

2. Information & Interpretation

2.1 Information Requirements for Resource Consents

2.1.1 General Guide

- (i) The place to start is with the maps. Identify the site(s) you are interested in.
- (ii) Check to see which zone the site is in. Each zone has its own rules.
- (iii) Check to see what other rules may apply. There are a number of District wide rules with special functions, which will also apply in the particular zone, e.g.
 - Heritage - **Section 13**
 - Transport - **Section 14**
 - Subdivision, Development and Financial Contributions - **Section 15**
 - Hazardous Substances - **Section 16**
 - Utilities - **Section 17**
 - Relocated Buildings, Temporary Buildings and Activities - **Section 19**
- (iv) Check to see if the property is affected by one or more of the following:
 - a designation - **Appendix 1**
 - a protected feature(s) - **Appendix 3**
 - an area of significant natural conservation value - **Appendix 5**
 - by checking the District Plan Maps.

- (v) Check the definitions.
- (vi) Check to see what consents may be required.
 - Refer Clause 2.1.3.
 - Refer Category of Activities at the start of each rule.
- (vii) Check to see if consents are required from the Otago Regional Council and any other appropriate authority.

The Regional Policy Statement for Otago and associated Regional Plans can be consulted at the Otago Regional Council Dunedin or Queenstown Offices.

2.1.2 Consultation

An applicant may need to undertake consultation with parties affected by the proposal. The level of consultation depends on the effects or impacts of the proposal. The process of consultation allows people to understand the proposal and, done properly, can reduce the time delays and costs of resource consents.

Special consultation procedures may apply to activities, which affect sites or values of significance to the takata whenua. An applicant is advised to refer to any consultation documents, which the Council may have available.

2.1.3 Information to be Submitted with an Application for a Resource Consent

For the Council to process an application for a resource consent an applicant must provide adequate information to enable the effects of the activity to be assessed in accordance with the Act or any assessment matters set out in the District Plan. The amount of detailed information you need to provide depends on the type of resource consent.

Where the Council considers insufficient information has been supplied further information will be requested under Section 92 of the Act and the application or plan change will not be processed until the information is supplied.

Applications should be assessed with the Council staff before they are formally lodged to enable any problems or information requirements to be resolved and avoid delays by requests for additional information.

Applications should be in the same or similar format as Form 5 of the Resource Management (Forms) Regulations 1991. Copies are available from the Council.

2.1.4 Land Use Consents

I Details

The following information shall be submitted with any application for a resource consent, **where applicable**:

- (a) An assessment of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied or mitigated;

The assessment shall

- be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- be prepared in accordance with the assessment of effects on the environment in the Fourth Schedule to the Act.

In the case of applications for resource consents relating to controlled activities, or discretionary activity over which the Council has restricted the exercise of its discretion, the assessment shall only address those matters specified in the Plan over which the Council has reserved control, or to which it has restricted the right to exercise its discretion.

- (b) A statement specifying all other resource consents that the application may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;

- (c) Copies of Certificates of Title for the subject sites;
- (d) A description of the activity for which consent is sought;
- (e) A description of the site including existing uses, buildings, topography and vegetation, information on the extent and nature of any fill on the site, any indication of earth movement or flooding and a description of the existing natural environment (including areas of indigenous vegetation, habitat of indigenous birds and animals, and landscape features);
- (f) Any filling or excavation proposed, the type of fill, the volume and depth of fill and excavation, identification of those areas on the site subject to fill or excavation, the impact on utilities, or on any archaeological sites;
- (g) The results of any consultation undertaken with parties who may be affected by the proposal, including takata whenua.

Buildings and Structures

- (h) The materials to be used on the exterior cladding of the proposed building or other structures including provision for the roof of any building to be finished in a non-reflective colour.
- (i) The external appearance of any proposed building or structure.

Natural Hazards

- (j) Any geological or other natural hazards to which the site may be subject, its suitability for the activity proposed, and the means by which any adverse effects of the hazards are to be avoided, remedied or mitigated.

Parking and Access

- (k) The number of car parks to be provided and the provision for access, loading and circulation.

Landscape and Visual Amenity Values

- (l) Any landscaping to be provided, including areas for planting, the location and types of trees to be planted, the location of any outdoor storage areas, and how these are to be screened from view.

- (m) The effects on landscape values, and visual amenity, views, natural landscape patterns and natural vegetation patterns.

Outdoor Advertising

- (n) Any outdoor advertising proposed, including the dimensions, height, lettering and location (freestanding or on buildings) of any signage, or any illumination proposed.

Noise

- (o) In respect to any potential for noise emission off-site, the type and power of any proposed machinery or equipment; its location on-site or within buildings; the material of which the buildings are constructed; details of any proposed measures to reduce noise, including any insulating materials or structures; hours of operation; and the expected audible and temporal character of noise events.

