



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Crescent Investments Limited
RM reference:	RM140657
Application:	Application under Section 127 of the Resource Management Act 1991 (RMA) to vary Conditions 1, 19, 21(i), (j) & (K) of the subdivision component of RM130758 and Conditions 1, 3(b) & (c) of the land use component of RM130758
Location:	Kirimoko Park, Wanaka
Legal Description:	Lots 1 and 2 Deposited Plan 44395 held in Computer Freehold Registers 567741 and 567742 and Lot 3 Deposited Plan 443395 and Lot 51 Deposited Plan 447560 held in Computer Freehold Register 661496
Zoning:	Low Density Residential
Activity Status:	Discretionary
Decision Date	19 September 2014

SUMMARY OF DECISIONS

In accordance with Section 127 of the Resource Management Act 1991 the application was considered under Sections 88 to 121 of the RMA.

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Ian Greaves, Senior Planner, on 18 September 2014 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to the amendments to conditions outlined in Section 7.4 of this decision. An updated set of conditions of RM130758 is provided in **Appendix 1** of this decision.. 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 electronic file and responses to any queries) by Ian Greaves Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows:

- (1) *The holder of a resource consent may apply to Council for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*
- (3) *Sections 88 to 121 shall apply, with all necessary modifications, as if –*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.*

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 3.0 and 4.0 of the report entitled Crescent Investments Limited Variation to Subdivision and Land Use Consent RM130758, prepared by Scott Edgar of Southern Land Ltd, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

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

- A **discretionary activity** consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to vary Conditions 1, 19, 21(i), (j) & (K) of the subdivision component of RM130758 to amend height limits, the way height is measured, clarify terminology and provide for building outside of platforms. It is also proposed to vary Conditions 1, 3(b) & (c) of the land use component of RM130758 to amend height limits, the way height is measured and clarify terminology.

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 follows.

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: *Trade competition and the effects of trade competition (s95D(d)).*

4.2 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account section 4.1 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 Assessment of Effects provided at section 6 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

4.3 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

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

5.0 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 ASSESSMENT: EFFECTS ON PERSONS

The following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The variation will lower the height limit on Lots 69 to 71, 73 to 75, 78 and 79, 81 to 87, 93 to 95 and 109 and 110 from 7m to 4.5m. Sale and purchase agreements exist for Lots 78, 79, 82, 83, 87 and 109 therefore the future owners of these lots are potentially affected by the proposed reduction in height. However, the applicant has provided copies of the sale and purchase agreements for these lots that highlights they were sold on the basis of a 4.5m height limit applying. Accordingly any adverse effects on those persons would be less than minor.

The variation will also amend the way height is measured on all lots within the subdivision. This also has the potential to adversely affect people's ability to develop within each lot. The applicant has identified that all lots were marketed on the basis of height being measured from a fixed point. A plan accompanying each sale and purchase agreement confirmed this arrangement. The copies of the sale and purchase agreements discussed above illustrate that this was the case. Therefore, any adverse effects on people currently with sale and purchase agreements in place will be mitigated because they were aware of the proposed change to how height will be measured when they entered into the agreement.

Amendments to the wording relating to the extent buildings can extend outside of the identified building platforms are proposed. The amendments will mean that the parameters specified in the conditions are the exclusive control over any extension beyond the platforms. Previously irrespective of these parameters the low density rules still applied. It is considered the parameters detailed in the conditions will adequately manage any potential adverse effects. Specifically, approval is required from the Residents Association and adjoining properties through the covenant controls. Therefore, any adverse effects of this proposed amendment will be less than minor.

The proposed changes to the other conditions of consent are considered to have less than minor adverse effects on persons with sale and purchase agreements in place.

No other persons are considered adversely affected.

5.2 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E and Section 127(4) of the RMA, no person is considered to be adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.3 and 5.2 the application is to be processed on a non-notified basis.

7.0 S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

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

The relevant objectives and policies are contained within Part 7 of the District Plan.

The proposal is considered to align with the relevant objectives and policies of the zone which seek to retain the character and amenity of the low density environment. Specifically, the amendments proposed will ensure the overall scale of buildings is maintained, a key characteristic of the low density character and therefore objectives of the zone.

7.3 PART 2 OF THE RMA

The proposal will promote the purpose and principles of the Act.

7.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** for the application by Crescent Investments Limited to vary Conditions 1, 19, 21(i), (j) & (K) of the subdivision component of RM130758 and Conditions 1, 3(b) & (c) of the land use component of RM130758 pursuant to Section 127 of the RMA, such that:

1. Condition 1 of the subdivision and landuse components of resource consent RM130758 is amended to read as follows (deleted text struck-through, added text underlined):

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

- a. Southern Land Ltd plan ref: Q4200_S1 Revision ~~E~~ F Sheets 1 to 4 – Proposed Subdivision Scheme Plan
- b. Southern Land Ltd plan ref: Q4200_S2 Revision A – Plan of Proposed Bulk Earthworks
- c. Ralf Kruger Landscape Architect plan ref: 2-002 Version 006 – Kirimoko Park Stage 2 – Landscape Concept Plan
- d. Ralf Kruger Landscape Architect plan ref: 2-003 Version 005 – Kirimoko Park Stage 2 – typical sections

stamped as approved on 17 December 2013 and 18 September 2014

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

2. Condition 19 of the subdivision component of resource consent RM130758 is amended as follows (deleted text struck-through, added text underlined):

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:

f) All building platforms shown on the survey plan shall include a survey mark, positioned centrally within the building platform, in relation to which the maximum height limit for the building platform will be defined.

