

QLDC Council**27 August 2015****Report for Agenda Item: 17****Department: Operations****Affected Person Approval – 595 Frankton Road, Queenstown****Purpose**

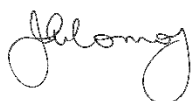
- 1 The purpose of this report is to consider Affected Person Approval for a proposed new hotel/apartment development at 595 Frankton Road.

Recommendation

That Council:

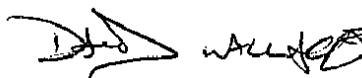
1. **Note** the contents of this report;
2. **Execute** affected person approval for variation of resource consent application RM 150175 plans dated 15 July 2015, allowing landscaping in Council reserve adjacent to the Frankton track known as Section 50 Block XXI Shotover SD provided:
 - a. The applicant volunteer a condition of consent for RM150175 to enter into a memorandum of understanding (MOU) with Council outlining the responsibilities of the consent holder in relation to the works in the reserve to ensure works are appropriate, the area is maintained by the consent holder, public access is maintained and other appropriate standard Council MOU conditions relating to landscaping in reserves.
3. **Delegate** to the Manager of Parks and Reserves the authority to sign an affected person approval on the terms set out in item 2 above

Prepared by:

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Property Manager – APL

7/08/2015

Reviewed and Authorised by:

David Wallace
Senior Planner – Parks and
Reserves

7/08/2015

Background

- 2 In 2008 resource consent was granted to FRJ Developments for a hotel/apartment development to be built at 595 Frankton Road. That included Council granting an affected party approval for the development and landscaping approval to allow some of the associated landscaping to encroach into the adjoining recreation reserve, Section 50 Block XXI, Shotover survey district. The plans for that proposal are attached as appendix A
- 3 That development was never undertaken and the current owners are seeking a variation to the consent for a very different building that also includes some earthworks and landscaping in the Council recreation reserve.

Comment

- 4 The contour of both the applicant's site and the adjoining reserve is very steep. In order to build the building they propose on it, the developer must cut into the site. The building will sit well above the reserve.
- 5 The land between the Frankton track and the development is scrubland. The proposal will see earthworks undertaken to provide a terraced slope covered with low ground cover planting.
- 6 The applicant believes that the proposed new building will have much less impact on users of the reserve than the previously approved development proposal. This is because the building is terraced back from the lakefront rather than being a four-storey façade right on the boundary as was previously consented.
- 7 An important consideration is that the works now proposed are likely to be a better outcome for the reserve area than the consented works that could be carried out and have been previously approved by Council. The urban design panel have also viewed the proposal and believe it is a better design than the consented design.
- 8 The applicant has offered to enter into a Memorandum of Understanding with Council in regards to the details of the planting including the conditions Council will impose for maintenance and health and safety.
- 9 We understand that the developer may seek a further variation of the resource consent at a later date to include structures on the reserve if he is able to secure a licence to occupy the reserve. To get a licence to occupy, an application will be presented to the Property Sub-Committee for consideration, be publicly notified and then be presented to Council for final approval or decline.

Options

- 10 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 11 Option 1 To approve the affected person approval for FRJ Developments resource consent that includes undertaking landscaping and earthworks on

Council reserve Section 50 Block XXI Shotover SD. The proposed contours are as shown by the plan dated 15 July 2015 and included as Attachment C with simple low level planting and grassed areas over the earthworked area.

12 Advantages:

- 13 Approving the affected person approval will enable the adjoining owner to achieve resource consent for the development in a timely manner as it is not likely the proposal would require public notification if Council's affected party approval as landowner is obtained for the works in the reserve.

14 Disadvantages:

- 15 The new plan still creates areas of reserve that will benefit the occupiers of the units.

- 16 Option 2 Not to approve the affected person approval for FRJ Developments resource consent to undertake landscaping and earthworks on Council reserve Section 50 Block XXI Shotover SD as shown by the plan dated 15 July 2015.

17 Advantages:

- 18 None identified because the developer has the option of reverting to the approved resource consent which also includes work on the reserve.

19 Disadvantages:

- 20 Does not provide a timely and positive outcome for the developer and subsequent purchaser.

- 21 This report recommends Option 1 for addressing the matter because the developer and Urban Design Panel advise that it has less impact on the reserve than the consented design.

Significance and Engagement

- 22 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it does not involve Council significant assets important to the Queenstown Lakes District community. It does not impact on Council's capability and capacity.

