



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Crescent Investments Limited
RM reference:	RM130758
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for Subdivision Consent to create 76 residential allotments, undertake a boundary adjustment and undertake associated earthworks. Land use consent is also sought to allow for the construction of future buildings within the identified building platforms which do not comply with boundary setback and recession plane requirements and for the proposed vehicle crossings to breach transport standards.
Location:	Kirimoko Park, Wanaka
Legal Description:	Lots 1 and 2 Deposited Plan 443395 held in Computer Freehold Registers 567741 and 567742 and Lots 3 and 50 Deposited Plan 443395 held in Computer Freehold Register 618781
Zoning:	Low Density Residential
Activity Status:	Non-Complying
Notification Decision:	Non notified
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	18 December 2013

SUMMARY OF DECISIONS

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 17 December 2013 under delegated authority pursuant to Section 34 of the RMA.
2. Consent is **granted** to undertake the proposed subdivision pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the Act. The consent only applies if the conditions outlined are met.
3. Consent is **granted** to allow for the construction of future buildings within the identified building platforms which do not comply with boundary setback and recession plane requirements pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the Act. The consent only applies if the conditions outlined are met.
4. 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 Jane Sinclair, Independent Commissioner, as delegate for the Council. This decision was made and its issue authorised under this delegated authority pursuant to Section 34 of the RMA on 18 December 2013.

1.0 PROPOSAL AND SITE DESCRIPTION

Consent is sought under section 88 of the RMA for subdivision consent to create 76 residential allotments, undertake a boundary adjustment and undertake associated earthworks. Land use consent is also sought to allow for the construction of future buildings within the identified building platforms which do not comply with boundary setback and recession plane requirements and for the proposed vehicle crossings to breach transport standards.

The proposal is described in detail in the Assessment of Effects (the AEE) submitted with the application and prepared by Scott Edgar of Southern Land, dated 11 November 2013 (attached as Appendix 2 and hereafter referred to as the 'application report'). The proposal description is accepted and is considered to be sufficient for the purposes of this report.

Site and Locality Description

The applicant has provided a comprehensive site and locality description under section 4.0 of the application report. This description is considered accurate, and is therefore adopted for the purposes of this report.

Site History

The applicant has provided a comprehensive site history description under section 3.0 of the application report. This description is considered accurate, and is therefore adopted for the purposes of this report.

2.0 ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is zoned Low Density Residential.

The applicant has set out the relevant resource consent requirements under section 6 of the application report. This description is considered accurate, and is therefore adopted for the purposes of this report.

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

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

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

3.0 SECTION 95A NOTIFICATION

A: *The applicant has not requested public notification of the application (s95A(2)(b)).*

AND

B: *No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).*

AND

C: *The consent authority is not deciding to publicly notify the application using its discretion under s95A(1).*

AND

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

SUCH THAT

E: A consent authority must publically 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:

4.0 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)).

*C: The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Matagouri Spirit Limited	Lots 1 and 2 DP 443395

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. The applicant has set out the relevant permitted baseline in paragraphs 7.2, 7.3 and 7.4 of the application report. This description is considered accurate, and is therefore adopted for the purposes of this report.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on the environment more than minor:

The Assessment of Effects provided at section 7 of the application report is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. A summary assessment is provided below.

Subdivision Design and Layout

The proposed subdivision design and layout follows the overall philosophy of Kirimoko Park Stage 1 with some minor amendments. These amendments are described in paragraph 7.8 of the application report. The overall philosophy is summarised in paragraph 3.8 of the application and states *'the overall concept and philosophy for the development was to take a holistic, design led approach to create a unique, high amenity, sustainable subdivision which provided choice and affordability as well as high end properties.*

Importantly Stage 1 of Kirimoko Park (approved under RM090895) established 37 residential lots and associated roading, infrastructure and landscaping and also put forward an overall concept for the subdivision and development of the area of land subject of this application. One of the important mitigating factors when RM090895 was given consent was this concept put forward for the wider development area (now being assessed under this application) i.e. an integrated development which extended beyond the initial 37 residential allotments.

The following consent notices conditions were imposed on the balance land (Lot 51) of Stage 1 now largely forming the land subject to this application:

- *Any application for further subdivision of Lot 51 shall result in an overall residential density within the Subdivision Site (being the underlying lots Lot 1 DP 347876, Lot 2 DP 301928 and Lot 12 DP 300734) not exceeding 1 residential unit per 650m².*
- *For avoidance of doubt, residential density is calculated by including only those lots within the Kirimoko subdivision upon which a residential dwelling may be constructed.*
- *Any application for further subdivision of Lot 51 shall be in general accordance with the following plans:*
 - *Morgan+Pollard plan 015-080 'Overall Private Structure & Clusters'*
 - *Morgan+Pollard plan 023-080 'Overall Green Network'.*

The applicant has engaged Mr Ralph Kruger (landscape architect) and Ms Nicole Lauenstein (urban designer) to assess this proposal. Mr Kruger and Ms Lauenstein also provided the applicant with expert assessment with regards to Stage 1. Mr Kruger and Ms Lauenstein have concluded that the proposed subdivision meets the intent of the above conditions.

These assessments have been reviewed on behalf of Council by consultant urban designer Mr Tim Williams. With regard to the proposed roading layout Mr Williams has commented as follows:

'The subdivision design provides for the extension of Makomako Road so that it connects to Kirimoko Crescent. In addition, Matipo Street will provide an additional street connection through the site between Kirimoko Crescent. These two through connections will ensure the overall permeability of the block network within the site and alignment with the intent of the indicative plans for Lot 51.

In the north-western portion of the site a different roading layout to that indicated in the Lot 51 plans is proposed. This consists of Kapuka Lane connecting through from an existing Street (Kamahi) to the new extension of Makomako Road. In addition, a lane is proposed providing an additional connection from Kapuka Lane to Kamahi Street. This arrangement is considered to represent an improvement to the indicative arrangement. This arrangement provides greater connectivity within the street network and also introduces an additional street typology into the hierarchy (Kahu Close) which will provide greater legibility and variety to the street network.

For the remainder of the site a more simplified street arrangement is proposed that removes the cul-de sacs that were indicated on the Lot 51 plans. Having undertaken a site visit it is evident the alignment of Karearea Rise stays true to the philosophy of working with the topography which has informed the alignment of this street. Its alignment also picks up the existing stand of Kanuka trees that will add context and character to the street and further demonstrates (sic) how the attributes of the site have informed the design'.

Mr Williams report also addresses the proposed green network:

'In a similar manner to the road layout an indicative green network was provided for Lot 51. This network sought to integrate stormwater management within the natural topography of the site which in turn would inform the layout of the green network and create focal points for housing.

The proposed network does vary from the indicative layout illustrated on those plans. In general, the proposed subdivision seeks to provide a simplified arrangement whereby less manipulation of the existing topography is proposed to formalise stormwater management and associated features in part due to the reduced demand that is required of the stormwater management system.

The landscape concept plan submitted with the application illustrates that, although less formal, natural flow paths will remain connected through the development. This is most evident in the gully system running between Lots 60-73 down through adjacent lots to Lots 102 -103, illustrated as a swale system on the landscape concept plan. In this instance the lots are arranged with rear yards integrating this feature so although less formal, by arranging the lots as proposed the gully feature is retained and can be a focal point within each lot. Furthermore, the street design has been informed by this flow path with 'ford' features proposed to express this system where it runs across Matipo and Makomako Streets'.

Overall the advice of Mr Williams is accepted and it is concluded that the proposed subdivision represents a refinement of the concept plans provided for Lot 51 as part of Stage 1 of Kirimoko Park and remains generally in accordance with the intent of the consent notice conditions listed above.

It is also important to consider this application and how it relates to the Kirimoko Structure Plan. The structure plan sets out a network of walkways, green network, building restriction areas and an indicative roading network. Four of the indicative roads are located within the subject site, as is an area of the green network.

Rules in Part 15 (subdivision and development) require that any subdivision in the Kirimoko block align with the principle layout identified on the structure plan. The proposed subdivision roading layout largely matches what is depicted on the structure plan. In addition the Kanuka Grove shown on the structure plan as part of the 'green network' is protected as part of this subdivision. Overall the proposed subdivision aligns with the principle layout identified on the Kirimoko structure plan.

- **Boundary Adjustment**

The boundary adjustment to make minor alterations the boundaries of Lots 117 and 127 are discussed in paragraphs 5.44 – 5.47 of the application report and no adverse effects will arise from the proposed adjustment.

- **Character and Residential Amenity**

With regard to character and residential amenity, the applicant's agent has provided a comprehensive assessment under paragraphs 7.11 – 7.20 of the application report. This assessment is accepted, and is adopted for the purposes of this report.

The application is supported by a landscape assessment by Mr Ralph Kruger and an urban design assessment by Ms Nicole Lauenstein. These reports both conclude that the proposed subdivision will meet the original design intent put forward as part of the Stage 1 development and will deliver a high quality urban living environment. Ms Lauenstein has provided further assessment with regards to the building design guidelines and building platform controls. Ms Lauenstein states that these have been designed to ensure that the future built environment within the subdivision will not compromise privacy, outlook and sunlight/shading on any adjacent lots and that the landscape character of the development site is protected.

Mr Williams is satisfied that the proposed design controls and guidance '*will ensure the future built form is appropriately considered within the landscape and street context of the subdivision*'. Mr Williams does raise one concern with regards to the stand of protected Kanuka and the limited area for outdoor living space within Lots 85 and 86. Although a concern, it is not considered that this will create any adverse effects because the size of the lots both exceed 900m² and the likelihood of future built form comprising the full extent of the building platforms is low. These factors should ensure an appropriate level of outdoor living space is provided within these lots.

Overall, the opinions of the applicant's experts and Mr Williams are accepted, and the adverse effects of the proposal in regard to character and residential amenity are considered to be less than minor.

- **Density**

As with Stage 1, although to a lesser degree, the density of the proposed subdivision departs from the low density residential minimum lot size of 700m². Excluding the boundary adjustment to Lots 1, 2 and

3 within Stage 1 the proposed lot sizes range from 525m² - 1135m². The density of the subdivision promotes a high density of residential lots (including subdividable lots) on the eastern section of the application site and lots gradually increase in size towards the west as the subdivision gains elevation. The location of higher density housing towards the east ties in with Stage 1 where small lots were the standard.

Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 and 129 are in excess of 900m² have been designed with the intention that two dwellings can be constructed on the lots prior to further subdivision. These lots have been designed with a shape, orientation and access opportunities that allow for successful placement of two dwellings within each lot. Conditions of consent have been offered relating to these lots to encourage development of these lots in the manner intended and to guard against the construction of a single large dwelling.

With regards to density the following consent notices conditions were imposed on the balance land (Lot 51) of Stage 1 now largely forming the land subject to this application:

- *Any application for further subdivision of Lot 51 shall result in an overall residential density within the Subdivision Site (being the underlying lots Lot 1 DP 347876, Lot 2 DP 301928 and Lot 12 DP 300734) not exceeding 1 residential unit per 650m².*
- *For avoidance of doubt, residential density is calculated by including only those lots within the Kirimoko subdivision upon which a residential dwelling may be constructed.*

The density of the proposed subdivision (including subdividable lots) achieves 1 residential unit per 700m² and therefore complies with the above requirements.

The matter of density has also been assessed by Mr Williams with the following comments:

'The variation in lot sizes is a feature of Stage 1 and was enabled through the original consent approval as for Stage 1 with a residential density of 1 unit per 650m² provided. The variation in lot size encourages variation in the building typology. As noted in the application a lesser number of small lots are proposed in Stage 2 with more traditional low density lot sizes proposed.

This will potentially reduce the variation in building typology across the subdivision. However, some 'unit capable' lots are proposed. These have been designed with multiple or long street frontages to ensure both future units can address the street. These lots will provide opportunity for variety in the future building typology.

Given the more varied and sloping topography toward the west and Kirimoko Crescent the general transition to more traditional lots sizes is considered appropriate to reduce earthworks and general construction that would be required if smaller lots were provided. Locating the unit capable lots on the flatter area of the site within a cluster will also assist to create a focal point in that location. This will draw upon some of the original philosophy of the cluster development concept.'

The creation of lots smaller than the minimum lot size for the low density residential zone is consistent with the overall concept of the Kirimoko. The Low Density Residential Zone also allows for a residential density of 1 dwelling per 450m² where each lot to be created includes a residential dwelling. The intention to allow for a higher residential density once buildings are established provides more certainty in terms of protecting privacy, outlook and sunlight/shading on any adjacent lots. In this instance these matters are taken into consideration with the proposed building design guidelines and building platform controls. Overall, the lot sizes proposed are consistent with anticipated density established under RM090895 and is also in keeping with the residential density anticipated under the District Plan. With the commitment to develop a comprehensive landscape based neighbourhood that delivers a high quality urban environment, any effects from the proposed subdivision density will be mitigated to the extent that any effects are less than minor.

- **Signage**

With regard to signage the applicant's agent has provided a comprehensive assessment under paragraphs 7.52 – 7.55 of the application report. This assessment is accepted, and is adopted for the purposes of this report. Adverse effects from the proposed signs will be less than minor.

- **Landform**

One of the notable and distinguishing features of Stage 1 of Kirimoko Park has been the minimisation of earthworks with the retention of the sites natural landform throughout the established residential lots. This philosophy will remain for Stage 2, however with some minor changes.

Earthworks are proposed to construct roads, services, landscaping areas and the low impact stormwater system. The area of cut is largely confined to the locations of the proposed roads and will not exceed 2m in height. Once the roads are established any effects on the natural landform from this component of the earthworks is likely to be less than minor.

Excess fill will be deposited in four separate areas of the site shown on the earthworks plan submitted with the application. This deviates from Stage 1 where excess fill was removed from the site. The applicant report states that the four fill locations have been identified because they have the ability to absorb this fill without adversely impacting upon the sites natural landform. This assessment is accepted, the four chosen fill locations represent natural depressions within the site and the sympathetic modification of these areas with the deposition of fill up to 2m in height is not likely to result in any adverse effects on the sites natural landform.

In addition to the earthworks described above the applicant seeks consent to undertake small scale earthworks for the practical construction of dwellings on each lot. No design or plans have been submitted showing the extent of these earthworks. The reason this consent is sought is it has become evident that within Stage 1, earthworks would be required to allow for the practical construction of dwellings within many of the lots. It is has been determined that it is more efficient to complete these earthworks during the subdivision works when the machinery is on site, erosion and sediment control measures are in place and unnecessary damage to the roading and infrastructure can be avoided after the subdivision has been completed. This assessment is accepted.

With regards to the final earthworks design the applicant has offered the following condition of consent:

Prior to the commencement of any works on each stage of the development the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (5), to detail the following engineering works required:

- a) *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 overall anticipated effects of the earthworks can be considered and approved through this decision and any minor changes when the works are being carried out will not have significant adverse effects on the environment. To ensure that the final earthworks meet the objective of generally retaining the sites natural landform it is recommended that this condition is retained but amended to more specifically require the earthworks meet this objective.

Overall, adverse effects on the environment in terms of landform are likely to be less than minor.

- **Services**

Ms Overton has identified that appropriate provision can be made for the required services, being potable and fire fighting water, stormwater and wastewater disposal, and power and telecommunication connections for this subdivision. Ms Overton has recommended conditions of consent to ensure that all services to the site are constructed in accordance with engineering standards. This advice is accepted and it is not considered that there will be any adverse effects arising from the provision of the requisite services to the proposed subdivision.

It is recorded that the low impact stormwater disposal system (rain gardens and detention ponds) which has been designed to ensure that peak runoff rates are no greater than the sites greenfield runoff rates are a positive component of the proposed servicing arrangement for this subdivision.

- **Roading and Access**

One of the key design philosophy's of Kirimoko Park was the provision of high amenity streetscapes with shared vehicle and pedestrian spaces, reduced carriageway widths and open drainage swales with no road kerbing. This philosophy has successfully been established in Stage 1 and is intended to extend through into Stage 2. This approach meets the current New Zealand Standards for Land Development and Subdivision Infrastructure NZS 4404:2010 which seeks to achieve good urban design outcomes.

As outlined in the application report the number of on street car parking will not technically comply with NZS 4404:2004 (Councils current adopted standard) and some vehicle crossings will not comply with the District Plan's standards in terms of sight distances and distance of crossings to intersections.

Ms Overton has assessed the proposal and is satisfied that the proposed street design, which promotes a low speed traffic environment, is appropriate to mitigate any potential effects created by the proposed sight line and setback breaches. Ms Overton is also satisfied that a reduction of on street car parking is appropriate in this roading context. Overall, Ms Overton is satisfied that the subdivision will not result in any adverse effects in terms of access and the roading design and layout. Ms Overton recommends conditions that the proposed roading and vehicle crossings are formed to the relevant engineering standards.

The residential density of this subdivision complies with the residential density anticipated by the District Plan (approximately one dwelling per 700m² where the District Plan provides for one dwelling per 450m²) and therefore the level of traffic and vehicle movements created by this subdivision will be consistent with that anticipated by the District Plan.

Overall, adverse effects on the environment in terms of roading and access are likely to be less than minor.

- **Natural Hazards**

There are no recorded natural hazards within or adjacent to the subject site.

- **Nuisance**

The proposed construction works will result in temporary noise and dust effects.

Noise is not anticipated to exceed construction noise standards, and given the temporary nature of this noise the adverse effects are likely to be less than minor. Conditions of consent can be imposed to manage these effects.

Dust and sediment control will be necessary during construction to mitigate any nuisance effects on the surrounding environment. Conditions of consent can be imposed to ensure these measures are implemented by the consent holder.

Overall, with appropriate conditions of consent, adverse effects on the environment in terms of nuisance will be less than minor.

4.4 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 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

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

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

5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account sections 5.1 and 4.2 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on persons minor or more than minor:

<i>Adverse Effects: Examples to consider</i>	Effects on Persons
Traffic Generation	Less than minor
Dominance / Privacy	Less than minor
Shading	Less than minor
Amenity / Density	Less than minor
Views and Outlook	Less than minor
Land Stability	Nil

For the reasons set out in part 4 of this report, the activity would have less than minor adverse effects on any person, including the owners and occupiers of adjoining properties. The subdivision promotes a high quality urban environment where effects in terms of dominance / privacy, shading, amenity / density and views and outlook on all adjoining properties have been carefully considered and mitigated through the subdivision design, building controls, design guidance and landscaping. Additional traffic movements on the surrounding road network will occur as a result of this subdivision. Given the residential density of this subdivision complies with the residential density anticipated by the District Plan any effects in terms of traffic generation on persons are anticipated.

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

In terms of Section 95E of the Act, no person is considered to be adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 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 applicant's agent has provided a comprehensive assessment against the relevant objectives and policies of the District Plan under Appendix Q of the application report. The objectives and policies assessed in Appendix Q include those relating to Part 7 *Residential Areas*, Part 14 *Transport*, Part 15, *Subdivision, Development and Financial Contributions* and Part 18 *Signs*. This assessment is considered to be accurate, and is therefore adopted for the purposes of this report. In conclusion, the proposal is considered to be consistent with the relevant objectives and policies of the District Plan.

7.3 OTHER MATTERS (s104D)

The proposal is assessed as a non-complying activity and therefore section 104D is a relevant consideration. The proposal has been assessed as having effects that are no more than minor and therefore the proposal meets the first gateway test outlined in section 104D and it is possible for consent to be granted. For completeness it is also recorded that the proposal has been assessed against the relevant objectives and policies and it aligns with these provisions.

7.4 PART 2 OF THE RMA

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. The proposed development adequately avoids, remedies and mitigates any adverse effects on the environment. The proposal is in accordance with the intentions of the District Plan and will enable the applicant to meet their needs through social and economic benefits. Overall, it is considered that the purpose of the Act would be best served by granting consent.

7.5 DECISION ON SUBDIVISION RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the Act.

7.6 DECISION ON LAND USE RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the Act.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal will generate a demand for network infrastructure, transportation and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant to Section 208 of the Local Government Act 2002 the Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.