3. Conditions 21 i), j) & k) of the subdivision component of resource consent RM130758 is amended to read as follows (deleted text struck-through, added text underlined):

The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.

- i) The maximum height ~~on~~ of any two-storey 7m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.
- j) The maximum height ~~for~~ of any single-storey 4.5m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - i) the proposed ~~single-storey section~~ dwelling within the 4.5m section does not exceed 5m above ~~ground level~~ the survey mark; and
 - ii) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.
- k) Except where provided for under condition b) above any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.

4. Condition 3 b) & c) of the landuse component of RM130758 is amended to read as follows (deleted text struck-through, added text underlined):

The dwelling and ancillary buildings constructed within each lot shall comply with the following standards:

- b) The maximum height ~~on~~ of any two-storey 7m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.
- c) The maximum height ~~for~~ of any single-storey 4.5m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - i) the proposed ~~single-storey section~~ dwelling within the 4.5m section does not exceed 5m above ~~ground level~~ the survey mark; and
 - ii) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.

8.0 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.

This variation does not change the number of lots within the subdivision.

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.

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 if all conditions have been met.

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.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

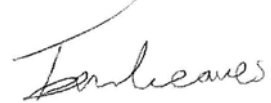
If you have any enquiries please contact Louise Ryan on phone (03) 441 0499 or email louise.ryan@qldc.govt.nz.

Report prepared by



Tim Williams
CONSULTANT PLANNER

Decision made by



Ian Greaves
SENIOR PLANNER

APPENDIX 1 - Consent Conditions

APPENDIX 2 - Crescent Investments Limited Variation to Subdivision and Land use Consent
RM130758 AEE prepared by Southern Land Limited

APPENDIX 1

Decision 1: Subdivision Consent

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - a. Southern Land Ltd plan ref: Q4200_S1 Revision F Sheets 1 to 4 – Proposed Subdivision Scheme Plan
 - b. Southern Land Ltd plan ref: Q4200_S2 Revision A – Plan of Proposed Bulk Earthworks
 - c. Ralf Kruger Landscape Architect plan ref: 2-002 Version 006 – Kirimoko Park Stage 2 – Landscape Concept Plan
 - d. Ralf Kruger Landscape Architect plan ref: 2-003 Version 005 – Kirimoko Park Stage 2 – typical sections

stamped as approved on 17 December 2013 and 18 September 2014

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.

Staging Conditions

3. In order to allow for the development and release of allotments in a controlled and logical manner the subdivision may be staged in any order that the consent holder sees fit provided that all residential allotments within each stage are adequately serviced and accessed in accordance with the conditions of this consent.
4. If the subdivision is staged in accordance with Condition (3) and the consent holder submits a survey plan showing lots that are proposed to be amalgamated and no further survey plan or section 224(c) certification would be required to obtain title for those lots then, prior to certification of that stage (pursuant to Section 224 of the Act), a consent notice shall be registered in order to ensure that all conditions relating to the lots to be amalgamated have been satisfied or bonded and development contributions have been paid before the amalgamated lots can be de-amalgamated. Conditions in the following form shall be registered on the Computer Freehold Register for the lots to be amalgamated with the balance lot in accordance with Section 221 of the Act and shall apply only in relation to those lots that are to be amalgamated with the balance lots:
 - (a) To give effect to this condition, all consent conditions related to those lots shall be completed and the conditions in the following form shall be registered on the Computer Freehold Register for the lots to be amalgamated with the balance lot in accordance with Section 221 of the Act:
 - i. Prior to cancellation of the amalgamation condition in relation to Lot X pursuant to Section 226/241 of the Act, all land use and subdivision conditions of RM130758 that apply to the lot must be satisfied. If more than three months has passed since the final inspection relating to the issue of the s224c certificate, then this will require the re-inspection of services and any necessary infrastructure by Council at the consent holder's expense.

- ii. Prior to cancellation of the amalgamation condition in relation to Lot X pursuant to Section 226/241 of the Act, Development Contributions shall be paid for Lot X. Development contributions shall be paid at the rate calculated for the relevant stage under RM130758. As per the 2012 Development Contribution policy, all DCN's issued after 1 July 2012 will be valid for 24 months from the date of issue and then recalculated for payment under the policy relevant at that time in order to establish the relevant development contribution payable for the release of that lot.
- (b) If the Territorial Authority has confirmed in writing that it is satisfied that the conditions of 4(a) (i) and (ii) above have been complied with then those consent notice conditions, along with this condition, may be deemed to be expired for the purpose of Section 221(5) of the Act.

Engineering Conditions

5. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005 and NZS4404:2010 in terms of the roading and low impact stormwater design, except where specified otherwise.
6. Prior to commencing works on site, the consent holder shall submit a traffic management plan for any necessary connections into Kirimoko Crescent to Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (certification gained by attending the STMS course and getting registration). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan.
7. Prior to commencing any work on the site the consent holder shall install a vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal, which shall extend a minimum of 10m into the site. This crossing shall be upgraded in accordance with Council's standards, or removed, at the time of completion of the earthworks on the site.
8. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
9. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the 'prior to commencement of works' conditions detailed in Condition (10) below shall be demonstrated.
10. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate for each stage of the subdivision, in accordance with Condition (5), to detail the following engineering works required:
 - a) The provision of a water supply to Lots 52 – 113 and 116 - 129 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.
 - b) The provision of fire hydrants with adequate pressure and flow to service each stage of the subdivision with a minimum Class FW2 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or succeeding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.

