ATTACHMENT [A]

Information and Assessment of Effects on the Environment

J Guthrie, L & R Newman, Banco Trustees Ltd & McCulloch Trustees 2004 Ltd

Subdivision &

Land use

December 2025

Prepared by: Nick Geddes

CONTENTS

1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

- **1.1 Site Description**
- **1.2 Site History**
- **1.3 The Proposal**
- **1.4 Statutory Provision**
- **1.5 Classes of activities**

2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT

3.0 DISTRICT PLAN – OBJECTIVES & POLICIES

- **3.1 PDP Chapter 3 – Strategic Directions**
- **3.2 PDP Chapter 27 – Subdivision & Development**

4.0 DISTRICT PLAN – ASSESSMENT MATTERS

- **4.1 PDP Chapter 25 - Earthworks**
- **4.2 PDP Chapter 27 - Subdivision & Development**

5.0 RESOURCE MANAGEMENT ACT 1991: PART 2

6.0 CONCLUSION

ATTACHMENTS

[B] Certificate of Title
[C] Site Location Plan
[D1] Consent History
[D2] Environment Court Decisions & JWS

[E1] Proposed Plan Set
[E2] Baxter Design Landscape Assessment
[E3] Stormwater Assessment – RDAgritech Ltd
[E4] Environscope Ltd, Environmental Management Plan (EMP)
[E5] Letters from Service Providers
[E6] Opus Ltd, Preliminary Site Investigation (PSI) & Detailed Site Investigation (DSI)
[E7] Geotechnical Assessment Report – RDAgritech Ltd
[E8] RPS Provisions

[F] Volunteered Condition Set

[G1] PDP - Objectives & Policies Assessment - Strategic Direction – Chapter 3
[G2] PDP - Objectives & Policies Assessment – Subdivision – Chapter 27
[G3] PDP - Objectives & Policies Assessment – Urban Development – Chapter 4
[G4] PDP - Objectives & Policies Assessment – Wakatipu Basin – Chapter 24

1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

1.1 Site Description

The subject site comprises of 6.5458 hectares held in certificate of title OT14A/295 a copy of which is contained in Attachment [B] to this application. A site location plan is contained in Attachment [C] to this application. The landscape and setting of the site have been accurately described within the Baxter Design landscape assessment.[1]



Figure 1: Subject site, Gripmap, Cadastral Software.

Without derogating from the landscape description of the site, the topography of the site gently rises from the eastern boundary to a hummock formation that appears towards the centre of the site where an existing dwelling house is located. To the west of the dwelling house the site remains relatively flat before rising abruptly to the western boundary which adjoins the Hills Golf Course.

The northern boundary and part of the southern boundary is occupied by an avenue style row of mixed exotic trees. The existing dwelling house has occupied the subject site for some time which has resulted in extensive planting and landscaping within its immediate curtilage.

A spring fed creek enters the northern corner of the subject site before draining southeast within the road reserve of McDonnell Road. The roadside boundary of the subject site contains a row of mixed exotic trees.

[1] Baxter Design report contained in Attachment [E2].

1.2 Planning History

1.2.1 Resource Consents

Consent	Description	Comments
RM960701	Kay Francis Macalister - Construct, Use And Maintain A Wind Machine To Fight Frost On Apple Orchard - Current Status: WITHDRAWN 31/07/1997.	These consents are historic and noted here only as confirmation of the longevity of rural and rural living land uses on the subject site. All of these consents are contained in Attachment [D1].
RM070919	R NEWMAN - BUILD A VERSATILE BARN AT MCDONNELL ROAD, WAKATIPU BASIN - Current Status: DECISION ISSUED 23/10/2007.	
RM061088	NEWMAN FAMILY TRUST - UNDERTAKE EXTENSIONS TO AN EXISTING DWELLING LOCATED AT MCDONNELL ROAD, WAKATIPU BASIN - Current Status: DECISION ISSUED 23/01/2007	
RM020066	R Newman - Alterations And Extensions To Existing Dwelling At Mcdonnell Road, Arrowtown - Current Status: DECISION ISSUED 28/02/2002.	
RM180637	E Guthrie, R & L Newman, Banco Trustees Ltd & Mcculloch Trustees 2004 Ltd Undertake A 14 Lot Subdivision, Establish An Rbp For Each Lot And Breach Internal Setback At 116 Mcdonnell Road, Arrowtown. Refused April 2019.	This consent was appealed to the Environment Court (NZEnvC079) who declined the appeal June 2021. A copy of this decision is contained in Attachment [D2]. Notwithstanding the above, this consent application submitted expert reporting in relation to geotechnical, stormwater disposal and NES-CS which remains relevant and able to support certain aspects of the current application. In addition, the QLDC Engineering Assessment made recommends pragmatic engineering solutions and conditions for potable water supply and wastewater disposal which the applicant would like to adopt as part of the proposal. A copy of this Engineering Assessment is contained in Attachment [D1].

RM240125	J Guthrie, L & R Newman, Banco Trustees Limited and McCulloch Trustees 2004 Limited. Application under Section 88 of the Resource Management Act 1991 (RMA) for a 2 Lot subdivision. Approved 22 May 2024.	This consent authorised the creation of a rural living allotment around the existing dwelling on the subject site. Since the conception of the current application between the two landowners, this consent is not being progressed and can be surrendered. A copy of this decision is contained in Attachment [D1].

All the consents referenced above are contained in Attachment [D].

1.2.2 District Plan Review

The subject site was identified by Stage 2 of the District Plan Review process as being within the Lifestyle Precinct subzone of the Wakatipu Basin Rural Amenity Zone (**WBRAZ**). The applicant made a Stage 2 submission as part of the review process that supported the inclusion of the subject site in the Lifestyle Precinct subzone yet sought a higher density of rural living for the subject site based upon the "high" capacity rating (as notified) for the Arrowtown South Landscape Character Unit. The neighbouring landowner "Hanan" made a Stage 2 submission seeking that the Lifestyle Precinct subzone was removed from the subject site in favour of WBRAZ only.

Commissioners hearing Stage 2 submissions accepted the applicant's submission in so far as recommending the subject site remain as Lifestyle Precinct subzone yet rejected the applicant's desire for a high density of rural living. Commissioners rejected the Stage 2 submission from neighbouring landowner "Hanan". The applicant and the neighbouring landowner "Hanan" separately appealed the Commissioners decision.

The Environment Court heard both the applicant's appeal and the Hanan appeal together and set out in its interim decision that the Lifestyle Precinct subzone is the most appropriate zoning subject to several bespoke LCU requirements. The Court issued its final decision December 2023 and the amendments to the District Plan set out in these decisions have been adopted into the PDP.

The Court's interim and final decisions are contained in Attachment [D2] while the LCU and site-specific requirements are discussed further in parts 1.3.5 and 1.4 below.

1.3 The Proposal

The applicant seeks consent to subdivide the existing site to create six rural living allotments as depicted on the scheme plan and landscape plans:

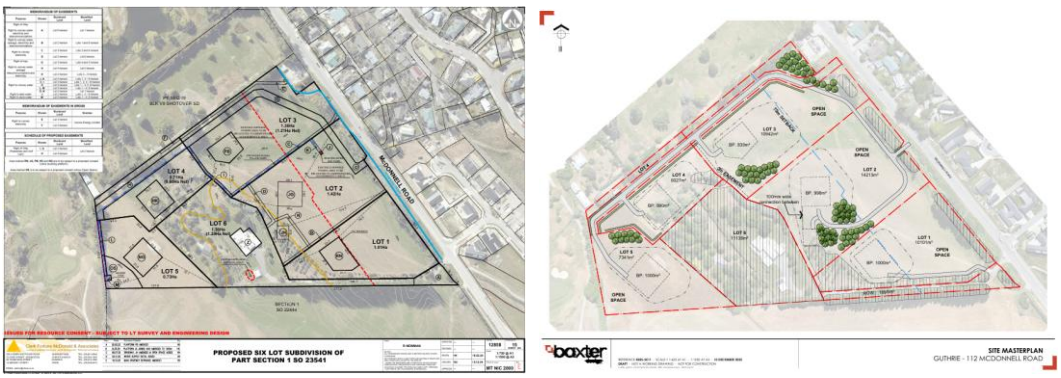


Figure 2: Proposed Scheme & Landscape Plans – Attachment [E1].