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.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

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.

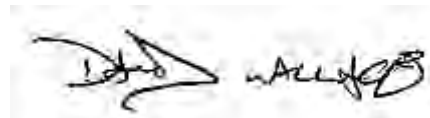
Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

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

If you have any enquiries please contact Ian Greaves on phone (03) 443 0124 or email ian.greaves@qldc.govt.nz.

Prepared by

Reviewed by



Ian Greaves
SENIOR PLANNER

David Wallace
PLANNER

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Application Report

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 E 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 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.

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 on any two storey section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m.
- j) The maximum height for any single storey section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m; except where
 - (i) the proposed single storey section does not exceed 5m above ground level; and
 - (ii) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.
- k) 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 E 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 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 two storey section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m.
- (c) The maximum height for any single storey section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m; except where

- (i) the proposed single storey section does not exceed 5m above ground level;
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 – APPLICATION REPORT



SOUTHERN LAND

SURVEYING | PLANNING | LAND DEVELOPMENT

Our Reference	:	Q4200
Date	:	11 November 2013
Location	:	Kirimoko Park, Wanaka
Legal Description	:	Lots 1 and 2 Deposited Plan 443395 held on Computer Freehold Registers 567741 and 567742 and Lots 3 and 50 Deposited Plan 443395 held on Computer Freehold Register 618781
Applicant	:	Crescent Investments Limited
Territorial Authority	:	Queenstown Lakes District Council
Plan	:	Operative District Plan
Zoning	:	Low Density Residential (Planning Map 20)
Proposal	:	Subdivide land to create 76 allotments, 9 of which are identified as being subdividable lots, and undertake associated earthworks. Lot specific building platforms are identified on each lot to control the bulk and location of future buildings. Land use consents are sought to allow for the construction of future dwellings, within the identified building platforms, which do not comply with the District Plan boundary setback and recession plane requirements.
Activity Category	:	Non-Complying Activity Subdivision Non-Complying Activity Land Use

1.0 INTRODUCTION

- 1.1 This application for subdivision and land use resource consent, which represents the continuation and completion of Kirimoko Park as originally approved under RM090895, 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 currently legally described as Lots 1 and 2 Deposited Plan 443395 held on Computer Freehold Registers 567741 and 567742 and Lots 3 and 50 Deposited Plan 443395 held together on Computer Freehold Register 618781. Copies of the current Computer Freehold Registers and associated Consent Notices and Covenants are attached as Appendix A to this application.
- 2.2 Lots 3 and 50 DP 443395 are owned by the applicant, Crescent Investments Limited while Lots 1 and 2 DP 443395 are owned by Matagouri Spirit Limited. An email from Matagouri Spirit Limited, which provides landowner's approval for the proposed development, is attached as Appendix B to this application.
- 2.3 It should be noted however that Lot 50 DP 443395 comprises the balance lot of the Kirimoko Park subdivision following the completion of two of the initial three sub-stages approved under RM090895. The third and final sub-stage under Stage 1 of Kirimoko Park is nearing completion with Title Plan LT 447560 having been approved pursuant to Section 223 of the Act. A copy of the approved Title Plan is attached as Appendix C to this application.
- 2.4 At such time as the approved Title Plan is deposited and titles are raised the balance lot, which forms the majority of the application site, will be legally described as Lot 51 DP 447560.
- 2.5 For the purposes of this application the subject site will be referred to as Lots 1, 2 and 3 DP 443395 and Lot 51 DP 447560.

3.0 BACKGROUND

- 3.1 The subject site, being Lots 1, 2 and 3 DP 443395 and Lot 51 DP 447560, measure 338m², 313m², 1279m² and 7.6735 hectares respectively resulting in a total area of 7.8665 hectares of Low Density Residential zoned land approximately 2km north of the Wanaka Town Centre. Please refer to the location plan (Part Planning Map 20) attached as Appendix D to this application.
- 3.2 The site forms part of the wider 'Kirimoko Block' which, prior to Plan Change 13, comprised 58.57 hectares of Rural General zoned land within 13 lots. Plan Change 13 was made operative in July 2008 and rezoned the majority of the land within the Kirimoko Block from Rural General to Low Density Residential with the Rural General zoning of the more sensitive, elevated areas within the block being retained and building restriction areas being identified (none of which is located within the subject site).
- 3.3 Plan Change 13 introduced the Kirimoko Block Structure Plan (*the 'Structure Plan'*) to Part 7 of the District Plan along with objectives and policies specific to the development of the Kirimoko Block. The Structure Plan is attached as Appendix E to this application.
- 3.4 The Structure Plan defines the general road layout for future development within the Kirimoko Block and identifies building restriction areas, public walkways and a 'Green Network' which covers pockets of existing native vegetation within the Block.
- 3.5 In November 2009 Crescent Investments Limited, being the owners of Lots 1, 11 and 12 DP 300734, lodged a resource consent application (RM090895) to subdivide their

land to create 37 residential lots, a lot for a consented child care facility and a balance lot in the south western corner of the Kirimoko Block.

- 3.6 Lots 1, 11 and 12 DP 300734 comprised all of the vacant land on the inside of Kirimoko Crescent as it loops through the Kirimoko Block from Aubrey Road to Rata Street and resource consent RM090895 comprised the first stage of what was to be a comprehensive development of the applicant's land.
- 3.7 From the outset the subdivision was designed comprehensively and while the consent application focused on the first stage it also set out the overall strategy and concept for the wider development.
- 3.8 The overall concept and philosophy for the development was to take a holistic, design led approach and create a unique, high amenity, sustainable subdivision which provided choice and affordability as well as high end properties.
- 3.9 Key features of the consent application were a range of lot sizes (including lots smaller than the minimum lot size for the Low Density Residential Zone), lot specific building platforms which were designed to provide privacy, access to sunlight and protected views, shared space and reduced road widths within the road reserves, extensive landscape planting and streetscape features and the provision of a Low Impact Design (LID) Stormwater System.
- 3.10 Due largely to the non-compliance in terms of lot size the consent application was publicly notified and resource consent was granted in September 2010 for the development as proposed. The resource consent included a commitment, offered by the applicant, that the remaining land in its ownership (being the balance land following the completion of the approved subdivision)(i.e. the subject site) would be developed in a consistent manner and that a maximum overall density of one dwelling per 650m² would be maintained.
- 3.11 Stage 1 of Kirimoko Park (as the development has become known) is nearing completion with, following a number of variations and additional consents, 39 residential lots having been created.

4.0 SITE DESCRIPTION

- 4.1 As outlined above the subject site comprises Lots 1, 2 and 3 DP 443395 and Lot 51 DP 447560 which measure 338m², 313m², 1279m² and 7.6735 hectares respectively. Lot 51, which is by far the largest lot within the site, comprises the balance land following completion of Stage 1. Lots 1 and 2 comprise residential lots created within Stage 1 and Lot 3 has been identified for future comprehensive residential development.
- 4.2 Lot 51 is contained by Kirimoko Crescent to the north and east and Stage 1 to the south while its western boundary is formed by the residential properties located along the eastern side of Rata Street.
- 4.3 The land contained by Kirimoko Crescent, comprising the subject site and Stage 1 of Kirimoko Park, is characterised by the basin landform of the wider Kirimoko Block. From its lowest point in its south western corner the land rises to the north and east towards Kirimoko Crescent.
- 4.4 As the land rises it undulates and includes various shallow gullies and depressions creating an interesting and complex landform. The land is generally vegetated in pasture grasses with scattered native vegetation in the form of matagouri and kanuka,

the most significant of which is a stand of mature kanuka located in the north eastern third of the site.

- 4.5 Lot 51 is generally undeveloped aside from earthworks carried out in association with Stage 1 and a pre-existing swale, running along the western boundary of the site, which has been incorporated into the LID Stormwater System serving Stage 1.
- 4.6 As previously stated the northern and eastern boundary of Lot 51 is formed by Kirimoko Crescent as it loops round from Aubrey Road in the south to Rata Street in the west. At the southern corner of Lot 51 there is a shallow depression that sits below the level of Kirimoko Crescent as it adjoins the southern boundary of the site. As Kirimoko Crescent starts to turn back to the north Lot 51 rises such that it sits above the level of the road at its eastern extent and as the road continues westwards Lot 51 falls again to another shallow depression sitting below the level of the adjoining road with the land continuing to fall towards the existing residential properties on the eastern side of Rata Street at the western end of the site.
- 4.7 Stage 1 of Kirimoko Park lies to the south of Lot 51 and includes subdivision roading that provides access, in the form of Kamahi Street, from Rata Street through to the southern end of Kirimoko Crescent. The intersection of Kirimoko Crescent and Makomako Road (being a new road partially constructed as part of Stage 1, which will ultimately be extended through the site from south to north) has been upgraded as part of Stage 1 and the subdivision roading within Stage 1 has been extended to the southern boundary of Lot 51 to facilitate future development.
- 4.8 Lots 1, 2 and 3 DP 443395 are located on the southern boundary of Lot 51. Lots 1 and 2 are located between a stormwater detention basin constructed as part of the LID Stormwater System and Kapuka Lane while Lot 3 is located between Kapuka Lane and Kahu Close (Kapuka Lane and Kahu Close being two of the subdivision roads starting within Stage 1 and extending to the boundary of Lot 51). At 1279m² Lot 3 represents the largest residential lot within Stage 1 and is earmarked for comprehensive development. As with all residential lots within Stage 1 Lots 1, 2 and 3 include residential building platforms. The building platform on Lot 3 spans the lot from east to west and it is envisaged that, at some point in the future, 3 or possibly 4 residential units will be constructed prior to further subdivision.
- 4.9 The wider area is characterised by well established residential development to the west along Rata Street and Hunter Crescent. Beyond Stage 1, to the south, lies the Holy Family School and the Catholic Church with Scurr Heights on the southern side of Aubrey Road.
- 4.10 Beyond Kirimoko Crescent the Kirimoko Block continues to rise to the north to the 'Plantation' and to the east to Peak View Ridge and its large residential properties. The land within the Kirimoko Block, that lies to the north and east of Kirimoko Crescent, is split into 10 lots ranging in size from 1.6037 to 6.9848 hectares. Only one of these lots, Lot 2 DP 304817, includes a residential dwelling. Despite each lot including Low Density Residential zoned land all other lots within the Kirimoko Block are currently undeveloped save for the public walkway which has been constructed following the adoption of Plan Change 13.
- 4.11 The subject site is therefore bounded on all sides by Low Density Residential zoned land.

