

## **APPENDIX B CONSENTS REQUIRED**

### **Queenstown Lakes Proposed District Plan**

The reasons for consent under the Queenstown Lakes PDP in accordance with Clause 5(1)(f) of Schedule 5 of the FTAA are as follows:

#### **Subdivision**

- A discretionary activity consent pursuant to Rule 27.5.12 for subdivision within the Rural Zone.
- A discretionary activity consent pursuant to Rule 27.5.6 for subdivision within the Jacks Point Zone that complies with the minimum lot areas and the zone and location specific rules in Part 27.7.
- A non-complying activity consent pursuant to Rule 27.7.36 as none of the proposed residential lots in the Rural Zone contain a building platform as required by Rule 27.7.34.
- A non-complying activity consent pursuant to Rule 27.5.28 which relates to subdivision which do not comply with the standards relating to servicing and infrastructure in Rule 27.7.39. As the subdivision is being staged, there will be temporary balance lots created which will not be serviced until they are further developed.

#### **Lapse Date**

A 15 year lapse date, unless an extension of time is granted under s125 of the RMA, is proposed for the subdivision consent to allow the subdivision to be completed in stages.

#### **Land Use**

##### ***Buildings and Reservoirs***

- A discretionary activity consent pursuant to Rule 21.4.9 for the use of buildings for residential activity in the Rural Zone. Consent is sought to enable residential activity to occur on the single house lots located within the Rural zoned portion of the site.
- A discretionary activity consent pursuant to Rule 21.4.11 for the construction of buildings including ancillary roading, access, lighting and earthworks in the Rural Zone. Consent is sought to construct residential buildings including associated works on the single house lots located within the Rural zoned portion of the site.
- A restricted discretionary consent pursuant to Standard 21.5.1 relating to the 15m minimum setback from internal boundaries in the Rural Zone. The internal setbacks are proposed to be a minimum of 1m as detailed in the proposed design controls.

- A restricted discretionary consent pursuant to Standard 21.5.2 relating to the 20m minimum setback from roads in the Rural Zone. The proposed minimum road setback for buildings is 3m with a minimum 5m setback for garages as detailed in the proposed design controls.
- A restricted discretionary consent pursuant to Standard 21.7.1 relating to structures greater than 5m in length and between 1-2m in height being required to be setback a minimum distance of 10m from a road boundary in the Rural Zone. The proposed minimum road setback is 3m and fencing of up to 2m in height is proposed along the boundaries behind the front setback distance.
- A restricted discretionary consent pursuant to Standard 21.7.2 relating to the colour of exterior surfaces for buildings in the Rural Zone. The proposed external cladding controls for the single house lots are detailed in the proposed design controls and these replicate the materials and colour controls for the Jacks Point Zone which are slightly less onerous than the controls for the Rural Zone.
- A discretionary activity consent pursuant to Rule 41.4.4.3 for the installation of the proposed reservoirs within the OSG activity area of the Jacks Point Zone.
- A discretionary activity consent pursuant to Rule 41.4.4.13 for more than 39 residential units within the Residential OSR South Activity Area of the Jacks Point Structure Plan. There are 12 residential lots approved on the adjoining land (Homestead Bay Peaks) to the southwest and there are 203 lots proposed within the OSR South Activity Area (either fully or partially within the activity area) under this application resulting in a total of 215 residential lots.
- A discretionary activity consent pursuant to Standard 41.5.4.2 for the location of a building within the open space area created by the proposed subdivision. The proposed reservoirs, WTP and WWTP are all to be located within the OSG Activity Area.
- A non-complying activity consent pursuant to Standard 41.5.4.9(b) to exceed the 4m building height in the OSR activity area of the Jacks Point Zone for the construction of future residential buildings up to a maximum height of 8m and for the installation of the reservoirs, WTP and WWTP within Lot 12 within the OSG activity area which are to have a maximum height of 5.38m for the reservoirs and 6m for the WTP and WWTP buildings and tanks.
- A non-complying activity consent pursuant to Standard 41.5.4.10 which requires that no residential units be constructed in the OSR activity area of the Jacks Point Zone until 80% of the freehold land within the Open Space Foreshore (OSF) Activity Area has been planted with native endemic species. The majority of the OSF Activity Area is not owned by the Applicant and the Applicant does not have a right of access to implement planting outside of the site boundaries. Of the area of the application site which is within the OSF activity area, approximately 73% is to be planted in native endemic species.
- A discretionary activity consent pursuant to Standard 41.5.5.1 requiring development to be in general accordance with the Jacks Point Structure Plan. The

proposed residential lots within the OSR South activity area and the utilities within the OSG activity area are a variance to the Structure Plan.

