BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER OF	Queenstown Lakes Proposed District Plan – District Wide Stream T15 – Visitor Accommodation Variation

STATEMENT OF EVIDENCE OF REBECCA DAWN HOLDEN ON BEHALF OF THE FOLLOWING SUBMITTERS:

2611 – Matakauri Lodge Limited
2612 – Pounamu Holdings 2014 Limited
2613 – Wanaka Kiwi Holiday Park Motels Limited
2614 – Delos Investments Limited
2616 – Manor Holdings Limited
2617 – SJE Shotover Limited

Visitor Accommodation Provisions

6 August 2018

SOUTHERN PLANNING GROUP
RESOURCE MANAGEMENT CONSULTANTS

1. INTRODUCTION

1.1. Qualifications and Experience

1.1.1. My name is Rebecca Dawn Holden. I hold the qualifications of Bachelor of Arts (Hons) in Geography and Anthropology which I obtained from the University of Canterbury in 2004. I reside in Queenstown.

1.1.2. I have been employed as a resource management planning consultant with Southern Planning Group for approximately one and a half years. Prior to this, I held roles as both a Senior Policy Planner and Senior Consent Planner at Queenstown Lakes District Council ("QLDC") over the span of approximately two and a half years.

1.1.3. In my role as Senior Policy Planner at QLDC, I was the reporting officer for Hearing Stream 7, Chapter 37 – Designations as well as Chapter 17 – Airport Zone which formed part of Hearing Stream 8 – Business Zones. I have also represented clients in relation to the Queenstown Mapping Hearings held in July-September 2017.

1.1.4. From the variety of working roles that I have performed as described in the preceding paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Queenstown area and the wider District.

1.1.5. Since 2005, I have been an Associate Member of the New Zealand Planning Institute primarily working in a Local Government context in both the United Kingdom and New Zealand where I have held a number of planning roles associated with resource consent processing, policy development and monitoring and research.

1.1.6. While I acknowledge that this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in preparing this evidence.

1.1.7. I have read the Section 42A reports and supporting documentation prepared by the Council officers and their experts with respect to Hearing Stream 15 - District Wide of the Proposed District Plan ("PDP"). I have considered the facts, opinions and analysis in this documentation when forming my opinions which are expressed in this evidence.

1.1.8. I confirm that the matters addressed in this brief of evidence are within my area of expertise except where I advise otherwise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

1.2. Scope of Evidence

1.2.1. I prepared the submissions filed with the Council on the 23 February 2018 for the following submitters and have also been engaged to prepare planning evidence for Hearing Stream T15 – District Wide (Visitor Accommodation Variation):

a) 2611 and FS2735 – Matakauri Lodge Limited ("MLL")
b) 2612 and FS2736 – Pounamu Holdings 2014 Limited ("PHL")
c) 2613 – Wanaka Kiwi Holiday Park Motels Limited ("KHP")
d) 2614 – Delos Investments Limited ("Delos")
e) 2616 – Manor Holdings Limited ("MHL")
f) 2617 – SJE Shotover Limited ("SJE")

1.2.2. My evidence will deal with the following:

a) Relief Sought
   - Delos Investments Limited (2614)
   - SJE Shotover Limited (2617)
   - Wanaka Kiwi Holiday Park Motels Limited (2613)
b) Council Recommendations on submitter requests
c) Analysis
   - Strategic Background
   - Rezoning Request - Delos Investments Limited
   - Definition of 'Visitor Accommodation'
d) Conclusion

1.2.3. I rely and refer to the following evidence in the assessment of the submitter's requests provided below:

a) Section 42A Report of Amy Bowbyes on behalf of the Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018[1].
b) Section 42A Report of Rosalind Devlin on behalf of the Queenstown Lakes District Council, Visitor Accommodation Sub Zones - Mapping, 23 July 2018[2].
c) Statement of Evidence of Robert Heyes on behalf of Queenstown Lakes District Council, Visitor Accommodation: Economics, 23 July 2018[3].

[1] Document found at:
https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-15-Section-42A/S2239-QLDC-T15-Bowbyes-A-Evidence-30912313-v-1.pdf
[2] Document found at:
https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-15-Section-42A/S2239-QLDC-T15-Devlin-R-Evidence-30910729-v-1.pdf
[3] Document found at:

1.3. Executive Summary

1.3.1. The submitters identified in paragraph 1.2.1 above engaged Southern Planning Group to prepare a submission on Stage 2 of the Proposed District Plan (PDP) as notified on 23 November 2017, namely the proposed zoning and the provisions relating to visitor accommodation ("VA").

1.3.2. These submitters own land within the District which is currently and/or historically legally established for VA use. The proposed zoning of submitter's land and the proposed provisions/definitions are discussed separately within this evidence.

1.3.3. Submitters 2611 (MLL), 2612 (PHL) an 2616 (MHL) support the definition of VA as notified and the introduction of the definition for Residential Visitor Accommodation ('RVA') and 'Homestays' to differentiate between the definition of VA.

1.3.4. Submitters 2614 (Delos), 2616 (MHL), and 2617 (SJE) have existing or historical VA facilities located within the Lower Density Residential Suburban Zone ("LDRSZ"), as does submitter 2613 (KHP) within the Large Lot Residential Zone ("LLRZ"). Each of these submitters seeks that the Visitor Accommodation Sub-Zone overlay ("VASZ") be applied or retained over the entirety of their sites.

1.3.5. The relief sought by these submitters is supported on the basis that the VASZ reflects the existing and historic land uses within these sites.

1.3.6. For the reasons elaborated upon within this evidence, I recommend that the VASZ be applied to the entirety of the submitters land and that the provisions relating to VA, including its definition be confirmed as notified.

2. RELIEF SOUGHT

2.1. Delos Investments Limited

2.1.1. Submitter 2614 (Delos) owns a 1118m^2 parcel of land, legally described as Lot 1 DP 502003 held in Computer Freehold Register 751112, as shown in Figure 1 below.

2.1.2. Under the Operative District Plan ("ODP"), this land is located within the VASZ of the Low Density Residential Zone ("LDRZ"). Stage 1 of the Proposed District Plan ("PDP") zoned the site LDRZ. Prior to 23 October 2015 before the visitor accommodation provisions were withdrawn from the LDRZ Chapter, a visitor accommodation overlay covered the site.

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https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-15-Section-42A/S2239-QLDC-T15-Heyes-R-Evidence-30909970-v-1.pdf

2.1.3. Within the decision version of the PDP, this land is zoned as LDSRZ. The Stage 2 variation of the PDP pertaining to VA excludes the VASZ from this site.

Figure 1: Delos owned land at 9 Southberg Avenue, Frankton.

2.2. SJE Shotover Limited

2.2.1 Submitter 2617 (SJE) owns land at 70 Arthurs Point Road (as depicted in Figure 2 below), legally described as Part Lot 1 Deposited Plan 15145 and Section 1 Survey Office Plan 329365 (“the site”).

2.2.2 Within the ODP, the site is located within the LDRZ. The decision version of the PDP similarly zones this land LDSRZ as shown on Planning Map 39 (decision version).

Figure 2: SJE owned land – Top 10 Holiday Park at Arthur's Point

2.2.3 The Stage 2 variation of the PDP pertaining to VA excludes the VASZ from this site. For the reasons outlined in the original submission, this submitter requests that the VASZ is identified over the site, and that Notified Rule 7.4.17 and the restricted discretionary activity status be confirmed as notified.

2.3. Wanaka Kiwi Holiday Park and Motels Limited

2.3.1 Submitter 2613 (KHP) owns land on Studholme Road Wanaka (as depicted in Figure 3 below) legally described as follows:

- Lot 2 DP 21820 (263 Studholme Road)
- Lot 1 DP 345434 (261 Studholme Road)
- Lot 2 DP 345434
- Lot 3 DP 345434

2.3.2 Within the ODP, this land is zoned Rural Residential. Within Stage 1 of the PDP, the site has been confirmed as forming part of the LLRZ as identified on Planning map 22 (decision version).

2.3.3 Stage 2 of the PDP has identified a VASZ over Lot 2 DP 21820 only (see Figure 3 below).

Figure 3: KHP owned land on Studholme Road, Wanaka

2.4. Manor Holdings Limited

2.4.1 Submitter 2616 (MHL) owns the piece of land located at 554-558 Frankton Road and a section of land on Golden Terrace (as depicted in Figure 4 below). These sites are legally described as Lots 2-3 DP 361132.

Figure 4: MHL owned land off Goldfield Heights, Queenstown

2.4.2 Within the ODP, this land is contained within the VASZ of the LDRZ. Stage 2 of the PDP as notified on 23 November 2017 seeks to retain this zoning across the entire site.

2.4.3 The relief sought by this submitter is that the zoning of this site and associated provisions which provide for VA as a restricted discretionary activity within the VASZ be confirmed as notified.

2.4.4 Submitter 2616 also supports the proposed definitions including the introduction of RVA to distinguish from the definition of VA.

2.5. Council Recommendations

2.5.1. The following summarises the Planning Officer's recommendations to the Hearing Panel on the relief sought by the above submitters, as outlined in Appendix 1 – Recommendations on Submissions, appended to the relevant s42A report[4]:

[4] Section 42A Report of Amy Bowbyes on behalf of the Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018 and Section 42A Report of Rosalind Devlin on behalf of the Queenstown Lakes District Council, Visitor Accommodation Sub Zones - Mapping, 23 July 2018.

Original submission No	Submitter	Submission Summary	Planner Recommendation
2611	MLL	That the definition of visitor accommodation is confirmed as notified.	Accept
2612	PHL	That the definition of visitor accommodation is confirmed as notified.	Accept
2613	KHP	That the visitor accommodation sub-zone be extended over Lots 1-3 DP 34534 and that the visitor accommodation sub-zone over Lot 2 DP 21820 is confirmed as notified.	Accept
2614	Delos	That the visitor accommodation sub-zone is extended over Lot 1 DP 502003.	Reject
2616	MHL	That the notified objectives, policies and rules relating to the VASZ be confirmed as notified and that the VASZ be confirmed over Lots 2-3 DP 361132.	Accept
2617	SJE	That the Visitor Accommodation Sub-Zone is extended over Part Lot 1 DP 15145 and Section 1 SO Plan 329365, and that the notified provisions be confirmed.	Accept

2.5.2. The Section 42A Reports prepared by Ms Amy Bowbyes (Visitor Accommodation) and Ms Rosalind Devlin (Visitor Accommodation Sub Zones – Mapping) on behalf of the Queenstown Lakes District Council recommend that the all of the submitter's requests be accepted by the Hearings Panel, with the exception of submitter 2614 (Delos) whereby it is recommended by Ms Devlin that this re-zoning request be rejected.

2.5.3. In terms of submitter 2614 (Delos), Ms Devlin does not consider that the VA activity itself would meet the objectives and policies for the LDSRZ, including maintaining a residential character and supply of residential housing and generally restricting visitor accommodation in this area. Ms Devlin further considers that overall; the VASZ request does not meet the

strategic direction of the PDP that provides for the visitor industry to be in areas that are consistent with the policy framework of the underlying zone[5].

2.5.4. The analysis below will discuss evidence and provide an assessment to the contrary.

3. ANALYSIS

3.1. Strategic Background

3.1.1. An assessment of the relief sought for rezoning requests (submitter 2613 (KHP) , 2614 (Delos) and 2617 (SJE)) against the relevant higher order strategic objectives and policies is included within the Section 32 evaluations appended to the original submissions, specific to the rezoning of the each site.

3.1.2. As outlined in the Section 32 evaluations, the proposals are considered to be consistent with the objectives within Chapter 3 – Strategic Direction and the policies within Chapter 4 – Urban Development. The rezoning requests are also considered to give effect to the objective and policies within the Stage 2 Variations of Chapter 7 (LDSRZ) and Chapter 11 (LLRZ) as notified.

3.1.3. Since these submissions were filed, Council has notified the decision version of Stage 1 of the PDP. Given only one submission has been recommended by Council's reporting officer to be rejected by the Panel (submission 2614 – Delos); the assessment below concentrates on matters raised in the relevant s42A report prepared by Ms Devlin relating to this submission.

3.2. Rezoning Request – Delos Investments Limited (2614)

Underlying zone provisions

3.2.1. As outlined above, the subject site is located within the LDSRZ within the PDP (and LDRZ within the ODP). Chapter 7 of the PDP contains provisions relating to the LDSRZ. As for all of Stage 1 of the PDP, the decision version of this chapter was notified on 7 May 2018 and therefore now has legal effect. At the time of writing this evidence the appeal period on decisions had closed with several appeals on Chapter 7 having been received[6]. Due to the nature of appeals, most of these provisions can be treated as operative as they relate to

[5] Paragraph 26.9 of Section 42A Report of Rosalind Devlin on behalf of the Queenstown Lakes District Council, Visitor Accommodation Sub Zones - Mapping, 23 July 2018.
[6] Refer to Appeal Version of Chapter 7, found at:
https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Appeals-Stage-1/Annotated-Appeals-Version/Chapter-7-Lower-Density-Suburban-Residential.pdf

specified matters (e.g. development of activities sensitive to aircraft noise within Queenstown Airport's outer control boundary, infrastructure, site coverage and density).

3.2.2. The LDSRZ is the largest residential zone in the District. Fundamentally this zone provides for:

"both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area."

3.2.3. In the variation to Chapter 7 notified as part of Stage 2 of the PDP on 23 November 2017, VA is restricted within the LDSRZ, except within VASZ. The VASZ which is identified over the subject site within the ODP is not replicated on Planning Maps within the Stage 2 variation.

3.2.4. Subject to changes made through the hearing process, the application of the VASZ over the subject site would result in VA being anticipated within an area of the LDSRZ where otherwise VA is not provided for. I consider that there is some benefit to a VASZ being applied to the site to reflect the existing built form and to avoid future non-compliances in a zone where VA is not anticipated.

3.2.5. To summarise the implications of applying the VASZ to the subject site, if the site was to be redeveloped to contain a new VA activity, this would be subject to a restricted discretionary activity resource consent along with compliance with the relevant standards for the zone. These include a maximum building height of 8m, recession plane requirements, site coverage and setback requirements. I therefore consider that the underlying provisions will ensure that any VA activity on the site is compatible with the underlying zoning (LDSRZ), with any breaches being assessed through the resource consent process.

Background to the VA use of the site

3.2.6. As outlined within the original submission (2614) and by Ms Devlin within the Council's s42A report for this hearing stream, the site has a history of containing a VA facility dating back to the 1970's with the approval of 14 motel units (only seven were built within what is now the subject site) under the Town and Country Planning Act 1977. As such, Ms Devlin has noted that the VASZ within the ODP "likely originated as a specified departure in the previous District Scheme". [7]

3.2.7. However; Council records indicate that since the early 1990's, the seven former motel units have been used for residential purposes. This use has been illegal up until recently when the

[7] Paragraph 26.2 of Section 42A Report of Rosalind Devlin on behalf of the Queenstown Lakes District Council, Visitor Accommodation Sub Zones - Mapping, 23 July 2018.

submitter (Delos Investments Limited) acquired the property and legitimised its residential use through obtaining resource consent (RM170650 – attached as **Appendix [A]**), formalising an historic situation.

Assessment of VA use of the site

3.2.8. As outlined in the original submission (2614), the submitter purchased this land on the basis that a VA activity could operate from the site as originally consented and provided for within the ODP by the VASZ. Although the submitter wishes to retain the option of converting the complex back to VA, in the short term, rather than displace the current residents of this complex, the submitter sought to legitimise the residential use of the site through resource consent RM170650.

3.2.9. Since this time, resource consent RM180192 was granted on 27 July 2018 to use the site once again for VA. A condition of consent ensures that the property will only be used for either residential or VA purposes at any one time. Although the submitter does not have any immediate intention to convert the use of the buildings from residential to VA, this option is now available for the next five years through the granting of RM180192 (attached as **Appendix [B]**).

3.2.10. Ms Devlin acknowledges that the built form on the site (former motel-style units), would not usually be suitable for residential use. I agree with Ms Devlin's statement that *"visitor accommodation sites may not contain good levels of outdoor living space and privacy for residents, as this is not a requirement for visitor accommodation (amongst other matters, such as different requirements for parking). Retrofitting for residential purposes may therefore be difficult, although it appears to be successfully achieved at this site given that it has been used for residential purposes since the 1990s"*[8]

3.2.11. In acknowledging the historical factors associated with land use on this site, resource consent RM170650 approved the residential use of the site which included a breach in site density and a shortfall for onsite car parking and outdoor living space per unit. Given the site is located within Queenstown Airport's Outer Control Boundary ("OCB") and residential and/or VA is considered to be an activity sensitive to aircraft noise ("ASAN"), as part of RM170650 the submitter also volunteered to undertake changes to the building to ensure acoustic insulation and mechanical ventilation requirements within the OCB were met, as per the District Plan requirements. An appropriate condition of consent was imposed in this regard[9] which has been carried over into the decision for RM180192[10] (since VA is also considered to be an ASAN).

[8] Refer to paragraph 26.6 of Section 42A Report of Rosalind Devlin on behalf of the Queenstown Lakes District Council, Visitor Accommodation Sub Zones - Mapping, 23 July 2018.
[9] Condition 3 of RM170650
[10] Condition 3 of RM180192

3.2.12. Notwithstanding the approval of resource consent RM170650, I also agree with Ms Devlin that "*this site is currently likely to be generally better suited for visitor accommodation rather than residential use*". [11] Although resource consent RM180192 has now been granted, approving the use of the site for VA purposes, if this resource consent is not given effect to within five years, this development right will lapse. Further, resource consent would be harder to obtain under the provisions of the PDP if in the future the applicant wishes to undertake further improvements or redevelopment of the site as VA, without the application of the VASZ overlay. I acknowledge that the rezoning request would technically result in a loss of housing supply; however this precedent has already been established and addressed through the granting of resource consent RM180192 and the site was originally developed for VA purposes rather than residential.

3.2.13. Although the application of the VASZ over this parcel of land could be considered a 'spot zone', because the VASZ within the ODP originated from earlier specified departures in the previous district scheme reflecting the historic use of the site and existing built form which is more appropriate for VA use, in this instance, I consider this zoning to be appropriate. Further, provision is made within the notified variation to Chapter 7 – LDSRZ for the application of a VASZ in appropriate areas. The submitter does not request departure from the notified provisions; rather requests that the VASZ be applied to the subject site to reflect the existing built form and historic activity whereby existing provisions would be applicable. The underlying provisions of the zone will still prevail.

3.2.14. Overall, I consider that the submitter's request will formalise an historic land use and existing built form located within the subject site. This built form is more appropriate and conducive to facilitating a VA activity than residential, despite the granting of resource consent RM170650. If it were not for the historic residential use of this former motel complex, resource consent RM170650 would unlikely have been pursued. VA is a land use that the submitter wishes to retain as an option for the future.

Assessment of PDP Provisions

3.2.15. As outlined in the preceding paragraphs, I agree with Ms Devlin that the bulk and location provisions of Chapter 7 – LDSRZ will ensure a new or redeveloped built form within the site which would be compatible with the underlying zoning. Ms Devlin's concern is associated with the application of the VASZ over the site not meeting the objectives and policies for the LDSRZ (Stage 2 variation).

[11] As per Footnote 10 above, refer to paragraph 26.6

3.2.16. On 29 May 2017, a minute was issued by the Chair of the Hearings Panel concerning submissions seeking rezoning to an ODP zone. As stated at paragraph 5 of this minute:

"Where a submitter has chosen to identify an ODP zoning, such as the Rural Visitor Zone, as the set of provisions as being appropriate, that test of giving effect to and implementing the strategic directions chapters remains relevant. In addition, there are two matters that submitters need to consider in seeking the implementation of an ODP zone. First, there is no evidence that those ODP zones will become part of the PDP. Second, the Hearing Panel would need to understand the entire objective, policy and rule framework proposed so the Panel can understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP. I can foresee difficulties in this regard if a submitter seeks to rely on ODP provisions unaltered, as the entire structure of the PDP is different."