5.0 PROPOSAL

- 5.1 Following on from the imminent completion of Stage 1 of Kirimoko Park resource consent is sought to subdivide the remaining land to create 76 residential lots ranging in size from 525m² (Lot 116) to 1135m² (Lot 117). Please refer to the subdivision scheme plans and earthworks plan attached as Appendix F to this application.

Overall Design Approach

- 5.2 The overall concept for Kirimoko Park was developed, prior to lodging the consent application for Stage 1, by Crescent Investments Limited with landscape input from Mr. Ralf Kruger and urban design input from Ms. Nicole Lauenstein.
- 5.3 In preparing the design for the subdivision and development of the balance land the design team have revisited the overall concept and applied it to the subject site while incorporating subtle amendments to streamline and improve on the practical implementation of the subdivision.
- 5.4 Mr. Kruger and Ms. Lauenstein have prepared Landscape and Urban Design Reports assessing the proposed subdivision. These assessments include the consideration of the proposed subdivision against the overall Kirimoko Park concept and the commitments made by the applicant, through the Stage 1 consent, to develop the balance land in accordance with that overall concept. Mr. Kruger and Ms. Lauenstein's reports are attached as Appendices G and H to this application and they conclude that the proposed subdivision is appropriate and in accordance with the overall Kirimoko Park concept.
- 5.5 In their reports Mr. Kruger and Ms. Lauenstein refer to the Landscape and Urban Design Report which they prepared and lodged as part of the Stage 1 consent application. For ease of reference that report is attached as Appendix I to this application.

Layout and Design

- 5.6 The proposed subdivision has been designed to be in general accordance with the Kirimoko Block Structure Plan as well as the plans referred to in the conditions of the consent notice to be registered on the title of Lot 51 on completion of Stage 1, being the '*Overall Private Structure & Clusters*' plan and the '*Overall Green Network*' plan prepared by Morgan+Pollard and approved under the Stage 1 resource consent. The '*Overall Private Structure & Clusters*' and '*Overall Green Network*' plans are attached as Appendix J to this application.
- 5.7 In addition the proposed subdivision has been designed so as to comply with the commitment to an overall maximum density of one dwelling per 650m² offered by the applicant as part of RM090895 and to be registered as a consent notice condition relating to Lot 51. A copy of the draft consent notice (to be registered on completion of Stage 1c) is attached, along with the approved Title Plan, as Appendix C to this application.

Landscaping

- 5.8 Stage 1 and the overall concept for Kirimoko Park is underpinned by extensive landscaping and landscape design has been an integral part of the overall design of the proposed subdivision. The Landscape Report prepared by Mr. Kruger, and attached as Appendix G to this application, includes a landscape concept plan which

focuses on landscaping within the road reserves and the creation of a 'green network' through private lots. The green network has been designed alongside the proposed continuation of the LID Stormwater System such that the landscaping will follow the conveyance channels and swales of the LID Stormwater System which in turn follow the natural contours of the site.

- 5.9 The existing stand of mature kanuka which lies adjacent to Karearea Rise is a key feature of Kirimoko Park and was identified for retention from the outset, to the extent that it is shown on the Kirimoko Block Structure Plan. The kanuka will be partially located within the road reserve of Karearea Rise and, where it is located within Lots 84 to 87, will be protected by way of a proposed consent notice condition.

Earthworks

- 5.10 An earthworks plan is attached with the subdivision scheme plans as Appendix F to this application. The earthworks plan shows, in general terms, the extent of earthworks required to construct the subdivision roading, services, landscaping and LID Stormwater System. It is also proposed to balance the earthworks within the site by using cut material as fill within specific areas as shown on the earthworks plan.
- 5.11 In addition to the earthworks required to construct the subdivision roading and services it is also proposed to carry out building platform earthworks, where necessary, in order to provide practical building areas. The proposed building platform earthworks are not shown on the attached earthworks plan as, in keeping with the principle of minimising earthworks which has formed part of the overall concept for Kirimoko Park, such earthworks will be generally limited to the individual building platforms rather than bulk earthworks across numerous lots. The exception to this approach will be within the areas, shown on the proposed earthworks plan, where it is proposed to deposit fill material to balance cut volumes in order to minimise stockpiling on site and avoid unnecessary carting of material off site.
- 5.12 It is anticipated that the building platform earthworks will be approved as part of the engineering approval process following detailed design and a condition of consent to that effect is proposed.
- 5.13 It is estimated that the proposed earthworks will be in the region of 12,500m³ (being a balance of cut to fill) over an area of 25,750m². The maximum depth and height of cut and fill is estimated to be 2m respectively.

Vehicle and Pedestrian Access

- 5.14 The proposed roading layout has been designed in accordance with the Kirimoko Block Structure Plan and has incorporated the key principles adopted in the design of the roading layout for Stage 1 of Kirimoko Park. Some of the roads shown on the '*Overall Private Structure & Clusters*' and '*Overall Green Network*' plans have however been realigned to eliminate cul-de-sacs and reduce the number of Rights of Way required.
- 5.15 The main roads through the subdivision site, as shown on the Kirimoko Block Structure Plan, comprise Makomako Road and Matipo Street. Makomako Road has been partially constructed to serve Stage 1 and will be extended through to the northern boundary of the site as part of the proposed subdivision with a continuation of the road reserve at a width of 20.0m. Matipo Street will be an entirely new road constructed within a 18.0m wide road reserve running parallel to, and approximately 100m to the east of, Makomako Road.

- 5.16 Makomako Road and Matipo Street will be linked by Hoheria Rise which has also been partially constructed as part of Stage 1. Hoheria Rise will continue east within a 13.0m wide road reserve to meet Matipo Street.
- 5.17 To the east of Matipo Street five cul-de-sacs, which were shown on the original concept plans, have been replaced with Karearea Rise, being a loop road within a 11.0m wide road reserve.
- 5.18 At the western end of the site the roading layout (as shown on the original concept plans) has also been amended slightly with Kapuka Lane (previously shown as continuing through to Kirimoko Crescent) linking through to Kahu Close (previously shown as a cul-de-sac) and Makomako Road to the north east. Kapuka Lane and Kahu Close are to be located within 14.0m and 7.0m wide road reserves.
- 5.19 It is intended that the roading design, which will be submitted and approved as part of the engineering approval process, will continue the overall concept, as implemented in Stage 1, of high amenity streetscape, shared space and reduced road widths (when compared to Council's current standards) within the road reserves. An indicative roading design and typical cross sections are shown on the plans included as part of Mr. Kruger's Landscape Report attached as Appendix G to this application.
- 5.20 The subdivision scheme plan shows indicative positions of vehicle crossings for each lot. The final position of vehicle crossings will be determined as part of the engineering design process however, as was approved under Stage 1 of Kirimoko Park, it is likely that a number of crossings will not comply with *Site Standards 14.2.4.2 iv* and *14.2.4.2 vi* which relate to minimum sight distances and minimum distance of vehicle crossings from intersections.
- 5.21 As previously mentioned the proposed roading layout has been designed to eliminate cul-de-sacs and to minimise the need for Right of Ways or access lots. This approach has limited the number of necessary Right of Ways to four. The proposed Right of Ways are required to serve Lots 54 and 55, Lots 105 and 106, Lots 109 and 110 and Lots 119, 120 and 121. The proposed Right of Ways will be between 4.5m and 7.0m wide and will be formed to Council's standards.
- 5.22 In keeping with Stage 1 pedestrian linkages will be provided through the proposed subdivision by way of footpaths and shared space the detailed design of which will be completed as part of the overall engineering and streetscape design.

Services

- 5.23 As part of Stage 1 electricity and telecommunications connections have been provided to the boundary of the site. These services will be extended through the subdivision to serve the proposed lots. In addition a reticulated gas supply has been provided to Stage 1 and this will also be extended to serve the proposed lots. Letters confirming the availability and capacity of these service connections have been provided by the relevant service providers and are attached as Appendix K to this application.
- 5.24 The proposed subdivision will be served in terms of domestic and fire fighting water supplies and wastewater connections by extending the Council reticulation that has been installed to the boundary of the subject site as part of Stage 1 of Kirimoko Park.
- 5.25 A key feature of Stage 1 and the overall concept was the management of stormwater through a LID Stormwater System. The LID Stormwater System within Stage 1 was designed to accommodate stormwater runoff from future stages. Therefore much of the

LID Stormwater System which will serve the proposed subdivision is already in place (i.e. ponds and rain gardens) and as such the elements of the system that need to be constructed as part of the proposed development are largely limited to swales and conveyance channels. A Concept LID Report for the proposed subdivision has been prepared by AR Civil Consulting and is attached as Appendix L to this application.

Easements

- 5.26 All necessary easements will be granted and reserved. These will include, but not necessarily be limited to, the Right of Way easements required to provide access to Lots 54, 55, 105, 106, 109, 110, 119, 120 and 121.
- 5.27 It is proposed to realign the existing stormwater easement which cuts through proposed Lot 117 such that it runs along the southern boundary of the Lot. This will involve the realignment of the pipe covered by the easement and will provide for a more practical and useable building platform on Lot 117 without compromising the performance of the underlying stormwater infrastructure.

Reserves

- 5.28 Aside from the road reserves which include extensive landscaping and amenity features no public reserves are proposed as part of the subdivision.

Lot Sizes

- 5.29 As outlined above the proposed subdivision involves the creation 76 residential lots ranging in size from 525m² to 1135m². Of the proposed 76 residential lots 16 are below the minimum lot size identified in the District Plan for the Low Density Residential Zone (including Lot 109 which has a gross area of 715m² but a nett area of 645m²). This approach is consistent with Stage 1 and the overall concept for Kirimoko Park.