- c) The provision of a foul sewer connection from Lots 52 – 113 and 116 - 129 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.
- d) The provision of a 'Low Impact Design' stormwater reticulation and disposal system generally in accordance with the report titled '*Concept LID Report – Stage 2*' prepared by AR Civil Consulting, (dated 4 November 2013, ref: AR-63.2-11-R01-RevB). The low impact design stormwater system shall be designed to ensure the peak flow rate discharged at Rata Street and Kirimoko Crescent shall not exceed the assessed undeveloped peak flow rate for the 10 and 100 year ARI rainfall events. The system shall include the provision of a connection from all future impervious areas in each residential lot to the Council reticulated stormwater disposal system. The low impact design stormwater system shall be able to drain the entire area of each lot. The costs of the connections shall be borne by the consent holder.
- e) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on any Lot, and no increase in the peak flow rates onto land beyond the site from the pre-development situation.
- f) The formation of roads Kapuka Lane, Kahu Close, Makomako Road, Matipo Street, Karearea Rise and Hoheria Rise, in accordance with the design principals in NZS4404:2010 and the roading cross sections by Ralf Kruger Landscape Architect stamped approved under Condition 1. This shall include providing a road link to the boundary of each stage to cater for future development.
- g) The formation of intersections with Kirimoko Crescent, in accordance with the latest Austroads intersection design guides or otherwise certified by Council.
- h) The provision for the design and construction of all parking and manoeuvring areas within each stage of the subdivision in accordance with Council's standards or otherwise certified by Council.
- i) The formation of all pedestrian and cycling links within each stage of the subdivision as detailed in the application, in accordance with Council's standards or otherwise certified by Council.
- j) The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- k) The provision of sealed vehicle crossings to each residential lot within each stage of the subdivision in accordance with Council's standards with the exception of crossings serving Lots 56 to 65 which may be provided at building consent stage.
- l) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

Earthworks Conditions

11. Prior to commencing works on site, the consent holder shall submit to the Senior Planner, Queenstown Lakes District Council for certification, contour plans (existing and proposed) and cross sections (existing and proposed) showing the nature and extent of all earthworks associated with each stage of the subdivision including any building platform earthworks and any earthworks associated with the low impact design stormwater system, landscaping, roading or servicing to be carried out within each stage or on the balance land within the site upon which future stages will be developed. The earthworks shall achieve the following objectives:
 - Provide a naturalistic form which integrates within the naturally sloped form of the site.

- No slope shall be greater than 30° and shall have smooth transitions between changes in slope.
12. Prior to commencing works on site, the consent holder shall submit a Site Management Plan to Council for certification. The plan shall detail all measures to be taken to ensure that the adverse effects resulting from any earthworks undertaken on the site will be controlled and mitigated.
 13. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and in accordance with the site management plan submitted with the consent application condition (12) above. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
 14. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who shall supervise the fill procedure and ensure compliance in accordance with NZS 4431:1989. This engineer shall assess the condition of the fill procedure and shall be responsible for providing certification in accordance with NZS 4431:1989.
 15. 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.

Landscape Conditions

16. Prior to the commencement of any landscape works on each stage of the development the consent holder shall submit a detailed landscape plan to the Queenstown Lakes District Council for certification. In this instance the landscape plan shall be based upon the landscape plans submitted as part of the resource consent application and shall achieve the following objectives:
 - Identify the species, spacing, location and grade at planting of proposed trees. These tree species shall not comprise wilding tree species.
 - A programme of implementation. This implementation shall be developed in accordance with the proposed staging.

Construction Activities

17. Hours of operation for earthworks and construction activities shall be Monday to Saturday (inclusive): 8.00am 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.
18. The consent holder shall ensure that construction noise complies with NZS 6803:1999.

To be completed before Council approval of the Survey Plan

19. 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.
 - b) The names of all roads, private roads & private ways shall be shown on the survey plan.

- c) Building platforms shall be shown on the title plan shall be generally accordance with the building platforms shown on the approved subdivision scheme plan and the following table (subject to final survey and any minor amendment of the building platform area to provide for practical building and landscape design with such amendment not increasing the building platform area).

lot number	lot area m2	platform area m2	max building area	%	Single dwelling max buildable area (i.e. if not subdivided)
52	710	270	260	36.6	
53	810	295	260	32.1	
54	980	315	315	32.1	
55	910	305	300	33.0	
56	725	295	270	37.2	
57	875	335	310	35.4	
58	1120	385	330	29.5	
59	1120	395	330	29.5	
60	1065	400	330	31.0	
61	830	300	280	33.7	
62	850	355	300	35.3	
63	860	390	300	34.9	
64	910	325	300	33.0	
65	950	350	305	32.1	
66	820	335	290	35.4	
67	795	310	270	34.0	
68	850	345	290	34.1	
69	655	275	260	39.7	
70	660	260	260	39.4	
71	820	315	270	33.0	
72	810	325	270	33.3	
73	910	325	300	33.0	
74	810	335	270	33.3	
75	845	315	290	34.3	
76	825	285	270	32.7	
77	805	285	260	32.3	
78	735	290	260	35.4	
79	745	310	270	36.2	
80	660	275	260	39.4	
81	630	300	260	41.3	
82	635	285	260	40.9	
83	825	325	280	33.9	
84	900	320	280	31.1	
85	965	305	300	31.1	
86	920	300	290	31.5	
87	730	305	260	35.6	
88	975	385	300	30.7	
89	785	310	270	34.4	

