 – Low Density Residential

Objective 7.2.1 seeks to provide for residential living. Policy 7.2.1.2 seeks to protect the suburban character of the zone and provide for low density housing development. The proposed development is considered to not be contrary with this objective and associated policies.

Objective 7.2.2 seeks to ensure protection of low intensity residential character, while also providing for low impact change. Policy 7.2.2.2 directs Council to apply height and bulk and location controls as the primary means of retaining low density character in the zone, while also protecting privacy, access to sunlight and the dominance of buildings. I consider that the proposed development would not have inappropriate effects in relation to access to sunlight, dominance, outlook or loss of privacy.

Overall, I consider the proposed development to not be contrary with this objective and associated policies.

Objective 7.2.3 seeks to allow for higher housing densities than would typically be anticipated in this zone provided the environment is dominated by low rise built form. No higher density development is proposed by way of this application and the proposed development is considered to not be contrary with the intent of this objective and associated policies.

Objective 7.2.10 seeks to ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised. The proposed development is considered to not be contrary with this objective.

Overall I consider the proposed development to be not contrary to the objectives and policies of the Proposed District plan.

Summary

It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage.

Overall, the proposal is considered to be not contrary to the objectives and policies of the Proposed District Plan.

6.2.3 Regional Policy Statement

The objectives and policies contained within the Otago Regional Policy Statement (RPS) are also relevant to the proposal. The full details of the relevant objectives and policies are found in Appendix 5. In addition it is appropriate to consider the Regional Policy Statement review. The proposed changes to the RPS were notified on the 23 May 2015 and Council issued its decision on 1 October 2016.

Operative Regional Policy Statement (ORPS)

The objectives and associated policies of the ORPS seek to promote the sustainable management of Otago's built environment while avoiding, remedying or mitigating adverse effects. Of particular relevance to this application, Policy 9.5.5 directs Council to maintain, and where practicable, enhance the quality of life for people and communities. I consider that the wall, would overall maintain the amenity of the surrounding neighbourhood and therefore the proposal is considered to not be contrary with this policy.

Overall, the proposal is considered to not be contrary with the objectives and policies of the ORPS.

Proposed Regional Policy Statement (PRPS)

In relation to the proposed Regional Policy Statement, Objectives 2.1 and 2.2 seek to sustain Kai Tahu values and take into account the principles of Te Tiriti o Waitangi in decision making. It is noted that these provisions are not subject to appeal.

Objective 4.1 and the associated policy seek to ensure risks posed through natural hazards are minimised. I consider the proposed development to not be contrary with this objective and associated policy.

Objective 4.5 seeks to ensure that urban growth is well designed, reflects local character and integrates effectively with surroundings. The associated policies direct Councils to zone sufficient land, coordinate growth with the extension of infrastructure, ensure the efficient use of land, and encourage good urban design. The proposed development relates to the efficient use. Therefore I consider the proposed development to not be contrary with this objective and associated policies.

Overall, I consider the proposed development to not be contrary with the objectives and policies of the proposed and operative Otago Regional Policy Statements.

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 considered to be not contrary to the relevant policies and objectives of the District Plan or the Proposed District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

6.4 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

For completeness, the proposal has been assessed against Part 2 of the RMA.

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

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

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

The proposal will appropriately avoid, remedy or mitigate adverse effects on the urban character of the surrounding environment.

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

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship*
- (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*

- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon*
- (i) *the effects of climate change*
- (j) *the benefits to be derived from the use and development of renewable energy*

As discussed throughout this report, I consider that the development proposed is appropriate in this setting based upon an assessment of the application against s104 matters and in particular, the relevant provisions of the Operative District Plan. It is concluded against this document that the proposal maintains the sought character and amenity. As such, I consider the proposal promotes sustainable management of the landscape resource.

Overall, I consider the proposal promotes sustainable management as per the purposes and principles of the RMA.