Building Platforms

- 5.30 As with Stage 1, rather than relying on the District Plan standards relating to boundary setbacks and height limits to control the bulk and location of future dwellings, individual building platforms for each lot have been identified on the proposed subdivision scheme plan. This approach has been a key feature of Kirimoko Park and allows site factors such as topography, aspect, solar access and views to be taken into consideration when determining the position and form of future dwellings.
- 5.31 It is therefore proposed to dispense with the District Plan rules relating to boundary setbacks (*Site Standards 7.5.5.2 iii and 7.5.5.2 iv*) and height limits (*Zone Standard 7.5.5.3 v*) in favour of the identified building platforms shown on the subdivision scheme plan. With regard to the dispensation of *Zone Standard 7.5.5.3 v* this is intended to remove the recession plane requirements, which limit the height of buildings in relation to boundaries, rather than to allow for the overall height limit of 7m to be breached. It is therefore proposed to apply the maximum height limit of 7m as a consent notice condition. Please refer to the proposed conditions of consent attached as Appendix M to this application.
- 5.32 As shown on the subdivision scheme plan however some building platforms are shown as single storey only, double storey or a combination of single and double storey. In addition specific height limits, in terms of height above sea level, may be identified on certain lots (marked with an asterisk).

- 5.33 The proposed conditions of consent include proposed consent notice conditions requiring that all future buildings are constructed within the identified building platforms. These consent notice conditions reflect those that were included as part of RM090895 and include exceptions which allow for minor protrusions outside of the identified building platforms. These exceptions were included to allow for practical building design. The proposed development therefore requires consent to breach *Zone Standard 7.5.5.3 viii – Building Platforms* to the extent provided for in the proposed conditions of consent. This approach is consistent with Stage 1 and the overall concept for Kirimoko Park.
- 5.34 The proposed building platforms are shown on the subdivision scheme plan. The proposed conditions of consent require that the building platforms are to be shown on the Title Plan and approved by Council prior to S223 certification for each stage of the development. The building platforms are to be in general accordance with the building platforms shown on the approved plan of subdivision and achieve the specific outcomes stated in the proposed conditions of consent. Any amendments to the building platforms are not anticipated to be significant and any changes are likely to result in a reduction, rather than an increase, in their size. This approach will therefore allow for a degree of flexibility in terms of the final design of the building platforms, in order that they can reflect the detailed design of the subdivision roading, services, landscaping and earthworks, while ensuring that the overall intent of the building platforms is maintained. This approach is generally consistent with Stage 1 and the overall concept for Kirimoko Park.

Subdividable Lots

- 5.35 A new element within Kirimoko Park, which is proposed in response to market demand, is the identification of subdividable lots. Proposed Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 and 129 have been designed as lots, in excess of 900m² in size, upon which two dwellings can be constructed prior to further subdivision.
- 5.36 This approach is offered as an alternative to the creation of smaller lots (i.e. the lots of around 300m² to 400m² created within Stage 1) at subdivision stage. The proposed subdividable lots include building platforms that have been designed to accommodate two residential dwellings and will be serviced accordingly. In addition the subdividable lots have been designed such that each future dwelling will have suitable access to adjoining roads.
- 5.37 The proposed conditions of consent include specific conditions relating to the development of the subdividable lots. These conditions have been prepared in order to encourage the development of these lots in the manner intended and to guard against the construction of a single, large dwelling within an otherwise subdividable building platform.
- 5.38 Consistent with Stage 1 the proposed conditions of consent include a consent notice condition prohibiting further subdivision of all other residential lots.

Design Controls

- 5.39 In acknowledgment of the specific urban design outcomes that were envisaged for Kirimoko Park and the alternative approach taken to controlling the bulk and location of buildings the resource consent for Stage 1 included a range of consent notice conditions relating to dwelling design and location. These consent notice conditions were replicated in covenants registered on the titles of the resultant lots in favour of the Kirimoko Park Residents Association and all lot owners.

- 5.40 The Kirimoko Park Residents Association is responsible for the formulation of the Kirimoko Park Design Code, the enforcement of the covenants and the administration of a design approval process whereby the design of individual dwellings are considered and approved.
- 5.41 This arrangement (i.e. the registration of a consent notice and covenants with the administration of the covenants and the design approval process being undertaken by the Kirimoko Park Residents Association) will be continued as part of the proposed subdivision and the proposed conditions of consent include similar consent notice conditions with the final form of the covenants to be approved by Council. This approach is consistent with Stage 1 and the overall concept for Kirimoko Park.

Building Coverage

- 5.42 As in Stage 1 maximum buildable areas will be defined for each building platform. Due to the relatively small size of some of the lots the maximum buildable area defined may provide for the construction of buildings that exceed the District Plan's maximum building coverage of 40% as set out for the Low Density Residential Zone. Overall however the maximum building coverage of dwellings constructed within Kirimoko Park will be no greater than 40%. Consent is therefore required to breach the maximum building coverage of 40% set out for the Low Density Residential Zone. This breach of the maximum building coverage limit is likely to occur on Lots 81 and 82, 104, 107, 111 to 113, 116 to 119, 122 and 126 to 129 while all other lots are likely to comply.
- 5.43 As the final land transfer survey often results in fluctuations in terms of final lots sizes (i.e. +/- 5 to 10% is generally considered acceptable) the final building coverage for each lot will be determined and approved when the Title Plan for each stage is submitted for S223 certification. The proposed conditions of consent require the provision of a schedule of building coverage for each lot which is then referred to in the proposed consent notice conditions. The schedule of building coverages will be prepared to ensure that an overall maximum building coverage of 40% is maintained across all stages of Kirimoko Park. A draft schedule has been prepared and is attached as Appendix N to this application to demonstrate how compliance might be achieved.

Boundary Adjustment

- 5.44 Due to the layout and design of proposed Lots 117 and 127, which adjoin the southern boundary of the site and Stage 1 of Kirimoko Park, a boundary adjustment is proposed to realign the boundaries of the adjoining lots to provide for more practical lot and building platform shapes.
- 5.45 It is therefore proposed to adjust the boundaries of Lots 1 and 2 DP 443395 and proposed Lot 117 (or the balance lot at the time the boundary adjustment is undertaken) such that proposed Lots 1 and 2 are increased in size to 405m² and 331m² respectively.
- 5.46 It is also proposed to adjust the boundary between Lot 3 DP 443395 and proposed Lot 127 (or the balance lot at the time) to a more practical alignment with the area of Lot 3 being reduced by 11m² to 1268m².
- 5.47 The proposed boundary adjustment will result in no changes to the shape or size of the building platforms on Lots 1, 2 and 3 DP 443395 and it is proposed that the boundary adjustments can be undertaken independently or as part of any substage of the proposed subdivision (i.e. they are not tied to the creation of Lots 117 and 127).

Staging

- 5.48 It is proposed to stage the implementation of the subdivision in order that lots can be developed and released in a strategic and logical manner based on servicing requirements and market demand. An indicative staging plan is attached as Appendix O to this application. While the staging shown is indicative only the applicant is likely to develop the proposed subdivision in three stages each comprising in the region of 30 lots.

Signage

- 5.49 In order that each stage of the subdivision can be marketed during, and upon completion of, construction resource consent is sought to display one sign per stage with each sign being displayed for up to 18 months. The proposed signs will be located generally as shown on the indicative staging plan.
- 5.50 The proposed signs will measure 2.4m by 4.8m giving an area of 11.52m². Please refer to the sign plan attached as Appendix P to this application. The sign plan shows one of the existing signs that have been erected for Stage 1 of Kirimoko Park under resource consent RM110735.
- 5.51 The proposed signs will be similar to the sign shown on the signage plan in terms of appearance and colour scheme while the content of the signs will be amended to reflect each stage.
- 5.52 As the staging plan is indicative only so to are the signage locations shown on it. It is therefore proposed that prior to the display of each sign the location and final design of the sign is provided and approved by Council.
- 5.53 The proposed conditions of consent include conditions relating to the number of signs to be displayed at any one time and the duration for which they can be displayed.

Site Office

- 5.54 It is also proposed to locate a temporary site office, for marketing and administration purposes, on site as each stage is developed and marketed. The proposed temporary site office will take the form of a portacom building (or similar) and will be placed on one of the building platforms in the ownership of the consent holder within each stage of the subdivision.
- 5.55 The proposed site office will be located on each stage for a maximum duration of 18 months and will be removed prior to the construction of any other building on the building platform upon which the office is sited.

Duration of Consent

- 5.56 In order to allow for a reasonable duration within which to complete the proposed subdivision a consent period of 10 years is sought.

6.0 DISTRICT PLAN ASSESSMENT

- 6.1 The subject site is zoned Low Density Residential under the Operative District Plan. The proposed subdivision requires the following resource consents:

- A **Restricted Discretionary Activity** subdivision consent pursuant to *Rule 15.2.3.3(vii)* which states that any subdivision which complies with the principal roading layout shown on the Kirimoko Structure Plan shall be a discretionary activity with Council's discretion being restricted to earthworks, subdivision design, roading layout and reserves, the provision of walkways, landscaping and the protection of native species.
- A **Non-Complying Activity** subdivision consent pursuant to *Rule 15.2.3.4(i)* as the proposed subdivision does not comply with *Zone Standard 15.2.6.3i(a)* which states that the minimum lot size within the Low Density Residential Zone in Wanaka shall be 700m².