3.2.17. Ms Devlin considers that the VA activity would not meet the objectives and policies for the LDSRZ, including maintaining a residential character and supply of residential housing, and generally restricting visitor accommodation in this area. She also states that the parameters for assessing VASZ requests seek to prevent very small sub-zones or single parcel subzones which result in 'spot zoning', and to prevent small sub-zones where these are historic and now considered inappropriately located for VA activities[12]. This matter has been addressed in paragraph 3.2.13. Given the underlying zone will remain LDSRZ, consistent with the surrounding land, and there is provision within the notified variation of Chapter 7 – LDSRZ for VA within the VASZ, I do not consider that the rezoning request to be a 'spot-zone'.

3.2.18. Further to the assessment in the s32 evaluation that I included with submission 2614, in the paragraphs below I make an assessment against the provisions within the decision version of the higher order objectives and policies contained within Part Two of the PDP (Chapter 3 – Strategic Direction and Chapter 4 – Urban Development) which I consider to be relevant to this rezoning request. The provisions under appeal from the decision version of the PDP are noted in red. I also provide an assessment against the objectives and policies contained within the notified Stage 2 variation of the PDP (Chapter 7 – LDSRZ).

Chapter 3 – Strategic Direction (decision version notified on 7 May 2017)

3.2 Strategic Objectives

3.2.1 The development of a prosperous, resilient and equitable economy in the District.

3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.

[12] Refer to paragraphs 26.8 and 26.9.

3.2.2.1 *Urban development occurs in a logical manner so as to:*

a. *promote a compact, well designed and integrated urban form;*

b. *build on historical urban settlement patterns;*

c. *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*

……

3.2.6 *The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.*

3.3 Strategic Policies

Visitor Industry

3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)

Chapter 4 – Urban Development (decision version notified on 7 May 2017)

Objectives and Policies

4.2.2A Objective - A compact and integrated urban form within the urban Growth boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Wakatipu basin Specific Policies

4.2.2.16 manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

Chapter 7 – Lower Density Suburban Residential (Stage 2 variation as notified 23 November 2017).

7.2 Objectives and Policies

7.2.8 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.

Policies

7.2.8.1 Provide for accommodation options for visitors in the Low Density Residential Visitor Accommodation Sub-Zones that is appropriate for the low density residential environment.

7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Low Density Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of residential housing is achieved.

3.2.19. I am of the view that the proposed rezoning of the subject site to be included within the VASZ, as is the case under the ODP, will fit with the higher order strategic objectives and policies contained within Chapters 3 and 4 of the PDP (decision version), and be consistent with the objectives and policies contained within Chapter 7 – LDSRZ (notified version) for the following reasons:

a) The land subject to submission 2614 (9 Southberg Avenue) is appropriately located for VA purposes; being in close proximity to the Queenstown Airport and the commercial centres of the Remarkables Park and Frankton corner shopping centre (located less than 1km distance from the subject site). The subject site is also in convenient proximity to public transport routes (SO3.2.1.1).

b) The rezoning of the site will enable the submitter and future VA guests to provide for their social, cultural and economic wellbeing, and their health and safety (SO3.2.6).

c) Enabling the rezoning will provide for the continuation of a historic use of the site, providing for the visitor industry in a location conveniently accessible to attractions, facilities and services around the Frankton area. (SO3.3.1).

d) Any existing or future VA facility in this location would maintain the predominantly residential character of the zone given its location, scale and intensity. Through the restricted discretionary activity status of Notified Rule 7.4.17, the underlying provisions pertaining to the VASZ as notified would ensure that any existing or future facility would be managed to maintain the residential character of the zone. As notified, Council would have the ability to consider the location, nature and scale of the activity to ensure that it retains residential amenity and character of the surrounding area, that onsite car parking and access is appropriately located and screened within the site, and impose conditions in relation to these matters as was the case for resource consent RM180192. Other controls relate to landscaping, noise, hours of operation and the external appearance of buildings which would also ensure that the underling residential character of the zone would be maintained to limit the impact on adjoining residential activities. It is noted that if the site was used for residential purposes, these controls would not exist.

e) The existing built form is more suitable for VA purposes than residential even though the residential use of the site has been legitimised by RM170650.

f) It is widely known that tourism is a large and fast growing sector of the Queenstown economy[13]. Rezoning the site to apply the VASZ would legitimise a former use of the site and enable a varied and potentially affordable accommodation offering to visitors to the Queenstown District.

3.2.20. Overall, I consider that the application of the VASZ over the subject site would be consistent with the objectives and policies for the LDSRZ and is appropriate given the historical context of the site. Similarly, I consider that the rezoning request fits with the overall strategic directions chapters of the PDP.

3.3. Definition of 'Visitor Accommodation'

3.3.1. Submitters 2611 (MLL), 2612 (PHL), and 2616 (MHL) seek the confirmation of the definition of 'VA' as notified and the introduction of 'RVA' and 'Homestays' to distinguish from the definition of 'VA'. This relief is supported by Council's reporting officer Ms Amy Bowbyes[14].

3.3.2. Submitters 2611 (MLL) and 2612 (PHL) also made further submissions (FS2735 and FS2736) opposing the original submissions made by Ms Christine Byrch (2357), and Ms Nikki Gladding (2411). Submitter 2411 (Ms Gladding) sought relief in the form of the notified definition of 'VA' being amended to exclude anybody except for fee paying guests utilising facilities within a VA site. Submitter 2357 (Ms Byrch) opposes the notified definition of VA requesting that it be amended to exclude the use of services or facilities directly associate with and ancillary to the VA, and exclude staff accommodation from forming part of this definition.

3.3.3. As noted in FS2735 and FS2736, many existing VA facilities throughout the District contain services and facilities such as (for instance) conference facilities, bars, and restaurants which are often utilised by people not staying at the venue. The rooms the Hearing Panel and submitters congregate in to hear submissions as part of the PDP is an example of such a scenario whereby the primary role of services or facilities that are directly associated with and ancillary to the visitor accommodation activity is not necessarily for the purposes of solely servicing the overnight guests of the accommodation facility. As such, submitters 2611 (MLL), 2612 (PHL), and 2616 (MHL) seek the confirmation of the definition of 'VA' as notified which would not preclude people who are not staying overnight from utilising these ancillary services or facilities associated with the VA activity.

3.3.4. Within FS2735 and FS2736, I also noted that in the Council's section 42A report for Hearing Stream 10 (Chapter 2 – Definitions) in relation to the definition of 'visitor accommodation':

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13 Paragraph 2.1 of Statement of Evidence of Robert Heyes on behalf of Queenstown Lakes District Council, Visitor Accommodation: Economics, 23 July 2018.

14 Section 42A Report of Amy Bowbyes on behalf of the Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018[14].

"conference facilities provide an important service and economic benefit to the community (and wider District) in providing spaces for conferences, meetings, weddings and the like. While at present Queenstown does not have a dedicated conference facility, it should do so in the future. In any event it is still likely that hotel conference facilities will still be utilised for smaller events and weddings (less than 250 people)1, as these are generally more suited to hotel based facilities".[15]

3.3.5. On this basis, I am of the view that the definition of 'VA' should be confirmed as notified.

4. CONCLUSION

4.1.1. Overall, it is my opinion that the requested application of the VASZ to the sites owned by submitters 2613 (KHP); 2614 (Delos); and 2617 (SJE) are appropriate given the historical and existing land uses and built form within these sites, and their association with a approved VA activities. In each case, the context of the site and surrounds is residential in nature, and the provisions of the PDP will ensure that the proposed re-zoning is consistent with the character and amenity values of the surrounding area, and the purpose and principles of the RMA and the strategic direction of the PDP.

4.1.2. Overall, the proposed re-zonings are more efficient and effective than the notified residential zonings (LDSRZ and LLR), however the provisions within the relevant Chapters of the PDP pertaining to the underlying zone are sufficient to protect the character and amenity values of the site and surrounds if these sites were to be included within the VASZ.

4.1.3. The effects of applying the VASZ across the subject sites are consistent with the Objectives and Policies of the PDP contained within Chapter 3 (Strategic Direction) and Chapter 4 (Urban Development) which make provision for the visitor industry to maintain and enhance attractions, facilities and services within the District's urban areas at locations where this is consistent with objectives and policies for the relevant zone.

4.1.4. The proposed re-zoning requests will result in efficiency gains in administering the District Plan with zoning that aligns with existing and historic land uses within the sites.

4.1.5. Overall, the proposed re-zoning of these sites enables a more efficient and effective use of the land than the notified zones while at the same time adequately mitigating the potential adverse effects on character, amenity, and transport.

[15] Section 42A Hearing Report for Hearing commencing 13 March 2017, report dated 15 February 2017, Chapter 2 – Definitions. Prepared by Mrs Amanda Leith.

4.1.6. Further, I am of the view that the retention of the VASZ over the site owned by submitter 2616 (MHL) is similarly appropriate given the existing activity within this site, and should be confirmed as notified.

4.1.7. Finally, the notified definition of 'VA' to distinguish from 'RVA' and 'Homestays' is the most efficient and effective way of administering the District Plan.

4.1.8. As such, I consider that the proposals accord with the direction of the higher order statutory documents and the purpose and principles of the RMA.

Rebecca Holden

6 August 2018

APPENDICES

Appendix A – Resource consent decision RM170650
Appendix B – Resource consent decision RM180192

APPENDIX A – RESOURCE CONSENT RM170650 - DECISION

QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Delos Investments Limited
RM reference:	RM170650
Application:	Land use consent to change the use of motel units to residential units, to breach site density, parking and outdoor living space requirements.
Location:	9 Southberg Avenue, Frankton
Legal Description:	Lot 1 Deposited Plan 502003 held in computer freehold register 751112
Zoning:	Low Density Residential (Visitor Accommodation Subzone)
Designation:	# 3 - Airport Outer Control Boundary
Activity Status:	**Non-complying**
Date	**22 August 2017**

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 Wendy Baker, Independent Commissioner, on 22 August 2017 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Wendy Baker, Independent Commissioner as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to change the use of seven motel units to residential. They are, shown on the subject site outlined in yellow below. The proposal will breach site density as well as site standards for car parking and outdoor living space. The applicants propose to undertake changes to the building to ensure acoustic insulation and mechanical ventilation requirements within the Airport Outer control boundary (OCB) are met, as per the District Plan requirements.

The applicant has provided a description of the proposal (4), the site (2) and locality (2) and the relevant site history (3) in Sections 2 – 4 of the report entitled RESOURCE CONSENT APPLICATION TO LEGALISE SEVEN RESIDENTIAL UNITS WITHIN AN HISTORIC MOTEL, prepared by Rebecca Holden of Southern Planning Group, and submitted as part of the application (hereon referred to as the applicant's AEE – part 1 and attached as Appendix 3). This description is considered accurate and is adopted for the purpose of this report.

As set out in the email received on 17 July 2017 from Rebecca Holden, the applicant is also proposing to breach the outdoor living space standards. This email is submitted as part of the application, is considered accurate and is adopted for the purpose of this report (hereon referred to as the applicant's AEE- part 2 and attached as Appendix 4).

Adjoining property

Figure 1: Subject site

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is zoned Low Density Residential (Visitor Accommodation Subzone) and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3ii as the activity does not comply with Site Standard 14.2.4.1i which requires two on site car parking spaces per residential unit. Only one car parking space per unit is provided on site, with one visitor park; eight in total.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4vi as the proposal does not comply with Site Standard 7.5.5.2vii with regards to Outdoor Living Space. The District Plan requires a minimum provision of $36m^2$ of outdoor living space for each residential unit. It is proposed to provide a communal outdoor living area instead of private outdoor living areas.

- A **non-complying** activity pursuant to Rule 7.5.3.5 as the activity does not comply with Zone Standard 7.5.5.3iii in relation to Site Density. The minimum net area for any site shall be $450m^2$ for each residential unit contained within the site. The net area of the site is $1118m^2$. The proposal will result in a site density of approximately one unit per $160m^2$.

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

3. SECTION 95A NOTIFICATION

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

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

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

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

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).

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

4.2 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.

Of particular relevance, a permitted activity on this site would be two dwellings each with a residential flat with a total of six car parking spaces and 4 x $36m^2$ of outdoor living space. Given the site is flat and therefore relatively easy to build on; it would not be fanciful to assume that large two storey dwellings could be accommodated comprising four bedrooms. The residential flats could reasonably comprise two bedrooms. The total number of bedrooms on the site as a permitted activity could therefore be 12, with a likely occupancy of 24 persons.

The permitted baseline is relevant for the assessment below.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

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

The relevant assessment matters are found in Sections 7.7.2 xxii, 7.7.2 xxxii, and 14.3.2iii of the District Plan and have been taken into considered in the assessment below.

The Assessment of Effects provided at section 7 of the applicant's AEE parts 1 and 2 is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following additional comments.

Density

The motel units were legally established in 1979 to be used as travellers/visitor accommodation under the Town And Country Planning Act 1977. A comparison between the adverse effects of the use the motels for visitor accommodation compared to residential is therefore appropriate.

The activity associated with the use of seven motel units may include visitors arriving at any time, moving in and out of luggage, use of outdoor living areas at non-standard times as guests are in 'holiday-mode'. Travellers are more likely to share a vehicle whereas residents tend to have their own cars. Motel use is unlikely to include the daily more routine like activity associated with residential living such as regular hours and social contacts. Visitor accommodation also has periods of less activity when there are vacancies, whereas this is unlikely for residential activity.

In this case the size of the motel units will affect the numbers of persons residing in them; they are studio, one- and two-bedroom units and are therefore likely to have between one and four persons living in them. In total the motels comprise nine bedrooms which is less than could be reasonably anticipated as a permitted activity contained in two residential units with associated flats.

In this regard, it is anticipated that the adverse effects of the residential use and associated density breach will have no adverse effects.

Car parking

It is considered that the parking available on site, being eight parking spaces in total, is sufficient to cater for the demand of the activity given the nature and scale of the residential activities proposed. The seven residential units are small in scale with two studio units, three one-bedroom units and two two-bedroom units. The sizes of these units are comparable to that of residential flats, which only require one parking space under the District Plan provisions. In addition, a permitted residential development on this site would result in a greater number of bedrooms with likely a higher number of occupants and less required parking – six spaces.

The site is walking distance from employment opportunities within the Frankton area, public transport routes, and walking/cycling trails that facilitate alternative modes of active or public transport.

Acoustics

The applicant has volunteered conditions to be imposed with regards to acoustic insulation and mechanical ventilation to ensure compliance with the district plan provisions. Subject to these conditions it is anticipated that any reverse sensitivity effects, with regards to the airport and the outer control boundary, would be less than minor.

Residential Amenity

With regards to outdoor living space, there is a large communal outdoor area to the back of the building with ample space for outdoor living. In addition, Unit 1 and 2 also have a covered porch area. There is also a communal laundry and washing line as well as an upper terrace Barbeque area in the eastern corner of the site.

The applicant volunteers a condition of consent for an outdoor storage shed to be built to the rear of the units where ample space is available. The storage shed/sheds is proposed to be for communal use and to be large enough to enable the residents of all seven units to store their outdoor equipment such as bikes, skis etc.

In terms of rubbish storage and collection, the applicant has submitted a Waste Management Plan (WMP) which outlines that tenants are using QLDC blue bags for household rubbish. The applicant has also demonstrated that there is enough space to provide a communal rubbish storage area along the fence forming the site's northern boundary; that four recycling bins are ample to cater for the number of residential activities on site; and that re is enough room for curb side collection for two bins either side of the vehicle crossing. The applicant has also volunteered conditions in this regard.

Subject to conditions imposed, it is anticipated that adverse effects in terms of Residential amenity would be minor.

Overall it is considered that the anticipated adverse effects associated with the proposed breaches applied for (density, parking and outdoor living space) would have a no more than minor effect on the residential amenity of the surrounding area.

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 PERMITTED BASELINE (s95E(2)(a))

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

5.2 ASSESSMENT: EFFECTS ON PERSONS

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

The Assessment of Effects provided at section 7.6 of the applicant's AEE, is considered accurate. It is therefore adopted for the purposes of this report with the following additional comments.

Adverse Effects:	**Effects on Persons**
Traffic Generation	Less than minor
Dominance / Privacy	Nil
Shading	Nil
Amenity / Density	Less than minor
Views and Outlook	Nil
Land Stability	Nil
Safety	Nil
Noise	Less than minor

As outlined above in Section 4.3, the subject site is in the visitor accommodation (VA) sub zone and visitor accommodation and the associated effects are anticipated on the site. In addition the permitted use of the site could result in a greater residential activity in terms of numbers of occupants. It is therefore considered that the owners and occupiers of the adjoining sites as shown in figure 1 would not be adversely affected to a minor or more than minor extent.

No other persons are considered to be affected.

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

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

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.3 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 Section 104 (1)(b) assessment provided at section 9 of the applicant's AEE is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following additional summary.

Operative District Plan

The relevant objectives and policies are contained within Part 4 (District Wide issues), Part 7 (Residential Areas) and Part 14 (Transport) of the Operative District Plan. Objective 7 and 8 of Part 4 aims to protect airport operations while managing the effects of airport noise. Part 7 aims to provide for the continuing maintenance and enhancement of residential amenity while minimising adverse effects, while Part 14 aims for the provision of sufficient accessible parking facilities to cater for demand while controlling adverse effects.

Having considered the proposal in terms of the objectives and policies contained in Part 4, Part 7 and Part 14 of the District Plan, it is considered the proposal is consistent with the objectives and policies of the Operative District Plan

Proposed District Plan

Council notified the Proposed District Plan on 26 August 2015, which contains objectives and policies with immediate legal effect, pursuant to section 86A(2) of the RMA. In this case, the objectives and policies contained in Part 3 – Urban Environment, Chapter 7 (Low Density Residential) are relevant, specifically objective 7.2.3 (Policy 7.2.3.1 and Policy 7.2.3.2). It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage. Notwithstanding, it is considered the proposal would be in accordance with these objectives and policies.

7.3 OTHER MATTERS UNDER SECTION 104(1)(b))

National Policy Statement on Urban Development Capacity 2016

The NPS provides direction for Councils to ensure that their planning decisions enable the supply of housing to meet demand. The NPS specifically requires that Council's provide in their District Plans enough development capacity to ensure the demand for land for housing (and business purposes) and varying types, sizes and locations of such are provided and are commercially feasible to develop. The direction of the NPS is however not to provide the supply with complete disregard to the environmental effects.

It is considered that the change to residential use of the subject site would be in accordance with this NPS, providing additional capacity to meet the needs of people and communities while ensuring that any adverse effects on the environment are no more than minor.

7.4 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to contrary to the relevant policies and objectives of the District Plan.

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

7.5 OTHER MATTERS (s104(1)(c))

Precedence and confidence in Plan Administration

Given the circumstances surrounding this application, it is not considered that an unacceptable precedent would be set in granting this application when taking into account the history of the site, the visitor accommodation subzone, and the permitted baseline described above.

7.6 PART 2 OF THE RMA

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

7.7 DECISION ON 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 RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Administrative Matters

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

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

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

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

If you have any enquiries please contact Elias Matthee on phone (03) 450 0316 or email EJ.Matthee@qldc.govt.nz.

Report prepared by

Elias Matthee
SENIOR PLANNER/PLANNER

Decision made by

Wendy Baker
INDEPENDENT COMMISSIONER

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Waste Management Plan
APPENDIX 3 – Applicants AEE – part 1
APPENDIX 4 – Applicant AEE – part 2 (email received on 17 July 2017 from Rebecca Holden)

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - Site Plan, Sheet number 101
   - Floor Plan, Sheet number 101
   - Elevations

   stamped as approved on 11 August 2017

   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 $145. This initial fee has been set under section 36(1) of the Act.

3. By 1 July 2019, the consent holder shall provide written confirmation from a suitably qualified person to confirm that the acoustic insulation/upgrades and the installation of mechanical fresh air ventilation system meets the requirements of the district plan in relation to the aircraft noise outer control boundary (OCB) provisions:

Between the Outer Control Boundary (OCB) and the ANB *- New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.*

Table 2: Ventilation Requirements

Room Type	***Outdoor Air Ventilation Rate*** *(Air Changes per Hour, ac/hr)*	
	Low Setting	*High Setting*
Bedrooms	*1-2 ac/hr*	*Min. 5 ac/hr*
Other Critical Listening Environments	*1-2 ac/hr*	*Min. 15 ac/hr*
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$ on High Setting and 30 dB $L_{Aeq(1\ min)}$ on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

4. All rubbish and recycling storage and disposal shall be in accordance with the waste management plan (WMP) forming part of the application or subsequent variations approved by Council (as per Condition (5)).