Risk

- 23 This matter related to the operational risk OR027 levels of service, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk as it requires a decision from Council for a private activity.
- 24 Option 1 recommended above mitigates the risk by providing the applicant with a decision in a timely manner and follows the appropriate process.

Financial Implications

25 There are no financial implications with approving this request.

Council Policies, Strategies and Bylaws

26 The following Council policies, strategies and bylaws were considered:

- Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights, Foreshore Management plan.

27 The recommendation is consistent with the plan.

28 This matter is included in the 10-Year Plan/Annual Plan

- Administration associated with overseeing this approval will be covered in existing property budget provisions.

Local Government Act 2002 Purpose Provisions

29 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by giving a prompt response to the applicant;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

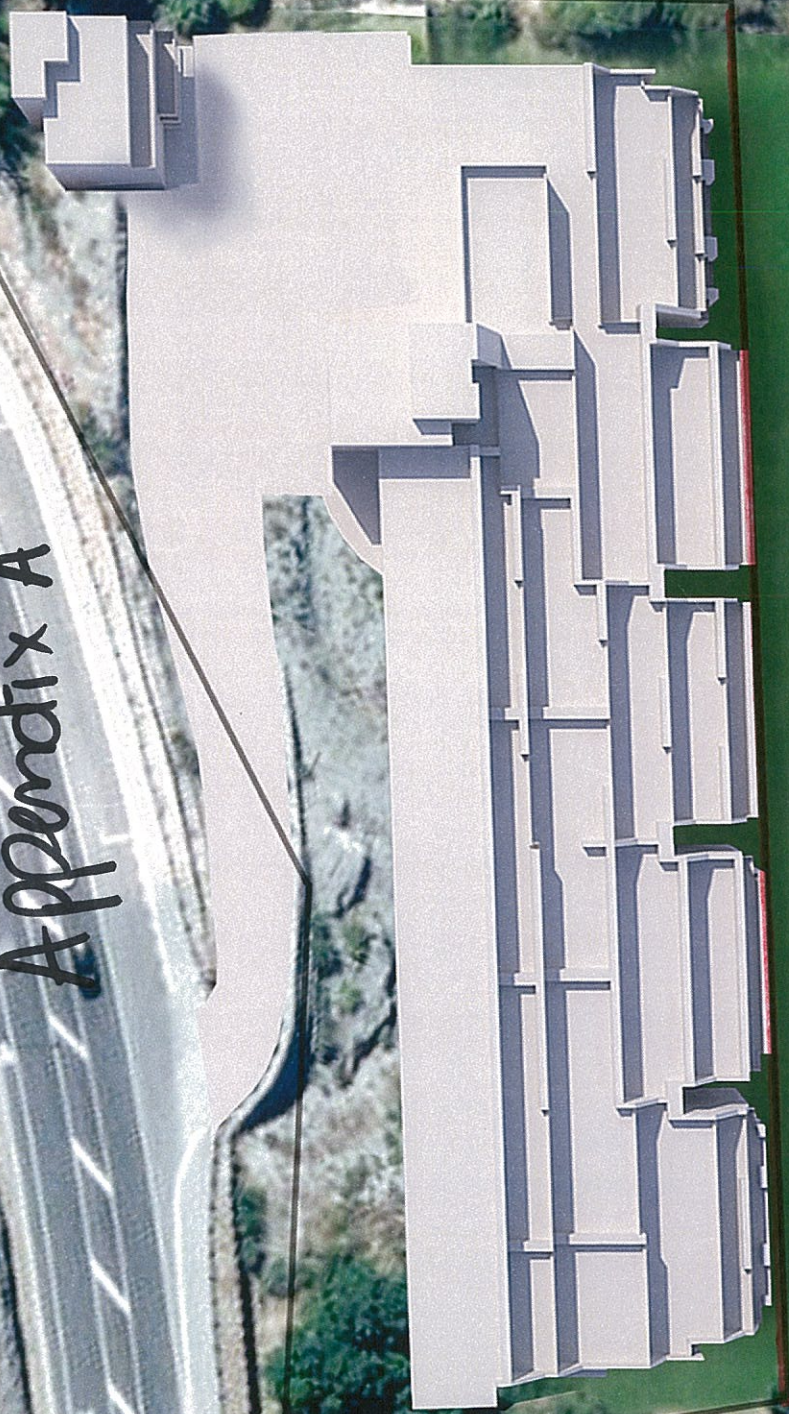
Consultation: Community Views and Preferences