6.2 In addition the development of the lots within the proposed subdivision requires the following land use resource consents:

- A **Discretionary Activity** land use consent pursuant to *Rule 14.2.2.3 ii* as the proposed subdivision does not comply with *Site Standard 14.2.4.2 iv* which relates to minimum sight distances.
- A **Discretionary Activity** land use consent pursuant to *Rule 14.2.2.3 ii* as the proposed subdivision does not comply with *Site Standard 14.2.4.2 vi* which relates to minimum distance of vehicle crossings from intersections.
- A **Discretionary Activity** land use consent pursuant to *Rule 7.5.3.4 vi* as the proposed building platforms do not comply with *Site Standard 7.5.5.2 iii – Setback from Roads*.
- A **Discretionary Activity** land use consent pursuant to *Rule 7.5.3.4 vi* as the proposed sign locations may not comply with *Site Standard 7.5.5.2 iii – Setback from Roads*.
- A **Discretionary Activity** land use consent pursuant to *Rule 7.5.3.4 vi* as the proposed building platforms do not comply with *Site Standard 7.5.5.2 iv – Setback from Internal Boundaries/Neighbours*.
- A **Discretionary Activity** land use consent pursuant to *Rule 7.5.3.4 vi* as the landscaping associated with the proposed subdivision may not comply with *Site Standard 7.5.5.2 xiii – Boundary Planting Wanaka*.
- A **Non-Complying Activity** land use consent pursuant to *Rule 7.5.3.5* as certain lots will not comply with *Zone Standard 7.5.5.3 ii – Building Coverage*.
- A **Non-Complying Activity** land use consent pursuant to *Rule 7.5.3.5* as the proposed development does not comply with *Zone Standard 7.5.5.3 v – Building Height* as it relates to recession planes.
- A **Non-Complying Activity** land use consent pursuant to *Rule 7.5.3.5* as the proposed conditions of consent provide for minor projections beyond the proposed building platforms which does not comply with *Zone Standard 7.5.5.3 viii – Building Platforms*.
- A **Non-Complying Activity** land use consent pursuant to *Rule 18.2.5* as the proposed signs breach *Zone Standard 18.2.5(ii)* which relates to maximum signage areas within the Low Density Residential Zone.

6.3 Overall the proposed subdivision and land use activities are considered to be non-complying activities.

7.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

7.1 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.

Permitted Baseline

7.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline).

7.3 The permitted baseline includes any lawful activities occurring on the site, any permitted hypothetical (although not fanciful) activities and any activities authorised by unimplemented resource consents.

7.4 Therefore the permitted baseline includes the following:

- The construction of dwellings (including residential flats) to a density of 1 residential unit per 450m²; and
- The construction of dwellings of up to 7m in height and with an aggregate length of up to 16m located 4.5m from road boundaries and 2m from internal boundaries (subject to compliance with recession plane requirements); and
- The construction of accessory buildings up to 7.5m in length located up to and on internal boundaries; and
- The encroachment of eaves, balconies, bay windows, porches and other similar protrusions into internal boundary setbacks by up to 0.6m; and
- The construction of buildings on internal boundaries where the buildings on adjoining lots share a common wall; and
- Earthworks of up to 100m³ and/or 200m² per site per year; and
- The construction of dwellings with a building coverage of up to 40% on any site.
- The construction of dwellings to any design, clad in any material of any colour provided that any metal cladding is painted or coated with a “non-reflective finish”; and
- The construction of fences of less than 2m in height on all boundaries.
- The location of temporary buildings ancillary to building and construction work on any site for a duration of up to 12 months.
- The display of real estate signs offering a site for sale as two of more sites up to a maximum of 1.62m² per sign per agent instructed by the vendor.
- The display of temporary construction signs, of up to 2m² in size and limited to 2 per site.

Receiving Environment

7.5 In addition to the permitted baseline it is important to consider the receiving environment and the type of development anticipated and provided for in the Low

Density Residential Zone. Within the Low Density Residential Zone the District Plan provides for the following as controlled activities:

- The subdivision of land to a minimum lot size of 700m² or, where each lot to be created includes one residential unit, to a density of one residential unit per 450m² (i.e. no minimum lot size); and
- The construction of garages within road boundary setbacks; and
- The construction of buildings for non-residential activities.

Most importantly perhaps the receiving environment also includes Stage 1 of Kirimoko Park.

7.6 Taking into consideration the permitted baseline and the receiving environment the effects of the proposed development are assessed as follows:

Subdivision Design and Layout

7.7 As outlined in Sections 3 and 5 above the consent application for Stage 1 of Kirimoko Park not only proposed the subdivision of the site to create 37 residential lots but also put forward an overall concept for the subdivision and development of the entire area of the applicant's land contained by Kirimoko Crescent.

7.8 As outlined in Mr. Kruger and Ms. Lauenstein's landscape and urban design reports the design of the proposed subdivision follows the overall concept and philosophy for Kirimoko Park while including some subtle amendments to what was proposed as part of the overall concept for the subdivision. These changes and the rationale behind them are described in more detail in the landscape and urban design reports but include the following:

- The refinement of the overall LID Stormwater System to create a sleeker, more efficient and, consequently, more sustainable system;
- The provision of green spaces within private property rather than public spaces;
- The modification of the green network to reflect the refined LID Stormwater System;
- The amended layout and configuration of roading and public walkways;
- The reduction of the residential cluster concept;
- The inclusion of some bulk and building platform earthworks;
- The fine-tuning of the plant and materials palette.

7.9 Mr. Kruger and Ms. Lauenstein have assessed the overall concept and proposal, including the fine-tuning of the original concept and have concluded that the proposed development is in general accordance with the Kirimoko Block Structure Plan as well as the 'Overall Private Structure & Clusters' Plan and the 'Overall Green Network' Plan referred to in the consent notice to be registered on Lot 51 and that the general design philosophy and the intended outcomes remain.

7.10 Resource Consent RM090895 was granted largely on the basis of the overall concept put forward for the wider development. It is considered that the fine-tuning of the original concept to address specific matters that have arisen through the practical implementation of the first stage of the subdivision will not compromise the overall

concept and outcomes offered by the applicant and anticipated by Council. It is therefore considered that the proposed development will have less than minor adverse effects in this regard.

Character and Residential Amenity

- 7.11 The proposed development represents a continuation and completion of the Kirimoko Park subdivision including the variety of lot sizes, density of development and the identification of lot specific building platforms to control the bulk and location of dwellings rather relying on the District Plan's Low Density Residential Zone boundary setbacks and height limits.
- 7.12 This approach was discussed at length in the original consent application and throughout the consent process and it was generally accepted that, while using different means, Kirimoko Park would achieve better outcomes in terms of character and residential amenity than the current District Plan provisions. The success of Stage 1 and the unique amenity it provides is now readily discernible on site.
- 7.13 Through the identification of carefully designed building platforms for each lot specific views can be protected and appropriate levels of privacy and access to sunlight can be provided. This approach provides a far greater degree of control and certainty in terms of the bulk and location of future dwellings than the application of arbitrary District Plan standards.
- 7.14 While the identified building platforms often provide for the construction of dwellings, parts of which will be located closer to boundaries than permissible under the District Plan, the design process has looked at the position of dwellings in relation to each other and the topography of the site rather than the lot boundaries. As a result the separation between building platforms and, consequently, future dwellings is generally greater than what could occur under the District Plan standards. In addition the identified building platforms are not automatically aligned to the lot boundaries as the District Plan's boundary setbacks are so the identified building platforms are generally only partially located within boundary setbacks if at all.
- 7.15 As outlined in the description of the development it is proposed to dispense with the District Plan's height limit and instead include a consent notice condition limiting the maximum height of all buildings to 7m above existing ground level. A further degree of control will be provided through the design of the proposed building platforms as they will define areas within which single or double storey dwellings can be constructed and, where necessary, in order to protect specific views or achieve specific urban design outcomes, reduced height limits will be applied through the identification of maximum heights above sea level. This approach is consistent with Stage 1 and the overall concept for Kirimoko Park.
- 7.16 The proposed dispensation of the District Plan's height limit is required in order that the recession plane requirements contained within that height limit do not apply. The recession plane requirements seek to protect properties against undue shading and dominance by controlling the height of buildings in relation to boundaries. As outlined above the identification and design of the proposed building platforms take these factors into consideration and address them on a lot specific basis.
- 7.17 It is intended that the building platforms registered on each lot will be in general accordance with the building platforms shown on the subdivision scheme plan. The proposed conditions of consent require that the building platforms are shown on the title plan lodged for approval under Section 223 of the Act with the final design of the

building platforms being approved by Council as part of that process. This approach provides a margin of flexibility that is required to make minor amendments to the proposed building platforms following detailed engineering design and the final survey. It is not anticipated that the proposed building platforms will be altered significantly and any such alterations are likely to result in a reduction in their overall size rather than an increase. The proposed conditions of consent are worded such that in approving the final design of the building platforms Council can ensure that appropriate levels of privacy, amenity and access to sunlight have been provided for. It is therefore considered that the proposed building platforms and the approval of their final detailed design prior to Section 223 approval will result in less than minor adverse effects on the character and residential amenity of the proposed subdivision and the wider environment.

- 7.18 The western boundary of the site, which adjoins the back of the existing residential properties on the eastern side of Rata Street, is formed by an existing swale that will be landscaped and incorporated into the LID Stormwater System. The proposed lots to be created along the western boundary of the site, being Lots 117 to 120 and Lot 126 are all in excess of the minimum lot size for the Low Density Residential Zone and due to the existing swale and proposed landscaped buffer the building platforms on these lots are located a minimum of 6m from the boundaries of the Rata Street properties. The proposed lots adjoining the Rata Street properties are therefore compliant in terms of lot size and boundary setbacks and it is therefore considered that the effects of the proposed subdivision on the Rata Street properties, in terms of character and residential amenity, will be less than minor.
- 7.19 In addition it is considered that any adverse effects of the proposed development in terms of character and amenity will be largely contained within the subject site and that any such adverse effects will be less than minor.
- 7.20 While the proposed subdivision includes the creation of lots smaller than the minimum lot size for the Low Density Residential Zone this is consistent with the overall concept for Kirimoko Park and is not out of keeping with the anticipated character and amenity of the site or the wider residential areas of Wanaka. The District Plan provides for a residential density of one dwelling per 450m² and where each lot to be created includes one residential dwelling no minimum lot size applies for further subdivision. Therefore lot sizes similar to, or smaller than, those proposed can and do occur within the Low Density Residential Zone. In addition, while there will be pockets of development within the subdivision that are at a density of around one dwelling per 450m², overall (across the entire site and including Stage 1) the proposed subdivision will result in a residential density of approximately one dwelling per 700m². It is therefore considered that the density of development and the size of the proposed lots will result in less than minor adverse effects in terms of character and amenity.