5. The Council may require the WMP to be updated and/or private waste collection be organised at the applicant's/owner's expense, should the bins become a nuisance to road or footpath users, or if the tenants neglect to put them out on the curb for collection.

6. Before 1 July 2019, the consent holder shall construct a suitable waste cupboard/storage area in the location shown on the approved site plan to enable tenants to place rubbish bags within prior to collection day. The cupboard/storage area shall not be larger than $5m^2$ in area or higher than 2m.

7. Before 1 July 2019, the consent holder shall construct an outdoor communal storage shed/sheds within the site for tenants to store their outdoor equipment such as bikes etc. Each unit shall have a minimum outdoor storage area of $1m^3$.

   Advice Note: The storage and waste sheds shall comply with the District Plan standards in terms of bulk and location of buildings, otherwise additional resource consent shall be obtained.

8. The Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:

   a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

   b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.

   c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

For Your Information

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

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

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

APPENDIX 2 – WASTE MANAGEMENT PLAN

Southberg Apartments Tenant Guidelines

Rubbish and Recycling:

The bins with the Blue Lids are for recyclable items only.

Recycling Do's:

- Plastics 1-7. Washed, not squashed and lids off.
- Steel tins and aluminium cans. Washed.
- Empty aerosol cans.
- Clean aluminium foil.
- Glass bottles and jars. Washed with the lids off (the lids can also go in the recycling container).
- Clean paper and cardboard. For example office paper, magazines, newspaper, egg cartons, cereal boxes, envelopes.

Recycling No-no's:

- Plastic bags or glad wrap.
- Pesticides, oil or hazardous chemicals.
- Pyrex, ceramics, window glass or broken glass.
- Materials contaminated with food.
- Plastic or metal binding.
- Wax coated or foil lined cartons, for example milk or juice cartons.
- Polystyrene.

Please DO NOT put food waste or other household rubbish into the bins – this makes them smell and it is possible they will not be emptied by the QLDC.

Household Rubbish should be placed in QLDC Blue Bags which can be purchased from any supermarket.

Your **Rubbish and Recycling Collection** day is **TUESDAY** and bins/rubbish bags must be out on the kerb by 8am. These are for shared use by all complex residents and as such it would be appreciated if everyone shared the task of putting them on the curb.

For more information about rubbish and recycling in Queenstown please visit:
http://www.qldc.govt.nz/services/rubbish-and-recycling/

Communal Laundry:

Please avoid using the communal laundry after 10pm at night due to noise.

Please do not dump any unwanted items in the communal space – please dispose of them through the rubbish. You can also take unwanted household items in good repair to:

- Wakatipu Recycling Centre
- The Salvation Army
- CanShop Queenstown

APPENDIX 3 – APPLICANTS AEE – PART 1

RESOURCE CONSENT APPLICATION TO LEGALISE SEVEN RESIDENTIAL UNITS WITHIN AN HISTORIC MOTEL

Delos Investments Limited

9 Southberg Avenue,

Frankton

July 2017

SOUTHERN PLANNING GROUP

RESOURCE MANAGEMENT CONSULTANTS

CONTENTS

1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	9 Southberg Avenue, Frankton
Applicants Name:	Delos Investments Limited
Address for Service	Delos Investments Limited C/- Southern Planning Group PO Box 1081 rebecca@southernplanning.co.nz Attention: Rebecca Holden
Site Legal Description:	Lot 1 DP 502003 held in Computer Freehold Register 751112
Site Area:	1118 m^2
District Plan Zoning:	Low Density Residential (Visitor Accommodation Subzone)
Designation / Limitations:	Designation # 3 - Airport Outer Control Boundary
Brief Description of Proposal:	Land use consent to formalise the residential use of former motel units.
Summary of Reasons for Consent:	Non-complying Activity

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Computer Freehold Register
Appendix [B]	Architectural Plans
Appendix [C]	Planning Permission dated 6 July 1979
Appendix [D]	Property enquiry dated 1 November 1993
Appendix [E]	Response from Council dated 3 November 1993
Appendix [F]	Property enquiry dated 8 November 1993
Appendix [G]	Acoustic Assessment
Appendix [H]	Parking Plan
Appendix [I]	SmartVent Technical Guide

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Rebecca Holden

5 July 2017

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

The subject site is located at 9 Southberg Avenue, Frankton. The site is legally described Lot 1 DP 502003. The sites Computer Freehold Register (CFR) is attached as **Appendix [A].**

Contained on site are seven former motel units that range in size to include bedsit, one bedroom or two bedroom units. The floor plans and elevations of the existing building are contained within **Appendix [B]**. The site also contains a three-bay car port and parking area.

The surrounding environment (see Figure 1 below) is characterised by older style cribs/dwellings within an established low density residential environment. To the rear of the site along Humphrey's Street and Robertson Street exists an apartment complex comprising 16 units in total, which was established via a Comprehensive Residential Development.

Figure 1: Aerial photo of subject site.

The flat site is located within walking distance of local amenities and employment opportunities including Terrace Junction, Remarkables Town Centre, Five Mile and the Queenstown Airport. The immediate surroundings are still dominated by single older style dwellings.

The site is currently accessed via an existing accessway at the northern-western corner of the property. The site is fully serviced.

It is noted that the site is outside of the Air Noise Boundary ("ANB") but within the Outer Control Boundary ("OCB") under the Operative District Plan ("ODP") (as shown on Proposed Planning Maps 31, 31a and 33). It appears that the relevant maps within the ODP have not been updated after Plan Change 35 ("PC35") as this plan change can only be 'treated as operative' pursuant to s87F of the RMA given the time for making submissions or lodging appeals on the rule has expired, and all

submissions in opposition and appeals have been determined. The only matter still under appeal is the location of the OCB in relation to Lot 6 to the south of the Remarkables Park/Queenstown Airport. As such, the OCB for Queenstown Airport now includes the subject site.

3.0 RESOURCE MANAGEMENT BACKGROUND

Context

The subject site is located within the Visitor Accommodation Subzone meaning that to carry out a visitor accommodation activity, a Controlled Activity resource consent would need to be obtained pursuant to Rule 7.5.3.2ii. No limit is imposed on the number or size of visitor accommodation units within this zone (although the built form would need to comply with the bulk and location, and parking standards or additional resource consents would be triggered). It is noted that the definition of 'Visitor Accommodation' in the ODP specifies that the length of stay is less than three months.

As mentioned in Section 2 of this report, the subject site is located within the OCB which was updated as part of PC35. PC35 provisions including the location of the OCB (with the exception of its location in relation to Lot 6) must be treated as operative pursuant to s87F of the RMA.

The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. PC35 was adopted by QLDC and following the hearing of submissions, and was confirmed on 1st November 2010. However, PC35 was subject to a number of appeals to the Environment Court, which were largely resolved by agreement.

Three interim Environment Court decisions that relate to PC35 together confirm its provisions and those of the associated Notice of Requirements ("NORs"). As mentioned, appeals that have not been resolved relate to the location of the OCB in relation to Lot 6, to the south of the Queenstown Airport. This unresolved matter does not impact on the subject site's location within the OCB.

Visitor Accommodation

On the 16 July 1979, approval was granted by Council (subject to conditions) to construct 14 motel units for the purpose of travellers accommodation. Of the 14 approved units, only seven motel units, each containing kitchen facilities, were established on site.

Council records indicate that the units have been used for long-term residential accommodation for quite some time. Records dating back to 1 November 1993 show evidence of enquiries seeking confirmation from Council that long-term residential occupation of these units was lawfully established. However, the response from Council dated 3 November 1993 verifies the lawfully established visitor accommodation activity, but does not mention any permission being granted for long-term residential occupation of the units on site.

Appendices [C] to [F] to this application contain the relevant records from Council property files relating to the visitor accommodation and enquiries pertaining to the residential activities established on site.

Resource consents

Resource consent **RM950343** granted on 18 May 1995 approved a boundary adjustment between Sections 5 and 6, Block IV, Town of Frankton to create Lot 1 of 1139m^2 and Lot 2 of 672m^2.

In addition, on 21 July 2016, resource consent **RM160542** approved a boundary adjustment between Lot 1 and Lot 2 DP25070, and Section 2 BLK IV Town of Frankton to create the subject site (Lot 1) of 1,118m^2.

4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Consent is sought to legalise the existing residential use of the seven former motel units. Each unit ranges in size to include bedsits, one bedroom or two bedroom units each with a living space/kitchen area. A shared laundry space is provided on-site. Plans of the units are contained **Appendix [B].**

This application proposes physical changes to the makeup of the building to ensure acoustic insulation and mechanical ventilation requirements within the OCB are met.

Appendix [G] to this application contains an acoustic assessment prepared by Dr Jeremy Trevathan of Acoustic Engineering Services confirming that the proposed acoustic insulation will achieve an Indoor Design Level of 40 dBA Ldn, as per the District Plan requirements.

In addition, the applicant proposes to install a SmartVent mechanical ventilation system to achieve the mechanical ventilation requirements outlined in Table 2 of Appendix 13 as follows:

The following table sets out the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Table 2: Ventilation Requirements

Room Type	***Outdoor Air Ventilation Rate*** *(Air Changes per Hour, ac/hr)*	
	Low Setting	*High Setting*
Bedrooms	*1-2 ac/hr*	*Min. 5 ac/hr*
Other Critical Listening Environments	*1-2 ac/hr*	*Min. 15 ac/hr*
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$ on High Setting and 30 dB $L_{Aeq(1\ min)}$ on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 ºC heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Appendix [I] to this application contains specifications and calculations of the SmartVent system. The applicant volunteers a condition of consent to provide PF1 certification before 1 July 2019, confirming that these ventilation requirements can be met.

No physical alterations are proposed to alter the design and appearance of the existing building.

Appendix [H] of this application contains a Parking Plan which demonstrates that there is enough space to park one car per unit, plus an additional space for visitors.

5.0 DESCRIPTION OF PERMITTED ACTIVITIES

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline includes one residential unit per 450m^2 and one residential flat associated with that residential unit.

As such, the site is permitted to contain **two** residential units with **two** associated residential flats (so long as they meet the criteria set out in the District Plan's definition of "residential flat" – see below) without the need to obtain resource consent, as long as all the bulk and location standards contained in the Operative District Plan ("ODP") are met. The proposal differs to the permitted baseline above in that it is proposed to legalise the residential use of the seven units on site.

The ODP defines a 'residential flat' as follows:

> *Means a residential activity that:*
>
> - *Consists of no more than one flat in the same ownership as the residential unit; and*
> - *Is contained within the same residential unit; and*
> - *If attached to a detached accessory building does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building; and*
> - *Contains no more than one kitchen and one laundry; and*
> - *Does not cover more than 35% of the total Gross Floor Area of the building(s) containing the residential unit and flat (but excluding accessory buildings).*

Although the permitted baseline only allows for two residential units/two residential flats, if there were to be a reduced number of kitchens on site (refer to the definition of residential flat above), given the nature and scale of each residential unit, there would still be the same number of people residing on site within two larger units and associated flats. Or going further (and this is not fanciful in the current Queenstown housing climate), the client could turn the rooms into bunk rooms and rent these out to people trying to find long term accommodation (i.e. have four people plus per bedroom, removing two kitchens so as to provide two units and two flats). In this case, a greater number of people could potentially reside on site.

6.0 STATUTORY CONSIDERATIONS

6.1 Queenstown Lakes District Plan

The site is located within the Low Density Residential zone. The following resource consents are sought to authorise the proposed development:

- **Restricted Discretionary Activity** resource consent pursuant to Rule 14.2.2.3ii as the activity does not comply with Site Standard 14.2.4.1i which requires two onsite car parking spaces per residential unit. Only one car parking space per unit is provided on site, being eight in total.

- A **Non-Complying Activity** resource consent pursuant to Rule 7.5.3.5 as the activity that does not comply with Zone Standard 7.5.5.3iii in relation to Site Density. The minimum net area for any site shall be 450m^2 for each residential unit contained within the site. The net area of the site is 1118m^2. To formalise the residential use of seven former motel units will result in a site density of approximately one unit per 160m^2.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

7.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

7.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
(b) any physical effect on the locality, including any landscape and visual effects:
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Relevant assessment matters are contained within Section *7.7.2xxxii - Site Density* and Section *14.3.2iii – Parking and Loading Provision* of the Operative District Plan and have been addressed in the assessment below, which include the above matters outlined in Part 2 of the RMA.

Density

The applicant is proposing to formalise the existing residential use within seven former motel units contained on site. As described in the Resource Management Background outlined above, there is evidence on Council file that this use has been established on site for quite some time, since at least 1993 (see **Appendices [C] – [F]**). The use of the site for visitor accommodation approved by the consent granted on 16 July 1979 has lapsed, although the built form remains.

The subject site is zoned Low Density Residential (LDRZ) under the ODP, within a Visitor Accommodation Subzone. The purpose of the LDRZ is:

To provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage. The zone seeks to maintain and enhance the low density residential areas with ample open space, low rise development and minimal adverse effects experienced by residents.

In the LDRZ, the minimum net area for any site is 450m² for each residential unit contained within the site, plus one residential flat contained within that residential unit. With seven units being used for residential activities on a site comprising 1118m^2 in area, the resulting density is approximately one unit per 160m^2.

To compare, although the visitor accommodation planning permission has since lapsed (given the site has not been in this use for over 25 years), there is no change in the number of bedrooms or associated facilities within each unit.

Each unit comprises only one or two bedrooms maximum and one kitchen/living area per unit. Additionally, a shared laundry facility is located on the property. As such, the scale of each unit is small in size (maximum two bedrooms) resulting in each residential activity being small in scale.

Although site density will be exceeded by five units, Assessment Matter *7.7.2xxxii - Site Density* indicate that regard shall be given to the proposal which facilitates the provision of a range of residential activities that contribute to housing affordability in the District. The proposed formalisation of the residential use on site, comprising seven units, is considered to contribute to the provision of long term living accommodation which is currently in short supply in the District, contributes to housing affordability, and provides an increased variety of smaller housing types in an established LDRZ. The subject site's location also provides easy access to employment opportunities in the Frankton Area.

As previously mentioned, each of the units is small in scale, ranging in size from one to two bedrooms. In total, the seven units contain nine bedrooms, which is not dissimilar to having two residential units established on site, one containing four bedrooms, the other five. Further, there are many examples in the District at present of high numbers of people living in one house which only has one kitchen; therefore it is not fanciful to anticipate that the permitted baseline could give rise to effects that are greater than what is proposed within this application.

In other words, it is not fanciful to anticipate that each of the rooms could be let individually resulting in a similar or greater level of occupation to that of the existing situation which involves letting out former motel units on a long-term basis (as described in the permitted baseline above). The applicant has the ability to apply for a Controlled Activity resource consent to formalise the use of the building as visitor accommodation whereby occupants can stay for a period of up to three months, however has chosen to seek resource consent to formalise the residential use rather than displace seven households.

As such, given the existing use on site, taking into consideration the permitted baseline described above, and that which is anticipated within the visitor accommodation subzone, it is considered that the proposal is consistent with what is expected to occur on this site.

Given the unique circumstances surrounding this application, it is not considered that a precedent would be set in granting this application when taking into account the history of the site, the visitor accommodation subzone, and the permitted baseline as described above.

Overall, it is considered that there will be no adverse effect on the environment in terms of the increased density.

Physical effect on the locality, including any landscape and visual effects

The proposed land use will result in the legalisation of established residential activities within a former motel/travellers accommodation facility

The legalisation of this change of use to residential on a property that has established built form, landscaping, access and car parking will not result in any changes to the design and external appearance of the building, other than physical changes associated with acoustic insulation upgrades (discussed further below). Therefore, there will be no adverse effects on the environment that would affect the visual amenity values of the locality.

Traffic and Parking

The current parking arrangement onsite includes three car parking spaces within a car port, and five additional car parks, resulting in eight on-site car parks in total. The Parking Plan is contained within **Appendix [H]** attached.

In the Low Density Residential Zone, the ODP requires two on-site parking spaces per residential unit. As such, since seven residential units are proposed, there will be a shortfall of eight car parks.

It is considered that the parking available onsite, being eight parking spaces in total, is sufficient to cater for the demand of the activity given each residential unit is only one or two bedrooms. In addition, the site is walking distance from employment opportunities within the Frankton area, public transport routes, and walking/cycling trails that facilitate alternative modes of active or public

transport. It is not physically possible to provide for sixteen onsite car parks, however as mentioned above, the nature and scale of the residential activities on site are such that two onsite parking spaces per unit would be an oversupply.

The proposal will not result in any additional requirements for loading areas, vehicle crossings, or have any effects on pedestrian safety or access.

When planning permission was granted for the visitor accommodation use of the site, only one car park per unit was required. Given the nature and scale of the proposed residential activity is considered comparable to that which was previously approved, it is considered that adequate parking is provided.

Overall, any adverse effects on the environment in respect to parking and access are considered to remain unchanged. Subsequently, adverse parking and access effects on the surrounding environment will be less than minor.

Location within Queenstown Airport's Outer Control Boundary

As mentioned in the preceding sections, the subject site is located within Queenstown Airport's OCB as confirmed by PC35 and annotated on Proposed Planning Maps 31, 31a and 33. It appears that the Planning Maps within the ODP have not yet been updated with PC35's interim decision, although this must be treated as operative save for the unresolved matter of the location of the OCB in relation to Lot 6 (which is located to the south of the Queenstown Airport/Remarkables Park).

The OCB is based on a noise contour at or beyond which aircraft noise should not exceed 55dB Ldn. The New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992) recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses.

The ODP permits residential units to be located within the OCB so long as the acoustic insulation standards and mechanical ventilation requirements outlined in Zone Standard *7.5.5.3vi Airport Noise - Queenstown Airport* of the ODP (as confirmed by PC35) are met. This Zone Standard is consistent with NZS6805:1992 which requires residential units to meet an internal design sound level of 40dB Ldn. NZS6805:1992 also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

<u>Proposed acoustic insulation</u>

An acoustic review of the proposal has been undertaken by Dr Jeremy Trevathan from Acoustic Engineering Services, forming **Appendix [G]** to this application. Dr Trevathan assessed the expected noise levels received within the seven units located within the subject site, having regard to potential reverse sensitivity effects from aircraft noise associated with the Queenstown Airport. Dr Trevathan has recommended necessary upgrades to ensure that the units meet an internal design sound level of 40dB Ldn, which the applicant proposes to undertake. It is noted that the cost of these acoustic upgrades are being met by the developer.

The applicant is mindful of legislative changes with the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016 that requires insulation to ceilings and floors to be carried out by 1 July

2019. As such, it is requested that any timeframe imposed via condition of consent to implement the acoustic insulation correlate with the 1 July 2019 deadline.

Proposed mechanical ventilation

In addition, the applicant proposes to install a SmartVent mechanical ventilation system in order to achieve the minimum number of air changes per hour for critical listening environments associated with ASANs within the OCB, which is also stipulated by the District Plan. For bedrooms, the minimum number of air changes required is 1-2 per hour at a low setting, and 5 air changes per hour at a high setting. For other critical listening environments, the minimum requirement is similarly 1-2 air changes per hour at a low setting; however 15 air changes per hour are required at a high setting.