90	675	275	260	38.5	
91	720	285	260	36.1	
lot number	lot area m2	platform area m2	max building area	%	Single dwelling max buildable area (i.e. if not subdivided)
92	670	265	260	38.8	
93	875	320	280	32.0	
94	650	300	260	40.0	
95	615	300	260	42.3	
96	820	310	270	32.9	
97	755	280	280	37.1	
98	710	295	260	36.6	
99	780	290	270	34.6	
100	850	295	280	32.9	
101	770	285	270	35.1	
102	770	315	270	35.1	
103	690	290	260	37.7	
104	595	255	240	40.3	
105	955	295	290	30.4	
106	850	310	260	30.6	
107	590	240	240	40.7	
108	675	240	240	35.6	
109	715	270	250	35.0	
110	895	335	280	31.3	
111	535	255	230	43.0	
112	945	500	420	44.4	280
113	940	480	420	44.7	280
116	525	230	230	43.8	
117	1135	530	500	44.1	300
118	1005	435	435	43.3	300
119	1050	430	430	41.0	300
120	800	230	230	28.8	
121	970	320	300	30.9	
122	1040	495	450	43.3	300
123	725	335	270	37.2	
124	975	290	290	29.7	
125	1005	345	310	30.8	
126	1075	490	490	45.6	300
127	980	495	460	46.9	280
128	935	480	460	49.2	280
129	985	560	460	46.2	280
Total	63075	25085	22705	36.0	

- d) A final schedule of buildable areas shall be provided to Council for certification which specifies maximum buildable areas for each building platform and demonstrates overall compliance with the building coverage limit of 40%. This schedule shall be in accordance with the table specified in condition 19 (c) with minor variations allowed to accommodate changes as a result of the final survey.
- e) Within the relevant stage covenant areas shall be shown on the Title Plan covering/protecting the areas of existing kanuka on Lots 84, 85, 86 and, if necessary following final survey, Lot 87.
- f) All building platforms shown on the survey plan shall include a survey mark, positioned centrally within the building platform, in relation to which the maximum height limit for the building platform will be defined.

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

20. 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 (10) above.
 - c) The completion and implementation of all landscaping approved under condition 16.
 - d) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - e) 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 net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - f) The submission of Completion Certificates from the Contractor and the Engineer appointed pursuant to Condition (8) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
 - g) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
 - h) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
 - i) Provide certification to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by an inspecting engineer as defined in section 3.1 NZS4431:1989 (amendment 1 July 1992);
 - j) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - k) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Consent Notices

21. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.

- a) Except for Lots 3, 112, 113, 117, 118, 119, 122, 126, 127, 128 and 129 there shall be no further subdivision of any lot other than minor boundary adjustments that do not create any additional, separately saleable, residential allotment/s.”
- b) All buildings shall be sited entirely within the building platform as shown on the Title Plan except:

Minor encroachments beyond the building platform which comply with the following:

- (i) The footprint of any building extends no more than 1m outside of the building platform as shown on the Plan of Subdivision; and
- (ii) The footprint encroachment does not exceed more than 10% of the building platform area identified on the Residential Lot on the Title Plan; and
- (iii) The footprint encroachment is offset elsewhere in the Building design so the buildable area for the residential lot is not increased; and
- (iv) Eaves, porches or soffits extend no more than 1m outside of the building platform shown on the plan of subdivision except where they are attached to a foot print encroachment referred to in (i) above in which case eaves, porches or soffits may extend a maximum of 1.6m outside of the building platform; and
- (v) Chimneys extend no more than 600mm beyond the footprint of any building for a length of no more than 1.2m parallel to the elevation; and
- (vi) Prior written approval is obtained from the Design Review Board of Kirimoko Park Resident’s Association Incorporated.

For the avoidance of doubt the footprint of any building shall be the area defined by the external walls of the building and excluding eaves or overhanging parts of the building.

- c) Any buildings constructed on a building platform shall comply with the maximum buildable areas specified on the schedule approved by Council pursuant to Condition 19 d) of resource consent RM130758 and attached to this consent notice.
- d) In the event that a single dwelling is constructed on Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 or 129 the dwelling shall not exceed the single dwelling maximum buildable area specified on the schedule approved by Council pursuant to Condition 19 (d) of resource consent RM130758 and attached to this consent notice and shall be positioned such that it does not preclude the future development of a second dwelling within the building platform.
- e) Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 and 129 are two unit capable; however development contributions have only been paid in respect of the first dwelling on site. Should the lots be further developed or subdivided (whichever comes first) then the owner at that time shall pay to the Queenstown Lakes District Council any applicable development contributions as per QLDC’s development contribution policy.
- f) No existing native vegetation shall be removed, thinned or otherwise trimmed in a manner detrimental to the health of the plant within the areas defined pursuant to Condition 19 (e) of Resource Consent RM130758.