Landform

- 7.21 One of the key principles of Stage 1 of Kirimoko Park has been the minimisation of earthworks in order that the underlying topography of the site remains legible. Under the original consent for Stage 1 earthworks were limited to those associated with the construction of the subdivision roading, landscaping and services. No building platform or bulk earthworks were proposed or approved as part of the original consent.
- 7.22 This approach has been very successful in Stage 1 and the underlying topography of the site remains visible. However even while minimising earthworks the construction of subdivision roading and services still results in significant volumes of cut material. During the implementation of Stage 1 the cut material has been stockpiled and

removed from site and deposited in approved locations with some material also being used to remediate existing cut batters on Kirimoko Crescent. The stockpiling of cut material and its removal from site has presented a number of problems. The stockpiled material is sometimes unsightly and is often a source of windblown dust and sedimentation. In addition the removal and deposition of material off site has been costly and largely unnecessary.

- 7.23 Through the design process for the proposed subdivision a number of locations have been identified that could absorb the cut material generated by the construction of the subdivision roading and services and that would benefit from some sympathetic ground modification. These areas are shown on the earthworks plan attached along with the subdivision scheme plans as Appendix F to this application.
- 7.24 The balancing of cut to fill in this manner will be carried out to blend with the natural landform in order that its integrity will not be compromised. It is considered that the proposed subdivision will still result in significantly lower volumes of earthworks than other comparable developments and the minimisation of earthworks has remained a key design principle.
- 7.25 In addition, through the implementation of Stage 1 it became evident that earthworks would be required to allow for the practical construction of dwellings on each lot and that to complete these earthworks at the time a house was constructed was inefficient and could result in unnecessary damage to the subdivision roading and infrastructure due to the operation of heavy machinery.
- 7.26 It is therefore proposed to carry out building platform earthworks to provide practical building areas as part of the subdivision. It is considered that these earthworks will be minor in scale and will not result in an extensive recontouring of the site.
- 7.27 It is therefore considered that the proposed earthworks will result in less than minor effects on the topography of the landform of the subject site when compared to standard subdivision practice.

Services

- 7.28 Electricity and telecommunications connections are available to the subject site and can be extended to serve the proposed lots. Letters confirming that there is sufficient capacity and that suitable and useable service connections can be made to each lot have been provided by the relevant service providers.
- 7.29 In addition, while it is not a requirement under the District Plan, it is the applicant's intention that the proposed lots will be provided with a reticulated gas supply and a letter of confirmation of service has been provided by Contact.
- 7.30 It is therefore considered that the proposed subdivision can be appropriately serviced in terms of electricity and telecommunications connections and reticulated gas supply and that the proposed development will result in no adverse effects on the provision of these services to the subject site or the wider area.
- 7.31 Domestic and fire fighting water supplies and wastewater connections will be provided by extending the Council reticulation installed as part of Stage 1. Council's Engineers have carried out preliminary modelling of these services and have confirmed that there is either sufficient capacity within the existing reticulation or necessary upgrades (if any) have been scheduled that will ensure that the proposed subdivision can be adequately serviced in this regard. It is therefore considered that the proposed

subdivision will result in no adverse effects on the Council's reticulation either within the site or the wider area.

- 7.32 Stormwater disposal will be provided by way of a LID Stormwater System which has already been partially constructed to serve Stage 1. The LID Stormwater System has been designed to ensure that the peak runoff from Kirimoko Park is no greater than it was in its pre-development state. This is done by way of attenuation and infiltration through the rain gardens and detention ponds constructed within Stage 1.
- 7.33 A report has been prepared by AR Civil Consulting outlining how the LID Stormwater System will be completed to serve the proposed development. AR Civil Consulting's Concept LID Report is attached as Appendix L to this application.
- 7.34 It is therefore considered that the proposed LID Stormwater System can adequately serve the site and overall, when considered against standard stormwater reticulation, will result in positive effects.

Roading

- 7.35 One of the key features of Stage 1 and the overall concept for Kirimoko Park was the provision of high amenity streetscapes, shared spaces and reduced carriageway widths within road reserves. This approach has successfully achieved a pleasant shared environment where vehicle speeds are lowered significantly. The resulting character and operation of the subdivisions roads is noticeably different to that of other residential streets in Wanaka.
- 7.36 Since consent was granted for Stage 1 of Kirimoko Park this approach to roading design has been echoed by the current New Zealand Standard for Land Development and Subdivision Infrastructure NZS 4404:2010 which encourages LID stormwater treatment, the provision for human interaction and shared space within roading design and, where appropriate, reduced carriageway widths, recessed parking and the introduction of landscaping into carriageways to reduce their apparent formed width. Overall NZS 4404:2010 seeks to achieve good urban design outcomes.
- 7.37 It is understood that Queenstown Lakes District Council are seeking to adopt NZS 4404:2010 and as this standard is more relevant to the type of roading design proposed it will be referred to for the purposes of this assessment.
- 7.38 The proposed road reserve widths, as shown on the subdivision scheme plan, are as follows:
- Kapuka Lane from Kamahi Street to Makomako Road: 14.0m
 - Kahu Close from Kamahi Street to Kapuka Lane: 7.0m
 - Makomako Road extending to Kirimoko Crescent: 20.0m
 - Hoheria Rise extending to Matipo Street: 13.0m
 - Matipo Street: 18.0m
 - Karearea Rise: 11.0m
- 7.39 It is considered that the proposed road reserve widths comply with the roading design standards set out in Table 3.2 of NZS 4404:2010 for the relevant road types within suburban areas. Consequently it is considered that the proposed road reserve widths

are adequate to accommodate vehicle and pedestrian movement, parking, services, landscaping and streetscape features.

- 7.40 Within Stage 1 of Kirimoko Park the 35 on-street car parks that have been provided represent a significant reduction when compared to the 125 required by Council's standards. This level of parking provision equates to approximately 1 on-street car park per residential lot and was approved on the basis that on-site parking for two cars would be made available on each lot and that there were no other 'vehicle generators' (i.e. parks) within the subdivision that would generate on-street parking demand. It was therefore considered that the likely demand for on-street parking would be limited to visitors to the 37 residential lots that were approved under RM090895 and that the provision of 125 on-street car parks was excessive.
- 7.41 This rationale can be applied to the proposed subdivision and a ratio of around one on-street car park per residential lot is considered more appropriate than the level of parking required by Council's current standards. Taking into account the proposed subdividable lots this would amount to the provision of 86 on-street car parks within the proposed subdivision.
- 7.42 The landscape concept plan attached to Mr. Kruger's report (attached as Appendix G to this application) shows the provision of 35 on-street car parks. This is intended to demonstrate where and how on-street car parks might be provided and is not intended to be a detailed design. As outlined above it is considered that the proposed road reserve widths are sufficient to accommodate on-street parking and the provision of such parking can be assessed by a suitably qualified person as part an application for engineering approval. It is noted however that within certain road types NZS 4404:2010 allows for the provision of parking within the carriageway as a means of reducing road widths and providing passive traffic calming measures.
- 7.43 The subdivision scheme plans and landscape concept plan demonstrate the provision of vehicle crossings to each lot. These crossings take the form of either individual or shared crossings and, where subdividable lots are proposed, take account of the likely future development and use of the lots. The proposed vehicle crossings will be positioned generally as shown on the subdivision scheme plan.
- 7.44 As outlined in the description of the proposed development some vehicle crossings may not comply with the District Plan's standards in terms of sight distances and distances of crossings to intersections. This is not unusual in a development of this scale and is consistent with what has been approved under Stage 1. It is considered that the effects of any such vehicle crossings can be minimised as part of the engineering approval process and it is anticipated that the final position of vehicle crossings will be defined as part of the detailed design of the roading layout, landscaping and LID Stormwater System.
- 7.45 The proposed vehicle crossings will generally be constructed as part of the subdivision works. The exception to this approach will be the provision of vehicle crossings to the lots adjoining Kirimoko Crescent. The lots adjoining Kirimoko Crescent are generally larger than the other lots within the development and have relatively long road frontages. It is therefore more difficult to anticipate where a future lot owner may wish their crossing to be located and the location of vehicle crossings will, to an extent, influence the design and layout of the dwelling that can be constructed on these lots.
- 7.46 NZS 4404:2010 states that, where access points are not readily identifiable at the subdivision or development stage, vehicle crossings can be constructed when building

consent is sought for proposed dwellings. This approach is preferred as it provides some flexibility for future lot owners in terms of the position of their vehicle crossings.

- 7.47 It is therefore considered that vehicle crossings can be constructed to serve the lots adjoining Kirimoko Crescent to Council standards at building consent stage. The exception of course will be the proposed Right of Way serving Lots 54 and 55 which will be constructed to Council's standards as part of the subdivision works. However it is important to the applicant to ensure that the appearance and construction of all vehicle crossings is consistent with the overall design and quality of Kirimoko Park. In order to ensure that this occurs it is likely that Crescent Investments Ltd. will construct the crossings on behalf of lot owners at the time dwellings are proposed and it is anticipated that this arrangement can be dealt with in the sale and purchase agreements for the relevant lots rather than by a condition of resource consent.
- 7.48 The design of the proposed subdivision has taken into consideration the provision of on-site parking with the proposed building platforms being positioned to allow for the requisite 2 on-site car parks per dwelling. Such on-site parks may be provided within garages or carports constructed within the proposed building platforms or in driveway areas within or outside of the building platforms. It is therefore considered that sufficient on-site parking can be provided within each proposed lot and the layout and design of such parking can be addressed as part of the Residents Association's design approval process or the building consent process at the time dwellings are constructed.
- 7.49 The proposed development will result in a density of development significantly lower than what is provided for in the District Plan for the Low Density Residential zone (i.e. approximately one dwelling per 700m² rather than per 450m²). It is considered that the proposed development will not result in levels of traffic and vehicle movements that are inconsistent with the anticipated character of the area. It is therefore considered that the proposed development will not result in adverse effects on the amenity or character of the site or the wider area as a result of traffic generation.
- 7.50 Overall it is considered that the proposed subdivision road layout and parking provision is consistent with Stage 1 and the overall concept for Kirimoko Park and will result in less than minor adverse effects in terms of driver and pedestrian safety, traffic volumes and vehicle movements.