7. SUMMARY & RECOMMENDATION

- An application has been received to construct a wall the breaches continuous building length, internal setbacks and the height recession plane.
- In summary, it is considered that the potential effects have been adequately avoided, minimised or mitigated and the proposed development is considered appropriate.
- Considered as a whole, the proposal is not contrary to the relevant objectives and policies of the Operative and Proposed District Plans.
- Therefore I recommend consent be granted.
- Draft conditions (Appendix 6) have been provided to assist the Commission should the Commission be of a mind to grant consent.

Report prepared by

Reviewed by




Erin Stagg
SENIOR PLANNER

Alana Standish
SENIOR PLANNER

Attachments:

Appendix 1	Applicant's AEE
Appendix 2	Section 95 Report
Appendix 3	QLDC Assessment Matters
Appendix 4	Relevant Objectives and Policies
Appendix 5	Regional Policy Statement Objectives and Policies
Appendix 6	Consent Conditions

Report Dated: 18 April 2018

APPENDIX 1

Applicant's Assessment of Environmental Effects

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Site Plan' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1
 - 'Lower Upper Floor Plans' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1

stamped as approved on 7 June 2018

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. Within six weeks of the date of the consent being granted, the consent holder shall submit a landscape plan to Council for certification. The approved landscaping plan shall be implemented within the first planting season of approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

In this instance the landscape plan should be designed to meet the following objectives:

- The landscaping shall soften the southern elevations of the wall to reduce dominance on the property at 9 Stafford Street. The proposed planting shall reach a mature height of 2.5m and shall substantially screen, at a minimum, the western most 2m of the both walls located within the internal setback.

For Your Information

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

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

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

APPENDIX 2

S95 Report

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL****RESOURCE MANAGEMENT ACT 1991****SECTION 95 NOTIFICATION - LIMITED NOTIFICATION**

Applicant:	M Speight
RM reference:	RM170912
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct a wall within the internal boundary setback.
Location:	11 Stafford Street, Arrowtown
Legal Description:	Section 14 Block XIV Town of Arrowtown held in Computer Freehold Register OT379/93
Operative Zoning:	Low Density Residential
Proposed Zoning:	Low Density Residential
Activity Status:	Restricted Discretionary
Date	2 November 2017

SUMMARY OF DECISION

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **limited notified** basis given the findings of Section 6 of this report. Notice of the application will be served on those parties identified in Section 5.3 of this report in accordance with section 2AA of the RMA.
2. This decision is made by Paula Costello, Resource Consents Team Leader on 2 November 2017 under delegated authority pursuant to Section 34A of the RMA.

1. PROPOSAL & SITE DESCRIPTION

Retrospective resource consent is sought to erect a wall within the internal boundary setback. The wall is construed immediately adjacent to the north-west boundary of the site and is 30m in length and up to approximately 4m in height.

Subject Site and Surrounding Environment

The subject site is located to the north of Stafford Street and is currently occupied by a dwelling. The surrounding environment is characterised by low density residential development and mature landscaping (Figure 1 below).



Figure 1: Subject site (outlined in blue) and surrounding environment

Relevant Resource Consent History

Resource Consent RM130414 was granted on 24 September 2013 to construct an addition onto an existing dwelling that breached internal boundary setbacks. These breaches related to the southern and eastern sides of the dwelling.

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

OPERATIVE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(iv) in regard to the minimum internal boundary setback, which is 2m. It is proposed to construct a wall up to the boundary of the site. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal breaches site standard 7.5.5.2(vi) in regard to continuous building length, which is restricted to 16m. It is proposed to construct a wall on the boundary of the site with a length of 30m. Council's discretion is restricted to this matter.

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

PROPOSED DISTRICT PLAN

Council notified the Proposed District Plan on 26 August 2015. However there are no rules that have immediate legal effect that relate to the proposed development.