- g) All planting which has been undertaken by the subdivider in accordance with the approved plans and which is located within the residential lots shall be maintained according to those plans in perpetuity. Should any plant die or become diseased or damaged it shall be replaced within the next available planting season.
- h) All dwellings shall be constructed in accordance with the Kirimoko Park Design Code and must receive approval from the Design Review Board of the Kirimoko Park Resident's Association Incorporated prior to the commencement of construction. A copy of the approval shall be provided with any building consent application.
- i) The maximum height of any 7m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.
- j) The maximum height of any 4.5m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - (i) the proposed dwelling within the 4.5m section does not exceed 5m above the survey mark; and
 - (ii) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.
- k) Except where provided for under Condition b) Any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.
- l) The owners, through the Kirimoko Park Residents Association Incorporated, shall be responsible for the maintenance of all landscaping within the Low Impact Design Stormwater System in road reserves and all other areas.
- m) At the time a dwelling is constructed on a lot that was not provided with a vehicle crossing at the time of subdivision the lot owner shall provide a vehicle crossing to the site in accordance with Council standards.
- n) On becoming the registered proprietor of a Residential Lot in the Kirimoko Park Subdivision the registered proprietor shall:
 - Automatically become a member of the Kirimoko Park Residents' Association Incorporated; and
 - Remain a Member of the incorporated society for so long as they are the registered proprietor of that Residential Lot; and
 - To fulfil and to continue to fulfil the obligations of a Member as set out in the Rules of the incorporated society.

22. This consent shall lapse ten years from the date of issue.

Advice Note

- a. This site may contain archaeological material. Under the Historic Places Act 1993, the permission of the NZ Historic Places Trust 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 provision 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 NZ Historic Places Trust must be contacted (Dunedin office phone 03 477 9871).

Decision 2: Land Use Consent

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - a. Southern Land Ltd plan ref: Q4200_S1 Revision F Sheets 1 to 4 – Proposed Subdivision Scheme Plan
 - b. Southern Land Ltd plan ref: Q4200_S2 Revision A – Plan of Proposed Bulk Earthworks
 - c. Ralf Kruger Landscape Architect plan ref: 2-002 Version 006 – Kirimoko Park Stage 2 – Landscape Concept Plan
 - d. Southern Land Ltd plan ref: Kirimoko Park – Proposed Sign

stamped as approved on 17 December 2013 and 18 September 2014

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

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

Design Control

3. The dwelling and ancillary buildings constructed within each lot shall comply with the following standards:
 - (a) All buildings shall be located within the building platforms as shown on the concept development plan: except
 - (i) Where the encroachment of any building beyond the building platform is minor, and the footprint of the building extends no more than 1m outside of the building platform as shown in the Plan of Subdivision and
 - (ii) The footprint encroachment does not exceed more than 10% of the building platform area identified for the Residential Lot on the Title Plan; and
 - (iii) The footprint encroachment is offset elsewhere in the building design so the buildable area of the Residential Lot is not increased; and
 - (iv) Eaves, porches or soffits extend no more than 1m outside of the building platform shown on the plan of subdivision except where they are attached to a foot print encroachment referred to in (i) above in which case eaves, porches or soffits may extend a maximum of 1.6m outside of the building platform; and
 - (v) Chimneys extend no more than 600mm beyond the footprint of any building for a length of no more than 1.2m parallel to the elevation; and
 - (vi) Prior written approval is obtained from the Design Review Board of the Kirimoko Park Resident's Association Incorporated.

For the avoidance of doubt the footprint of any building shall be the area defined by the external walls of the building and excluding eaves or overhanging parts of the building.

- (b) The maximum height of any 7m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.
- (c) The maximum height of any 4.5 section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - (i) the proposed dwelling within the 4.5m section does not exceed 5m above the survey mark; and
 - (ii) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.

Building Coverage

- 4. Prior to any building works being carried out on any of the residential allotments the consent holder shall submit a schedule to Council outlining what the maximum building coverage will be for each lot which will maintain an overall maximum building coverage of 40% across the entire site.

Signage

- 5. The approved signs shall be limited to the display of one sign per stage with only one of the approved signs being displayed at any one time.
- 6. The approved signs may be displayed for up to 18 months within any given stage of the development.
- 7. Prior to the display of each sign the final design and location of the sign shall be submitted and approved by Council. All signs shall be in general accordance with the approved sign plan in terms of style, content and colour.

**APPENDIX 2 - Crescent Investments Limited Variation to Subdivision and Land use Consent
RM130758 AEE prepared by Southern Land Limited**



SOUTHERN LAND

SURVEYING | PLANNING | LAND DEVELOPMENT

Our Reference	:	Q4200
Date	:	26 August 2014
Location	:	Kirimoko Park, Wanaka
Legal Description	:	Lots 1 and 2 Deposited Plan 443395 held on Computer Freehold Registers 567741 and 567742 and Lot 3 Deposited Plan 443395 and Lot 51 Deposited Plan 447560 held together on Computer Freehold Register 661496
Applicant	:	Crescent Investments Limited
Territorial Authority	:	Queenstown Lakes District Council
Plan	:	Operative District Plan
Zoning	:	Low Density Residential (Planning Map 20)
Proposal	:	Vary conditions of subdivision and land use resource consent RM130758
Activity Category	:	Discretionary Activity

1.0 INTRODUCTION

1.1 This application for resource consent, to vary conditions of subdivision and land use resource consent RM130758, is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The subject site is legally described as Lots 1 and 2 Deposited Plan 443395 held on Computer Freehold Registers 567741 and 567742 and Lot 3 Deposited Plan 443395 and Lot 51 Deposited Plan 447560 held together on Computer Freehold Register 661496. Copies of the Computer Freehold Registers and associated Consent Notices and Covenants are attached as Appendix A to this application.

3.0 SITE DESCRIPTION

- 3.1 The subject site is described in detail in the underlying application. The first stage of the subdivision approved under RM130758 is currently under construction on Lot 51, being the balance lot which forms the majority of the subject site.
- 3.2 Aside from the construction work being undertaken on the site and the ongoing development of lots within the initial stages of Kirimoko Park the subject site and wider area remains largely unchanged and as described in the underlying application.