Table 1 below demonstrates the total volume of air required to be changed per hour for each unit, based on the volume of living spaces and bedrooms (last column):

Table 1: Total volume of air to be changed per hour to meet requirements of Table 2 within Appendix 13 of the District Plan

Unit Number	Volume of living space	Total min required air change/hour (15ac/hr)	Volume of bedroom(s)	Total min required air change/hour (5ac/hr)	Total required volume of air change/hour
1 (one bedroom)	3.27 x 4.13 x 2.4 =32.41m^3	486.18m^3/hr	2.3 x 2.9 x 2.4 = 16m^3	80.04m^3	566.22m^3/hr
2 (two bedrooms)	4.3 x 3.45 x 2.4 = 35.6 m^3	534.06m^3/hr	1) 3.16 x 1.98 x 2.4 = 15m^3 2) 3.16 x 2.17 x 2.4 = 16.46m^3	186.19m^3	720.25m^3/hr
3 (one bedroom)	(4.8 x 3.23 x 2.4) + (2.4 x 2.0 x 2.4) + (2.4/2 x 2.8 x 2.4) = 56.79m^3	851.9m^3/hr	3.3 x 2.93 x 2.4 = 23.2m^3	116.03m^3	968m^3/hr
4 (two bedroom)	3.070 x 3.640 x 2.4 = 26.8 m^3 (living) 2.8 x 3.34 x 2.4 = 22.44 m^3 (kitchen) Total: 49.26m^3	739m^3/hr	4.25 x 3.5 x 2.4 = 35.7m^3 3.0 x 2.85 x 2.4 = 20.52 m^3 Total: 56.22 m^3	281.1m^3	1020.1m^3/hr
5 (one bedroom)	5.5 x 2.9 x 2.4 = 38.28 m^3	574.2m^3/hr	2.98 x 3.75 x 2.4 = 26.82m^3	134.1m^3	708.3m^3/hr
6 (bedsit)	4.0 x 4.4 x 2.4 = 42.24m^3	633.6m^3/hr	-	-	633.6m^3/hr
7 (bedsit)	6.565 x 3.65 x 2.4 = 57.5 m^3	862.64 m^3	-	-	862.64m^3/hr

In order to achieve the minimum required air changes per hour, the fan size for each ventilation unit needs to be larger than the total volume of air to be changed (the last column of Table 1 above). Page 10 of **Appendix [I]** contains the specifications of each SmartVent system. The applicant volunteers a condition of consent that requires a PS1 certification to be provided from the installer to confirm compliance with the District Plan standards listed above, prior to installation. It may be that one or more SmartVent systesm can service multiple residential units, although this will be covered by the PS1 certification. It is similarly requrested that the timeframe to carry out this work align with the 1 July 2019 deadline for insulation under the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.

Overall, with the proposed mechanical ventilation systems, it is considered that the requirements outlined in Table 2 of Appendix 13 of the District Plan will be met in terms of minimum air change per hour.

Summary

Although it is recognised that Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District's tourism industry and commerce more generally, given the proposed acoustic insulation and mechanical ventilation upgrades, any reverse sensitivity effects resulting from the formalisation of this land use are considered to be less than minor.

Additionally, given this land use is existing and represents a formalisation of an historic situation, it is considered that the on-going ability of Queenstown Airport to function and grow without undue constraint will not be compromised by the granting of this consent.

Subject to the recommended construction and acoustic upgrades outlined within this report, Dr Trevathan confirms that aircraft noise levels within the residential units are expected to meet an indoor design level of 40 dBA Ldn within Critical Listening Environments, in accordance with Zone Standard *7.5.5.3vi Airport Noise - Queenstown Airport* of the ODP.

Overall, any adverse effects resulting from the formalisation of an existing residential use located within the OCB are considered to be no more than minor.

Infrastructure

The site is connected to all required reticulated services for water, wastewater and stormwater. The established services are adequate to provide for the legalisation of the use proposed residential units, which, in respect to infrastructure, would not change in terms of demand on services as a result of permanent residential occupation of the former motel units.

As such, adverse effects in terms of infrastructure are considered to be less than minor.

Conclusion

Overall any adverse effects on the environment will be less than minor.

7.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

N/A

7.4 I the activity includes the discharge of any contaminant, a description of:

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

7.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

In addition to the resource consent conditions anticipated, mitigation measures include the proposed acoustic insulation upgrades to the building to ensure that any adverse effects resulting from the proximity of the subject site to the Queenstown Airport are adequately mitigated, such that they are less than minor.

7.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

The proposed formalisation of the residential use of the former motel site is compatible with the existing land uses in the locality, which include a mixture of residential homes of various ages and size. This residential use, although not legally formalised, has occurred on site since before 1993 according to Council records. It is considered that given the nature and scale of each unit, being limited in bedrooms, only less than minor adverse effects could arise. In addition, residential cohesion will be enhanced by long-term occupation of the units as opposed to the visitor accommodation use provided for by the sub-zone overlay. Adequate parking is provided on site to cater for the occupants. No complaints have arisen from properties surrounding the site.

Further, the permitted baseline described above provides for a greater number of people living on site without the need to apply for resource consent. There is the potential to remove kitchens and create a large boarding house, with more transient type people residing on site. As such, no immediate neighbours are considered to be affected.

Overall, there are no parties considered affected from the activity subject to the acoustic and mechanical ventilation upgrades to the building to mitigate any adverse effect resulting from the site's proximity to the Queenstown Airport.

7.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than standard conditions of consent.

7.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

The proposed activity will have no effect on any customary rights.

8.0 SECTION 95 NOTIFICATION

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). In addition, Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. As outlined above the proposed activity is not likely to have adverse effects on the environment that are more than minor and no persons are considered adversely affected.

Additionally, the applicant has not requested public notification of the application (s95A(2)(b)), no rule or national environmental standard requires public notification of the application (s95A(2)(c)) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

9.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

Operative District Plan

Relevant objectives and policies are contained within Part 4 *District Wide Issues*, Part 7 *Residential Areas* and Part 14 *Transport* of the ODP.

Part 4 District Wide Issues

4.9.3 Objectives and Policies

The Objectives and Policies contained within Part 4 of the ODP (as modified by PC35) which are of relevance are as follows:

Objective 7 – Queenstown Airport - Noise Management

Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the effects of aircraft noise.

Policy 7.1 *To ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.*

Policy 7.2 *To manage the adverse effects of noise from aircraft on any activity sensitive to aircraft noise within the airport noise boundaries whilst at the same time providing for the efficient operation of Queenstown Airport.*

Policy 7.3 *To manage the adverse effects of noise from Queenstown Aerodrome by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.*

The subject site is located within the OCB as confirmed by PC35 (Designation 3). However, the adverse effects of noise from aircraft on the residential activities contained within the subject site (Activity Sensitive to Aircraft Noise ("ASAN")) has been mitigated by appropriate acoustic insulation, as outlined above. As such, the efficient operation of Queenstown Airport will be ensured.

Objective 8 – Queenstown Airport – Urban Growth Management

Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.

Policy 8.1 *To prohibit all new activity sensitive to aircraft noise within the Rural, Business and Industrial Zones located within the Outer Control Boundary at Queenstown Airport.*

To ensure that all new and altered buildings containing activity sensitive to aircraft noise located in the existing Residential zones, Frankton Flats (A) and Remarkables Park Special Zones within the Queenstown Airport Outer Control Boundary are designed and built to achieve an internal design sound level of 40 dB Ldn, based on the 2037 noise contours.

Policy 8.2 *To incorporate airport noise mitigation controls for activity sensitive to aircraft noise enabled by any plan changes or land use proposals for land within the Outer Control Boundary at Queenstown Airport.*

The proposed formalisation of existing residential units on site (within a former motel development) has been designed to achieve an internal design sound level of 40 dB Ldn, based on the 2037 noise contours. The incorporation of upgraded acoustic insulation will ensure that airport noise is appropriately mitigated for these ASAN within the OCB at Queenstown Airport.

Overall, the proposal is consistent with the objectives and policies contained within Part 4 – District Wide Issues of the ODP.

Part 7 - Residential

Part 7.1.2 of the ODP specifies the District Wide Objectives and Policies. Overall, the relevant Objectives and Policies seek the provision of pleasant living environments, providing the opportunity for individual and community needs while controlling and minimising adverse effects.

7.1.2 District Wide Residential Objectives and Policies

The district wide (high order) Objectives and Policies of relevance are as follows:

Objective 1 states:

> *Objective 1 - Availability of Land*
>
> *Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.*

The proposal is considered to be an efficient and effective method in utilizing land without resulting in significant adverse effects on the natural and physical environment.

> *Policy 1.3 To promote compact residential and visitor accommodation development.*

The proposal promotes compact residential development consistent with this policy. Visitor accommodation is provided for by the subzone overlay of the site, hence the establishment of the built form in 1979.

> *Policy 1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighborhoods.*

The subject site was originally developed as a visitor accommodation activity, however this application seeks to legalise the residential use of the site. This residential use is in keeping with the surrounding area which largely contains established residential units.

Overall the proposal is considered consistent with *Objective 1 - Availability of Land*.

Objective 2 states:

> *Objective 2 - Residential Form*
>
> *A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.*

The proposal represents compact residential form and is an efficient use of existing services and infrastructure consistent with this objective.

> *Policy 2.1 To contain the outward spread of residential areas and to limit peripheral residential or urban expansion."*

The proposal is utilizing existing physical resources which is an efficient use of the site for residential purposes. The proposal avoids (by its location) the outward spread of residential areas in terms of residential sprawl.

> *Policy 2.5 To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.*

The proposal will result in a higher density development being legalised within the LDRZ. However, the subject site is appropriately located in an area which is walking distance from public amenities and transport routes including Terrace Junction, Remarkables Town Centre, Five Mile, the corner shopping centre at Frankton roundabout and Queenstown Airport.

As such, it is considered appropriate to approve the proposal to legalise an existing activity which is appropriately located to these areas.

Overall the proposal is considered consistent with *Objective 2 – Residential Form*.

Objective 3 states:

> *Objective 3 - Residential Amenity*
>
> *Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

The proposal is an established land use activity within an existing LDR living environment. Adverse effects have been minimised by an appropriate level of on-site parking provision and the proposed acoustic insulation upgrades which will improve the living environment for residents. The proposed development provides an opportunity to meet community needs particularly in relation to housing provision and affordability.

The granting of this application for resource consent will avoid the displacement of seven small households in an environment whereby affordable housing is scarce.

> *Policy 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*

The proposal does not adversely affect the sense of community or well-being obtained from residential neighbours. This is particularly due to the longevity of the use on site.

Policy 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.

The proposal represents the legalisation of an historic use of the site which has not given rise to any complaints or adverse effects to date. The surrounding area is predominantly a low density living environment within the Frankton area. It is considered that the legalisation of the residential use of the seven units will not compromise this low density environment and as such, the proposal is considered to be consistent with this policy.

Policy 3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

No buildings or alteration to the exterior appearance of the existing building is proposed as part of this application.

Policy 3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

The proposal provides ample on-site car parking opportunities in relation to the scale and nature of the existing residential activities on site, as demonstrated in the assessment above.

Policy 3.11 To require sound insulation and mechanical ventilation for any buildings containing activity sensitive to aircraft noise within the Queenstown Airport Outer Control Boundary and Air Noise Boundary.

The proposal includes upgrading the design of the building to achieve the required acoustic sound insulation of 40 dB Ldn within any critical listening environments, as outlined in the acoustic assessment contained within **Appendix [C]**.

Policy 3.12 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromise through subdivision that results in an increase in the density of the zone that is not anticipated.

The proposal will result in the residential use of seven former motel units being legalised. This is a residential density is not entirely consistent with the LDR; however, given the subject site is located within the Visitor Accommodation Subzone, the former use of the site (being a motel) is anticipated. It is considered that adverse effects over and above what is anticipated will be less than minor.

As demonstrated above, the increase in density of the zone will not compromise the character and accompanying amenity values of the LDRZ given the historic use of the site, adequate on-site parking provision, acoustic insulation upgrades, the small scale of each unit, the subject site's location in terms of public amenities and public transport routes, and the housing affordability and the demand for this type of housing within a District under immense pressure.

Overall the proposal is considered consistent with Objective 3 – Residential Amenity

7.2.3 Objectives and Policies - Queenstown Residential and Visitor Accommodation Areas

Objectives:

Objective 1 *Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.*

The proposal represents the formalisation of an existing residential use within a visitor accommodation subzone of the LDRZ. The residential use of the site is of a scale, density and character which will not give rise to any adverse effects on the environment. No changes to the built form (save for the proposed acoustic insulation) are proposed therefore, access, sunlight or views will not be affected from within or outside of the subject site.

Objective 2 *Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.*

The residential use of the site will result in an additional level of social cohesion when compared to the anticipated visitor accommodation use of the site. The proposal represents a consolidation of residential activities within a residentially zoned area.

Objective 3 *Consolidation of high density accommodation development in appropriate areas.*

Given the visitor accommodation subzone overlaying the subject site, coupled with the former use of the building, it is considered that the legalisation of an established use resulting in the consolidation of a higher density of permanent residential accommodation is appropriate on this site. Additionally, it is noted that the site has been developed with a reasonably low built form (single storey) which is keeping with the character of the surrounding zone

Policies:

Policy 1 *To protect the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.*

The formalisation of the existing use of the site is considered to limit the peripheral expansion of residential areas by promoting the consolidation of a residential community while protecting the character and amenity of the area. As demonstrated in the assessment above, the scale and nature of each residential activity is such that any adverse effect on the character and amenity of the surrounding residential environment will be no more than minor. Adequate parking is provided within the site relative to the scale of each activity.

Policy 3 *To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.*

As previously mentioned, the proposal seeks to formalise an existing land use. Although not in keeping with the LDRZ, the longevity of its existence and the preceding approved land use (visitor accommodation) has not given rise to adverse effects on the environment. The residential use of the site has been established for some 25 years or more and is an acceptable (yet illegal) land use at this location. The residential activity aids social cohesion in this area of Frankton and positively contributes to housing affordability, variety of housing types supplied and aids demand in the District.

Policy 4 *To provide for higher density residential activity around the town centres and in new areas of residential development.*

As mentioned, the subject site is located in an area that is close to local shopping centres including Frankton/Terrace Junction, the Remarkables Park and Five Mile.

Policy 5 *To encourage additional consolidated residential activity in the District.*

The proposal represents a consolidation of residential activity on an appropriate site.

Policy 6 *To provide for a residential environment which allows a range of housing types, including care for the elderly and dependent relatives.*

The proposal offers a range in housing types being one and two bedroom residential units. The nature and scale is such that the offering is suitable for one or two person household units or elderly. Additionally, these units would be affordable to lower income earning residents of the District.

Policy 11 *To require sound insulation and mechanical ventilation of any buildings that contain activity sensitive to aircraft noise on land within the Outer Control Boundary to achieve an indoor design sound level of 40 dB Ldn, based on the 2037 noise contours.*

The proposal includes acoustic insulation upgrades to ensure each residential unit achieves an indoor design sound level of 40 dB Ldn based on 2037 noise contours.

Part 14 Transport

14.1.3 Objectives and Policies – Parking and Loading

The relevant objectives and policies contained within Part 14 – Transport of the ODP include:

Objective 5 -Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.

Objective 5 and associated policies seek sufficient accessible parking to cater for the anticipated demands of activities, while controlling adverse effects. It is considered that the proposed parking, being at least one onsite parking space per residential unit, is sufficient to cater for the anticipated demand given each residential unit is only one or two bedrooms.

Overall, the proposal is consistent with the objectives and policies of the Operative District Plan.

Proposed District Plan

A new LDR chapter of the QLDC District Plan was notified on 26 August 2015. Relevant objectives and policies are listed in Part 3 – Urban Environment, Chapter 7 (Low Density Residential).

The notified LDRZ chapter recognises that this zone is the largest residential zone in the District. The provisions within Chapter 7 relate to land that has already been substantively developed, as well as areas that will continue to be developed over time.

Fundamentally the provisions of Chapter 7 provide for traditional suburban densities and housing forms. However, within this zone, provisions support some increased density, whether through smaller scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options.

Whilst limited weight should be given to these provisions given decisions have not yet been released, they can be considered at a broad level. Specifically, the relevant Objectives and Policies are as follows:

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

Policy 7.2.3.1 *Ensure any higher density residential development is planned and designed to fit well within its immediate context, paying particular attention to the way the development:*

- *Relates to neighbouring properties, through employing larger setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts*
- *Avoids large continuous building facades that are not articulated or broken down into smaller elements*
- *Provides street activation through connection between front doors and the street.*

Policy 7.2.3.2 *Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, with particular regard to the street frontage of developments.*

As demonstrated above, no changes to the external appearance of the existing single storey building containing seven residential units are proposed. The legalisation of an existing land use provides is

appropriate in this location in the context of the historic use of the site. The activity fits well within the immediate context

7.2.4 Objective - Allow low rise, discrete infill housing as a means of providing a more diverse and affordable housing stock.

Policy 7.2.4.1 Provide for compact, low rise infill housing that does not fundamentally compromise the integrity of the zone's low density character and amenity values.

The proposed legitimisation of an existing use will provide discrete infill housing that is low rise as a means of providing a more diverse and affordable housing stock, and which does not fundamentally compromise the integrity of the zone's low density residential character and amenity values.

7.2.7 Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

The site is connected to existing reticulated services. No new connections or access are proposed.

Policy 7.2.7.1 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.

Adequate parking is provided on site such that impacts on surrounding streets resulting from on-street parking is minimised.

Policy 7.2.7.2 Development is designed consistent with the capacity of existing infrastructure networks and seeks low impact approaches to storm water management and efficient use of potable water supply.

The site is currently serviced with no new connections or servicing proposed. No additional demand will be placed on infrastructure networks given the historic use of the site.

Policy 7.2.7.3 Development is integrated with, and improves connections to, public transport services and active transport networks (tracks, trails, walkways and cycleways).

The subject site is located in proximity to public transport services and active transport networks including the Frankton Trail, Kelvin Peninsula Walkway and other nearby parks and reserves.

Objective - 7.2.10 Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs

7.2.10.1 Require, as necessary, mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

7.2.10.2 *Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

The subject site is located within the OCB of Queenstown Airport. As such, the applicant has proposed acoustic insulation upgrades to ensure compliance with noise levels experienced in Critical Listening Environments within each of the proposed residential units. As such, it is considered that the proposal is in accordance with Objective 7.2.10 and associated policies.

Overall, for the reasons outlined in the above assessment, it is considered that this application is consistent with the relevant Objectives and Policies contained within Part 3, Chapter 7 of the PDP.

National Policy Statement on Urban Development Capacity 2016

The National Policy Statement on Urban Development Capacity 2016 ("NPS") has been developed to recognise the significance of the following:

(a) *Urban Environments and the need to enable such environments to develop and change; and*
(b) *Providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.*

The NPS provides direction for Councils to ensure that their planning decisions enable the supply of housing to meet demand. The NPS specifically requires that Council's provide in their District Plans enough development capacity to ensure the demand for land for housing (and business purposes) and varying types, sizes and locations of such are provided and are commercially feasible to develop.

The land supply also needs to be plentiful enough to recognise that not all feasible development opportunities will be taken up. However, the supply of land for this purpose and the direction of the NPS is not to provide the supply with complete disregard to the environmental effects.

Overall the NPS requires an evidence based approach to development capacity with responsive planning to provide for urban growth and infrastructure in the short, medium and long term. It is considered that the formalisation of an existing residential use of the subject site would be in accordance with this NPS, providing additional capacity to meet the needs of people and communities while ensuring that any adverse effects on the environment are no more than minor.

10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The legalisation of an existing use provides an efficient use of the site in terms of residential land use, without detrimentally affecting the wider surrounds. The proposal will not adversely affect any matters listed above in respect of sustainable management and is therefore consistent with this purpose.

The proposal also is an efficient use of physical resources to meet the reasonably foreseeable needs of future generations particularly in the near future in response to quality housing demand and supply. The proposal will safeguard the life supporting capacity of air, water, soil and ecosystems by being located in an established area which is zoned to accommodate residential activity. The proposal, with the consent conditions imposed by the Council (if any), continues to avoid, remedy and mitigate any adverse effects of activities on the environment.

11.0 CONCLUSION

Consent is sought to authorise the residential use of a former motel complex thereby exceeding anticipated density.

The activity is assessed as a non-complying activity.

The actual and potential effects on the environment have been outlined in Section 7 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. In addition no persons are considered to be adversely affected.

The proposed development is consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the proposed development is granted as proposed.