30 No consultation has been undertaken and none is anticipated.

Attachments

- A 595 Frankton road – consented (old) design (note the boundary shown in red)
- B 595 Frankton Road – the approved (old) design showing the contours
- C 595 Frankton road – proposed new design

Appendix A

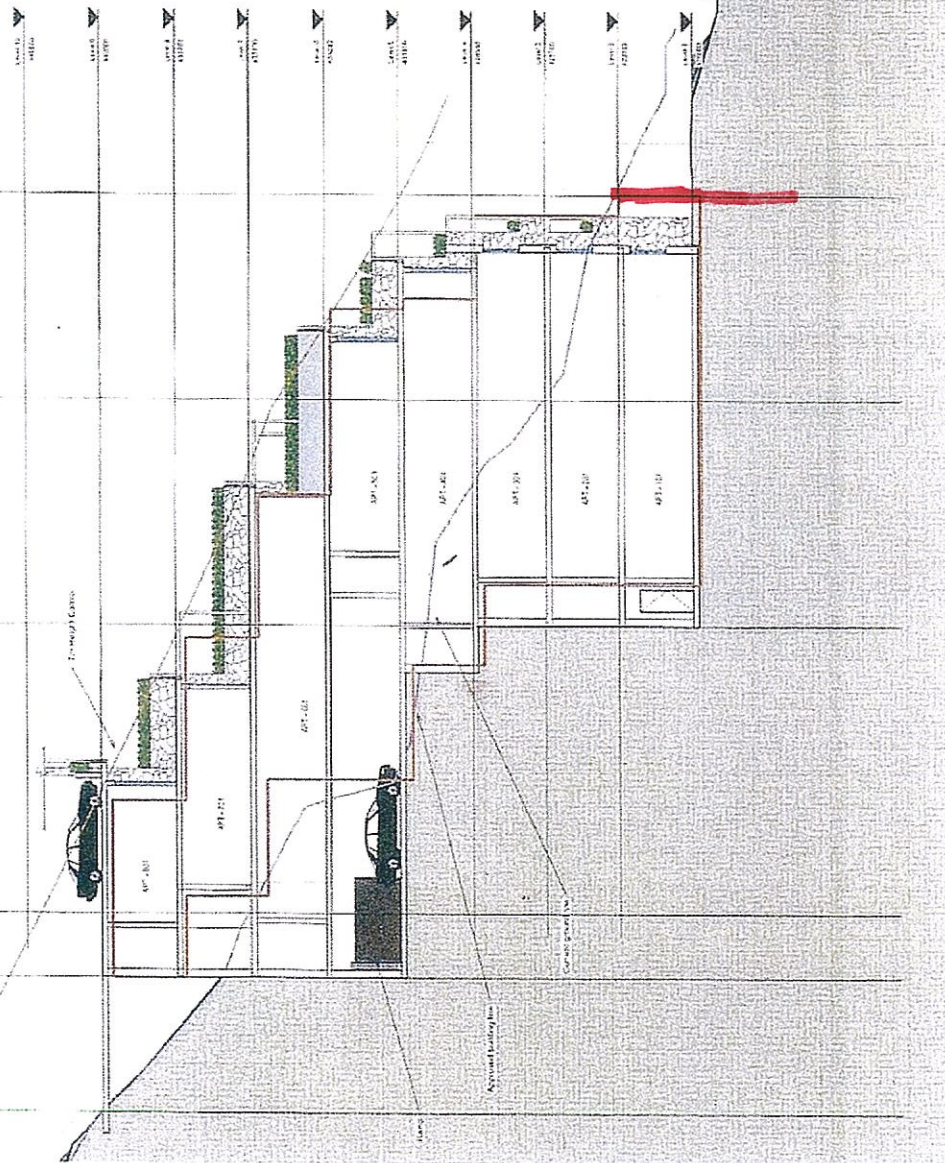


BOUNDARY

Appendix B

SILVER BAY

25-2 09
C81049
LR



3-8318

SILVER BAY

595 FRANKTON RD
QUEENSTOWN

ASK-15

SECTION A

10-07-2009

REV - M

Hamptons

PEDDLE ARCHITECTS

ARCHITECTS

Appendix C