3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)). No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)). The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect is therefore made in section 4 below:

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *The activity is a restricted discretionary activity, so that adverse effects which do not relate to a matter of discretion have been disregarded (s95D(c)).*
- C: *Trade competition and the effects of trade competition (s95D(d)).*

4.2 PERMITTED BASELINE (s95D(b))

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

In this case, any dwelling and associated accessory buildings that complies with the Site and Zone Standard specified in Sections 7 and 15 of the District Plan is a permitted activity. The relevant permitted standards relating to this application are:

- One residential unit can be constructed per 450m² of net site area.
- The minimum internal setback for buildings is two setbacks of 4.5m and the rest of 2m, with decks and porches being permitted within the setback up to 0.6m provided they measure no more than 2m parallel to the nearest boundary and the floor level is no higher than 1m above existing ground level. Accessory buildings are also permitted to be constructed up to the boundary of the site provided they are no longer than 7.5m in length, have no windows or openings along the boundary, and do not exceed the height recession plane measured at a height of 2.5m at the boundary of the site and 25° in from that point.

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

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Part 7 (Residential Areas), 14 (Transport), 15 (Subdivision, Development and Financial Contributions), and 22 (Earthworks) of the District Plan and include the following:

Assessment Matter 7.7.2(xviii(2)) (Internal Setbacks) directs Council to have regard to the extent to which the intrusion is necessary to enable the efficient use of the site, adverse effects in relation to dominance, outlook, reduced privacy, loss of sunlight, access and suburban character and any mitigation proposed.

Assessment Matter 7.7.2(xx(2)) (Continuous Building Length) directs Council to have regard to adverse effects in relation to dominance, outlook, openness and the ability to mitigate the adverse effects.

While the garden wall along the internal setback is visible from Stafford Street, the wall is located approximately 15m from the road boundary and, when viewed from this vantage would appear as an integral element to the house. As such it is considered that the wall will not there result in adverse effects on the wider environment in relation to dominance or effects on the street scape.

Overall, adverse effects of the proposed wall would be no more than minor on the wider environment.

4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2)(a))

Overall, the proposed activity is not likely to have adverse effects on the environment that are more than minor.

5. EFFECTS ON PERSONS

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

5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: The activity is a restricted discretionary activity, so that adverse effects which do not relate to a matter of discretion have been disregarded (s95E(2)(b)).

5.2 PERMITTED BASELINE (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above.

5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The properties located at 9 and 13 Stafford Street and 24 Caernavon Street are located adjacent to the application site.

It is not considered that the wall would be highly visible from 13 Stafford Street as it would be screened from views from this vantage by the south-eastern elevation of the dwelling. Therefore adverse effects on the owners or occupiers of 13 Stafford Street are considered to be less than minor.

The wall would be visible to the occupiers or owners of 24 Caernavon Street. However only the northern end of the wall would be visible from this vantage and located approximately 7m from the boundary of the site. In addition it is noted that the wall is lower when viewed from this perspective. Therefore it is not considered that the wall would have discernible effect on the owners or occupiers of 24 Caernavon Street in relation to dominance or loss of residential amenity. Overall adverse effects of the wall on the owners or occupiers of 24 Caernavon Street are considered to be less than minor.

The wall would be clearly visible from 9 Stafford Street as it immediately adjacent to this boundary. Given the height and length of the wall, it is considered the wall has the potential to have effects on the owners or occupiers of 9 Stafford Street in relation to dominance that are minor or more than minor.

The persons considered affected pursuant to section 95E of the RMA and therefore to be served notice of the application are illustrated and tabled as follows:



Person (owner/occupier)	Address (location in respect of subject site)
Charles Hay	9 Stafford Street, Arrowtown (property to the north-west of the application site)

6. DECISION: LIMITED NOTIFICATION AND SERVICE

For the reasons set out in the above assessment, this application for resource consent shall be notified on a limited basis to those persons identified in section 5.3 above.

Report prepared by

Erin Stagg
SENIOR PLANNER

Decision made by

Paula Costello
RESOURCE CONSENTS TEAM LEADER

Report Dated: 1 February 2018

APPENDIX 3

QLDC Assessment Matters

Relevant Assessment Matters

Assessment Matter 7.7.2(xii) Building Height directs Council to have regard to:

- (a) Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.
- (b) Whether there are rules requiring the site to be built up.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

Assessment Matter 7.7.2(xiii) New Zealand Urban Design Protocol directs Council to have regard to:

- (a) Context
 - (i) The nature of the relationship with and integration into the surrounding streets and neighbourhood such that the development fits well within the existing urban fabric and makes a positive contribution to the residential amenity of public spaces, walkways and views;
 - (ii) Presents itself as a “good neighbour” in terms of its relationship to adjacent and nearby properties in terms of access to sunlight and views, readily accessible and safe temporary parking, stopping and loading/unloading areas that respect neighbouring properties, passing traffic and pedestrians; and
 - (iii) The avoidance of unsightly elements such as prominent carpark entrances, garish signs, cluttered rooftops (to include parking) and intrusive utility connections, stormwater facilities and trashbin placements that diminish public amenity.
- (b) Character
 - (i) The use of materials and other architectural elements that do not clash with adjacent and nearby buildings and that contribute positively to the wider street scene;
 - (ii) The uses of architectural elements that reflect the unique history and cultural values of the surrounding area;
 - (iii) Attention to human scale in façade design, fenestration details and street level experience, to include entries, gardens and hardscape elements;
 - (iv) Varying rooflines and/or roof pitches to provide architectural interest and avoid a commercial appearance; and
 - (v) Landscaping that softens the building impact on the street front and provides amenity for passersby.
- (c) Choice
 - (i) Adaptable designs that provide a mixture of unit sizes and numbers of bedrooms to create flexibility in terms of future reuses over the longer term so as to ensure a sustainable community.
- (d) Connections
 - (i) Ready access to public transportation, footpaths and tracks, cycle ways and other means of transportation that do not require private vehicles;
 - (ii) Efficient and considerate of public amenity means of delivering goods and collecting waste;
 - (iii) Utility and safety of public parking, drop-off and stopping areas;
 - (iv) Supporting and enhancing public views and access to the surrounding built and natural environment;
 - (v) Facilitating contact among people both within the site and within the surrounding neighbourhood area; and
 - (vi) Providing lively and safe public spaces and places.

- (e) Creativity
 - (i) Artistic vision that enhances neighbourhood amenity values while not competing for individual attention;
 - (ii) Articulated façades that utilise architectural elements to create an overall composition that enriches the eye in terms of scale, rhythm and detailing of the building while avoiding inappropriate or unattractive repetitive façades, “cookie cutter” design solutions and flat, blank or uninteresting walls; and
 - (iii) Attractive use of landscaping materials to enhance building appearance and use.
- (f) Custodianship
 - (i) Environmentally sustainable and responsive design solutions that include attention to energy efficiency, waste disposal, transportation access, sunlight, and outdoor spaces;
 - (ii) Enjoyable, safe public spaces; and
 - (iii) A quality environment that infuses a sense of ownership and responsibility in residents and visitors such that they care for and protect the places and spaces.
- (g) Collaboration
 - (i) Where appropriate, use of a multi-disciplinary design approach involving architects, landscape architects and urban planners early in the design process, to include reference to current and planned public projects, if relevant; and
 - (ii) Where appropriate, involvement of neighbours and public in decision making process that may have a substantial impact on their amenity values.
- (h) Notes
 - (i) When applying paragraphs (a) to (g) to Sub-Zone B1 regard shall be had to the master planned development consented under RM050908 dated 28/7/2006.
 - (ii) When applying paragraphs (a) to (g) to land contained in or formerly contained in Lot 1 DP12665, regard shall be had to development consented under RM040624 and RM081099 dated 13/11/2008.

Assessment Matter 7.7.2(xviii)(2) Setbacks from internal boundaries

- (a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical use of the remainder of the site.
- (b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.
- (c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the suburban living environment.
- (d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
- (e) The ability to provide adequate opportunities for landscaping around buildings.
- (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (g) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.

- (h) Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community or private recreation facilities in terms of noise, glare or vibration which is inconsistent with the suburban living environment.
- (i) The ability to mitigate adverse effects of the proposal on adjoining sites.

Assessment Matter 7.7.2(xx)(2) Continuous Building Length directs Council to have regard to:

- (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
- (b) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining site.
- (c) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

APPENDIX 4

Relevant Objectives and Policies

OPERATIVE DISTRICT PLAN

Relevant Objectives and Policies – Section 7

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Policies:

- 1.1 To zone sufficient land to satisfy both anticipated residential and visitor accommodation demand.
- 1.2 To enable new residential and visitor accommodation areas in the District.
- 1.3 To promote compact residential and visitor accommodation development.
- 1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.
- 1.5 To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.
- 1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighbourhoods.