APPENDIX 4 – APPLICANT AEE – PART 2 (EMAIL RECEIVED ON 17 JULY 2017 FROM REBECCA HOLDEN)

From: Rebecca Holden
To: EJ Matthee
Subject: RE: RM170650- Ready to be formally receive
Date: Monday, 17 July 2017 10:15:15 AM
Attachments: image001.png
image002.png
image005.jpg

Hi EJ,
I can confirm that the applicant seeks a restricted discretionary activity consent pursuant to Rule 7.5.3.4vi as the proposal does not comply with Site Standard 7.5.5.2vii with regards to Outdoor Living Space. The District Plan requires a minimum provision of 36m2 of outdoor living space, contained in one area with a minimum dimension of 4.5m at ground floor level for each residential unit contained within the net area of the site. The outdoor living space shall be readily accessible from a living area and no living space shall be occupied by any building, driveway or parking space.
The definition of 'Outdoor Living Space' states:
"Means an area of open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated".
No private outdoor living space is provided for each unit. However, as depicted on the Parking Plan forming Appendix H to the application, contained within the site to the rear of the units is a large lawn area. This area also contains a clotheslines for the mutual use of the occupants, and a bbq area along the eastern boundary of the site. This communal outdoor living area is accessible from the living areas of Units 3-7.
Units 1 and 2 share a covered porch area accessible from the living spaces within these units, but can also access the communal outdoor living space to the rear albeit not from a living space.
The relevant assessment matters are contained within Part 7.7.2xii of the Operative District Plan. Taking into consideration these assessment matters, the lack of private outdoor living space will not adversely affect the ability of the site to provide for the outdoor living needs of present and future residents of the site given the alternative provision of communal areas. The communal areas will still provide resident's with access to ample sunlight and fresh air, with communal amenities such as the clothes line, bbq and access to the laundry being similarly provided off this space to the rear of the units. This communal space will enhance cohesion of residential activities on site, and promote a sense of community and sense of well-being for residential neighbours.
Although separation between private and communal spaces may be a good urban design outcome as you suggest, it is considered that given the historical nature of this activity being a former motel unit, in this instance it is not considered necessary. The composition of the activity on site is such that other areas, including parking, laundry, and outlook are similarly shared. In addition, the subject site is within a 5minute walk from public walkways, parks and reserves including Frankton Beach and Queenstown Trail.
Hopefully this response sufficiently addresses this outstanding matter.
Kind regards,
Rebecca

Rebecca Holden
Resource Management Consultant

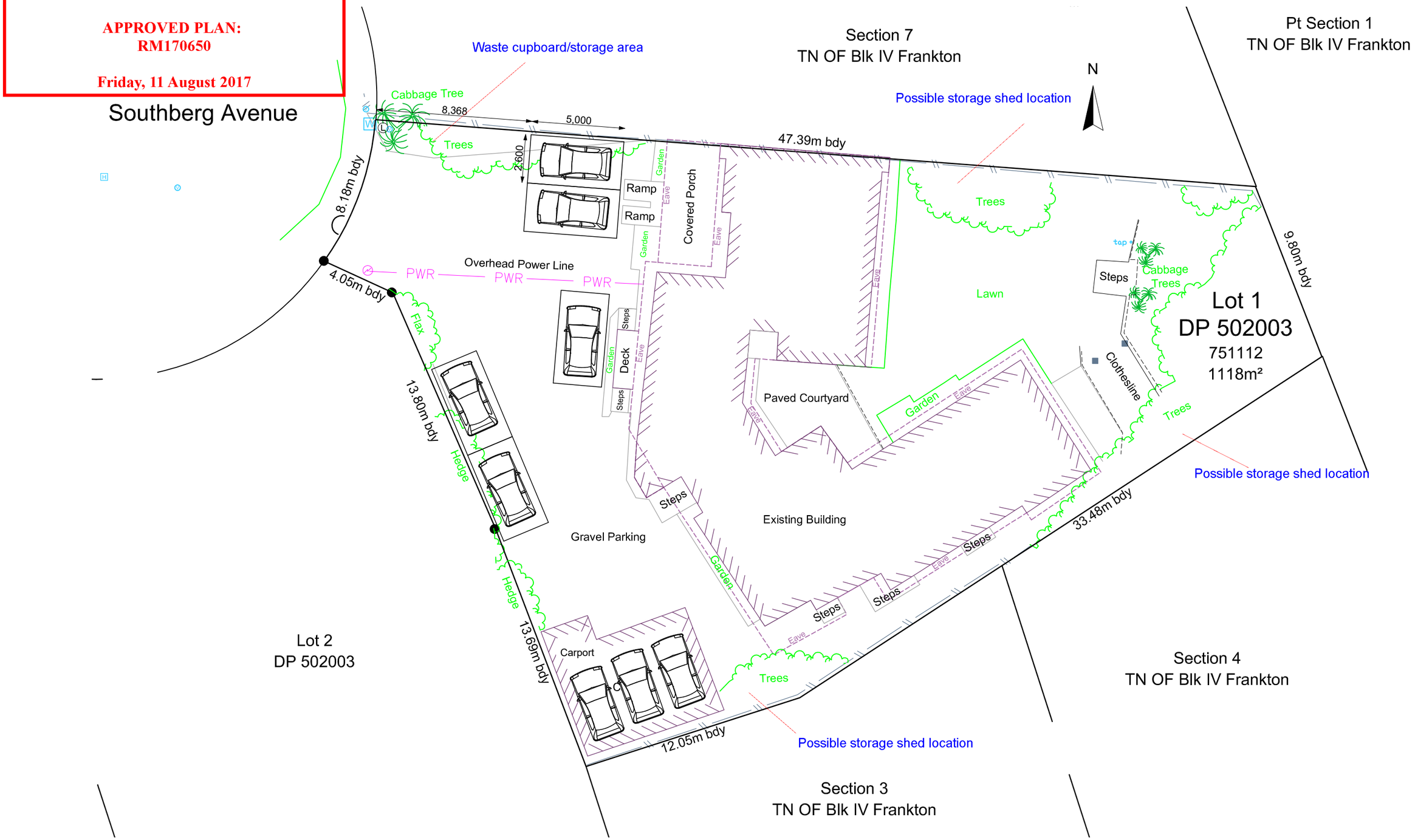
T: +64 3 409 0140
F: +64 3 409 0145
M: +64 21 170 1496
19 Man Street
Queenstown

PO Box 1081
Queenstown
New Zealand

From: EJ Matthee [mailto:EJ.Matthee@qldc.govt.nz]
Sent: Friday, 14 July 2017 3:55 p.m.
To: Rebecca Holden
Subject: RM170650- Ready to be formally receive
Hi Rebecca,
Thanks for your time on the phone.

As discussed, the application is ready to be formally received. There is just one outstanding matter – Outdoor living space.
I will not return the application under S88 and will send it to be formally received today, provided you address this outstanding matter.
As discussed, please update the AEE to trigger the applicable rule breach and provided an assessment.
A well-designed communal outdoor living space might be a good mitigation method in this regard.
Please note that a Good urban design outcome would require a separation between private a communal spaces, but also be mindful that the location of this area could trigger other rules and have additional effects.
I will leave it up to you and your client to address.
Council advice that you request for this application to be places on hold while you address the above as changes to the proposal/design (Additional breaches applied for) later down the track could be considered a new application which could restart the statutory clock.
Lastly, I would like to compliment you on a really well written and comprehensive AEE. This really speeds up the process.
Kind regards,

Elias Matthee BAHons, MCRP
Planner | Planning & Development
Queenstown Lakes District Council
DD: +64 3 450 0316
ej.matthee@qldc.govt.nz



1 SITE PLAN 1:200

MICHAEL WELLS
DESIGN LIMITED
michaelwellsdesigner@gmail.com
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Tel : 03 441 8966
Mobile : 021 262 7627

Revision	Code	Date
Drawn by MJW	Date : 22-05-2017	

All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only

Project
CHRIS SPENCE
UNITS
9 SOUTHBERG AVENUE
FRANKTON

Drawing Status
INFORMATION
DRAFT

Sheet Title
SITE PLAN

TO SCALE @ A3

Sheet Number
101

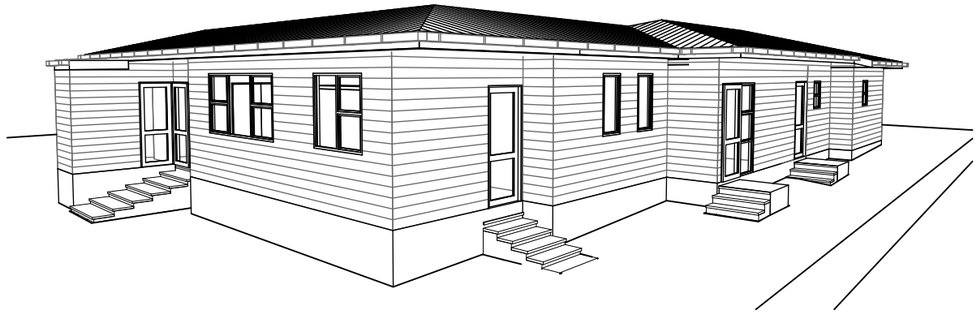
Revision

1 FLOOR PLAN 1:50

MW DESIGN	MICHAEL WELLS DESIGN LIMITED michaelwellsdesigner@gmail.com www.michaelwellsdesign.co.nz Tel : 03 441 8966 Mobile : 021 262 7627				All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only	Project SPENCE SPENCE 9 SOUTHBERG AVENUE FRANKTON	Drawing Status INFORMATION ISSUE 1	Sheet Title FLOOR PLAN	TO SCALE @ A1	Sheet Number 101	Revision
		Revision	Code	Date						
		Drawn by MJW		Date : 15-05-2017						

LAYOUT ID	LAYOUT NAME
	SHEET INDEX
101	FLOOR PLAN
201	ELEVATIONS
202	ELEVATIONS

VIEW 1



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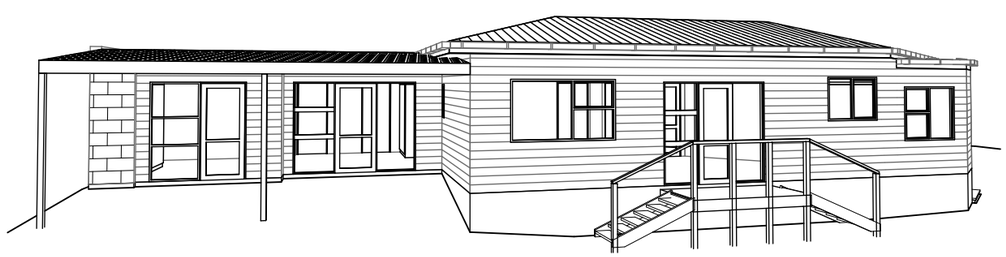

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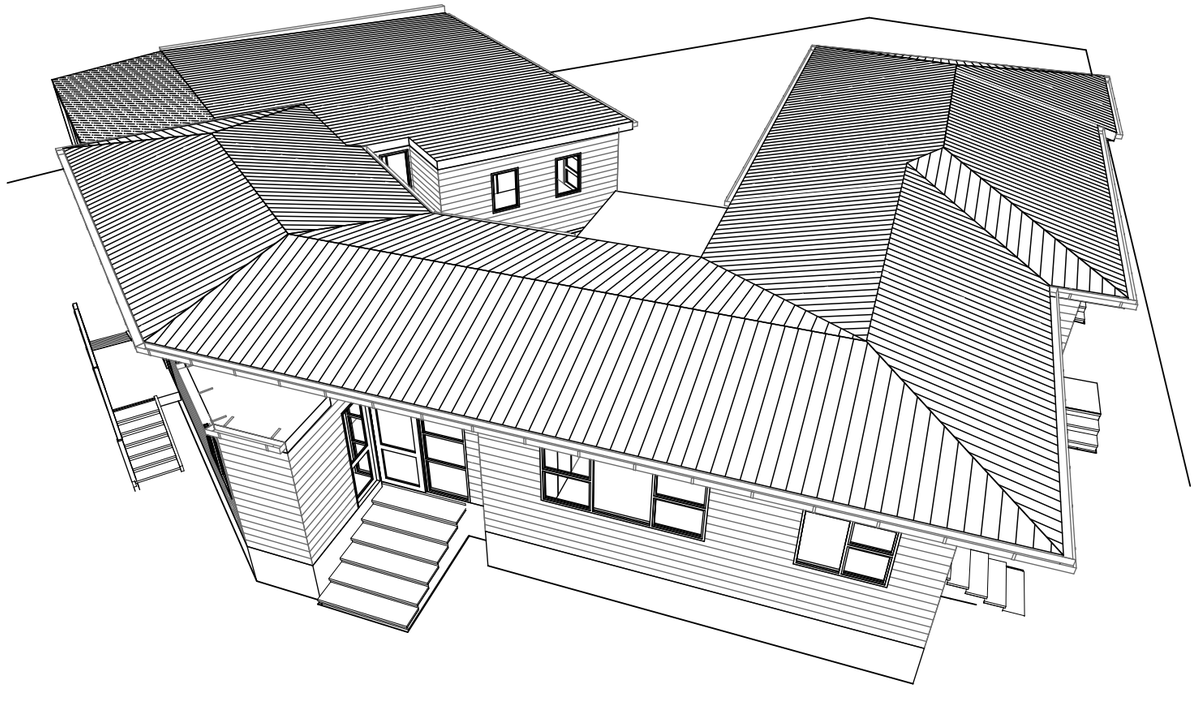

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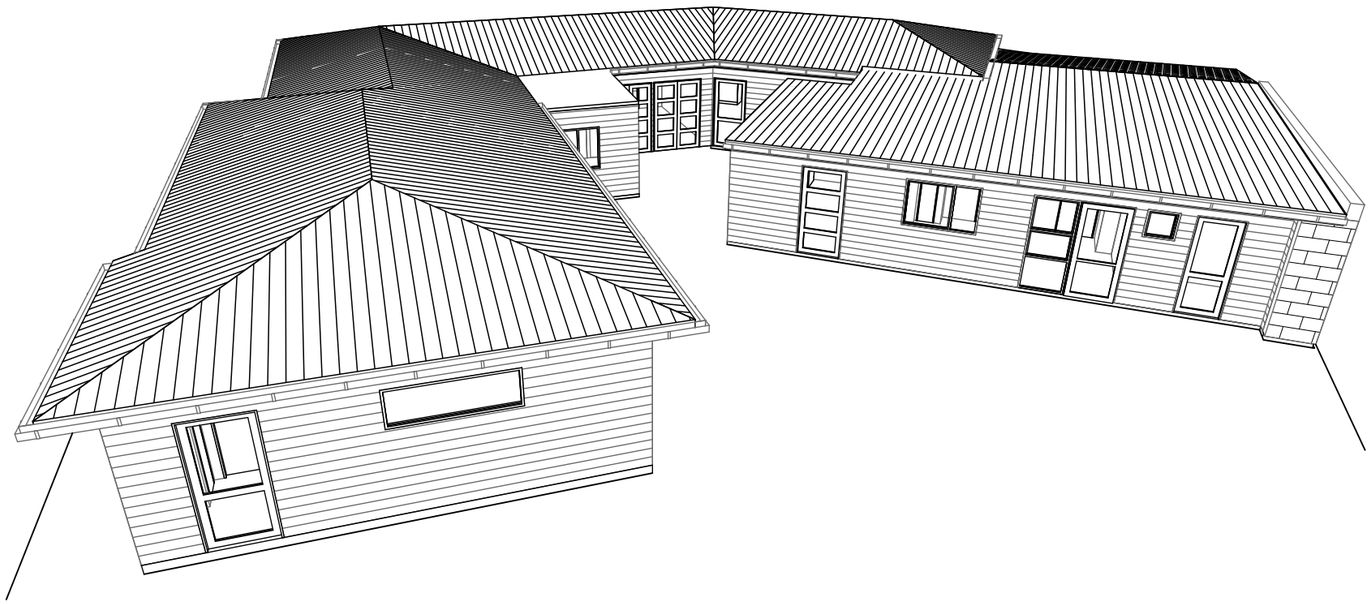

VIEW 5

MICHAEL WELLS
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Revision	Code	Date
Drawn by MJW		Date : 15-05-2017

All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only

Project
CHRIS SPENCE
UNITS
9 SOUTHBERG AVENUE
FRANKTON

Drawing Status
INFORMATION
ISSUE 1

Sheet Title
SHEET INDEX

TO SCALE @ A3

Sheet Number

Revision

APPENDIX B – RESOURCE CONSENT RM180192 - DECISION

QUEENSTOWN LAKES DISTRICT COUNCIL

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Delos Investments Limited
RM reference:	RM180192
Application:	Land use consent to re-establish the visitor accommodation use of the site and for an associated parking shortfall.
Location:	9 Southberg Avenue, Frankton
Legal Description:	Lot 1 Deposited Plan 502003 held in computer freehold register 751112
Zoning	
Operative District Plan:	Low Density Residential (Visitor Accommodation Subzone)
Proposed District Plan (Stage 1 Decisions Version):	Lower Density Suburban Residential
Proposed District Plan (Stage 2):	Lower Density Suburban Residential
Designation:	# 3 - Airport Outer Control Boundary
Activity Status:	**Non-complying**
Date	**27 July 2018**

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 Werner Murray, Senior Planner, on 27 July 2018 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Werner Murray, Senior Planner as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Resource consent RM170650 was recently granted to change the use of seven motel units from visitor accommodation use to residential use. Consent is sought to re-establish or re-instate/formalise the visitor accommodation use of the site and for an associated parking shortfall.

It is not proposed to use the site for both residential and visitor accommodation use at the same time. It is proposed to use the whole seven unit property (9 bedrooms with maximum 2 adults per bedroom) year round (365 days a year), but to limit the occupancy to 18 guests on site at any one time. The units and subject site are shown in figure 1 and outlined in yellow below.

The applicant propose to undertake changes to the building to ensure acoustic insulation and mechanical ventilation requirements within the Airport Outer control boundary (OCB) are met, as per the District Plan requirements.

The applicant has provided a description of the proposal (4), the site and receiving environment (2) and the relevant site history (3) in Sections 2 – 4 of the report entitled RESOURCE CONSENT APPLICATION TO RE_ESTABLISH THE VISITOR ACCOMMOATION USE OF THE SITE, prepared by Rebecca Holden of Southern Planning Group, and submitted as part of the application (hereon referred to as the applicant's AEE – part 1 and attached as Appendix 3). This description is considered accurate and is adopted for the purpose of this report with the following additions/amendments:

- As set out in the email received on 21 February 2018 from Rebecca Holden, the applicant is also proposing to breach the parking space standards with a shortfall of 3 parking spaces. This email is submitted as part of the application, is considered accurate and is adopted for the purpose of this report (hereon referred to as the applicant's AEE- part 2 and attached as Appendix 4).

- The applicant explains in section 5 of the AEE (Part1) that the motels were granted planning permission on 6 July 1979 (Submitted as part of the application), that the consent were given effect to and that it can therefore be considered as part of the existing environment which may therefore be considered as part of the permitted baseline.

  Further investigation has, however revealed that the Planning permission referred to relates to another site and can therefore not be considered as part of the existing environment. It is however likely that the motel had existing use rights, but given that the use has been discontinued for several years, these rights are likely lost.

Adjoining property

Figure 1: Subject site

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

OPERATIVE DISTRICT PLAN (ODP)

The subject site is zoned Low Density Residential (Visitor Accommodation Subzone) and the proposed activity requires resource consent for the following reasons:

- A **Controlled** activity resource consent pursuant to Rule 7.5.3.2ii for visitor accommodation in the Low Density Visitor Accommodation Sub-Zone. The Council reserve control in respect of:

  a) The location, external appearance and design of buildings;

  b) The location, nature and scale of activities on site;

  c) The location of parking and buses and access;

  d) Noise, and

  e) Hours of operation.

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4 as the activity does not comply with Site Standard 7.5.6.2iii which requires any building which is to be used for visitor accommodation to be located 4 metres from an internal boundary, where the site(s) adjoining that internal boundary is zoned residential. The existing building is located within this northern and south eastern setback, which adjoins sites zoned residential. The Councils discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3ii as the activity does not comply with Site Standard 14.2.4.1i which requires 1.5 on site car parking spaces per visitor accommodation unit. Only one car parking space per unit is provided on site, with one visitor park; eight in total, where a total of 10.5 is required. The Councils discretion is restricted to this matter.

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

PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 5 May 2018. The subject site is zoned Lower Density Suburban Residential by the Stage 1 Decisions Version 2018 and there are no rules for which the proposed activity requires resource consent.

PROPOSED DISTRICT PLAN – STAGE 2 NOTIFIED VERSION

Council notified Stage 2 of the Proposed District Plan (**Stage 2 Notified Version 2017**) on 23 November 2017. There are no rules within the **Stage 2 Notified Version 2017** that have immediate legal effect and which require resource consent.

As the application was lodged prior to 5 May 2018, the activity status continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged.

Summary of Activity Status

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

3. SECTION 95A NOTIFICATION

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The applicant does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity, a restricted discretionary or discretionary subdivision or residential activity, or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB and public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv). Therefore, public notification is not precluded by Step 2.