4.0 PROPOSAL

- 4.1 RM130758 was granted in December 2013 for the subdivision and development of the remaining land within Kirimoko Park.
- 4.2 As with previous stages of Kirimoko Park the need for some minor amendments to the conditions of consent has become apparent through the construction, marketing and (in previous stages) development of the approved lots.
- 4.3 The necessary amendments relate to amended plans of subdivision, building platform height limits and the construction of buildings outside of the approved building platforms.

AMENDED PLANS OF SUBDIVISION

- 4.4 The approved subdivision scheme plans include a residential building platform on each lot with each platform being identified as single storey (with a height limit of 4.5m), double storey (with a height limit of 7m) or a combination of single and double storey.
- 4.5 The intention of applying lot specific height limits to each building platform, rather than relying on the District Plan's 7m height limit, has been to allow for the protection of views, privacy and access to sunlight. At the time the underlying application was made a number of lots were identified (by way of an asterisk shown on the subdivision scheme plans) to which alternative height limits might be applied following detailed design.
- 4.6 Through the detailed design and marketing of the lots currently under construction the building platform heights for a number of lots, including some of the lots marked with an asterisk on the approved subdivision scheme plans, have been refined. It has been determined that for the building platforms on Lots 69 to 71, 73 to 75, 78 and 79, 81 to 87, 93 to 95 and 109 and 110 a 4.5m height limit would be more appropriate than the 7m height limits shown on the approved scheme plans.
- 4.7 In addition, through the marketing of the lots, it has become apparent that references to single or double storey building platforms has created some uncertainty with purchasers as to whether the construction of a single or double storey dwelling was a compulsory requirement (*e.g. would a 1.5 storey dwelling be allowed?*). In order to clarify this matter the parts of the building platforms previously described as single or double storey will now be referred to as being subject to a 4.5m and/or 7m height limit.
- 4.8 Consequently the subdivision scheme plans have been amended to reflect these changes (please refer to the subdivision scheme plans attached as Appendix C to this application) and it is proposed to vary Condition 1 of the subdivision and land use components of RM130758 as follows (the current and proposed wording of Condition 1 is the same for both the subdivision and land use consents):

1. *That the development must be undertaken/carried out in accordance with the plans:*
 - a. *Southern Land Ltd plan ref: Q4200_S1 Revision E F Sheets 1 to 4 – Proposed Subdivision Scheme Plan*
 - b. *Southern Land Ltd plan ref: Q4200_S2 Revision A – Plan of Proposed Bulk Earthworks*
 - c. *Ralf Kruger Landscape Architect plan ref: 2-002 Version 006 – Kirimoko Park Stage 2 – Landscape Concept Plan*
 - d. *Ralf Kruger Landscape Architect plan ref: 2-003 Version 005 – Kirimoko Park Stage 2 – typical sections*

stamped as approved on 17 December 2013 and XX September 2014

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

BUILDING PLATFORM HEIGHT LIMITS

- 4.9 In addition to amending the height limits on specific lots the marketing of lots has identified that a fixed height limit above a specific point on each building platform would be preferable to the height limit above existing ground level which currently applies.
- 4.10 The rationale behind this is that a height limit defined above a specific point on each building platform will provide a flat height limit rather than a potentially sloping or undulating height limit following the existing ground level. A flat height limit will provide greater certainty as to the maximum height of future dwellings on each lot and will assist in the protection of views and viewshafts.
- 4.11 As the level of each building platform may be subject to change through the detailed design and construction of the lots it is proposed that a specific survey mark for each building platform, to which the 4.5m and/or 7m height limits will be applied, is shown on the Survey Plan submitted for S223 approval for each stage of the subdivision.
- 4.12 It is therefore proposed to vary Condition 19 of the subdivision component of RM130758 as follows:
 19. *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:*

.....

f) All building platforms shown on the survey plan shall include a survey mark, positioned centrally within the building platform, in relation to which the maximum height limit for the building platform will be defined.
- 4.13 In addition it is proposed to vary Conditions 21 i) and j) of the subdivision consent to make reference to the survey marks shown on the Survey Plan and remove references to single and/or double storey building platforms as follows:

21. *The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.*

.....

- i) *The maximum height ~~on~~ **of** any ~~two-storey~~ **7m** section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m **above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.***
- j) *The maximum height ~~for~~ **of** any ~~single-storey~~ **4.5m** section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m **above the building platform's central survey mark as shown on the Survey Plan;** except where*
- i) *the proposed ~~single-storey~~ section **dwelling within the 4.5m section** does not exceed 5m above ~~ground-level~~ **the survey mark;** and*
- ii) *the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.*

- 4.14 It is proposed to vary Conditions 3 b) and c) of the land use consent in the same manner:

3. *The dwelling and ancillary buildings constructed within each lot shall comply with the following standards:*

.....

- b) *The maximum height ~~on~~ **of** any ~~two-storey~~ **7m** section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m **above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.***
- c) *The maximum height ~~for~~ **of** any ~~single-storey~~ **4.5m** section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m **above the building platform's central survey mark as shown on the Survey Plan;** except where*
- i) *the proposed ~~single-storey~~ section **dwelling within the 4.5m section** does not exceed 5m above ~~ground-level~~ **the survey mark;** and*
- ii) *the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.*

CONSTRUCTION OF BUILDINGS OUTSIDE APPROVED BUILDING PLATFORMS

- 4.15 The consent notice conditions and land use conditions imposed as part of the subdivision and land use consents for the initial stages of Kirimoko Park include

conditions which provide for dwellings, under specific circumstances, to project outside of the approved building platforms.