1.3.1 Subdivision

The current application seeks consent to subdivide and develop six rural living allotments in accordance with the outcomes anticipated for the Lifestyle Precinct and Arrowtown South Landscape Character Unit (**LCU**) as required by PDP Chapters 24 and 27 including locating the proposed platforms a minimum of 75m from the McDonnell Road boundary and not appearing in a linear pattern.

The proposed allotment characteristics are as follows:

Lot	Gross Area (Ha)	Net Area (Ha)	Building Platform (m^2)
1	1.01	1.01	1000
2	1.42	1.42	996
3	1.36	1.21	839
4	0.71	0.60	990
5	0.73	0.73	1000
6	1.3	1.29	-

Table 1: Allotment Characteristics

As discussed in part 1.1, the existing topography gently rises from the eastern boundary to a hummock formation that appears towards the centre of the site and rises abruptly to the western boundary which adjoins the Hills Golf Course. In contemplating locating boundaries, a primary consideration is to avoid or otherwise maintain any landform features, the RM240125 subdivision identifies a boundary along the hummock formation and the current application retains this boundary in that location. There are no proposed boundaries in relation to the topography where it rises abruptly to the western boundary.

A secondary consideration is to ensure that lots have been arranged to provide sufficient internal size, shape and dimension to facilitate rural living whilst taking the best advantage of solar gain and maintaining amenity levels within the proposed subdivision as well as the amenity enjoyed on surrounding properties. The landscape architect, surveyor and applicant have taken some time in the proposed rural living arrangement towards achieving this.

Another secondary consideration is to ensure the proposed building platforms have been located and oriented so that when coupled with landscape treatment, any future built development in the proposed platforms will not appear in a linear pattern where the platforms contribute to a perception of urban sprawl along McDonnell Road. The bespoke requirement[2] for there to be no more than two residential building platforms located east of the 398masl contour closest to McDonnell Road is achieved through proposed Lots 1 and 2 platforms being the only two platforms east of the 398masl contour closest to McDonnell Road.

This bespoke requirement has its genesis within the Topic 31 appeal process[3] where subsequent to the Court's preliminary findings, it directed further expert conferencing beyond the first Joint Witness Statements (**JWS**) made by landscape and planning witnesses in order for those witnesses to consider the Court's various preliminary observations with a view to what if any changes are recommended to what the planners had presently recommended (by way of the first JWS). As part of the second witness statement[4], the planners recommended the following Rule 27.7.18C:

Within Part Section 1 SO 23541 (or subsequent title/s), there shall be no more than two residential building platforms located east of the existing dwelling location (as at 15 December 2022).

A majority[5] of the landscape witnesses considered that a more precise description of the area within which only two Residential Building Platforms (**RBP**) could be located was required because the area east of the dwelling, if strictly interpreted, constitutes less than half of the area between McDonnell Road and the ridge landform to the northeast of the dwelling[6]. Or less than half of the area intended to be captured by Rule 27.7.18C. In order to capture the other half not identified by the planning witnesses, landscape witnesses suggested alternative wording of Rule 27.7.18C:

Within Part Section 1 SO 23541 (or subsequent title/s), there shall be no more than two residential building platforms located east of the 398masl contour.

[2] Pursuant to PDP Rule 27.7.18.C.

[3] ENV-2019-CHC-016 & ENV-2019-CHC-045.

[4] JWS Planning & Landscape, 31st January 2023 – Attachment D2.

[5] Noting one witness is not recorded in the JWS as contributing to the revision of Rule 27.4.18C.

[6] Paragraph 9 (e) JWS Planning & Landscape, 31st January 2023 – Attachment D2.

The applicant agrees with the landscape witnesses that if the land intended to be occupied by two RBP is defined from the existing house (as at 15 December 2022), the area identified is less than half of the area between McDonnell Road and the ridge landform to the northeast of the dwelling.

To ensure that the RBP on proposed Lot 3 is not construed as being "east" it is located where it appears "north" of a line drawn "north-east" from the 398masl contour:

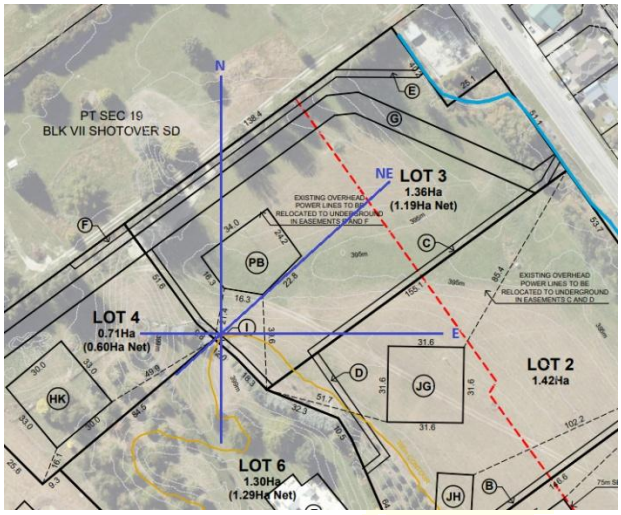


Figure 3: Proposed Scheme Plan markup.

Overall, in terms of section 106 of the Resource Management Act 1991 (**RMA**), the sites geology and any associated constraints have been considered in part 2.2.7 below as well as the geotechnical report from RDAgritech Ltd. Subject to conditions[7] and no issues have been identified in relation to natural hazards. Access has been discussed below in part 1.3.4 where no s.106 impediments are considered to exist. Therefore, subject to volunteered conditions the proposed subdivision is considered to be suitable in the sense of s.106 of the RMA.

1.3.2 Buildings

The existing *landform pattern* has been described within the Baxter Design Ltd landscape assessment. The landscape assessment acknowledges the LCU24 descriptions and characteristics from Schedule 24.8 of Chapter 24, as well as those bespoke requirements discussed in part 1.3.1 above.

As discussed in part 1.3.1, existing landscape and landform features have informed the cadastral arrangement of proposed allotments which has in turn secondarily been influenced by the intention to locate residential building platforms advantage of solar gain and maintaining amenity levels within the proposed subdivision as well as the amenity enjoyed on surrounding properties.

[7] Volunteered conditions – Attachment F.

The proposed subdivision includes the identification of six[8] residential building platforms which range in size as depicted on the proposed scheme plan and set out in the table of site characteristics. A range in platform sizes and a requirement for all buildings to be in the platform and no building to be over 500m^2 enables future occupants to elect the size and orientation of any future residential building which will avoid any uniformity in the alignment of built form in relation to McDonnell Road.

The maximum height enabled in the Lifestyle Precinct subzone is 6.5m which is intended to be the maximum height enabled within the proposed platforms with the exception of Lot 2 where the platform height is restricted to be no more than 4.5m within that part of the platform with the appellation 'JH'.