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a).

A consent authority must publicly notify an application if it decides under s95D(8)(b) 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 3.3.1 below:

3.3.1 Assessment of Effects On The Environment (S95D)

3.3.2 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) *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer section 3.3.3 below).*

c) *The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95D(c)).*

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

3.3.3 Permitted Baseline (S95D(B))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, all visitor accommodation in the Low Density Residential (Visitor Accommodation Subzone) requires consent and there is no permitted baseline of relevance.

3.3.4 Assessment: Effects On The Environment

Taking into account sections 3.3.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Sections 7.7.2 ii and 14.3.2 iii of the District Plan and have been taken into considered in the assessment below.
The Assessment of Effects provided at section 7 of the applicant's AEE (Part 1) is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following as a summary and some additional comments:

Amenity

It should be highlighted that visitor accommodation is an anticipated activity within the low density residential visitor accommodation sub zone. The applicant has nevertheless submitted a site management plan which outlines how waste, noise and parking would be manged. The applicant has also volunteered conditions to mitigate any anticipated adverse effects associated with the VA use of the site.

Plan change 35 related to airport noise, this plan change is now operative. Rule 7.5.5.3(vi)(a) requires new buildings, and alterations and additions to existing buildings containing an activity sensitive to Aircraft Noise to be designed to achieve design sound levels. It is noted that the current proposal is not for a new building or alteration/addition to a building, and as such this rule is not a requirement. The applicant however has volunteered conditions in line with the suggested design sound levels.

Further conditions are imposed and accepted by the applicant with regards to the provision of a waste storage area. These methods are accepted and it is considered that the anticipated adverse effects in terms of residential amenity would be less than minor.

Car parking provision

It is considered that the parking available on site, being eight parking spaces in total, is sufficient to cater for the demand of the activity. The applicant proposes to limit the number of occupant to 2 adults per bedroom, with a total of 9 bedrooms, it would limit the occupancy to 18 people. Given that people on holiday generally share vehicles or use taxis and other forms of public transport and given the nature and scale of the visitor accommodation activity proposed, it is considered that the parking demand is adequately catered for.

The seven units are small in scale with two studio units, three one-bedroom units and two two-bedroom units. The sizes of these units are comparable to that of residential flats, which only require one parking space under the District Plan provisions. The site is also walking distance from the airport, public transport routes, and walking/cycling trails that facilitate alternative modes of active or public transport.

Overall it is considered that the anticipated adverse effects associated with the proposal would have a less than minor effect on the environment.

3.3.5 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. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4.0 EFFECTS ON PERSONS (s95B)

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

4.2 Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity or is not a prescribed activity.

4.3 Step 3: if not precluded by step 2, certain other affected persons must be notified

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity.

The proposal therefore falls into the 'any other activity' category and the effects of the proposal on any persons are assessed in accordance with section 95E in section 4.3.1 below to determine if limited notification is required.

4.3.1 Assessment Of Effects On Persons (s95E)

4.3.2 Assessment: Effects on Persons

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

Adverse Effects:	**Effects on Persons**
Traffic Generation	Nil
Dominance / Privacy	Nil
Shading	Nil
Amenity / Density	Less than minor
Views and Outlook	Nil
Land Stability	Nil
Safety	Nil
Noise	Less than minor

As outlined above in Section 3.3.4, the subject site is in the visitor accommodation (VA) sub zone and visitor accommodation and the associated effects are anticipated on the site. In addition the permitted use of the site could result in a greater residential activity in terms of numbers of occupants. Anticipated adverse effects in terms of amenity and noise has been addressed in Section 3.3.4 above and found to be less than minor.

The existing building proposed to be use for visitor accommodation is located within 4 meters of the boundaries shared with sites zoned residential. It is considered that associated adverse effects on these neighbouring owners and occupiers with regards to noise, privacy and amenity would be adequately mitigated by the proposed site management plan, existing boundary fence and the proposed sound insulation so that it would be less than minor.

The applicant has volunteered conditions to be imposed with regards to acoustic insulation and mechanical ventilation to ensure compliance with the district plan provisions. Subject to these conditions it is anticipated that any reverse sensitivity effects, with regards to the airport and the outer control boundary, would be less than minor.

Should the use remain as it currently is, acoustic insulation would not need to be installed. Adding a visitor accommodation use that has previously operated on the site via this consent will ensure that the future visitor accommodation or residential uses will have a higher level of noise insulation as a result of this consent. Further it is considered that due to the temporary nature of noise effects on visitors compared to residents the additional use that will be enabled by this consent is less sensitive to noise than what currently exists.

It is therefore considered that the owners and occupiers of the adjoining sites as shown in figure 1 would not be adversely affected to a minor or more than minor extent.

No other person is considered to be potentially affected by the overall proposal.

4.3.3 Decision: Effects on Persons (s95B(1))

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

4.4 Step 4 – Further Limited Notification in Special Circumstances

Special circumstances do not apply that require limited notification.

5.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 3.3.5 and 4.3.3 the application is to be processed on a non-notified basis.

6.0 S104 ASSESSMENT

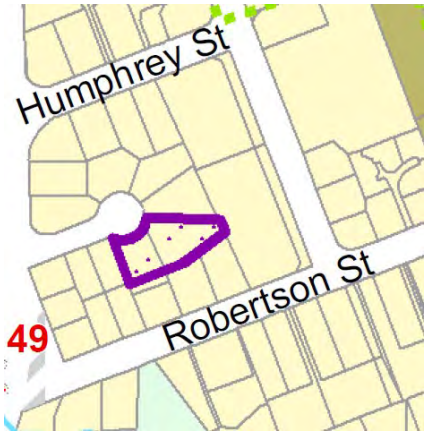
6.1 EFFECTS (s104(1)(a))

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.

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

The Section 104 (1)(b) assessment provided at section 9 of the applicant's AEE is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following additions:

The purpose of the Low Density Residential Zone is to permit activities compatible with residential activity and amenity. The Visitor accommodation subzone (the subject site included) has been scheduled to ensure full protection of Visitor accommodation activities within the subzones and the use of the site for visitor accommodation is therefore anticipated.



District Plan Map 33 shows the subject site outlined in purple as being within the visitor accommodation subzone.

OPERATIVE DISTRICT PLAN (ODP)

The relevant objectives and policies are contained within Part 4 (District Wide issues), Part 7 (Residential Areas - Visitor Accommodation Sub-Zone) and Part 14 (Transport) of the Operative District Plan. Objective 7 and 8 of Part 4 aims to protect airport operations while managing the effects of airport noise. Part 7 aims to provide for the continuing maintenance and enhancement of residential amenity while minimising adverse effects, while Part 14 aims for the provision of sufficient accessible parking facilities to cater for demand while controlling adverse effects.

Having considered the proposal in terms of the objectives and policies contained in Part 4, Part 7 and Part 14 of the Operative District Plan, it is considered the proposal is consistent with the objectives and policies of the Operative District Plan

PROPOSED DISTRICT PLAN (PDP)

Proposed District Plan (PDP) (Stage 1 – Decisions Version 2018) and Proposed District Plan (Stage 2 Notified Version)

QLDC notified the Proposed District Plan on 26 August 2015, and decisions notified on 7 May 2018. The following objectives and policies of the PDP are of relevance: Chapter 3- Strategic Direction, Chapter 4- Urban Development and Chapter 7- Low Density Suburban Residential. It should be noted here that the Visitor accommodation (VA) provisions were withdrawn by the Council on 23 October 2015. As a result, there are no specific provisions relating to VA in the Stage 1 residential zone chapters and replacement rules were subsequently notified through Stage 2 of the PDP.

Council notified Stage 2 of the Proposed District Plan (Stage 2 Notified Version 2017) on 23 November 2017, which included a variation to include VA provisions within the residential zones. There are no rules within the Stage 2 Notified Version 2017 that have immediate legal effect pursuant to section 86B(3) of the RMA and which require resource consent. There are therefore no objectives and policies, which directly relate to rules with immediate legal effect.

However, planning Map 33 as notified as part of Stage 2 identifies the site as being located within the LDRZ, the VASZ has been removed and the amended provisions within Chapter 7 of the PDP are generally more restrictive towards visitor accommodation within the LDRZ (outside of the VASZ). Having reviewed the proposed objectives and policies it is considered that the proposal is in generally inconsistent with what is proposed, however limited weight can be given to these as the decisions have not yet been notified.

Weighting between Operative District Plan and Proposed District Plan (Stage 1 Decisions Version 2018 and Stage 2 Notified Version)

Under the Operative district Plan the Site is located within the Low Density Residential visitor accommodation sub zone. Under the PDP (Stage 1 – Decisions Version 2018) the site is located within the Low Density Suburban Residential zone, but the visitor accommodation sub zone has been removed in the (Stage 2 Notified Version 2017). Given this, it is considered that the proposed visitor accommodation activity, especially at the scale proposed, would be contrary to the Proposed District Plan's policies and objectives as updated by the stage two amendments.

Although contrary to the proposed objectives and policies, given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimum weight can be afforded to them at this stage.

6.3 PART 2 OF THE RMA

As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

6.4 DECISION ON 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 RMA.

7.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Administrative Matters

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

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

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

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.If you have any enquiries please contact Elias Matthee on phone (03) 450 0316 or email EJ.Matthee@qldc.govt.nz.

Report prepared by

Elias Matthee
PLANNER

Decision made by

Werner Murray
SENIOR PLANNER

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Site Management Plan
APPENDIX 3 – Applicant AEE – part 1
APPENDIX 4 – Applicant AEE – part 2 (email received on 21 February 2018 from Rebecca Holden)

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

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

   - Site Plan, Sheet number 101
   - Floor Plan, Sheet number 101
   - Elevations

   stamped as approved on 27 July 2018

   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.

3. Prior to this consent being implemented, the consent holder shall provide written confirmation from a suitably qualified person to confirm that the acoustic insulation/upgrades and the installation of mechanical fresh air ventilation system meets the requirements of the district plan in relation to the aircraft noise outer control boundary (OCB) provisions:

Between the Outer Control Boundary (OCB) and the ANB *- New buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.*

Table 2: Ventilation Requirements

Room Type	***Outdoor Air Ventilation Rate*** *(Air Changes per Hour, ac/hr)*	
	Low Setting	*High Setting*
Bedrooms	*1-2 ac/hr*	*Min. 5 ac/hr*
Other Critical Listening Environments	*1-2 ac/hr*	*Min. 15 ac/hr*
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$ on High Setting and 30 dB $L_{Aeq(1\ min)}$ on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

4. The Visitor Accommodation use of the site shall be undertaken in accordance with the Site management plan submitted as part of the application.

5. Prior to this consent being implemented, the consent holder shall construct a suitable waste cupboard/storage area in the location shown on the approved site plan to enable storage of rubbish bags within prior to collection day. The cupboard/storage area shall not be larger than $5m^2$ in area or higher than 2m.

6. The property, in its entirety, may be used solely for visitor accommodation all year round (unlimited amount of days each year). The property shall not be used for both residential and visitor accommodation use at the same time.

7. The maximum number of guests associated with the visitor accommodation use shall be restricted to two (2) adults per bedroom at any one time.

   Please note: for the purpose of this condition, an adult is aged 16 years and over.

8. Regarding the use of outdoor space:

   a) The use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.

   b) Two (2) signs (minimum A4 size) shall be erected on site to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am. One sign shall be installed in the kitchen of each unit and a weatherproof sign (e.g. laminated) shall be installed within the outdoor area.

   c) Upon installation, and prior to the use of the property for visitor accommodation, the consent holder shall submit photographs of these signs to the Council's Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.

9. Large gatherings of non-tenants or parties are strictly prohibited.

10. No stereo system will be available in the units.

11. All vehicles, including those belonging to visitors, will be parked on site in accordance with the site plan approved in condition 1.

12. The consent holder shall maintain a record of all tenancies in the form of a register containing the number of occupants and the number of days/nights of occupancy. This register shall be made available for inspection by the Council at any times.

    Please note: While the consent holder is responsible for there being an up to date register, the register may be completed by a letting agent / property manager.

13. The consent holder shall ensure that no coaches are to service the authorised activity.

14. The consent holder shall be responsible for ensuring that all rubbish and recycling is disposed of appropriately. Where there is kerbside collection used, rubbish and recycling shall only be placed on the street the day of or the day prior to collection.

15. The Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:

    a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

    b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.

    c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

    d) To deal with any adverse effects in relation to nuisance (including but not limited to noise, parking and rubbish/recycling).

16. As part of the review clause stated in Condition 12 of this consent, the Council may have the Site management plan audited at the consent holder's expense.

For Your Information

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

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

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

APPENDIX 2 – SITE MANAGEMENT PLAN

Appendix D - Site Management Plan – 9 Southberg Avenue

This Management Plan applies to the use of 9 Southberg Avenue (Lot 1 DP 502003 held in Computer Freehold Register 751112) as visitor accommodation in accordance with resource consent.

Property Manager

The Property Manager of this visitor accommodation is: Chris Spence

The Property Manger's Contact Details are as follows:

Address:	14 Bretby Court, Queenstown, 9371
Email:	chris.spence@outlook.com
24hour contact number:	021335513
Alternative contact number:	

The Property Manager shall have the following responsibilities:

General:

- Be available on call to address any breaches of the resource consent.
- Maintain a record of all tenancies detailing the number of occupants and the number of days/nights of occupancy. This register shall be made available for inspection by the Council at all times.
- Keep a dated record of any complaints received, and the steps taken to address the breach. Have this available to QLDC upon request.

On check-in of tenants:

- To provide the tenants with a copy of the House Rules;
- To check that the number of guests/adults does not exceed two (2) adults per bedroom;
- To check that the tenants have not brought their own stereo equipment, or if they have brought such equipment, to impound it for the term of the tenancy;
- To have all adult tenants read the full terms of the tenancy agreement;
- To check that the on-site compendium contains a copy of the House Rules and a copy of the conditions of resource consent per unit.

On servicing and other visits:

- To ensure that rubbish and recycling bins do not remain on the street for more than 24 hours. As the rubbish collection day is Tuesday, this may require a visit on Tuesday or Wednesday.
- To check that the number of tenants does not exceed two (2) adults per bedroom.

House Rules

- There shall be no use of any other outdoor entertainment areas between 10pm and 7 am.
- Any noisy activities should only occur inside after 10pm with windows and doors closed.
- All vehicles, including those used by visitors are to be parked on the site in the allocated parking spaces, not on the street.

- Rubbish bins are to go out on Tuesdays and be brought back in as soon as possible after being emptied.

Other Matters

- A sign will be placed on the door leading to the outdoor areas (decks) stating “This outdoor area is not to be used between 10pm and 7am daily”.
- Signs (minimum A4 size) shall be erected on doors leading outdoor living areas (the deck area) to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00pm to 7.00am.
- In addition, one sign shall be installed in the kitchen of the unit and a weatherproof sign (e.g. laminated) shall be installed within each outdoor area.
- Upon installation, and prior to the use of the property for visitor accommodation, photographs of these signs shall be submitted to the Council Monitoring Department for monitoring purposes. The signs shall be retained on site as long as the visitor accommodation activity is undertaken.

APPENDIX 3 – APPLICANTS AEE – PART 1

RESOURCE CONSENT APPLICATION TO RE-ESTABLISH THE VISITOR ACCOMMODATION USE OF THE SITE

Delos Investments Limited

9 Southberg Avenue,

Frankton

7 February 2018

SOUTHERN PLANNING GROUP

RESOURCE MANAGEMENT CONSULTANTS

CONTENTS

1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	9 Southberg Avenue, Frankton
Applicants Name:	Delos Investments Limited
Address for Service	Delos Investments Limited C/- Southern Planning Group PO Box 1081 rebecca@southernplanning.co.nz Attention: Rebecca Holden
Site Legal Description:	Lot 1 DP 502003 held in Computer Freehold Register 751112
Site Area:	1118 m^2
District Plan Zoning:	Low Density Residential (Visitor Accommodation Subzone)
Designation / Limitations:	Designation # 3 - Airport Outer Control Boundary
Brief Description of Proposal:	Land use consent to re-establish the visitor accommodation use of the site.
Summary of Reasons for Consent:	Controlled Activity

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Computer Freehold Register
Appendix [B]	Architectural Plans
Appendix [C]	Planning Permission dated 6 July 1979
Appendix [D]	Property enquiry dated 1 November 1993
Appendix [E]	Response from Council dated 3 November 1993
Appendix [F]	Property enquiry dated 8 November 1993
Appendix [G]	Acoustic Assessment
Appendix [H]	Parking Plan
Appendix [I]	SmartVent Technical Guide
Appendix [J]	RM170650 – decision
Appendix [K]	Volunteered conditions of consent

.....

Rebecca Holden

7 February 2018

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

The subject site is located at 9 Southberg Avenue, Frankton. The site is legally described Lot 1 DP 502003. The sites Computer Freehold Register (CFR) is attached as **Appendix [A].**

Contained on site are seven former motel units that range in size to include bedsit, one bedroom or two bedroom units. The floor plans and elevations of the existing building are contained within **Appendix [B]**. The site also contains a three-bay car port and parking area.

The surrounding environment (see Figure 1 below) is characterised by older style cribs/dwellings within an established low density residential environment. To the rear of the site along Humphrey's Street and Robertson Street exists an apartment complex comprising 16 units in total, which was established via a Comprehensive Residential Development. The adjoining site to the west at 11 Southberg Avenue is also located within the visitor accommodation sub-zone, although this property contains a single residential unit.

Figure 1: Aerial photo of subject site.

The flat site is located within walking distance of local amenities and employment opportunities including Terrace Junction, Remarkables Town Centre, Five Mile and the Queenstown Airport. The immediate surroundings are still dominated by single older style dwellings.

The site is currently accessed via an existing accessway at the northern-western corner of the property. The site is fully serviced.

It is noted that the site is outside of the Air Noise Boundary ("ANB") but within the Outer Control Boundary ("OCB") under the Operative District Plan ("ODP") (as shown on Proposed Planning Maps 31, 31a and 33). It appears that the relevant maps within the ODP have not been updated after Plan

Change 35 ("PC35") as this plan change can only be 'treated as operative' pursuant to s87F of the RMA given the time for making submissions or lodging appeals on the rule has expired, and all submissions in opposition and appeals have been determined. The only matter still under appeal is the location of the OCB in relation to Lot 6 to the south of the Remarkables Park/Queenstown Airport. As such, the OCB for Queenstown Airport now includes the subject site.

3.0 RESOURCE MANAGEMENT BACKGROUND

Context

The subject site is located within the Visitor Accommodation Subzone meaning that to carry out a visitor accommodation activity, a Controlled Activity resource consent would need to be obtained pursuant to Rule 7.5.3.2ii. No limit is imposed on the number or size of visitor accommodation units within this zone (although the built form would need to comply with the bulk and location, and parking standards or additional resource consents would be triggered). It is noted that the definition of 'Visitor Accommodation' in the ODP specifies that the length of stay is less than three months.

As mentioned in Section 2 of this report, the subject site is located within the OCB which was updated as part of PC35. PC35 provisions including the location of the OCB (with the exception of its location in relation to Lot 6) must be treated as operative pursuant to s87F of the RMA.

The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. PC35 was adopted by QLDC and following the hearing of submissions, and was confirmed on 1st November 2010. However, PC35 was subject to a number of appeals to the Environment Court, which were largely resolved by agreement.

Three interim Environment Court decisions that relate to PC35 together confirm its provisions and those of the associated Notice of Requirements ("NORs"). As mentioned, appeals that have not been resolved relate to the location of the OCB in relation to Lot 6, to the south of the Queenstown Airport. This unresolved matter does not impact on the subject site's location within the OCB.

Visitor Accommodation

On the 16 July 1979, approval was granted by Council (subject to conditions) to construct 14 motel units for the purpose of travellers accommodation. Of the 14 approved units, only seven motel units, each containing kitchen facilities, were established on site.

Council records indicate that the units have been used for long-term residential accommodation for quite some time. Records dating back to 1 November 1993 show evidence of enquiries seeking confirmation from Council that long-term residential occupation of these units was lawfully established. However, the response from Council dated 3 November 1993 verifies the lawfully established visitor accommodation activity, but does not mention any permission being granted for long-term residential occupation of the units on site.

Appendices [C] to [F] to this application contain the relevant records from Council property files relating to the visitor accommodation and enquiries pertaining to the residential activities established on site.