- A restricted discretionary activity consent pursuant to Standard 41.5.5.3 for an additional intersection on to SH6 to provide access for the development within the Jacks Point Zone.

#### *Utilities*

- A controlled activity pursuant to Rule 30.5.1.10 for stormwater detention/retention ponds.
- A controlled activity pursuant to Rule 30.5.1.11 for the construction of buildings (associated with a utility) greater than 10m<sup>2</sup> in footprint or 3m in height associated with a utility.
- A discretionary activity consent pursuant to Rule 30.5.1.14 for structures and earthworks for the protection of the community from natural hazards.
- A discretionary activity consent pursuant to Rule 30.5.1.14 for structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards.
- A discretionary activity consent pursuant to Rule 30.5.1.16 for flood protection works.
- A discretionary activity consent pursuant to Rule 30.5.1.18 for water and wastewater treatment facilities.
- A discretionary activity consent pursuant to Rule 30.5.2.1 for the setback of utility buildings from internal and road boundary setbacks. The internal setback requirement in the Rural Zone is 15m and the road setback requirement is 20m. There are no specified internal or road setbacks for the applicable activity areas in the Jacks Point Zone. The future WWTP and WTP buildings and reservoirs may also not comply with these setbacks from the boundaries of proposed Lots 9025 and 9026.
- A discretionary activity consent pursuant to Rule 30.5.2.3 to exceed the maximum height limit in the underlying zone for utility buildings. The maximum height in the Rural Zone is 8m and the maximum height for buildings in the applicable activity areas in Jacks Point is 4m. The reservoirs are to have a maximum height of 5.38m and the WTP and WWTP and associated tanks are to have a maximum height of 6m above ground level.

#### *Earthworks*

Earthworks associated with subdivision are exempt from the rules relating to maximum volume, cut and fill standards and the limit on cleanfill transported by road. The following consents are however required:

- A restricted discretionary activity consent pursuant to Standard 25.5.11 for earthworks across slopes that exceed 10 degrees that are greater than 2,500m<sup>2</sup> in area and across slopes that are less than 10 degrees that will be greater than 10,000m<sup>2</sup> in area.
- A restricted discretionary activity consent pursuant to Standard 25.5.18 for subdivision earthworks greater than 0.5m in height or depth along the boundary. Furthermore, a blanket land use consent is sought to allow for the filling and associated construction of retaining walls supporting fill up to 1m in height on / along the boundaries of the proposed single house lots.
- A restricted discretionary activity consent pursuant to Standard 25.5.19.1 for earthworks within 10m of the bed of a water body that exceeds 5m<sup>3</sup> within a 12 month period. Earthworks are proposed within 10m of the three water bodies that extend through the site, including within the bed of waterbodies for the installation of underground pipes, culverts/crossings and stormwater infrastructure.

### *Transport*

- A restricted discretionary activity consent pursuant to Rule 29.4.9 for public transport facilities.
- A restricted discretionary activity consent pursuant to Rule 29.4.11 for a high traffic generating activity in the Rural Zone.
- A restricted discretionary activity consent pursuant to Rule 29.4.12 for a high traffic generating activity in the Jacks Point Zone.
- A restricted discretionary activity consent pursuant to Rule 29.5.13(a) relating to vehicle access being in accordance with the QLDC CoP. The new road designs incorporate alternative design solutions to those shown in the CoP.
- A restricted discretionary activity consent pursuant to Rule 29.5.13(c) which states that no private way, private shared access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites. There are three medium density superlots which will potentially have a shared access servicing more than 12 units. Furthermore, it QLDC do not agree to the vesting of all or any of the roading lots, consent would also be required for this.
- A restricted discretionary activity consent pursuant to Rule 29.5.17(a) relating to minimum site distances. Sightlines will not be satisfied at some lots due to proximity to intersections.
- A restricted discretionary activity consent pursuant to Rule 29.5.21(a) where no part of any vehicle crossing shall be located closer to the intersection of any roads than 25m.