The 'JH' area is intended to accommodate an accessory building in the future which will be the subject of a future resource consent. This accessory building has been offset (west) from any line drawn between proposed primary platforms "JG" and "RN" towards avoiding any uniformity in the alignment of built form in relation to McDonnell Road. In this location, any future building in the 'JH' area would be 5.5m from the internal boundary with proposed Lot 6.

To achieve and maintain the outcomes sought by the applicant and discussed above, a range of design controls and activity restrictions are proposed as consent notice requirements[9] to be secured at the time of subdivision:

- *All future buildings shall be contained within the Building Platforms as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.*
- *The maximum building footprint on Lots 1 & 5 shall not exceed 50% of the building platform.*
- *The maximum building footprint on Lot 2 Covenant Area "JG" shall not exceed 392m^2.*
- *The maximum building footprint on Lot 3 shall not exceed 95% of the building platform.*
- *The maximum building footprint on Lot 4 shall not exceed 50.5% of the building platform.*
- *The maximum building footprint on Lot 2 Covenant Area "JH" shall not exceed 108m^2.*
- *The maximum building height on Lot 2 Covenant Area "JH" shall be no more than 4.5m above the 397.5masl contour.*
- *All exterior cladding shall be limited to two materials on any single elevation. Materials shall be selected from: Natural or stained timber, steel tray, concrete, locally sourced schist stone, painted weatherboard and board and batten.*
- *All roof materials shall be limited to a single recessive colour only in steel tray or similar.*
- *All exterior cladding shall be in a recessive colour and have an LRV of less than 30%.*
- *There shall be only two types of roof form:*
    - *Gable roofs: Maximum building heights for gable roofs of 6.5m, excluding chimneys (up to 1.5m), the pitch of gables shall be between 20 and 37.5 degrees. Flat connections permitted between gable forms below gutter line and not to exceed 20% of the building footprint.*
    - *Monopitch ('flat') roofs: Maximum building heights for roofs of 4.2m for ('flat') roof forms; up to 5-degree pitch roofs. The building height of monopitch forms shall not exceed 4.2m from the finished floor levels (FFL) referred to in the plan above, to top of roof (excluding chimneys).*

[8] Noting one of these platforms appears around the existing dwellinghouse on proposed Lot 6.

[9] Contained in Attachment F.

1.3.3 Landscaping

Proposed landscaping within the subdivision is depicted on the Landscape Plan prepared by Baxter Design Ltd along with a species list and boundary treatments. The proposed landscaping is discussed in detail within the Baxter Design landscape assessment[10] as well as in parts 2, 3 and 4 of this AEE.

In order to preserve the intended landscape outcome for the subdivision a number of consent notice conditions are offered in relation to the following:

- *All planting shown on the approved landscaping plans prepared by Baxter Design, referenced in Condition (1) above shall be maintained in perpetuity by the owner of the lot. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.*
- *All planting as shown on the council landscape plans approved in Condition 1 of RM210827 shall be irrigated for the first three years of establishment to support healthy growth.*
- *All boundary and curtilage fencing shall be constructed to a maximum height of 1 metre of standard un-painted timber post and wire.*
- *External lighting shall only be located within the domestic curtilage area shown on the Structural Landscape Plan for that lot. All external lighting to be down lighting only and shall not create light spill beyond the domestic curtilage area or upwards light spill. External lighting shall not be used to highlight buildings or landscape features such as trees or walls that are visible beyond the property boundary, and shall be fixed no higher than 1.5m above finished ground level.*
- *Low intensity, indirect light sources are to be used for all exterior lighting applications.*
- *External light sources are to be incandescent, halogen or other white light, not sodium vapour or other light.*
- *All domestic landscaping and structures including, but not limited to, clotheslines, outdoor seating areas, pergolas, gas cylinders, rubbish bins, external lighting, amenity gardens and mown lawns shall be confined to the domestic curtilage area as shown on the council certified landscape plan.*
- *Water tanks shall be in a recessive natural colour in tones of natural browns, black, greys or greens and may be located outside the building area provided part is within 5m of the curtilage area. Water tanks shall be screened from public views by landform or vegetation.*
- *All other services and utilities shall be located below ground.*

In addition to the above, the indicative location of easements associated with the provision of potable water to proposed Lots 1-5 denotes a header tank on proposed Lot 5 which is to be buried within the existing land formation. Any exposed surfaces following the tanks burial will be re-sown in pasture grass to match the existing landcover and a condition is included in Attachment [F] in this regard.

1.3.4 Access

McDonnell Road is a local road with a posted speed limit of 50km/hr and does not contain any pedestrian formation where it adjoins the subject site.

[10] Contained in Attachment E2.

Vehicle access and egress for proposed Lot 6 which contains the existing residence is from the existing vehicle crossing onto McDonnell Road and the existing driveway. The existing crossing affords uninterrupted sightlines 345 metres to the north and 316 metres to the south which is sufficient to ensure the safety of all road users. The existing driveway formation has been formed to a standard which is sufficient to serve the existing dwellinghouse.

Vehicle access and egress for proposed Lot 1 is proposed from the existing vehicle crossing onto McDonnell Road using a right-of-way easement "A" over the existing driveway which serves the existing residence on proposed Lot 6. As above, this existing crossing will ensure the safety of all road users, and the driveway formation is sufficient to serve the existing dwellinghouse (Lot 6) and the proposed platform on Lot 1.

Vehicle access and egress for proposed Lots 2-5 is directly from McDonnell Road. As stated in part 1 and described in the Baxter Design landscape assessment, a small ephemeral water body flows southwest within the roadside reserve of McDonnell Road. As such, this driveway traverses the creek utilising a culvert before extending into proposed Lot 2 where it splits to provide access to the proposed platforms on Lots 3-5 and a separate direct access to the proposed Lot 2 platform.

From the proposed Lot 2 crossing point onto McDonnell Road, it achieves uninterrupted sightlines approximately 240 metres to the north and in excess of 300 metres to the south which is sufficient to ensure the safety of all road users. This crossing point has been aligned to connect with McDonnell Road where it is opposite an access allotment[11] or otherwise driveway access to read allotments to avoid headlight spill into any residential dwellinghouse adjoining McDonnell Road. To further mitigate any headlight spill, the drive has a curved geometry and Hornbeam hedging up to the roadside boundary.

All proposed driveways and the internal access allotment have been designed so as they can be constructed in accordance with the requirements of the QLDC Code of Practice. It is anticipated that further engineering details of these driveways will be provided at the time an Engineering Acceptance (**EA**) application is submitted for Council's assessment and determination.

[11] Lot 37 DP 20153.

1.3.5 Earthworks

All proposed areas of earthworks are set out in the plan set contained in Attachment [E1]:

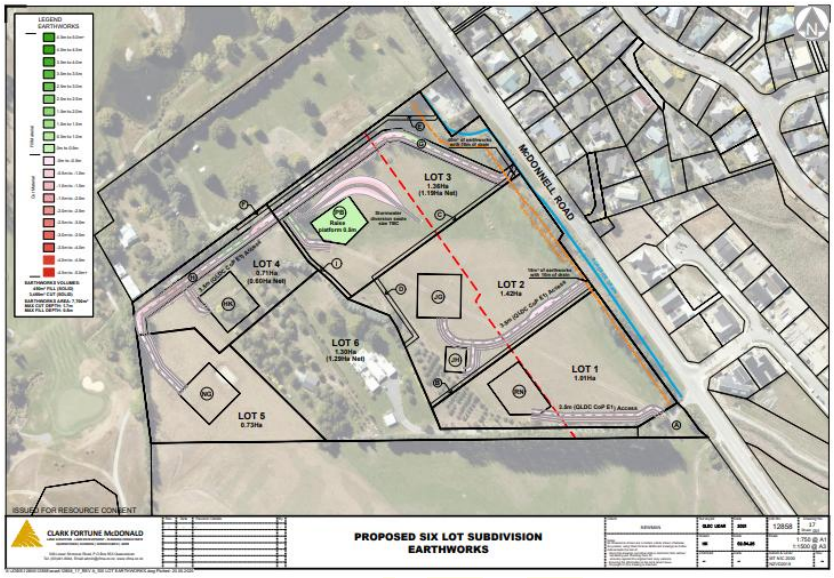


Figure 4: Proposed Earthworks Plan – Attachment [E1].