Resource consents

Resource consent **RM950343** granted on 18 May 1995 approved a boundary adjustment between Sections 5 and 6, Block IV, Town of Frankton to create Lot 1 of 1139m^2 and Lot 2 of 672m^2.

In addition, on 21 July 2016, resource consent **RM160542** approved a boundary adjustment between Lot 1 and Lot 2 DP25070, and Section 2 BLK IV Town of Frankton to create the subject site (Lot 1) of 1,118m^2.

On 22 August 2017, resource consent **RM170650** was granted to change the use of the motel units to residential units, to breach site density, parking and outdoor living space requirements. This decision is contained within **Appendix [J]** to this application.

4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Given the age of the original visitor accommodation approval that established the former motel buildings within the subject site (16 July 1979), consent is sought to re-instate/formalise the visitor accommodation use of the site.

To clarify, it is not intended to utilise the site for visitor accommodation concurrently with the residential activity approved by RM170650 whereby some units are used for residential and some for visitor accommodation. If visitor accommodation use of the site is approved, it would apply to the entire property rather than individual units.

Each unit ranges in size to include bedsits, one bedroom or two bedroom units each with a living space/kitchen area. A shared laundry space is provided on-site. Plans of the units are contained **Appendix [B].**

Although no physical changes are proposed to the makeup of the building as part of this application, to ensure acoustic insulation and mechanical ventilation requirements within the OCB are met, the relevant conditions of consent imposed under RM170650 are volunteered as part of this application, as well as a suite of conditions associated with the visitor accommodation activity. These conditions are contained within **Appendix [K]**.

Appendix [G] to this application contains an acoustic assessment prepared by Dr Jeremy Trevathan of Acoustic Engineering Services confirming that the acoustic insulation proposed as part of RM170650 will achieve an Indoor Design Level of 40 dBA Ldn, as per the District Plan requirements.

In addition, it was proposed to install a SmartVent mechanical ventilation system to achieve the mechanical ventilation requirements outlined in Table 2 of Appendix 13 as follows:

The following table sets out the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Table 2: Ventilation Requirements

Room Type	***Outdoor Air Ventilation Rate*** *(Air Changes per Hour, ac/hr)*	
	Low Setting	*High Setting*
Bedrooms	*1-2 ac/hr*	*Min. 5 ac/hr*
Other Critical Listening Environments	*1-2 ac/hr*	*Min. 15 ac/hr*
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$ on High Setting and 30 dB $L_{Aeq(1\ min)}$ on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 ºC heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Appendix [I] to this application contains specifications and calculations of the SmartVent system. The applicant volunteers a condition of consent to provide PF1 certification before 1 July 2019, confirming that these ventilation requirements can be met.

Appendix [H] of this application contains a Parking Plan which demonstrates that there is enough space to park one car per unit, plus an additional space for visitors.

5.0 DESCRIPTION OF PERMITTED ACTIVITIES

When forming an opinion under Section 104(2) of the Act, the Council may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect. This is referred to as the permitted baseline.

The concept of the permitted baseline is that effects of an activity may be disregarded should a plan permit an activity with that effect. If the permitted baseline is applied it is only the effects over and above those which form part of the permitted baseline which must be considered by the Council. The application of the permitted baseline is a discretionary consideration by the Council.

In this case, all visitor accommodation activities within the visitor accommodation sub-zone of the Low Density Residential Zone ("LDRZ") require resource consent as a controlled activity; therefore there is no applicable permitted baseline. However, in combination to considering the permitted baseline, for the purposes of the Section 104(1)(a) assessment under the Act, consideration must be given to the 'environment' of the site. The environment for the site includes the following:

- The current lawful state of the site at the time a resource consent application is considered by the Council; and

- The future state of the site as it might be modified by the utilisation of rights to carry out permitted activities (non-fanciful) allowed under a plan; and

- The future state of the site if 'live' resource consents are implemented where it is likely that such consents will be implemented.

It is noted that the receiving environment/consented baseline includes the activity and buildings approved by the Council on 6 July 1979 which include the construction and use of motel units totalling 14 in number. Seven of the 14 units have been built within the subject site.

The nature and scale of consented activities therefore includes seven motel units of the size and scale detailed on the plans contained within **Appendix [B]** which it can be argued has been given effect to. The residential use of these unis has also been consented by RM170650, which also forms part of the consented baseline.

Overall, it is considered that the Permitted Baseline is relevant for this proposal and will be taken into consideration in the assessment contained within Section 7.

6.0 STATUTORY CONSIDERATIONS

6.1 Queenstown Lakes District Plan

The site is located within the Low Density Residential zone (Visitor Accommodation sub-zone). The following resource consents are sought to authorise the proposed development:

- **Controlled Activity** resource consent pursuant to Rule 7.5.3.2ii for visitor accommodation in the Low Density Visitor Accommodation Sub-Zone. Control is in respect to:

  (a) The location, external appearance and design of buildings;
  (b) The location, nature and scale of activities on site;
  (c) The location of parking and buses and access;
  (d) Noise, and
  (e) Hours of operation.

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

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

7.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

7.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
(b) any physical effect on the locality, including any landscape and visual effects:
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Relevant assessment matters are contained within Section *7.7.2ii – Controlled Activity – Visitor Accommodation* of the Operative District Plan and have been addressed in the assessment below, which include the above matters outlined in Part 2 of the RMA.

(a) The location, external appearance and design of buildings;

The proposal is to formalise the visitor accommodation use of the site which was granted permission in 1979. No changes to the location, external appearance or design of the dwelling are proposed as part of this application. Therefore, there will be no adverse effects on the environment that would affect the visual amenity values of the locality.

(b) The location, nature and scale of activities on site;

The applicant is proposing to undertake visitor accommodation within the former motel units located within the subject site. At full capacity, this activity will accommodate a maximum of eighteen (18) guests staying within the seven units at any one time. To avoid adverse effects, a number of conditions are volunteered by the applicant in order to maintain an appropriate degree of

amenity so that overall urban character of the surrounding area is retained. These are contained within **Appendix [K]**.

As mentioned above, the subject site is located within the visitor accommodation subzone of the Low Density Residential Zone whereby this activity is provided for.

It is considered that any differences between the use of the property for the consented residential activity compared to the visitor accommodation proposed would not be overly noticeable provided suitable conditions are applied to the consent.

As discussed, a suite of conditions are volunteered by the applicant as outlined in **Attachment [K]** to this application.

Given the historic (and consented) use of the site as a former motel, no loss of privacy will result. The proximity of outdoor facilities to residential neighbours is deemed appropriate given it was largely established prior to the development of the surrounding area. The site contains mature landscaping which acts as a buffer between neighbouring properties.

Taking into consideration the volunteered conditions of consent, any adverse effects on the environment in respect to character, scale and intensity of the proposed use of the site are considered to be less than minor.

(c) The location of parking and buses and access;

The current parking arrangement onsite includes three car parking spaces within a car port, and five additional car parks, resulting in eight on-site car parks in total. The Parking Plan is contained within **Appendix [H]** attached.

It is considered that the parking available onsite, being eight parking spaces in total, is sufficient to cater for the demand of the activity given the size of the unit. To satisfy the district plan requirements of 1.25 spaces per visitor accommodation unit, plus 0.25 car parking spaces for staff/guests per unit, 9 car parking spaces would be required, resulting in a shortfall of one parking space. A condition of consent has been volunteered by the applicant to ensure vehicle parking is contained on site, therefore limiting the effects of off-site parking in relation to the surrounding environment.

The proposal will not result in any additional requirements for loading areas, vehicle crossings, or have any effects on pedestrian safety or access. It is not anticipated that visitor accommodation of this nature and scale will require access of parking for buses. The parking arrangements will meet the anticipated demand for a visitor accommodation activity of the nature and scale proposed. Any adverse effects on the environment in respect to parking and access are considered to remain unchanged from the existing established situation. Subsequently, adverse parking and access effects on the surrounding environment will be less than minor.

In addition, the site is walking distance from employment opportunities within the Frankton area, public transport routes, and walking/cycling trails that facilitate alternative modes of active or public transport.

The proposal will not result in any additional requirements for loading areas, vehicle crossings, or have any effects on pedestrian safety or access.

When planning permission was granted for the visitor accommodation use of the site, only one car park per unit was required. Given the nature and scale of the proposed residential activity is considered comparable to that which was previously approved, it is considered that adequate parking is provided.

Overall, any adverse effects on the environment in respect to parking and access are considered to remain unchanged. Subsequently, adverse parking and access effects on the surrounding environment will be less than minor.

(d) and (e) Noise, and Hours of operation.

Noise from VA activities can have effects on adjoining neighbours but the effects are more limited on the wider environment as the distance from the noise source increases. However, the use of the property for visitor accommodation could result in noise generated that is incompatible with that tolerated or anticipated within a residential locality as no on site management is provided.

However, as described above, the visitor accommodation activity is provided for by the visitor accommodation subzone which covers the subject site given its former use as a motel.

The outdoor living spaces for the shared use of guests of each unit are well contained within the subject site, being adequately separated from adjoining properties (see site plan). Noise generated by guests for visitor accommodation in comparison to residential use is not considered to be significant provided the outdoor areas are not used during night time hours.

Notwithstanding, adverse noise effects can be adequately mitigated to an acceptable level, compatible with the residential locality, by the volunteered condition of consent that restricts the use of outdoor areas to between 0800hrs and 2200hrs only. These specific restrictions are considered suitable to minimise the possibility of disturbance of neighbours.

Subject to conditions of consent, any adverse effects on the environment in respect to noise and hours of operation are considered to be less than minor.

Location within Queenstown Airport's Outer Control Boundary

As mentioned in the preceding sections, the subject site is located within Queenstown Airport's OCB as confirmed by PC35 and annotated on Proposed Planning Maps 31, 31a and 33. It appears that the Planning Maps within the ODP have not yet been updated with PC35's interim decision, although this must be treated as operative save for the unresolved matter of the location of the OCB in relation to Lot 6 (which is located to the south of the Queenstown Airport/Remarkables Park).

The OCB is based on a noise contour at or beyond which aircraft noise should not exceed 55dB Ldn. The New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992) recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Visitor accommodation is considered to fall within the definition of ASAN, as defined within the District Plan.

The ODP permits residential units to be located within the OCB so long as the acoustic insulation standards and mechanical ventilation requirements outlined in Zone Standard *7.5.5.3vi Airport Noise*

- *Queenstown Airport* of the ODP (as confirmed by PC35) are met. This Zone Standard is consistent with NZS6805:1992 which requires residential units to meet an internal design sound level of 40dB Ldn. NZS6805:1992 also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

As such, as part of RM170650, appropriate acoustic insulation and ventilation upgrades were proposed, ensured via conditions of consent. Given this consent has been given effect to via the residential occupation of the site, the applicant has until 2019 to carry out this work. Given these conditions are similarly proposed as part of this application, adverse effects resulting from the site's location within Queenstown Airport's OCB are considered to be no more than minor.

Further, to support this view, the assessment contained in RM170650 (**Appendix [J]**) is considered accurate and applicable to this application. It is therefore adopted for the purposes of this report.

Conclusion

Overall any adverse effects on the environment will be less than minor.

7.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

N/A

7.4 I the activity includes the discharge of any contaminant, a description of:

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

7.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

In addition to the resource consent conditions anticipated, mitigation measures include the proposed acoustic insulation upgrades to the building to ensure that any adverse effects resulting from the proximity of the subject site to the Queenstown Airport are adequately mitigated, such that they are less than minor.

7.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

The proposed formalisation of the visitor accommodation use of a former motel site is compatible with the existing land uses in the locality, which include a mixture of residential homes of various ages and size. This has occurred on site since from 1979 when the original planning permission was

given effect to. According to Council records, this former motel has been used for residential purposes since at least 1993.

It is considered that given the nature and scale of each unit, being limited in bedrooms, only less than minor adverse effects could arise from its visitor accommodation use. Visitor accommodation use is provided for by the sub-zone overlay. Adequate parking is provided on site to cater for guests.

Overall, there are no parties considered affected from the activity subject to the acoustic and mechanical ventilation upgrades to the building to mitigate any adverse effect resulting from the site's proximity to the Queenstown Airport, as required by conditions of consent for RM170650 which are similarly volunteered as part of this application.

7.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than standard conditions of consent.

7.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

The proposed activity will have no effect on any customary rights.

8.0 SECTION 95 NOTIFICATION

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). In addition, Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. As outlined above the proposed activity is not likely to have adverse effects on the environment that are more than minor and no persons are considered adversely affected.

Additionally, the applicant has not requested public notification of the application (s95A(2)(b)), no rule or national environmental standard requires public notification of the application (s95A(2)(c)) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

9.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard

- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

Operative District Plan

Relevant objectives and policies are contained within Part 4 *District Wide Issues*, Part 7 *Residential Areas* and Part 14 *Transport* of the ODP.

Part 4 District Wide Issues

4.9.3 Objectives and Policies

The Objectives and Policies contained within Part 4 of the ODP (as modified by PC35) which are of relevance are as follows:

Objective 7 – Queenstown Airport - Noise Management

Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the effects of aircraft noise.

Policy 7.1 To ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

Policy 7.2 To manage the adverse effects of noise from aircraft on any activity sensitive to aircraft noise within the airport noise boundaries whilst at the same time providing for the efficient operation of Queenstown Airport.

Policy 7.3 To manage the adverse effects of noise from Queenstown Aerodrome by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.

The subject site is located within the OCB as confirmed by PC35 (Designation 3). However, the adverse effects of noise from aircraft on the residential activities contained within the subject site (Activity Sensitive to Aircraft Noise ("ASAN")) has been mitigated by appropriate acoustic insulation, as outlined above. As such, the efficient operation of Queenstown Airport will be ensured.

Objective 8 – Queenstown Airport – Urban Growth Management

Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.

Policy 8.1 To prohibit all new activity sensitive to aircraft noise within the Rural, Business and Industrial Zones located within the Outer Control Boundary at Queenstown Airport.

To ensure that all new and altered buildings containing activity sensitive to aircraft noise located in the existing Residential zones, Frankton Flats (A) and Remarkables Park Special Zones within the Queenstown Airport Outer Control Boundary are designed and built to achieve an internal design sound level of 40 dB Ldn, based on the 2037 noise contours.

Policy 8.2 To incorporate airport noise mitigation controls for activity sensitive to aircraft noise enabled by any plan changes or land use proposals for land within the Outer Control Boundary at Queenstown Airport.

The proposed formalisation of existing residential units on site (within a former motel development) has been designed to achieve an internal design sound level of 40 dB Ldn, based on the 2037 noise contours. The incorporation of upgraded acoustic insulation will ensure that airport noise is appropriately mitigated for these ASAN within the OCB at Queenstown Airport.

Overall, the proposal is consistent with the objectives and policies contained within Part 4 – District Wide Issues of the ODP.

Part 7 - Residential

Part 7.1.2 of the ODP specifies the District Wide Objectives and Policies. Overall, the relevant Objectives and Policies seek the provision of pleasant living environments, providing the opportunity for individual and community needs while controlling and minimising adverse effects.

7.1.2 District Wide Residential Objectives and Policies

The district wide (high order) Objectives and Policies of relevance are as follows:

Objective 1 states:

Objective 1 - Availability of Land

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

The proposal is considered to be an efficient and effective method in utilizing land without resulting in significant adverse effects on the natural and physical environment.

Policy 1.3 To promote compact residential and visitor accommodation development.

The proposal promotes compact residential development consistent with this policy. Visitor accommodation is provided for by the subzone overlay of the site, hence the establishment of the built form in 1979.

> *Policy 1.6 To promote, where reasonable, a separation of visitor accommodation development from areas better suited for the preservation, expansion or creation of residential neighborhoods.*

The subject site was originally developed as a visitor accommodation activity, however this application seeks to legalise the residential use of the site. This residential use is in keeping with the surrounding area which largely contains established residential units.

Overall the proposal is considered consistent with *Objective 1 - Availability of Land*.

Objective 2 states:

> *Objective 2 - Residential Form*
>
> *A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.*

The proposal represents compact residential form and is an efficient use of existing services and infrastructure consistent with this objective.

> *Policy 2.1 To contain the outward spread of residential areas and to limit peripheral residential or urban expansion."*

The proposal is utilizing existing physical resources which is an efficient use of the site for residential purposes. The proposal avoids (by its location) the outward spread of residential areas in terms of residential sprawl.

> *Policy 2.5 To encourage and provide for high density development in appropriately located areas close to the urban centres and adjacent to transport routes.*

The proposal will result in a higher density development being legalised within the LDRZ. However, the subject site is appropriately located in an area which is walking distance from public amenities and transport routes including Terrace Junction, Remarkables Town Centre, Five Mile, the corner shopping centre at Frankton roundabout and Queenstown Airport.

As such, it is considered appropriate to approve the proposal to legalise an existing activity which is appropriately located to these areas.

Overall the proposal is considered consistent with *Objective 2 – Residential Form*.

Objective 3 states:

> *Objective 3 - Residential Amenity*

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

The proposal is an established land use activity within an existing LDR living environment. Adverse effects have been minimised by an appropriate level of on-site parking provision and the proposed acoustic insulation upgrades which will improve the living environment for residents. The proposed development provides an opportunity to meet community needs particularly in relation to housing provision and affordability.

The granting of this application for resource consent will avoid the displacement of seven small households in an environment whereby affordable housing is scarce.

Policy 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.

The proposal does not adversely affect the sense of community or well-being obtained from residential neighbours. This is particularly due to the longevity of the use on site.

Policy 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.

The proposal represents the legalisation of an historic use of the site which has not given rise to any complaints or adverse effects to date. The surrounding area is predominantly a low density living environment within the Frankton area. It is considered that the legalisation of the residential use of the seven units will not compromise this low density environment and as such, the proposal is considered to be consistent with this policy.

Policy 3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

No buildings or alteration to the exterior appearance of the existing building is proposed as part of this application.

Policy 3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

The proposal provides ample on-site car parking opportunities in relation to the scale and nature of the existing residential activities on site, as demonstrated in the assessment above.

Policy 3.11 To require sound insulation and mechanical ventilation for any buildings containing activity sensitive to aircraft noise within the Queenstown Airport Outer Control Boundary and Air Noise Boundary.

The proposal includes upgrading the design of the building to achieve the required acoustic sound insulation of 40 dB Ldn within any critical listening environments, as outlined in the acoustic assessment contained within **Appendix [C]**.

Policy 3.12 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromise through subdivision that results in an increase in the density of the zone that is not anticipated.

The proposal will result in the residential use of seven former motel units being legalised. This is a residential density is not entirely consistent with the LDR; however, given the subject site is located within the Visitor Accommodation Subzone, the former use of the site (being a motel) is anticipated. It is considered that adverse effects over and above what is anticipated will be less than minor.

As demonstrated above, the increase in density of the zone will not compromise the character and accompanying amenity values of the LDRZ given the historic use of the site, adequate on-site parking provision, acoustic insulation upgrades, the small scale of each unit, the subject site's location in terms of public amenities and public transport routes, and the housing affordability and the demand for this type of housing within a District under immense pressure.

Overall the proposal is considered consistent with Objective 3 – Residential Amenity

7.2.3 Objectives and Policies - Queenstown Residential and Visitor Accommodation Areas

Objectives:

Objective 1 Residential and visitor accommodation development of a scale, density and character, within sub zones which are separately identifiable by such characteristics such as location, topography, geology, access, sunlight or views.

The proposal represents the formalisation of a previous planning permission for a visitor accommodation land use which has been given effect to. The subject site is located within the visitor accommodation subzone of the LDRZ. The use of the site for visitor accommodation purposes is of a scale, density and character which will not give rise to any adverse effects on the environment. No changes to the built form (save for the proposed acoustic insulation) are proposed therefore, access, sunlight or views will not be affected from within or outside of the subject site.

Objective 2 Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development. Provision for new consolidated residential areas at identified locations.

The visitor accommodation use of the site is within a subzone which provides for this use. The historic use of this site was established prior to much of the residential development occurred on surrounding land. As such, adverse effects on the surrounding neighbourhood are considered to be less than minor.

Objective 3 Consolidation of high density accommodation development in appropriate areas.