### *Indigenous Vegetation Biodiversity*

- A controlled activity consent pursuant to Rule 33.4.3 for indigenous vegetation clearance of trees that are greater than 4m in height for the construction of trails up to 1.5m in width.
- A discretionary activity consent pursuant to Rule 33.4.7 for the clearance of vegetation within 20m of the bed of a waterbody including ephemeral or seepage wetland. Clearance of exotic and weed species will be undertaken in these areas and some limited indigenous vegetation clearance may be necessary for the formation of the recreational trails and stormwater infrastructure in the Southern and Central gullies.
- A restricted discretionary activity consent pursuant to Standard 33.5.2 for the clearance of indigenous vegetation exceeding 500m<sup>2</sup> in a continuous period of 5 years in land environments with less than 20% remaining indigenous vegetation cover. The majority of the site has less than 10% with the remainder between 10-20%. Removal of 0.9ha of indigenous vegetation is proposed.
- A restricted discretionary activity consent pursuant to Standard 33.5.3 for the clearance of more than 50m<sup>2</sup> of matagouri within a 5 year period which has a canopy of 1.5m in height or greater. Small remnant areas of matagouri are to be removed in the central-western area of Lot 8 and on the terrace face where required for the formation of trails, installation of infrastructure and earthworks.

#### *Lapse date*

A 25 year lapse date is proposed for the land use consents listed above in relation to the construction of residential units and retaining walls on Lots 1 – 1438 (unless an extension of time is approved under s125 of the RMA), to allow for all of the proposed subdivision stages to be completed and residential units constructed within Lots 1 – 1438.

A 15 year lapse date is proposed for all of the remaining land use consents to align with the proposed lapse date for the subdivision works.

#### **Regional Water Plan: Otago**

The reasons for consent under the Water Plan: Otago in accordance with Clause 5(1)(f) of Schedule 5 of the FTAA are as follows:

- A discretionary activity consent pursuant to Rule 12.2.4.1(i) for the taking and use of groundwater as the proposal does not comply with permitted activity Rule 12.2.2.4 for a take that exceeds the maximum litres per day and for a take within 100m of Lake Wakatipu.
- A discretionary activity consent pursuant to Rule 12.3.4.1 for the diversion of water that does not meet permitted activity Rule 12.3.2.1 as the upstream catchment is more than 50 hectares. Diversion of stormwater from the upstream catchment is proposed via swales and bunds along the SH6 boundary and part of the southern boundary. A temporary diversion may be required to enable the works to increase the capacity of the Northern Channel.

- A discretionary activity consent pursuant to Rule 12.A.2.1 for the discharge of human sewage onto land in circumstances where it may enter water as the proposal does not meet permitted activity Rule 12.A.1.4 because the average flows will be 2,005 litres per day and the minimum setback of the LTA's will be 10m setback from streams. While the rule is technically breached, advice supporting this application does not anticipate human sewage entering water prior to soakage through land and would follow a high level of treatment.
- A restricted discretionary activity consent pursuant to Rule 13.2.2.1 for the placement of a culvert crossing within the Southern Channel which does not meeting the permitted activity requirements in Rule 13.2.1.7B as the top of the crossing will be higher than 2m above the lowest part of the bed.
- A discretionary activity consent pursuant to Rule 13.5.3.1 for the alteration of the bed of a river where the permitted activity Rule 13.5.1.1 cannot be met. The Northern Channel is proposed to be modified to increase its flow capacity and the standards in Rule 13.5.1.1 relating to the works within the bed being no more than 10 hours in duration cannot be met.
- A discretionary activity consent pursuant to Rule 14.3.2.1 for the erection of a defence against water. The proposed bund along the SH6 boundary of the application site will act as a defence against water and divert stormwater flows towards the Southern and Northern Channels.
- A restricted discretionary activity consent pursuant to Rule 14.5.2.1 for residential earthworks that will exceed 2,500m<sup>2</sup> in area within a 12 month period and within 10m of a waterbody.

#### *Consent duration*

A 35 year consent duration is sought for all of the above consents relating to taking of groundwater, diversion of stormwater, discharge of human sewage and wastewater and the defence against water. These durations are sought to give assurance for the high level of infrastructure investment needed to occur.

A 15 year timeframe is sought for the approvals for the culvert crossing and residential earthworks to allow for all of the proposed subdivision stages to be completed (including additional contingency time).

#### **Regional Plan: Air for Otago**

The reasons for consent under the Regional Plan: Air for Otago in accordance with Clause 5(1)(f) of Schedule 5 of the FTAA are as follows:

- A discretionary activity consent pursuant to Rule 16.3.7.3 for the discharge of contaminants into air from land application of treated effluent as the proposed land application does not meet the permitted activity standard in 16.3.7.1 due to the LTA proximity to residential dwellings, formed public roads and public amenity areas. The proposed wastewater discharge is to be via sub-surface dripper lines and therefore no discharge to air is anticipated.