Hazards

- 7.51 The subject site is shown on Council's Hazards Maps as being subject to 'Nil to Low' risk of liquefaction. No other natural hazard is identified for the site. It is therefore considered that the proposed subdivision is not likely to be adversely affected by natural hazards and will not exacerbate the effects of any such hazards on adjoining land. It is therefore considered that the adverse effects of the proposed development in terms of natural hazards will be less than minor.

Signage

- 7.52 The proposed signs will be consistent with the appearance and style of the sign approved under resource consent RM110735 which was carefully designed and sited so as not to detract from the character and amenity of surrounding area.
- 7.53 As outlined above the permitted baseline can be considered to include a number of real estate signs up to 1.62m² in area. It is considered that the proliferation of real estate signs that could occur as a permitted activity has the potential to result in greater

adverse effects in terms of character and amenity than the proposed sign is likely to result in.

- 7.54 It is considered that the proposed conditions of consent allow sufficient flexibility in terms of sign position from stage to stage while still allowing Council adequate control in terms of signage position and final design. It is therefore considered that the adverse effects of the proposed signs, in terms of character and amenity, will be less than minor.
- 7.55 The subdivision roading with Kirimoko Park and Kirimoko Crescent is a low speed road environment with a speed limit of 50 km/hr. The proposed signs will not distract drivers to the extent that the proposal will result in an adverse effect in terms of traffic safety. In addition there is sufficient on street parking in the vicinity of the site to allow interested parties to stop, park and view the sign without resulting in any adverse effects in terms of road safety.

Nuisance

- 7.56 As with any construction project the proposed development will result in noise, vibration, dust and sedimentation. It is considered however that the level at which these nuisance effects are likely to be experienced is consistent with what might be anticipated within the Low Density Residential zone when a project of this scale is proposed.
- 7.57 It is considered that the adverse effects of the proposed development can be appropriately mitigated, such that they will be less than minor, by appropriate conditions of consent.
- 7.58 As outlined above it is proposed to balance cut and fill within the subdivision site such that stockpiling and double handling of cut material is minimised. This approach is largely in response to the earthworks stockpiles that have been required as part of Stage 1 as these stockpiles have been, at times, unsightly and a continuing source of dust and sedimentation. It is considered that disposing of cut material in the manner proposed will ensure that it can be stabilised and re-vegetated such that dust and sedimentation will be reduced.
- 7.59 It is therefore considered that the proposed development will result in less than minor adverse nuisance effects.

Cumulative Effects

- 7.60 When considering the cumulative effects of the proposed development it is necessary to assess it alongside the existing development in the area. As outlined above it is considered that the proposed development is consistent with the character and amenity, as well as the overall density, of the Low Density Residential zone.
- 7.61 In addition the proposed development forms part of the wider, comprehensively planned Kirimoko Park subdivision. Through granting consent to Stage 1 of Kirimoko Park Council and the applicant committed to the development of the entire Kirimoko Park site in a consistent manner. The proposed development represents the continuation of that overall concept.
- 7.62 Stage 1 of Kirimoko Park represents the most intensive, highest density part of the wider development. While the proposed development includes a continuation of that density of development in the lower lying parts of the site (which was always the

intention) it also includes a reduction in the density of development as the land rises to the north and east. This layout is important as it balances out the overall density of development to be consistent with the Low Density Residential zoning and is the realisation of the overall concept for the site.

- 7.63 It is therefore considered that the proposed development, in the form proposed, is critical in order that Kirimoko Park achieves a cohesive form and character, adding to and enhancing the wider residential area. It is therefore considered that adverse cumulative effects are more likely to arise if the subject site were not to be developed in the manner proposed as this would result in a pocket of higher density development (being Stage 1) that does not relate to the wider development.
- 7.64 It is therefore considered that the proposed development will result in less than minor adverse cumulative effects.

Summary

- 7.65 Overall it is considered that the proposed development is consistent with the Stage 1 approach and the commitments made by the applicant and Council in terms of the future development of the site.
- 7.66 While it requires non-complying subdivision and land use consents the proposed development does not represent a departure from the anticipated character of the Low Density Residential zone, on the contrary, it simply uses different means to ached the intended outcomes of the zone but to a higher standard and degree of certainty than the Plan currently provides.
- 7.67 It is therefore considered that the adverse environmental effects of the proposed development will be less than minor.

8.0 OBJECTIVES AND POLICIES

- 8.1 A thorough assessment of the objectives and policies that are relevant to the consideration of the proposed development has been carried out and, for the sake of brevity, that assessment is attached as Appendix Q to this application. The objectives and policies that considered relevant to the proposed development are contained in Parts 7 – Residential Areas, 14 – Transportation and 15 – Subdivision, Development and Financial Contributions of the Operative District Plan.
- 8.2 Having assessed the proposed development against the relevant objectives and policies of the District Plan it is considered that the proposed development is not contrary to, and overall is largely supported by, the objectives and policies of the Plan.

9.0 OTHER MATTER

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- 9.1 Since the underlying subdivision (RM090895) was granted the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (the NES) has come into effect.
- 9.2 In order to comply with the provisions of the NES the applicant has chosen to undertake an assessment of the most up to date information about the site and surrounding area that Council holds. In addition the applicant has undertaken an

assessment of any information available from Otago Regional Council. The findings of this assessment can be summarised as follows:

Otago Regional Council's 'Database of Selected Land Uses'

- 9.3 Please find attached, as Appendix R to this application, email correspondence from Otago Regional Council (including an attached extract from the database) confirming that their *Database of Selected Land Uses* does not show any land uses or activities, on the site and the surrounding area, that have the potential to contaminate land.

Queenstown Lakes District Council files

- 9.4 A summary of the building consent, resource consent and property information held by Council for the subject site is attached as part of Appendix R to this application. Having reviewed each of these files the following observations can be made:

- None of the activities or buildings subject to applications under the Resource Management Act or Building Acts relate to activities or industries described in the HAIL;
- None of the information contained within these files refers to any current or historic activities or industries described in the HAIL; and
- Council does not appear to hold any record that suggests that the site has been occupied by land use activities associated with hazardous substances.

QLDC – Hazards Register

- 9.5 Also attached as Appendix R to this application is an extract from the Queenstown Lakes Hazards Register which shows that there are no Dangerous Goods Licences and/or Potential Contaminated Sites on the subject site or in the wider area.

- 9.6 Based on this review of the relevant information held by QLDC and ORC it is considered unlikely that an activity or industry described in the HAIL has been undertaken on the site and as such the provisions of the NES do not apply.

10.0 PART II OF THE ACT

- 10.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means 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 effects of activities on the environment.*

- 10.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.
- 10.3 The proposed development will not compromise the potential of natural and physical resource to meet the reasonably foreseeable needs of future generations and will have no adverse effects on the life-supporting capacity of air, water, soil and/or ecosystems. In addition the adverse effects of the proposed development will be appropriately avoided, remedied and mitigated.
- 10.4 It is therefore considered that the proposed development is in keeping with the primary purpose of the Act.
- 10.5 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. Section 6 states as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

- 10.6 The proposed development will not adversely affect the natural character of Lake Wanaka and will not adversely affect an outstanding natural feature or landscape. In addition the proposed development will not adversely affect any significant indigenous vegetation or any significant habitats of indigenous fauna nor will it adversely affect public access. It is therefore considered that the proposed development provides for the matters of national importance set out in Section 6 of the Act.
- 10.7 Section 7 of the Act sets out other matters that must be taken into consideration in achieving the purpose of the Act. The relevant other matters set out in Section 7 are as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

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

10.8 Having had regard to the matters outlined above it is considered that the proposed development achieves the purpose of the Resource Management Act 1991.

11.0 CONSULTATION

11.1 As outlined under Section 7 above the proposed development will result in less than minor adverse effects on the environment and as such no parties are considered affected by the proposed development. It is therefore considered that written approvals are not required.

12.0 CONCLUSION

12.1 The proposal involves the subdivision of land to create 76 residential lots with associated earthworks and the identification of residential building platforms that breach the District Plan's boundary setback and recession plane requirements. This approach is consistent with Stage 1, approved under resource consent RM090895, and the overall concept for Kirimoko Park.

12.2 The proposed development requires non-complying activity subdivision and land use resource consents.

12.3 As outlined in the Assessment of Environmental Effects contained in Section 7 above it is considered that the proposed development will result in less than minor adverse effects on the environment.

12.4 As outlined under Section 11 no party is considered adversely affected by the proposed development and as such no affected party approvals are required.

12.5 With regard to public notification Section 95A of the Resource Management Act 1991 states:

“Public notification of consent application at consent authority's discretion

- (1) *A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.*
- (2) *Despite subsection (1), a consent authority must publicly notify the application if -*
 - (a) *it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or*
 - (b) *the applicant requests public notification of the application; or*
 - (c) *a rule or national environmental standard requires public notification of the application.*
- (3) *Despite subsections (1) and (2)(a), a consent authority must not publicly*

notify the application if -

(a) a rule or national environmental standard precludes public notification of the application; and

(b) subsection (2)(b) does not apply.

(4) Despite subsection (3), a consent authority may publicly notify an application if it decides that special circumstances exist in relation to the application.”

12.6 As the proposed development will not result in adverse effects on the environment that are more than minor and no rule or national environmental standard requires public notification it is considered that this application for subdivision and land use resource consent can and should be processed without public notification.

12.7 With regard to the consideration of applications for non-complying activities Section 104D of the Resource Management Act 1991 states:

“Particular restrictions for non-complying activities

1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or


(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.”

12.8 As outlined above the effects of the proposed development will be less than minor and the proposal is consistent with the objectives and policies of the District Plan. Therefore the proposed development passes both limbs of the threshold test set out in Section 104D of the Act.

12.9 We therefore ask that, pursuant to Section 104D of the Resource Management Act 1991, resource consent is granted for the development as proposed.

Yours faithfully,
Southern Land Ltd,



Scott Edgar
Planner