Given the visitor accommodation subzone overlaying the subject site, coupled with the former use of the building, it is considered that the legalisation of the visitor accommodation use of the site is appropriate. Additionally, it is noted that the site has been developed with a reasonably low built form (single storey) which is keeping with the character of the surrounding zone

Policies:

Policy 1 *To protect the character and amenity of the residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore.*

The formalisation of the historic use of the site is considered to limit the peripheral expansion of residential areas by promoting the consolidation of a residential community while protecting the character and amenity of the area. As demonstrated in the assessment above, the scale and nature of the visitor accommodation activity is such that any adverse effect on the character and amenity of the surrounding residential environment will be no more than minor. Adequate parking is provided within the site relative to the scale of each activity.

Policy 3 *To enhance the general character of established residential environments in terms of density, height, access to sunlight, privacy and views.*

As previously mentioned, the proposal seeks to formalise an historic land use. Given the visitor accommodation subzone, the use of the site for visitor accommodation purposes is considered to be in keeping with the anticipated use on this site. In addition, the longevity of the built form on the site and the preceding approved land use (visitor accommodation) has not given rise to any known adverse effects on the environment.

Policy 4 *To provide for higher density residential activity around the town centres and in new areas of residential development.*

As mentioned, the subject site is located in an area that is close to local shopping centres including Frankton/Terrace Junction, the Remarkables Park and Five Mile.

Policy 11 *To require sound insulation and mechanical ventilation of any buildings that contain activity sensitive to aircraft noise on land within the Outer Control Boundary to achieve an indoor design sound level of 40 dB Ldn, based on the 2037 noise contours.*

The proposal includes acoustic insulation upgrades to ensure each unit achieves an indoor design sound level of 40 dB Ldn based on 2037 noise contours.

Part 14 Transport

14.1.3 Objectives and Policies – Parking and Loading

The relevant objectives and policies contained within Part 14 – Transport of the ODP include:

> *Objective 5 -Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.*

Objective 5 and associated policies seek sufficient accessible parking to cater for the anticipated demands of activities, while controlling adverse effects. It is considered that the proposed parking, being at least one onsite parking space per unit, is sufficient to cater for the anticipated demand given each unit is only one or two bedrooms.

Overall, the proposal is consistent with the objectives and policies of the Operative District Plan.

Proposed District Plan

A new LDRZ chapter of the QLDC District Plan was notified on 26 August 2015. Relevant objectives and policies are listed in Part 3 – Urban Environment, Chapter 7 (Low Density Residential).

Although the notified chapter as part of Stage 1 included provisions relating to VA, on 23 October 2015, the VA provisions contained within the following notified chapters were withdrawn to allow an "in depth and robust study and analysis of issues and policy option for potential non-statutory consultation with key stakeholders".

Prior to being withdrawn, the Notified PDP identified a Visitor Accommodation Sub-Zone ("VASZ") on the relevant planning maps however; the PDP text did not contain any Objectives, Polices and Rules for VA within this Sub-Zone. Accordingly, while areas of land were identified as being within a VASZ on the planning maps, this in effect had no relevance. Planning Map 33 identified the site as being contained within a VASZ.

On 23 November 2017, QLDC notified Stage 2 of the PDP, which included a variation to include VA provisions within the residential zones listed above. Although Planning Map 33 as notified as part of Stage 2 identifies the site as being located within the LDRZ, the VASZ has been removed.

The amended provisions within Chapter 7 of the PDP are generally more restrictive towards visitor accommodation within the LDRZ (outside of the VASZ).

Whilst limited weight should be given to these provisions given decisions have not yet been released, they can be considered at a broad level. Specifically, the relevant Objectives and Policies are as follows:

> *Objective 7.2.8* *The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.*
>
> *Policy 7.2.8.1* *Provide for accommodation options for visitors in the Low Density Residential Visitor Accommodation Sub-Zones that is appropriate for the low density residential environment.*

Policy 7.2.8.2 *Restrict the establishment of visitor accommodation in locations outside the Low Density Residential Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character and the supply of residential housing is achieved.*

As demonstrated above, no changes to the external appearance of the existing single storey building containing seven residential units are proposed. The legalisation of an historic land use who's built form remains on site is appropriate in this location. The activity fits well within the immediate context.

7.2.4 Objective - *Allow low rise, discrete infill housing as a means of providing a more diverse and affordable housing stock.*

Policy 7.2.4.1 *Provide for compact, low rise infill housing that does not fundamentally compromise the integrity of the zone's low density character and amenity values.*

The proposed legitimisation of an historic and established land use will not fundamentally compromise the integrity of the zone's low density residential character and amenity values given the visitor accommodation subzone which is applied to the site.

7.2.7 Objective - *Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.*

The site is connected to existing reticulated services. No new connections or access are proposed.

Policy 7.2.7.1 *Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.*

Adequate parking is provided on site such that impacts on surrounding streets resulting from on-street parking is minimised.

Policy 7.2.7.2 *Development is designed consistent with the capacity of existing infrastructure networks and seeks low impact approaches to storm water management and efficient use of potable water supply.*

The site is currently serviced with no new connections or servicing proposed. No additional demand will be placed on infrastructure networks given the historic use of the site.

Policy 7.2.7.3 *Development is integrated with, and improves connections to, public transport services and active transport networks (tracks, trails, walkways and cycleways).*

The subject site is located in proximity to public transport services and active transport networks including the Frankton Trail, Kelvin Peninsula Walkway and other nearby parks and reserves.

Objective - 7.2.10 *Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs*

7.2.10.1 *Require, as necessary, mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.*

7.2.10.2 *Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

The subject site is located within the OCB of Queenstown Airport. As was the case with resource consent RM170650, the applicant has proposed acoustic insulation upgrades to ensure compliance with noise levels experienced in Critical Listening Environments within each of the proposed residential units. As such, it is considered that the proposal is in accordance with Objective 7.2.10 and associated policies.

Overall, for the reasons outlined in the above assessment, it is considered that this application is consistent with the relevant Objectives and Policies contained within Part 3, Chapter 7 of the PDP.

10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The formalisation of an historic land use (which has been given effect to) provides an efficient use of the site in terms of residential land use, without detrimentally affecting the wider surrounds. The proposal will not adversely affect any matters listed above in respect of sustainable management and is therefore consistent with this purpose.

The proposal also is an efficient use of physical resources to meet the reasonably foreseeable needs of future generations given the built form already exists within the subject site. The proposal will safeguard the life supporting capacity of air, water, soil and ecosystems by being located in an established area which is zoned to accommodate visitor accommodation activities. The proposal, with the consent conditions imposed by the Council (if any), continues to avoid, remedy and mitigate any adverse effects of activities on the environment.

11.0 CONCLUSION

Consent is sought to authorise the visitor accommodation use of a former motel complex.

The activity is assessed as a controlled activity.

The actual and potential effects on the environment have been outlined in Section 7 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. In addition no persons are considered to be adversely affected.

The proposed development is consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the proposed development is granted as proposed.

APPENDIX 4 – APPLICANT AEE – PART 2 (EMAIL RECEIVED ON 21 FEBRUARY 2018 FROM REBECCA HOLDEN)

From: Rebecca Holden <rebecca@southernplanning.co.nz>
Sent: Wednesday, 21 February 2018 2:02 PM
To: EJ Matthee
Cc: Scott Freeman
Subject: RE: RM180192 - RE: 9 Southberg Avenue - lodged
Attachments: Appendix D - Site Management Plan.docx

Hi EJ,

Thanks for taking a look at this application before I head away.

In my absence, Scott will take over if anything is required (copied into this email). He is familiar with the site.

Although I have not triggered a transport breach, I have included an assessment of the parking shortfall in my AEE. I confirm that consent is also sought to breach Site Standard 14.2.4.1 for a shortfall of three (3) parking spaces. As such, a restricted discretionary consent will be required.

In terms of managing the effects of a VA activity given no on-site manager is proposed, attached is a site management plan addressing these. The occupancy of each unit, if the property is ever used for VA, would be limited to a maximum of two adults per bedroom.

Hope this information satisfies your concerns.

If you require any more information while I am away, the applicant is happy for you to place this application on hold until I return unless it is a small matter, in which case Scott will address.

Regards,

Rebecca Holden
Resource Management Consultant

T: +64 3 409 0140
F: +64 3 409 0145
M: +64 21 170 1496

PO Box 1081
Queenstown
New Zealand

SOUTHERN PLANNING GROUP
RESOURCE MANAGEMENT CONSULTANTS

From: EJ Matthee [mailto:EJ.Matthee@qldc.govt.nz]
Sent: Tuesday, 20 February 2018 3:09 p.m.
To: Rebecca Holden
Subject: RM180192 - RE: 9 Southberg Avenue - lodged

Hi Rebecca,
Could not reach you on the phone.

Could you allocate someone on you team to this consent. In the process of vetting it now and it looks like I would need to return it under S88 as you have not triggered transport rules for the parking shortfall.

Also:

- Change to the original VA as the managers residence has now been cut off. How are you proposing to manage the VA and associated effects now? No on site manager?
- Draft Management plan. We need to know if the effects can be manager by a management plan. We can't rely on conditions requiring a plan to be submitted to manage these effects.
- Parking shortfall - Need to include parking breach (6 (VA units) x 1.5 = 9, 1(Manager unit) x 2 = 2) Need 11 parks, they have 8

Happy to chat on this if you want to give me a call.

Kind regards,

Elias Matthee BAHons, MCRP, Assoc.NZPI
Planner | Planning & Development
Queenstown Lakes District Council
DD: +64 3 450 0316
ej.matthee@qldc.govt.nz

From: Rebecca Holden [mailto:rebecca@southernplanning.co.nz]
Sent: Wednesday, 5 July 2017 9:22 AM
To: EJ Matthee
Subject: 9 Southberg Avenue - lodged

Morning EJ!

Just a heads up that I lodged the Delos Investments Limited application this morning (9 Southberg Avenue)…so it'll be heading your way!

Becky

Rebecca Holden
Resource Management Consultant

T: +64 3 409 0140
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19 Man Street
Queenstown

PO Box 1081
Queenstown
New Zealand

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180192

Friday, 27 July 2018

Southberg Avenue

Waste cupboard/storage area

Cabbage Tree

Trees

8.368

5.000

2.600

8.18m bdy

47.39m bdy

Section 7
TN OF Blk IV Frankton

Pt Section 1
TN OF Blk IV Frankton

N

Ramp

Ramp

Garden

Eave

Covered Porch

Overhead Power Line

PWR PWR PWR

4.05m bdy

Flax

Steps

Deck

Steps

Garden

Eave

Trees

Lawn

Steps

Cabbage Trees

tap

Clothesline

Lot 1
DP 502003
751112
1118m²

9.80m bdy

Paved Courtyard

Garden

Eave

Trees

13.80m bdy

Hedge

Gravel Parking

Existing Building

Steps

Garden

Steps

Steps

Steps

Eave

33.48m bdy

Hedge

13.69m bdy

Carport

Trees

12.05m bdy

Lot 2
DP 502003

Section 4
TN OF Blk IV Frankton

Section 3
TN OF Blk IV Frankton

1 SITE PLAN 1:200

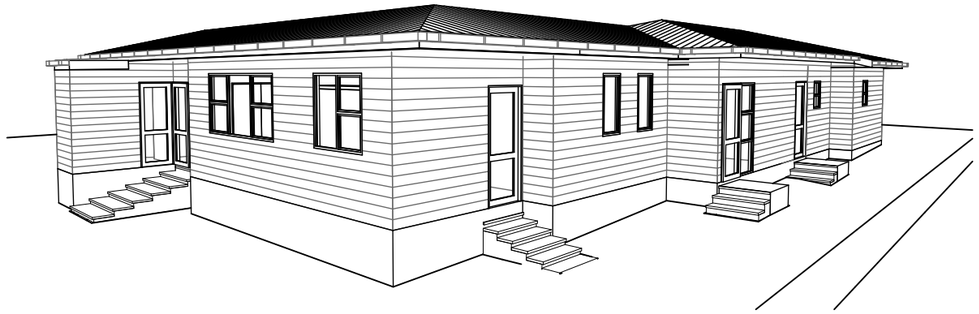
MW DESIGN	MICHAEL WELLS DESIGN LIMITED michaelwellsdesigner@gmail.com www.michaelwellsdesign.co.nz Tel : 03 441 8966 Mobile : 021 262 7627	**Revision**	**Code**	**Date**	All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only	Project CHRIS SPENCE UNITS 9 SOUTHBERG AVENUE FRANKTON	Drawing Status INFORMATION DRAFT	Sheet Title SITE PLAN	TO SCALE @ A3	Sheet Number **101**	Revision
		Drawn by MJW		Date : 22-05-2017							

1 FLOOR PLAN 1:50

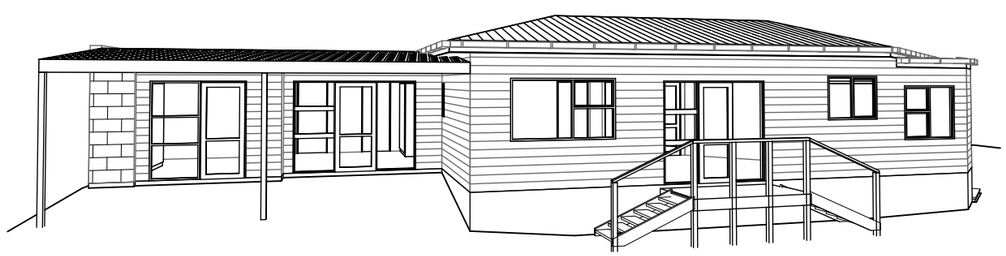
MW DESIGN	MICHAEL WELLS DESIGN LIMITED michaelwellsdesigner@gmail.com www.michaelwellsdesign.co.nz Tel : 03 441 8966 Mobile : 021 262 7627				All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only	Project SPENCE SPENCE 9 SOUTHBERG AVENUE FRANKTON	Drawing Status INFORMATION ISSUE 1	Sheet Title FLOOR PLAN	TO SCALE @ A1	Sheet Number 101	Revision
		Revision	Code	Date						
		Drawn by MJW		Date : 15-05-2017						

LAYOUT ID	LAYOUT NAME
	SHEET INDEX
101	FLOOR PLAN
201	ELEVATIONS
202	ELEVATIONS

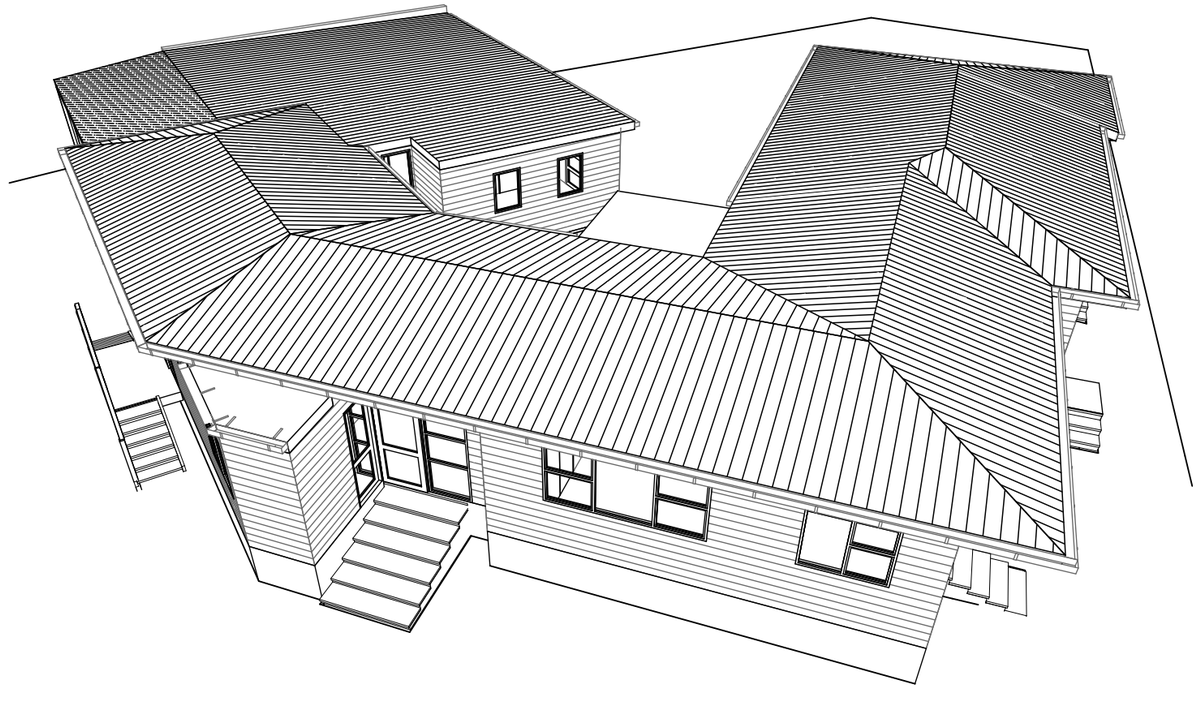
VIEW 1



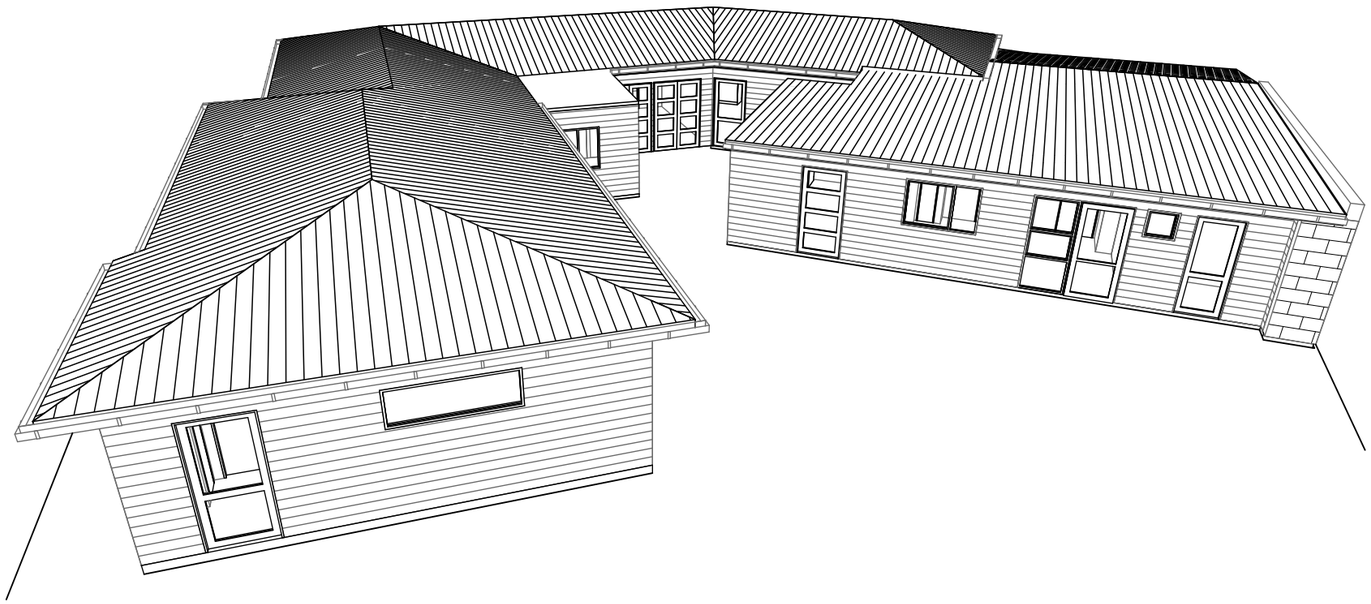
VIEW 2



VIEW 3



VIEW 4



VIEW 5

MW DESIGN	MICHAEL WELLS DESIGN LIMITED michaelwellsdesigner@gmail.com www.michaelwellsdesign.co.nz Tel : 03 441 8966 Mobile : 021 262 7627	**Revision**	**Code**	**Date**	All work and materials to comply with current New Zealand Standards - Read drawings in conjunction with all other structural and consultants drawings, specifications and relevant building consents - all measurements to be checked on site prior to construction, if in doubt ask - 3D views are indicative only	Project CHRIS SPENCE UNITS 9 SOUTHBERG AVENUE FRANKTON	Drawing Status INFORMATION ISSUE 1	Sheet Title SHEET INDEX	TO SCALE @ A3	Sheet Number	Revision
		Drawn by MJW		Date : 15-05-2017							