Objective 3 - Residential Amenity.

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

Policies:

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and wellbeing obtained from residential neighbours.
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.
- 3.3 To provide for and encourage high density residential development within the high density residential zones.
- 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.
- 3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.
- 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.
- 3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.
- 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.

- 3.10 To provide for and encourage new and imaginative residential development forms within the major new residential areas.
- 3.13 To require an urban design review to ensure that new developments satisfy the principles of good design.
- 3.14 To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.

PROPOSED DISTRICT PLAN

Relevant Objectives and Policies – Chapter 3 Strategic Directions

Objective 3.2.3.1

Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policies

- 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.
- 3.2.3.1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
- 3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.

Relevant Objectives and Policies – Chapter 4 Urban Development

Objective 4.2.1

Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Policies

- 4.2.1.1 Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.
- 4.2.1.2 Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.
- 4.2.1.3 Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.
- 4.2.1.4 Development enhances connections to public recreation facilities, reserves, open space and active transport networks.
- 4.2.1.5 Urban development is contained within or immediately adjacent to existing settlements
- 4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.
- 4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.

Objective 4.2.3

Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.

Policies

- 4.2.3.1 Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:
- connectivity and integration;
 - the sustainable use of public infrastructure;
 - convenient linkages to the public and active transport network; and
 - housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.
- 4.2.3.2 Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.
- 4.2.3.3 Low density development does not compromise opportunities for future urban development
- 4.2.3.4 Urban development occurs in locations that are adequately serviced by existing public infrastructure, or where infrastructure can be efficiently upgraded.
- 4.2.3.5 For urban centres where Urban Growth Boundaries apply, new public infrastructure networks are limited exclusively to land within defined Urban Growth Boundaries.
- 4.2.3.6 Development improves connections to recreational and community facilities, and enhances the amenity and vibrancy of urban areas.
- 4.2.3.7 The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.
- 4.2.3.8 Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise.

Relevant Objectives and Policies – Chapter 7 Low Density Residential

Objective 7.2.1

The zone provides for low density residential living within the District's urban areas.

Policies

- 7.2.1.1 Low density zoning and development is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.
- 7.2.1.2 The zone is suburban in character and provides for a low density housing development on larger urban allotments primarily comprising dwellings up to two storeys in height.

Objective 7.2.2

Ensure protection of amenity values in recognition of the zone's lower intensity character, whilst providing for subtle and low impact change.

Policies

- 7.2.2.1 Enable residential development on allotments of a size consistent with a low density character, which are typically larger than 450 square metres, but enable infill development at a higher density where it is low scale and discrete, and relates well to existing land use.
- 7.2.2.2 Apply height, building coverage, and bulk and location controls as the primary means of retaining the lower intensity character of the zone and ensuring protection of amenity values in terms of privacy, access to sunlight, and impacts arising from building dominance.

Objective 7.2.3

Allow higher housing densities than typical in the zone provided that it retains a low rise built form and responds appropriately and sensitively to the context and character of the locality.

Policies

- 7.2.3.1 Ensure any higher density residential development is planned and designed to fit well within its immediate context, paying particular attention to the way the development:
- Relates to neighbouring properties, through employing larger setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts
 - Avoids large continuous building facades that are not articulated or broken down into smaller elements
 - Provides street activation through connection between front doors and the street.
- 7.2.3.2 Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, with particular regard to the street frontage of developments.
- 7.2.3.3 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.