It is anticipated that 3,760m^3 of cut is required, primarily in association with establishing the proposed driveways. Subject to testing[12], part of this volume may be recycled on the site in association with building platform works on proposed Lot 3 and the proposed driveway that requires 630m^3 of fill.

The RDAgritech Ltd Stormwater Assessment identified a depression on the subject site and recommended that any building in this depression would need to ensure the finished level of the platform was 500mm above the original ground contour.

It needs to be noted when considering the RDAgritech Ltd Stormwater Assessment that the original test pit locations are depicted on sheet 6 and CFMA have overlaid the proposed scheme plan onto sheet 6 to identify the location of test pits in relation to the proposed platforms and this has been inserted into the Stormwater Assessment as sheet 7 of Attachment [E3].

The remaining 3,130m^3 of material will be transported to a Class B Landfill facility (RM230369) should further Toxicity Characteristic Leaching Procedure (**TCLP**) testing confirm it is appropriate to do so. Otherwise, this volume of material will need to be transported to a Class A Landfill facility (Victoria Flats). A volunteered condition requires further TCLP testing of soils prior to their transportation from the subject site.

[12] Further Toxicity Characteristic Leaching Procedure testing is discussed in part 1.4.5 below and conditioned (Attachment F).

The proposal requires approximately 15m^3 of earthworks within 10m of the small ephemeral water body that flows southwest across the northern corner of the subject site. Due to the location of the creek traversing through the neighbouring substation site, this work is limited to the proposed driveways where they intersect the roadside boundary.

Given the 4,390m^3 of proposed earthworks and the existence of a water body on the site[13], the applicant engaged Environmental Management Plan (**EMP**) specialists Environscope Ltd whom prepared an EMP which is contained in Attachment [E4]. The EMP considers:

- Construction Methodology
- EMP Implementation
- Erosion and Sediment Control Measures
- Water Quality Management
- Dust Management
- Noise and Vibration Management
- Cultural Heritage Management
- Vegetation Management
- Contaminated Site Management

Due to the nature of the existing topography and the location of the proposed driveways to avoid any existing land formation features, no fill heights exceed the maximum of 2m, and no cut heights exceed the maximum of 2.4m. Due to the geology of the subject site, there is no requirement to break or blast rock.

The site contains sufficient room for the successful loading and unloading of material away from property boundaries. A number of conditions in relation to the transportation of earthworks into the subject site have been volunteered in this regard.

All exposed surfaces which are not intended to be formed for vehicle access, built upon or specific landscaping outcomes, will be re-grassed to match the existing ground cover across the subject site.

The permitted volume for the Rural Residential Zone is 400m^3 pursuant to Rule 25.5.4. However, pursuant to Rule 25.3.2.5 earthworks in association with subdivision are exempt from maximum volume, cut height and fill heights, yet remain to be assessed against the matters of discretion listed under Part 25.7 and assessment matters contained in Part 25.8. This assessment is contained in Part 4 of this application document.

[13] For this reason, an application is required under the Regional Plan for Water which will be lodged with Otago Regional Council May 2025.

1.3.6 Services

Wastewater Disposal

Based upon the QLDC COP, each of the five residential units sought by the current application require 250 litres per day based on each dwelling containing three people.

The existing services within McDonnell Road are accurately set out by Council's GIS mapping tool:



Figure 5: QLDC GIS

As outlined in part 1.2, RM180637 sought a 14-lot subdivision of the subject site. This subdivision proposed disposal to ground in relation to stormwater and wastewater demands and to support this disposal technique a geotechnical assessment[14] and stormwater assessment[15] was completed. Given there is public reticulation within McDonnell Road, the applicant sought to ascertain whether connections could be made to the water and wastewater networks as connecting to public reticulation is a preference over disposal to ground.

The subject site was outside the water and wastewater scheme boundaries and some discussion with Council's Property and Infrastructure (**P&I**) as well as the Development Engineers was held where it was determined[16] that the 14 lots within the RM180637 application could make a connection to public reticulation for these services as there was confidence the scheme boundaries could be extended.

The RM180637 Development Engineering report[17] noted one particular requirement for RM180637 allotments in order to be able to make connections to the public reticulation of wastewater:

[14] RDAgritech Ltd, Geotechnical Investigation Report 13/02/18 – Attachment E3.

[15] RDAgritech Ltd, Stormwater Disposal Assessment 16/01/18 – Attachment E3

[16] Correspondence and information contained in Attachment E9.

[17] RM180637 QLDC Engineering Report 28/01/2019 – Attachment E3.

"In order to ensure that the pump station's capacity is not exceeded, each lot owner will need to install a wastewater storage tank at the time a dwelling is constructed, with capacity to retain 24 hours of wastewater. Each tank will be drained via individual pumps, which can safely operate between midnight and 4am without exceeding the capacity of the existing pump station. I recommend a consent notice condition in this regard."

An application to extend the water supply and wastewater scheme boundaries was submitted to Council's P&I (24th June 2025) and it was confirmed 14th October 2025 that constraints at McDonnell pump station in existing scenarios and proposed development within scheme boundaries have been modelled and therefore, P&I would not be in support of extending the wastewater scheme boundaries to include the RM250234 development.[18]

The applicant records that the basis for settling the appeal[19] was the previous P&I confirmation (2018) as set out in the email contained in Attachment [E9]. With this previous confirmation, the applicant is not satisfied that connections should be withheld by QLDC. However, the applicant is most interested in progressing the subdivision of the site and must revert to proceeding on the basis of disposing of wastewater by way of individual treatment and disposal systems within each allotment ground in accordance with Australian/New Zealand Standard 1547:2012 and the RDAgritech Ltd assessments.[20]

To ensure the disposal of wastewater to ground within each allotment, a number of conditions[21] are volunteered.

Water Supply

Based upon part 6.3.5.6 of the QLDC's COP, the proposed five residential units necessitate an average daily demand for potable water of 10.5m^3 per day with a peak day demand[22] of 0.8 litres per second. In terms of firefighting, it is not yet known as to whether lot owners will prefer a sprinkler system[23] within any future residential unit which requires a static storage of 7,000 litres or whether there is a preference for 45,000 litres of static storage to serve an outlet connection for FENZ.

The existing residence on the subject site affords a connection to public water reticulation in McDonnell Road. Part of the subject was previously used as an Apple Orchard which necessitated an irrigation supply which was drawn from a bore located within proposed Lot 2. The Regional Council records this bore as F41/0146.

---

[18] Email correspondence QLDC P&I – Attachment E9.

[19] ENV-2019-CHC-45.

[20] Contained in Attachments E3 & E4.

[21] Conditions 31 (b) and 31 (c) – Attachment F.

[22] Incorporating an irrigation allowance of 400 litres per person per day.

[23] Pursuant to PDP Rule 24.5.19.