### *Consent duration*

A 35 year consent duration is sought for all of the above consent to align with the consent sought for the discharge of wastewater and human sewage.

### **Regional Plan: Waste**

The reasons for consent under the Regional Plan: Waste in accordance with Clause 5(1)(f) of Schedule 5 of the FTAA are as follows:

- A discretionary activity consent pursuant to Rule 5.6.1(1) of the Waste Plan for earthworks to occur on contaminated land (areas identified as having had HAIL activities occur).

### *Consent duration*

A 15 year timeframe is sought for the approval to allow for all of the proposed subdivision stages to be completed (including additional contingency time).

### **Resource Management Act**

Approval is sought under Section 42(4)(a) to cancel three consent notices that have been applied under the RMA. This is a discretionary activity pursuant to Section 87B in accordance with Section 221 of the RMA. The proposed cancellation is of the following consent notices:

- a. Consent Notice 5572493.1 which relating to the renewing of the easement for the right to convey water over Section 6 SO 22367, or to provide a suitable alternative approved water supply. This pertains to Area "J" which is located on the other side of SH6 from Lot 8.
- b. Consent Notices 6863718.6 and 6929597.12 that require compliance with the approved Jacks Point Development Plan for Lot 12 which is shown as being for Golf Course Activities.

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

The following consents are required under this NES-CS:

- A restricted discretionary activity consent pursuant to Regulation 10 of the NES-CS as a DSI has been provided for all of the identified HAIL sites except the airstrip refuelling and washdown pad. This states that there are areas of soil contamination that exceeds the applicable standards.
- A discretionary activity consent pursuant to Regulation 11 of the NES-CS as there is no DSI for the identified HAIL site associated with the airstrip refuelling and washdown pad

## **National Environmental Standard for Freshwater**

A number of the consenting requirements in this NES-FW relate to whether works within, or in the vicinity of a wetland are for the purpose of constructing 'urban development'.

The *Urban Development Act 2020* defines 'urban development' as including:

- (a) development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing;*
- (b) development and renewal of urban environments, whether or not this includes housing development;*
- (c) development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.*

The National Policy Statement on Urban Development 2020 includes a definition of 'urban environment' as:

*any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people*

The proposal includes the development of housing and related commercial development, infrastructure works and amenities and once constructed, will result in a development of predominantly urban characteristics (density of residential development, roading, reticulated services) and will be part of both the Southern Corridor and wider Queenstown Lakes housing and labour market of more than 10,000 people. The proposal is therefore considered to constitute an 'urban development'.

The following consents are required for the proposal under the NES-FW:

- A restricted discretionary activity consent pursuant to Clause 45C(1) relating to vegetation clearance within, or within a 10m setback from a natural inland wetland for the purpose of constructing urban development. The vegetation within, or within 10m of five of the six identified wetlands is to be removed.
- A restricted discretionary activity consent pursuant to Clause 45C(2) relating to earthworks or land disturbance within, or within a 10m setback from a natural inland wetland for the purpose of constructing urban development. Earthworks are proposed within (and within 10m) of five of the six identified wetlands within the site. These wetlands will no longer exist following completion of earthworks.
- A restricted discretionary activity consent pursuant to Clause 45C(3) relating to earthworks or land disturbance outside a 10m, but within a 100m setback from a natural inland wetland where it is for the purpose of constructing urban development and will result in, or is likely to result in, the complete or partial drainage of all or part of the wetland. Earthworks are proposed between 10m and



100m of five of the six identified wetlands within the site as these wetlands will no longer exist following completion of earthworks.

- A discretionary activity consent under Clause 71 for the placement, use of a culvert on and over the bed of a river. Culverts are proposed within the Southern Channel and within Lot 12 under the access track to the reservoir which require this consent.

### **Activity Status**

Overall, this application is for a non-complying activity.

### **Approvals relating to the Wildlife Act 1953**

Wildlife Authority approval is sought under Section 53 of the Wildlife Act for the catch and handling of wildlife on the site, potential killing of wildlife and destruction of habitat.

#### *Consent duration*

A 15 year timeframe is sought for the approval in line with DoC's usual approval timeframes. It is acknowledged that if the subdivision is not completed in this timeframe that an additional Authority will be required.