Objective 7.2.10

Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs

APPENDIX 5

Regional Policy Statement Objectives and Policies

1. Operative Regional Policy Statement: Relevant Objectives and Policies

9.4 Objectives

- 9.4.1 To promote the sustainable management of Otago's built environment in order to:
- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and
 - (b) Provide for amenity values, and
 - (c) Conserve and enhance environmental and landscape quality; and
 - (d) Recognise and protect heritage values.
- 9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- 9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

9.5 Policies

- 9.5.1 To recognise and provide for the relationship Kai Tahu have with the built environment of Otago through:
- (a) Considering activities involving papatipu whenua that contribute to the community and cultural development of Kai Tahu; and
 - (b) Recognising and providing for the protection of sites and resources of cultural importance from the adverse effects of the built environment.
- 9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through:
- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and
 - (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and
 - (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
 - (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.
- 9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:
- (a) Discharges of contaminants to Otago's air, water or land; and
 - (b) The creation of noise, vibration and dust; and
 - (c) Visual intrusion and a reduction in landscape qualities; and
 - (d) Significant irreversible effects on:
 - (i) Otago community values; or
 - (ii) Kai Tahu cultural and spiritual values; or
 - (iii) The natural character of water bodies and the coastal environment; or
 - (iv) Habitats of indigenous fauna; or
 - (v) Heritage values; or
 - (vi) Amenity values; or
 - (vii) Intrinsic values of ecosystems; or
 - (viii) Salmon or trout habitat.

- 9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:
- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and
 - (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and
 - (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.
- 11.4 Objectives**
- 11.4.1 To recognise and understand the significant natural hazards that threaten Otago's communities and features.
- 11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.
- 11.5 Policies**
- 11.5.2 To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:
- (a) Human life; and
 - (b) Infrastructure and property; and
 - (c) Otago's natural environment; and
 - (d) Otago's heritage sites.

2. Proposed Regional Policy Statement

The Regional Policy statement is currently under review and proposed changes were notified on the 23 May 2015. The Otago Regional Council released its decision on 1 October 2016 and is currently under appeal.

- Objective 2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management decisions
- Objective 2.2 Kāi Tahu values, rights and interests and customary resources are sustained
- Objective 4.1 Risk that natural hazards pose to Otago's communities are minimised.
- Policy 4.1.1 Identifying natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following:
- a) Hazard type and characteristics;
 - b) Multiple and cascading hazards;
 - c) Cumulative effects, including from multiple hazards with different risks;
 - d) Effects of climate change;
 - e) Using the best available information for calculating likelihood;
 - f) Exacerbating factors.
- Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments.
- Policy 4.5.1 Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;
- b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:
 - i. Minimise adverse effects on rural activities and significant soils;
 - ii. Minimise competing demands for natural resources;
 - iii. Maintain or enhance significant biological diversity, landscape or natural character values;
 - iv. Maintain important cultural or historic heritage values;
 - v. Avoid land with significant risk from natural hazards;
- d) Considering the need for urban growth boundaries to control urban expansion;
- e) Ensuring efficient use of land;
- f) Encouraging the use of low or no emission heating systems;
- g) Giving effect to the principles of good urban design in Schedule 5;
- h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.

Policy 4.5.2

Where urban growth boundaries or future urban development areas, are identified in a district plan, control the release of land within those boundaries or areas, by:

- a) Staging development using identified triggers to release new stages for development; or
- b) Releasing land in a way that ensures both:
 - i. a logical spatial development; and
 - ii. efficient use of existing land and infrastructure before new land is released; and
- c) Avoiding urban development beyond the urban growth boundary or future urban development area.

Policy 4.5.3

Encourage the use of Schedule 5 good urban design principles in the subdivision and development of urban areas.

APPENDIX 6

Consent Conditions

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Site Plan' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1
 - 'Lower Upper Floor Plans' Speight House 3 11 Stafford Street, Arrowtown, prepared by Paris Magdalinos Architects Sheet A00 Rev 1

stamped as approved on 7 June 2018

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. Within six weeks of the date of the consent being granted, the consent holder shall submit a landscape plan to Council for certification. The approved landscaping plan shall be implemented within the first planting season of approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

In this instance the landscape plan should be designed to meet the following objectives:

- The landscaping shall soften the southern elevations of the wall to reduce dominance on the property at 9 Stafford Street. The proposed planting shall reach a mature height of 2.5m and shall substantially screen, at a minimum, the western most 2m of the both walls located within the internal setback.

For Your Information

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

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

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