4.16 These conditions provide a limited degree of flexibility, which is important for practical building design, and have been replicated as Conditions 21 b) and 3 a) of the subdivision and land use components of RM130758.

4.17 Through the development of lots within the previous stage of Kirimoko Park, where dwellings project outside of the approved building platforms to the extent provided for in these conditions, difficulty has arisen with the application of a consent notice condition, replicated as Condition 21 k) of RM130758, which states that:

“Any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.”

4.18 This condition was offered by the applicant at the time of making the original consent application (RM090895) and it was intended to ensure that domestic structures (i.e. fences, sheds, pergolas etc) constructed outside of the building platforms complied with the District Plan. It was not the applicant’s intention or understanding that the condition would apply to dwellings projecting outside of the approved building platforms to the extent allowed by the other conditions of consent (i.e. Condition 21 b) and 3 a) of RM 130758).

4.19 Upon further consideration however it is acknowledged that the wording of the condition does not achieve the applicant’s intended outcome as the word ‘structure’ (as defined in the District Plan) encompasses buildings as well as smaller structures such as fences and sheds. Consequently, in the initial stages of Kirimoko Park, land use consents have been required for dwellings that project outside of the building platforms where those projections do not comply with the District Plan’s road and/or internal boundary setbacks.

4.20 It is therefore proposed to clarify this matter through the variation of Condition 21 k) as follows:

21. *The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.*

.....

k) **Except where provided for under condition b) above** any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.

SUMMARY

4.21 In summary, it is proposed to vary Conditions 1, 19 and 21 i), j) and k) of the subdivision component and Conditions 1 and 3 b) and c) of the land use component of RM130758 as set out above.

5.0 DISTRICT PLAN ASSESSMENT

- 5.1 The subject site is zoned Low Density Residential under the Operative District Plan (please refer to the location plan attached as Appendix B to this application). The proposed variations require the following resource consent:
- A discretionary activity consent in accordance with Section 127 of the Resource Management Act 1991 which specifies a variation to conditions of consent shall be processed in accordance with Sections 88 to 121 of the Act as if the application were an application for a discretionary activity.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

- 6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. For the purposes of this Assessment of Effects on the Environment the effects of each element of the proposed variation are discussed individually below taking into consideration, where relevant, the assessment matters set out in the District Plan.

Amended Plans of Subdivision

- 6.2 The proposed variation to Condition 1 of the subdivision and land use resource consents to approve the amended subdivision scheme plans will result in the reduction of building platform heights, from 7m to 4.5m, on Lots 69 to 71, 73 to 75, 78, 79, 81 to 87, 93 to 95, 109 and 110.
- 6.3 The identification of these reduced height limits is based on a detailed analysis of available views and it is considered that the proposed changes will result in no adverse effects in terms of character and residential amenity and will result in positive effects in terms of views and access to sunlight. In addition it is considered that the remaining lots with 7m height limits will ensure that adequate variety in terms of built form can be achieved and the intended urban design outcomes for Kirimoko Park will not be compromised.
- 6.4 The amendment of the scheme plan legend to refer to 4.5m and/or 7m height limits rather than 'single storey' or 'double storey' building platforms will remove uncertainty as to what can be built on each lot without affecting the actual height of buildings.
- 6.5 It is therefore considered that the proposed variation to Conditions 1 to approve the amended subdivision scheme plans will result in no adverse effects within Kirimoko Park or the wider environment.

Amended Building Platform Height Limits

- 6.6 The proposed variation to Condition 19 provides a mechanism by which central points within the building platforms can be identified with the proposed variations to conditions 21 i) and j) and 3 b) and c) tying the 4.5m and/or 7m height limits to those central points.
- 6.7 The proposed variations will provide a flat height limit which will allow for more practical building design and assist in the protection of views throughout the subdivision.
- 6.8 On a sloping site the proposed height limits will result in a lower building height at the up slope end of the building platform when compared to the conventional means of

measuring height above existing ground level. Conversely at the down slope end of a sloping building platform the proposed height limits will provide for a higher building height than would be allowed if the height limits were measured from existing ground level.

- 6.9 On building platforms that include a 7m height limit this approach could create the potential for dwellings to breach the District Plan's 7m height limit. In order to ensure that a breach of the District Plan height limit does not occur the proposed variation to Condition 21 i) and 3 b) has been worded such that where a 7m height limit is applied it is either measured above the identified point within the building platform or above existing ground level, whichever is lower.
- 6.10 Where a 4.5m height limit is identified the 4.5m height limit will not result in circumstances where a dwelling could breach the District Plan height limit as, in order to do so, a building platform would need to fall by more than 2.5m from the central point to the platform's down slope edge. None of the building platforms will slope to this extent.
- 6.11 It is therefore considered that the adoption of the alternative height limit mechanism proposed will result in less than minor adverse effects in terms of residential character and amenity and will provide greater certainty as to the eventual height of dwellings on each lot.