Odour, Glare and Other Emissions

- (p) In respect to any potential for odour generation, the source of the odour, its frequency, intensity, duration and offensiveness and the design, management and operation of odour prevention and abatement measures to be employed.
- (q) In respect to any potential for glare, the nature and location of any highly reflective surfaces; the location, nature and power of lighting on the site; and means of directing its spill.
- (r) Any potential for other emissions from the site, such as dust, fumes and/or radio emissions.

Hazardous Substances

- (s) In respect to any hazardous substances to be stored or used on-site, the type and volume of those substances; proposed methods of containment; including in emergencies the location on-site or within buildings of any transfer, or storage points; transport arrangements on-site; and routes and methods of transport to and from the site.

Heritage and Notable Trees

- (t) The location of any protected trees on the site or adjoining sites, and whether they are to be removed, trimmed or subject to any building or earthworks in the vicinity of the tree.
- (u) Sites, areas and other values of significance to Kai Tahu.

Heritage Items

- (v) The effect of the proposal on any archaeological site and any listed heritage items including plans showing existing interior or exterior original features, and plans of these features should any alterations proposed be carried out. Applicants can be guided by the NZ Historic Places Trust document 'Guidelines for Preparing a Conservation Plan'.

Nature Conservation

- (w) The effects of the proposal on any significant nature conservation areas, including indigenous vegetation, ecosystems, the margins of lakes and rivers, or wetlands.

Recreation

- (x) The effects on recreational values and facilities, existing recreational users and the experiences of other recreational users in the vicinity.

ii Drawings and Models

In addition to the above information, any application for land use consent shall include a set of drawings illustrating the proposal. Four scaled copies of each drawing are required, including accurate dimensions, plus one A3 reduced copy with dimensions corrected to account for the reduction.

The drawings must include the details set out in paragraph (a), (b), (c), (d) and (e) below, **as applicable**, and be dimensioned in metres:

- (a) a drawing showing the location of the site such that its location can be readily determined, with road names, property number, north point and any significant built or topographical features.

- (b) a site plan of the property (at scale of not less than 1:200 in urban areas) showing, as applicable:
- site boundary lengths and other dimensions in metres
 - location with distances to site boundaries, of all existing buildings which are to remain on the site, and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandas)
 - proposed use of each building
 - position of any easement over the site
 - position, location and dimensions of every parking and loading space
 - location of roads adjacent to the site and the formation status of the road and any footpaths
 - location of all vehicle access points and driveways at the street boundary
 - kerb lines adjacent to the site and the position of any street trees
 - levels on the site boundaries and around any buildings; and, except in cases where the site is less than 1000m², or has a uniform grade of less than 1 in 10, contours of the site
 - proposed retaining walls, excavations and fill
 - existing trees and proposed landscaping (particularly where this is a requirement of the rules for the zone). Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas
 - indigenous vegetation areas, streams, wetlands and heritage items
 - where relevant, recession line diagrams or models
 - watercourses and drainage and sewerage pipes within and adjacent to the site
 - the means proposed to deal with all stormwater and sanitary drainage, and to provide for water supply
 - the location of any water supply bores and effluent disposal areas on the site and on adjoining sites
 - the location of known archaeological sites
- (c) a floor plan of each building (at a scale of not less than 1:100) showing:
- use of all parts of the building, including basements, parking, lift towers, storage or service areas
 - room layout of the building, if this is known, and a clear identification of the use of different rooms or parts of a floor
 - materials of construction and the colours of exterior walls.
- Where several floors are of the same area and use, a standard floor plan may be shown.
- (d) elevations of each building (at a scale not less than 1:100) showing:
- Town Centre Zones - front elevations including buildings on either side in the case of the Queenstown Town Centre Zone
 - external appearance of the building including doors and windows
 - number of floors and their proposed usage
 - building heights and height in relation to any boundary relative to the ground level as defined in Section D of this plan.
- (e) models may be required in circumstances of major developments (e.g. hotel, visitor accommodation) and developments in the Special Character Area of the Queenstown Town Centre Zone.

2.1.5 Subdivision Consents

The following information shall be submitted with any application for a resource consent, **where applicable**:

i Details

- (a) An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied or mitigated (the details required under 2.1.4 Land Use Consents above may be relevant).

Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

- (b) A statement specifying all other resource consents that the application may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.
- (c) A legal description of the site, including current copies of all certificates of title.
- (d) A drawing showing the location of the site such that its location can be readily determined, with road names, property number, north point and any significant built or topographical features.
- (e) Where relevant, an assessment, including diagrams, of the significant views onto and off the development site.
- (f) An identification of historic places potentially affected on the site. The identification is to include a literature review, field investigation, cultural background, site significance, assessment of effects and avoidance or mitigation of effects. It may be necessary to refer to the Consultation and Protocol document, which is available from the Council, particularly for consultation with the NZ Historic Places Trust.