In a similar vein to wastewater above, in 2017 it was confirmed by Council's P&I that the water scheme boundaries could be extended to include the site and provide 14 allotments with connections to the reticulated water supply located in McDonnell Road. Following an application to extend water scheme boundaries 2025, Council's P&I concluded that based upon water modelling that came back for a neighbouring site, and wider discussions with operations, issues in the Arrowtown Scheme have been highlighted where the scheme is currently exceeding annual water take limits. There are future measures in place looking to address this (primarily leak detection and demand management). Based on this, council would not be accepting of the scheme boundary extension until the scheme is operating consistently within its allocations.[24]

The applicant records that the basis for settling the appeal[25] was the previous P&I confirmation (2018) as set out in the email contained in Attachment [E9]. With this previous confirmation, the applicant is not satisfied that connections should be withheld by QLDC. However, the applicant is most interested in progressing the subdivision of the site and must revert to proceeding on the basis of developing the existing F41/0146 bore on the site which is permitted to take 28,800 litres per day.[26] Given that Council's P&I confirm that the existing connection can be retained to supply proposed Lot 6, the total water demand for the remaining five allotments is 10,500 litres per day.

The applicant engaged Southdrill Ltd to pump test the bore and following this, Manager, Evan Pascoe was able to confirm the bore will easily produce 10,500 litres per day / 8 litres per minute.[27] A indicative location of 'right to convey water' easements have been depicted on the proposed scheme plan[28] and conditions[29] are volunteered that require design plans and testing as part of Engineering Acceptance, 224c completion and consent notices in relation to ongoing treatment and monitoring.

Stormwater

Whilst there is a public stormwater reticulation network within McDonnell Road. The practicalities of making connections to this network from the proposed allotments over the existing creek are complex. The disposal of stormwater within the RM180637 14 allotment subdivision was assessed by RDAgritech Ltd in their report contained in Attachment [E3] which appears alongside their Geotechnical Assessment which informs part of the stormwater assessment.

[24] Email correspondence QLDC P&I – Attachment E9.

[25] ENV-2019-CHC-45.

[26] ORC Permit –Attachment E9.

[27] Email correspondence Southdrill Ltd – Attachment E9.

[28] Attachment E1.

[29] Conditions 9(a), 29(d), 29(e), 31(d) & 31(e) – Attachment F.

The RDAgritech Ltd Stormwater Assessment was considered under RM180637 by QLDC Engineers. An area of "low soakage" was identified by the Stormwater Assessment within a depression on the subject site and Council Engineers recommended that this area was avoided for any onsite stormwater disposal. This low soakage area appears within part of proposed Lots 2 and 3 yet there remains a sufficient area of land outside the depression for onsite stormwater disposal. As such, the RM180637 conditions recommended by QLDC have been adopted and set out in Attachment [F].

The applicant expects that proposed stormwater disposal designs within each proposed allotment can be undertaken in accordance with Verified Method E1/VM1 and/or section 4 of the QLDC's COP. This would take the form of a soak pit or similar on-site storage/soakage system.

RM180637 was accessed by a commonly held access allotment where the QLDC Engineering Assessment recommended that further details of the stormwater disposal for this access shall be provided as part of EA. This condition has been adopted and augmented so as further detail of the access leg for proposed Lots 3-5 is provided as part of any future EA.

Power & Telecoms

Letters[30] were obtained as part of RM180637 from Aurora and Chorus in relation to the supply of power and telecoms without any capacity issues being identified. These providers have been contacted in relation to the current application but due to internal workloads have not been forthcoming with confirmation prior to lodgement. The applicant will provide these confirmations as soon as they become available[31].

It is anticipated that power and telecoms can be conditioned for the correct design as part of Engineering Acceptance and installation as part of 224c conditions of consent[32].

1.4 Statutory Provisions

1.4.1 Queenstown Lakes District Proposed Plan

The subject site is zoned WBRA and within the Lifestyle Precinct sub-zone. The subject site does not contain any known protected items or areas of significant vegetation. Resource consent is required under the PDP for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 24.5.7.1 for locating a building 5.5m from an internal boundary. The relevant matters of discretion are listed in the Rule and assessed in Part 4 of this application document.

[30] Contained in Attachment E5.

[31] Please refer to the application's covering letter.

[32] Conditions contained in Attachment F.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.19 for 15m^3 of earthworks within 10m of the bed of any water body. The relevant matters of discretion listed under Part 25.7 and the assessment matters contained in Part 25.8 are assessed in Part 4 of this application document.

- A **restricted discretionary** activity resource consent pursuant to Rule 27.5.9 for subdivision in the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct. Council's discretion is restricted to matters listed (a) to (r) within the Rule and assessed in part 4 of this application document.

Overall, the current application is a **restricted discretionary** activity under the PDP.

1.4.2 Queenstown Lakes District Plan(s) Weighting

Strategic Directions - Chapters 3-6

PDP Strategic Chapter 3 is considered to be a significant shift in Council policy. A consolidated version of this Chapter was issued 16th June 2021. As such, the objectives and policies of Chapter 3 have been assessed in Attachment [G1] and discussed in part 3 of this application document.

The proposal is not *Urban Development* and the site is not located in an *Urban* Zone. This PDP Strategic Chapter has been considered in Attachment [G2].

In terms of Chapter 5, the subject site is not within a Wahi Tupuna or recognised as containing any taonga species, habitats of significance to Ngai Tahu while the proposal does not include any buildings. As such, PDP Strategic Chapter 5 *Tangata Whenua* is not a relevant consideration for the current application.

As discussed in part 1.3.1 above, the subject site is zoned WBRA, so Chapter 6 is not relevant and it does not assist for the current application to consider Chapter 6.

Wakatipu Basin - Chapter 24

PDP Chapter 24 is considered to be a significant shift in Council policy from the ODP Rural General Zone.

The consent order version of Chapter 24[33] provisions provide a template for the assessment of the current application. However, a number of objectives and policies have been amended and added through the Court process under Topic 30 as well as the Hanan and Banco final decision under Topic

[33] Environment Court Consent Order 27th July 2021 – Attachment D2.

31. The E-plan (March 2025) has been updated to include the relevant Court decisions for the subject site and for the current application to consider.

Based upon the above, the PDP Chapter 24 as it relates to the Lifestyle Precinct sub-zone has proceeded through the objection and appeal process sufficiently to replace the ODP Part 5 and no further reference to Part 5 is required.

Whilst the current application does not include any activities requiring applications under PDP Chapter 24. The provisions of Chapter 24 have been considered in Attachment [G3] to the extent they are relevant.

Subdivision & Development - Chapter 27

The Subdivision Chapter 27 was released as part of Stage 1 of the District Plan Review and is subject to a number of appeals. The District Wide Objectives and Policies are subject to one appeal from Transpower New Zealand Ltd in relation to policy 27.2.2.8 which seeks to manage activities within the National Grid Corridor and near to electricity distribution lines. The subject site is not located within the National Grid Corridor and no power lines extend over the site. As such, it is considered that policy 27.2.2.8 is not a relevant consideration for the current application and the appeal filed by Transpower (ENV-2018-CHC-114) does not have any bearing on the current application.

An Environment Court Consent Order[34] was issued 27th July 2021 for subdivision within the Lifestyle Precinct sub-zone of the Wakatipu Basin Rural Amenity Zone.

Based upon the above, the PDP Subdivision Chapter as it relates to the Lifestyle Precinct sub-zone has proceeded through the objection and appeal process sufficiently to replace the ODP Part 15 and no further reference to Part 15 is required. As such, the objectives and policies of Chapter 27 have been assessed in Attachment [G4] and discussed in part 3 of this application document.

Given the above, the dominant provision set for the assessment of the current application is:

a. Proposed District Plan – Chapter 3
b. Proposed District Plan – Chapter 24
c. Proposed District Plan – Chapter 27

The assessment of the PDP Chapters listed above is contained in Attachment [G] and discussed further in part 3 of this application document.