CONSTRUCTION OF BUILDINGS OUTSIDE APPROVED BUILDING PLATFORMS

- 6.12 The underlying subdivision and land use consent application identified residential building platforms on each lot as an alternative to the District Plan's internal and road boundary setbacks as a means of controlling the position of future dwellings.
- 6.13 To that end the application and resulting consent included discretionary and non-complying activity consents to breach internal boundary setbacks, road boundary setbacks and recession planes.
- 6.14 The approved building platforms include a limited degree of flexibility whereby, in specific circumstances, the footprint of dwellings can project up to 1m outside of the building platforms with eaves projecting a further 0.6m. This flexibility is set out in Conditions 21(b) and 3(a) of the subdivision and land use components of RM130758.
- 6.15 In addition to the consents to breach internal boundary setbacks, road boundary setbacks and recession planes RM130758 includes a non-complying activity resource consent for the construction of dwellings outside of the approved building platforms to the extent provided for in Conditions 21(b) and 3(a) of the consent.
- 6.16 Since RM130758 was granted there has been some difficulty with the interpretation of a consent notice condition (replicated as Condition 21(k) of RM130758) in relation to the development of lots within earlier stages of Kirimoko Park. The condition states:
- "Any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan."
- 6.17 The intention of this condition, which was offered by the applicant as part of the original subdivision and land use consent applications, was to control sheds, pergolas, fences and such like. However it has become apparent that the use of the word 'structures' encompasses buildings as well as the smaller domestic structures that the condition was intended to control.

- 6.18 It is therefore proposed to vary Condition 21(k) to clarify this matter and ensure that dwellings which project beyond the building platforms to the extent provided for in Conditions 21(b) and 3(a) are not subject to a further consent process.
- 6.19 It is considered that the discretionary and non-complying activity consents applied for and granted under RM130758 provide for the construction of dwellings outside of the approved building platforms to the extent proposed and including further projections into internal and/or road boundary setbacks.
- 6.20 The limited flexibility set out under Conditions 21(b) and 3(a) of the consent is intended to provide for practical building design. It is therefore considered that any projection beyond a building platform which results in a dwelling being constructed within internal and/or road boundary setbacks will be as a result of the need to provide for the efficient and practical use of the building platform and the remainder of the site.
- 6.21 Within Kirimoko Park the building platforms have been designed such that they relate well to the street and to other building platforms on adjoining lots. The building platforms have also been designed, on a lot specific basis, to provide views and appropriate levels of privacy, amenity and access to sunlight. That design process took into consideration the degree of flexibility provided for in the conditions of consent. It is therefore considered that the projection of dwellings beyond the approved building platforms to the extent provided for in Conditions 21(b) and 3(a) will not detract from the coherence, openness and attractiveness of the lots when viewed from the street or adjoining lots.
- 6.22 A key feature of Kirimoko Park has been the inclusion of structural landscaping within the road reserve and on private lots. In addition the landscaping of each lot is controlled through the design approval process set out in the Kirimoko Park covenants and administered by the Kirimoko Park Residents Association Inc. It is therefore considered that there will be adequate opportunity for landscaping in the vicinity of boundaries to mitigate the effects of dwellings intruding into the street scene. That being said the subdivision has been designed to achieve specific urban design outcomes and provide a distinctive and unique street scene. The construction of dwellings in close proximity to road boundaries contributes to the intended street scene, providing passive surveillance and interaction with the street. It is therefore considered that landscaping need not be relied upon to mitigate effects on the street scene.
- 6.23 The District Plan requirements in terms of access and onsite parking and manoeuvring will continue to apply and in some cases, depending of dwelling design, the projection of dwellings beyond the approved building platforms may be required to provide for practical access, parking and manoeuvring.
- 6.24 The scale and appearance of dwellings is controlled by lot specific height limits, building coverage limits and design controls. The flexibility in terms of building within the building platforms does not provide for larger buildings to be constructed but rather allows for practical building design. It is therefore considered that the limited flexibility provided for in Conditions 21(b) and 3(a) will not compromise the overall appearance, layout or scale of dwellings or Kirimoko Park generally.
- 6.25 The building platforms have been designed taking into consideration views from adjoining building platforms such that all building platforms have protected views and view shafts. Minor projections outside of the building platforms have been factored into that design process and it is therefore considered that the projection of dwellings

beyond the approved building platforms will not result in dwellings that are more visually dominant than anticipated and provided for. It is therefore considered that the projection of dwellings beyond the building platforms will not compromise the overall character of Kirimoko Park.

- 6.26 It is therefore considered that the variation of Condition 21(k), to clarify that the projection of dwellings beyond the building platforms to the extent provided for in Conditions 21(b) and 3(a) are not subject to the District Plan rules, will result in less than minor adverse effects in terms of residential character and amenity and access, parking and manoeuvring.

Summary

- 6.27 Overall it is considered that the proposed variations will result in less than minor adverse effects on the environment.

7.0 CONSULTATION

- 7.1 As outlined under Section 6 above the proposed variation will result in less than minor adverse effects on the environment and as such no parties are considered affected by the proposed amendments. It is therefore considered that written approvals are not required.

8.0 CONCLUSION

- 8.1 The proposal involves the variation of conditions of subdivision and land use resource consent RM130758.
- 8.2 The proposed variation requires a discretionary activity resource consent pursuant to Section 127 of the Resource Management Act 1991.
- 8.3 As outlined in the Assessment of Environmental Effects contained in Section 6 above it is considered that the proposed variation will result in less than minor adverse effects on the environment.
- 8.4 As outlined under Section 7 no party is considered adversely affected by the proposed variation and as such no affected party approvals are required.
- 8.5 It is therefore considered that, pursuant to Section 93(1)(b) of the Resource Management Act 1991, this application for resource consent can be processed on a non-notified basis.
- 8.6 We therefore ask that, pursuant to Section 104B of the Resource Management Act 1991, resource consent is granted for the variation as proposed.

Yours faithfully,
Southern Land Ltd,



Scott Edgar
Planner