- (g) A full description of any geological or other natural hazards to which the site may be subject, its suitability for the subdivision, and the means by which any adverse effects of the hazards are to be avoided, remedied or mitigated.

ii Plans

- (a) The following plans must be supplied and must be drawn to an appropriate stated metric scale to show sufficient detail of the proposal to enable the Council to determine its effects. If the plans are larger than A3 size copies reduced to A3 must also be provided. Four scaled copies of each plan are required, including accurate dimensions, plus the A3 reduced copy with dimensions corrected to account for the reduction. The site plans must show:

- a north point accurately orientated
- a unique plan number and title describing the proposal and the site; and
- record sheet numbers.

- (b) a site information plan detailing, **where relevant**, the existing situation including:

- topographical information, wherever possible in terms of the Otago Datum, together with a certificate as to its origin and accuracy
- details of hazardous areas (for example, un-compacted filling or flood-prone areas)
- existing buildings and buildings on adjacent sites, and their location in relation to existing and proposed boundaries
- landforms and landscape elements
- watercourses, wetlands and catchment orientation and whether or not any adjoining river has an average width of 3 m or more

- the location and areas of any existing esplanade reserves, esplanade strips, or access strips
 - all significant areas of vegetation and individual specimens
 - existing street names and numbers;
 - the position of existing water, sewer, stormwater, electrical and telecommunication services and the position of existing water supply bores and effluent disposal fields on adjacent sites
 - existing easements and covenant areas
 - footpath
 - the location of known archaeological sites.
- (c) a subdivision plan and associated information, detailing, **where relevant**, the proposed subdivision development including:
- the position of proposed lot(s), and Certificate of Title, boundaries and their dimensions
 - the areas of new lots, including net areas
 - existing indicative building positions and their location in relation to existing and proposed boundaries
 - indicative vehicle access points and driveways on street edges
 - location and type of all proposed trees and other vegetation, including all existing vegetation to be retained
 - proposed earthworks and retaining walls, their scale and dimensions
 - proposed methods of servicing the new lots with water, sewer, stormwater, electrical and telecommunication services
- any land proposed to be set aside as new road and or public open space for recreational purposes
 - levels on the new lot boundaries, and except where the lots are less than 1000m² in area or have a uniform grade of less than 1 in 10, contours of each lot
 - formation widths and grades of proposed roads and rights-of-way, parking bays and bus stops
 - proposed easements and covenant areas
 - the location and areas of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under Section 231
 - the location and areas of esplanade strips proposed to be created under Section 232 to meet the requirements of the District Plan
 - the location of any part of the bed of a river or lake, which is required under Section 237A to be shown on a survey plan as land to be vested in the Crown
 - information to show compliance with any other District Plan rule.

2.1.6 Further Information

Further information may be required from an applicant where it is considered necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application, or on any environmental assessment or effects. However, before commissioning such a report it shall notify the applicant.

In particular, a report may be commissioned by the Council if the application relates to:

1. a natural hazard, or
2. the use or storage of a hazardous substance, or
3. a heritage item, site or structure, or known archaeological sites, or
4. an activity which is likely to cause significant adverse effects on the environment which are not adequately dealt with by proposals in the application to remedy, mitigate or avoid those effects.

2.1.7 Building Outline

Any applicant for resource consent to establish a building in the Rural General and the Rural Living Zones shall erect poles or other similar devices to identify the bulk of the proposed building to be erected on the site. The poles are to be in place prior to site assessment and must remain in place until the Council has completed the application. Poles or other similar devices may also be required for new development in other zones at the discretion of the Council.

2.1.8 Notification

Subject to the provisions of the Act, an application for a resource consent is **not** required to be notified in accordance with Section 93 of the Act, if:

- (i) The application is for a subdivision consent which is a controlled activity.
- (ii) The application relates to a controlled activity, or a discretionary activity over which the Council has restricted the exercise of its discretion, and the Plan expressly permits consideration of the application without the need to obtain the written approval of affected persons.
- (iii) The application relates to a controlled activity and written approval has been obtained from every person who in the opinion of the Council may be adversely affected by the granting of the resource consent; unless in the Council's opinion it is unreasonable, in the circumstances, to require the obtaining of every such approval.

- (iv) The application relates to a discretionary activity or non-complying activity and the Council is satisfied that the adverse effects on the environment of the activity will be minor.
- (v) Written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource consent; unless the Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

Notwithstanding i to v above, the Council may require any application to be notified even if the Plan expressly provides that it need not be notified, if the Council considers special circumstances exist in relation to the application.