[34] Environment Court Consent Order 27th July, 2021 – Attachment D2.

1.4.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

The subject site is zoned as being within the Lifestyle Precinct subzone. The proposal relates to a rural living subdivision which is not considered to result in any land use which is not anticipated by the Lifestyle Precinct subzone.

In order to meet the requirements of this NES, RM180637 was supported by a Preliminary Site Investigation (**PSI**) and a Detailed Site Investigation (**DSI**) of the site and both of these investigations are contained in Attachment [E6].

In terms of the use of the land for residential purposes, the DSI concluded that there is low potential risk of having contaminated the proposed area of the thirteen-lot subdivision. On this basis, the risk to human health associated with the contaminants identified during this DSI for these areas of the site are considered to be LOW and with contaminants in or on the piece of land at, or below, background concentrations, NES-CS regulations DO NOT APPLY to the subject site.[35]Based upon the DSI conclusion, NES-CS regulations no longer apply to the residential occupation of the subject site.

The DSI recommends further Toxicity Characteristic Leaching Procedure (**TCLP**) testing of any soils intended to be transported from the site to a Landfill Facility. This testing will ascertain whether the soil can be transported to a Cleanfill site such as the facility approved under RM230369[36] or whether it needs to be transported to a Class A facility such as Victoria Flats landfill. A volunteered condition requires further TCLP testing of soils prior to their transportation from the subject site.

1.4.6 National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) was made operative 17th October 2022. The subject site is zoned WBRA and within the Lifestyle Precinct subzone where the purpose[37] of the Precinct subzone is to accommodate rural living development as Precinct areas have been determined as having sufficient landscape capacity to do so.

The NPS-HPL intends to apply to land zoned as *General Rural* and/or for *Rural Production*. The Lifestyle Precinct subzone is not considered to be either a *General Rural* and/or a *Rural Production* Zone. As such, this NPS-HPL is not a relevant consideration for the current application.

[35] Part 11, page 34, WSP Opus Detailed Site Investigation – Attachment E6.

[36] RM230369 – Attachment D2.

[37] PDP Chapter 24, Part 24.1 at paragraph 2.

1.5 Computer Freehold Register

A copy of the subject title is contained in Attachment [B] and there are a number of instruments registered on this title:

Instrument		Description	Comment
Land Covenant	792915.8	Fencing	QLDC are not a party to this covenant. Irrespective, the proposal does not frustrate any terms of this covenant.
Gazette Notice	7749359.1	Declares that Section 10 SO Plan 375510 (0.073ha) to be vested to QLDC.	This relates to the process under the Public Works Act 1981 in relation to a portion of the subject site which has now been subsumed into the land holding that contains McDonnell Road.

In summary, there are no instruments listed on the computer freehold register for the subject site that would frustrate the assessment and determination of the current application.

2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT:

2.1 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:

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

2.2 An assessment of actual or potential effects on the environment of the proposed activity:

2.2.1 Existing Environment

Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect:

Residential use The residential use of land in this zone is a permitted activity pursuant to Rule 24.4.3 yet subject to requirements as set out within this Rule which is not subject to any appeals.

Earthworks The permitted volume of earthworks in the PDP WBRAZ is 400m^3.

Planting The planting of trees which are not listed as a *wilding species* and landscaping is a permitted activity in association with residential land uses and this not subject to any appeals. The removal of trees within this LCU is a permitted activity and not subject to any appeals.

2.2.2 Any physical effect on the locality, including any landscape and visual effects

As stated, the Precinct Sub-Zone anticipates rural living land uses where the residential use of land is a permitted activity. The Precinct provides a minimum allotment size of 6,000m^2 whilst retaining an average of 1ha. The proposal includes subdivision to create six rural living allotments which have been designed in accordance with the expectations of the Precinct Sub-Zone. All allotment boundaries have been aligned to preserve the value of the escarpment feature and to provide sufficient internal size, shape and dimension to facilitate rural living taking advantage of solar gain whilst maintaining the level of rural living amenity on surrounding properties.

Design controls have been discussed in part 1 above, these relate to the future management of colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

Baxter Design Ltd have prepared a landscape assessment which is contained in Attachment [E2]. This assessment considers the landscape character and visual amenity values identified for LCU24, the site and considers the proposal against the relevant provisions. The landscape assessment concludes:

This application proposes a six-lot subdivision on a 6.08 ha block of land at 116 McDonnell Rd, located in the west of LCU 243 (Arrowtown South) and the Whakatipu Basin Lifestyle Precinct (WBLP).

From the limited extent of public locations from which the proposed development will be visible, the existing residential pattern of development, existing landform and vegetation, recessive building materials and retention of open views towards the surrounding distant ONL mountain context, will ensure that the proposed development will not become a visually prominent feature in the landscape.

Any potential adverse landscape effects on the visual amenity of the wider landscape, arising from the proposal, will be Low, with any awareness of the proposal having a less than minor effect on the existing landscape character and quality.

The proposed development sits comfortably within the framework of landscape description contained in the LCU 24 notes. As such, the landscape has the capacity to absorb development of this nature.

Based upon the above, subject to conditions, any adverse effects form the proposal on the locality, including any landscape and visual effects will less than minor and acceptable.

Earthworks

The proposed earthworks are depicted on the plan contained in Attachment [E1] and visually, assisted by the landscape plan. Given the modest volume of earthworks and the topographical nature of the site, subject to the EMP and conditions, any adverse effects associated with earthworks upon the locality, including any landscape and visual effects to a magnitude of de minimis.

2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

Rural Amenity, Privacy, Outlook & Views

Pt Sec 19 Blk VII Shotover SD

The site to the north remains at grade with the subject site. This site has been occupied for rural living purposes for some time which has enabled the site to now contain a number of high statute trees. Access to this neighbouring property traverses alongside the common boundary from McDonnell Road to the residential dwelling and associated buildings.

The proposal achieves the minimum allotment sizes and bulk and location expectations of the Lifestyle Precinct subzone of the WBRAZ. The proposed platform on Lot 3 is some 23m from the common boundary and 167m from the neighbouring residential dwelling. The platform on proposed Lot 4 is some 23m from the common boundary and 66m from the neighbouring residential dwelling. At these distances, any adverse effects from the proposal upon the rural amenity, privacy, outlook and views currently enjoyed on Pt Sec 19 Blk VII Shotover SD will be de minimis.

Section 1 SO 22444

The site that adjoins to the south contains a rural living residence which is elevated above the subject site on the same land formation upon which the Hills Golf Course is located. This neighbouring property is located some 177m from the southern boundary of the subject site which is fortified with an existing hedge along the eastern half of this common boundary.

The nature of the land formation between the neighbouring residence and the subject site prevents any direct and sustained view into the subject site. The location of the proposed platform on Lot 5 is some 205m from the neighbouring residence. For these two reasons, coupled with the proposals compliance with the bulk and location expectations of the Lifestyle Precinct subzone, any adverse effects from the proposal upon the rural amenity, privacy, outlook and views currently enjoyed on Section 1 SO 22444 will be de minimis.

Hills Golf Course

Due to the nature of the land formation across the western extent of the subject site and land further to the west, the Hills Golf Course is not visible from any of the proposed platforms. The Structure Plan for the Hills Golf Course does not locate any residential buildings where they would achieve a view into the subject site. For these reasons, any adverse effects from the proposal upon the rural amenity, privacy, outlook and views currently enjoyed on any residential buildings on the Hills Golf Course will be nil to negligible.