2.1.9 Notification Procedure

The notification process is carried out in accordance with the requirements of Section 93 of the Act. This procedure involves preparing a notice in the forms set out in the Resource Management (Forms) Regulations 1991 (Form 6) and serving copies of it on the following people:

- Owners and occupiers of the site.
- Persons likely to be directly affected, including adjacent owners and occupiers of land.
- Local authority, iwi authorities (including Runanga who hold customary authority) and others as the Council considers appropriate.

Reference should be made to a separate document, which is available from the Council.

The notice is also required to be fixed to a conspicuous place on the subject site and to be published in a newspaper.

The notice will give details of the application and the closing date for submissions to be received by the Council. Submissions must be in writing and may be made by any person. They should be sent to the Council Office nominated in the notice and served on the applicant.

2.1.10 Costs – Applications and Plan Changes

The Council policy involves cost recovery in respect of applications for Resource Consents or Plan Changes. Applicants should ascertain from the Council the range and level of those costs before making an application. Deposits will be required for all Resource Consents and Plan Change requests. In general terms the costs recovered will include:

- any public notices
- Council officer's time
- postage and distribution costs
- costs for hearing time
- costs of any independent reports required by the Council.

2.1.11 Designations and Information to be Supplied

Section 166 of the Act defines those authorities that have power to become a requiring authority and provide for their works through designations in the District Plan. Section 168 of the Act sets out what information is necessary to accompany any such notice of requirement. In addition, the District Plan may specify further information to be provided.

The following additional information shall be submitted with a notice of a requirement:

- (i) Details of the Order in Council or empowering legislation which allows the applicant to be a requiring authority, including any specified terms or conditions attached to the Order in Council.
- (ii) A statement of how the requirement meets Part II of the Act.
- (iii) A statement of the objectives the project or work is aiming to achieve.
- (iv) The degree to which the requirement meets the objectives and policies of the Plan.
- (v) The relationship of the work to, or effect on, any relevant provisions of national or regional policy statements and regional plans.

- (vi) Details of land ownership, acquisition and site clearance.
- (vii) The proposed sequence and timing of the work, clearly identifying any part which may not be commenced or completed within 5 years time.
- (viii) Proposals for the use and maintenance of those parts of the land which will not be developed for 5 years or more, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
- (ix) Identification of any other designation or heritage order applying to the site, whether it has been given effect to and the effect the requirement may have on the existing designation or heritage order.

2.1.12 Letter of Certification for Ground Level

The definition of "Ground Level" in the District Plan is an important provision in that it determines the point from which the relevant building height and recession planes are to be measured.

Often the determination of ground level is difficult due to physical construction undertaken at the time of subdivision and/or earthworks in the levelling or benching of building platforms. Given the importance of an accurate Ground Level determination early on in the development process the Council has adopted a mechanism whereby, on application and payment of a processing fee, the Council may issue a Letter of Certification of the Ground Level of a particular site in accordance with the Ground Level definition.

Applications are to be based on credible evidence including, existing topographical information, site specific topography, adjoining topography, known history and any necessary interpolations. In all cases such applications will have to be prepared by suitably qualified persons such as surveyors, engineers, geologists or a combination of such.

2.1.13 Process for Obtaining and Maintaining Registration as a Registered Holiday Home or Registered Homestay

2.1.13.1 The District Plan provides an exemption to the definition of Visitor Accommodation for Registered Holiday Homes and Registered Homestays. Registered Holiday Home and Registered Homestay are defined in this Plan.

2.1.13.2 To apply for registration of a residential unit as a Registered Holiday Home or Registered Homestay a landowner must complete an application form as provided by the Council and agree to comply with the Standards detailed in Appendix 12 of the Plan. Provided the application (including Statutory Declaration) is properly completed, and the relevant Standards have been complied with, the Council will register the residential unit as a Registered Holiday Home or Registered Homestay.

2.1.13.3 To maintain that registration the landowner must ensure ongoing compliance with the Standards detailed in Appendix 12.

2.1.13.4 Registration of a Registered Holiday Home or a Registered Homestay will lapse when:

- (a) The landowner notifies the Council in writing that the landowner surrenders the registration; or
- (b) The property has a change in ownership; or
- (c) The requirements of Provision 2.1.13.3 are not complied with.

Any registration which lapses under this rule may only be reinstated by means of a new application under Provision 2.1.13.2.

2.1.13.5 Another person or body may apply on a landowner's behalf for registration under Provision 2.1.13.2, in which case that person or body is responsible for ensuring compliance with Provision 2.1.13.3. However the landowner also remains responsible at all times for ensuring compliance with Provision 2.1.13.3.