Residential Allotments on McDonnell Road

Eight residential properties are located on the eastern side of McDonnell Road opposite the subject site. The setback from McDonnell Road and the proposed platforms on Lots 1-3 ranges from 75m to 105m and in accordance with the required setbacks of the Lifestyle Precinct subzone. Given this, coupled with compliance with the minimum allotment sizes and other bulk and location expectations of the Lifestyle Precinct subzone, any adverse effects from the proposal upon the residential amenity, privacy, outlook and views currently enjoyed on those residential properties that adjoin McDonnell Road opposite the subject site will be de minimis.

In summary, based upon the above, subject to conditions, any adverse effects upon the level of *privacy*, *outlook* or *views* currently enjoyed from any neighbouring property is considered to be de minimis and acceptable.

Proposed Lot 2 Platform 'JH'

As discussed in part 1.3.2, to avoid any uniformity in the alignment of built form between primary platforms "JG" and "RN", that part of the proposed Lot 2 platform with the appellation 'JH' has been offset (west). A consent notice control restricts the maximum height of any future building to no more than 4.5m and no more than 108m^2.

In this location, the 'JH' building will be 5.5m from the proposed internal boundary between Lots 2 and 6. However, the 4.5m high 'JH' building will be key holed into the landform that rises to the west ensuring that when viewed from Lot 6, visibility is limited to the roof space only and the horizontal dimensions of 'JH' are limited.

When viewed from McDonnell Road, the 'JH' building is located behind 49 proposed trees clustered into three groups and behind two proposed primary platforms 'JG' and 'RN'.

Overall, whether viewed from McDonnell Road or further afield, the location of the 'JH' building is considered to be appropriate in terms of avoiding any uniformity in the alignment of built form when viewed from McDonnell Road as well as suitably screened to confirm that any adverse effects associated with the 'JH' platform upon any residential or rural living amenities current enjoyed from surrounding properties will be de minimis.

Traffic Generation, Access and Safety

The proposed existing and proposed vehicle crossings onto McDonnell Road are introduced in part 1.3.2.

The existing dwelling on proposed Lot 6 already uses the existing crossing onto McDonnell Road which has sufficient sightlines in each direction to ensure the safety of road users and the proposal seeks for this dwelling to continue to use this vehicle crossing as well as proposed Lot 1.

It is noted that the RM180637 Engineering Assessment[38] sought the relocation of this crossing to align with the intersection established on the opposite side of McDonnell Road in association with the establishment of residential allotments as authorised by RM161093. However, RM180637 was considering 14 rural living allotments using this existing crossing so the applicant agreed to relocate the existing driveway. However, based on one additional rural living residence accessing this existing crossing, it is not considered necessary to relocate the existing crossing to align with the RM161093 intersection.

As introduced in part 1.3.2, the remaining proposed Lots 2-5 seek consent for a vehicle crossing which affords sufficient sightlines to ensure the safety of road users. All proposed driveways and the internal access allotment have been designed so as they can be constructed in accordance with the requirements of the QLDC Code of Practice. The applicant is confident that the design of these roads and creek crossings can be detailed for assessment and determination as part of the future application for EA. The applicant remains amenable to considering any further EA conditions in relation to these crossings the local authority considers necessary.

Based upon the above, and subject to conditions, any adverse effects associated with the in terms of *Traffic Generation, Access* or *Safety* is considered to be de minimis.

2.2.4 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity

The subject site is not recognised as containing any notable conservation or natural vegetation values and it does not contain any scheduled trees.

With the exception of mature trees along the boundary and amenity plantings in close proximity to the existing residence, the remaining land currently contained in pasture grass has been agriculturally worked to facilitate the production of hay each year. In addition, parts of the property were used as an Apple Orchard. These agricultural activities have left few or no natural ecosystems or habitats for plants or animals over those areas occupied by pasture grass.

[38] RM180637 QLDC Engineering Assessments – Attachment D1.

An ephemeral watercourse flows from the northern corner of the subject site around the southern boundary of the existing power substation to then drain southeast within the road reserve of McDonnell Road. Due to those agricultural activities within the subject site and the activities which occur within the road reserve coupled with the creeks limited flow, this water body does not afford a consistent nor established riparian margin that contains an abundance of wetland species.

As described in part 1.3.5, the proposal requires approximately $15m^3$ of earthworks within 10m of the small ephemeral water body that flows southwest across the northern corner of the subject site. Due to the location of the creek traversing through the neighbouring substation site, this work is limited to the proposed driveways where they intersect the roadside boundary.

The level of work in close proximity to stream has been minimised. The proposed earthworks have been considered by EMP specialists Environscope Ltd whom have prepared a comprehensive EMP document which is cognisant of the existing waterbody and the level of proposed earthworks within 10m of it. The EMP sets out the management techniques to be employed by the applicant in relation to the control of sediment and machinery in relation to the existing watercourse to ensure that any adverse effects from the proposed earthworks upon the existing watercourse will be avoided. Based upon the EMP, any adverse effects of the proposed earthworks can be mitigated to maintain the water quality and function of the existing watercourse and any adverse effects upon ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity will be de minimis.

2.2.5 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:

There are no natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations which have been identified on the subject site.

2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants into the environment.

2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

The proposal does not include the use of any hazardous substances, nor does it include any hazardous installations.

The subject site (part of) is recognized as being susceptible to nil to low liquefaction risk. RDAgritech Ltd have undertaken site investigations and completed a report which is contained in Attachment [E7]. In relation to the liquefaction risk the report comments:

"Review of the Queenstown Lakes District Council webmap shows one natural hazard identified across the west portion of the site.

Liquefaction Category: LIC 1 has been identified on the QLDC website. The risk description is nil to low risk for the site which is considered to be less than minor. We would agree with the nil to low risk assessment as the soil and groundwater conditions for liquefaction are not present within this area.

A seismic ground shaking risk for the Wakatipu region on the whole has been identified and prudent design to mitigate the risk of seismic ground shaking should be applied to all proposed structures. Design to the relevant structural and building codes is expected to mitigate this issue.

Freeze and thaw effects are relevant for the region and it is recommended that all NZS3604 foundations are embedded at least 0.4m below finished ground levels with careful consideration given to final ground level clearances from exterior claddings.

With the current topography across the site, overland flow is expected during high rainfall events. However, it is recommended that any potential overland flow paths are either piped or regraded away from the building platforms and associated landscaping structures."

The RDAgritech Ltd report was considered by Council Development Engineers as part of the assessments made under RM180637. Whilst the RDAgritech Ltd report recommended TC2 type foundations for platforms on RM180637 Lots 7, 8, 10 and 11. Council Engineers accepted RDAgritech Ltd's recommendations yet recommended the TC2 type foundation should also include RM180637 Lot 12.

Page 18 of the RDAgritech Ltd report depicts the proposed scheme plan overlaid upon the RM180637 scheme plan with the test pit locations where it can be identified that RM180637 Lots 7, 8, 10, 11 and 12 are located within proposed Lots 2 and 3. As such, the TC2 foundation condition recommended by Council Engineers has been augmented to include proposed Lots 2 and 3 as set out in the volunteered conditions. Subject to these conditions, it is concluded that the proposal will not result in any significant adverse effects in relation to this liquefaction hazard.

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

Please see section 2.2.7 above.

2.4 If the activity includes the discharge of any contaminant, a description of...

(a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(b) any possible alternative methods of discharge, including into any other receiving environment

Please refer to section 2.2.6

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

Actual and potential adverse effects of the proposal have been considered in Part 2.2. Aside of the conditions contained in Attachment [F], no additional mitigation measures are considered necessary.

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

No persons are considered affected by the activity.

2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

It is not expected that any monitoring will be required as part of this application.

2.8 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).

There are no known customary rights that the site is subject to therefore this is not applicable to this application.

3.0 OBJECTIVES AND POLICIES ASSESSMENT

3.1 Otago Regional Policy Statements

The Proposed Otago Regional Policy Statement was partially operative as of 14 January 2019 (**PORPS19**). There are a number of provisions which remain subject to appeal, but it is considered that these relate to matters which are not applicable to the assessment of the current application (port activities, mineral and petroleum exploration and biodiversity), consequently, the provisions of relevance to the proposal are considered to be fully operative.

In June 2021, Otago Regional Council notified the Otago Regional Policy Statement (**PRPS21**). On 30th March 2024, Council decisions on the freshwater planning instrument and non-freshwater parts

of this Policy Statement were notified. 19 Appeals to the Environment have been filed on a broad range of provisions.

Notwithstanding the above, comparing the Council decisions version of the PRP21 and the PORPS19 in relation to the scale, nature and location of the subject site and the proposal as set out in part 1.3, I consider the policy direction of relevant provisions to be considered remain in general alignment. The relevant provisions are listed in Attachment [E8] and I consider all of these provisions are achieved by counterpart provisions within the Proposed District Plan. I have undertaken a weighting exercise in part 1.4.2 where I find that the dominant provision set for assessment of the current application is contained in the PDP and I find no reason to return to specifically consider nor address any provisions contained in either the PORPS19 or PRPS21.

3.2 Regional Plan: Water for Otago

As indicated on the Form 9 and referred earlier in part 1.3.5, the proposal includes earthworks over an area in excess of 2,500m^2 within a 12-month period and 55m^3 of earthworks within 10m of a water body which are activities requiring resource consent pursuant to Rule 14.5.1 of the Regional Plan for Water (**RPW**). An application has been prepared and will be lodged with Regional Council offices May 2025.

It is considered that the assessment of the relevant policies from the RPW as they relate to the proposal can be more properly undertaken by way of the application made to the Regional Council and it does not assist to consider these within the current application in any detail.

3.3 Queenstown Lakes District Proposed District Plan

Based upon the weighting of District Plans in part 1.3.3, the dominant provision is considered to be contained in PDP Chapter 3 *Strategic Direction* and PDP Chapter 27 *Subdivision & Development* for assessment of the current application:

3.3.1 Proposed District Plan – Strategic Direction - Chapter 3

Each relevant objective and policy from the *Strategic Direction* Chapter 3 of the PDP has been listed and assessed in Attachment [G1]. Due to the nature and scale of the proposal and location of the subject site a majority of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with and enabled[39] by relevant provisions for the following reasons:

- Infrastructural requirements have been introduced in part 1 of this application. It is considered that the proposal has been designed to be constructed so that it is fit for purpose subject to conditions.

[39] Policy 3.3.22.

- The subject site was re-zoned by way of the District Plan Review from ODP Rural General to Lifestyle Precinct subzone which has capacity to absorb rural living development[40]. Arguably, this re-zoning has *diversified the land use in the rural area beyond traditional activities*. However, the proposal does seek to identify building platforms further solidifying this diversification. For the reasons set out in part 2 and the Baxter Design landscape assessment ONL values are protected, landscape character and visual amenity values are maintained while the subject site is not recognised as containing any significant nature conservation values or Ngāi Tahu values, interests or customary resources.
- The subject site was re-zoned by way of the District Plan Review from ODP Rural General to Lifestyle Precinct subzone which has capacity to absorb rural living development[41]. The proposal seeks to establish rural living in accordance with the minimum allotment expectations of the Zone. Therefore, the proposal is considered to be enabled by Policy 3.3.22.

3.3.2 Proposed District Plan: Urban Development – Chapter 4

Each relevant objective and policy from the *Urban Development* Chapter 4 of the PDP has been listed and assessed in Attachment [G3]. Due to the nature and scale of the proposal and location of the subject site, these objectives and policies are not relevant for the reasons listed.

3.3.3 Proposed District Plan: Wakatipu Basin – Chapter 24

Each relevant objective and policy from the *Wakatipu Basin* Chapter 24 has been listed and assessed in Attachment [G4]. Due to the nature and scale of the proposal and location of the subject site a majority of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with and enabled[42] by relevant provisions for the following reasons:

- The landscape character and visual amenity values identified for the Arrowtown South LCU have been considered in the Baxter Design Ltd landscape assessment which concludes *any potential adverse landscape effects on the visual amenity of the wider landscape, arising from the proposal, will be Low, with any awareness of the proposal having a less than minor effect on the existing landscape character and quality*.
- The natural landform has been described in part 1 and within the Baxter Design Ltd landscape assessment alongside consideration of any adverse effects upon the landform. The proposed subdivision has been designed cognisant with minimising earthworks and inappropriate modification to the natural landform and will not compromise any recognised qualities attributed to the natural landform.

[40] Chapter 24 Zone Purpose at paragraph 2.

[41] Chapter 24 Zone Purpose at paragraph 2.

[42] Enabled by policies 24.2.1.14, 24.2.1.15, 24.2.4.9 & 24.2.5.1.

3.3.4 Proposed District Plan: Subdivision – Chapter 27

Each relevant objective and policy from the *Subdivision & Development* Chapter 27 has been listed and assessed in Attachment [G2]. Due to the nature and scale of the proposal and location of the subject site a majority of the objectives and policies are not relevant for the reasons listed. In summary, the current application is considered to be consistent with relevant provisions for the following reasons:

- Infrastructural requirements have been introduced in part 1 of this application. It is considered that the proposal has been designed to be constructed so that it is fit for purpose subject to conditions.
- Aspects of the proposed infrastructure will be subject to confirmation through standard conditions that require Engineering Acceptance. Completion certification requirements are set out in the suite of volunteered conditions contained in Attachment [F]. Subject to these conditions, the proposed subdivision is considered to be adequately serviced with the required infrastructure.
- Subject to conditions, the proposed subdivision will be consistent with the *QLDC Subdivision Design Guidelines 2020.*
- The proposed allotment size and shape are considered appropriate for the purpose of rural living.
- There are no other requirements of any other relevant agencies that need to be considered as part of the current application.
- The subdivision design and layout ensures a high level of rural amenity within the proposal lot arrangement and maximises access to sunlight.

4.0 DISTRICT PLAN ASSESSMENT MATTERS

4.1 Proposed District Plan – Wakatipu Basin - Chapter 24

Rule 24.5.7.1 – Setback form internal boundaries

Discretion is restricted to:

a. Building location, character, scale and form;

The current application identifies residential building platforms which includes a secondary type platform area on proposed Lot 2 identified as ‘JH’ and introduced in part 1.3.2. This part of the proposed platform would enable a building to be located 5.5m from the common boundary between proposed Lots 2 and 6.

In terms of landscape character and visual amenity values, the Baxter Design landscape assessment includes ‘JH’ and is relied upon in confirming that any adverse effects in this regard are acceptable.

In terms of residential and/or rural amenity values, the assessment made in part 2.2.3 above confirms that any adverse effects in this regard are acceptable.

Given that any adverse effects upon landscape character, visual amenity value and existing residential and/or rural amenity values are acceptable, it is considered that the building location, character, scale and form is acceptable, and the proposal satisfies assessment matter (a) above.

b. External appearance including materials and colours;

Future building materials and colours will be the subject of a future controlled activity resource consent application pursuant to Rule 24.4.5 where Rule 24.5.4 pertains to building materials and colours. It is considered appropriate to rely upon Rules 24.4.5 and 24.5.4 to require an acceptable outcome in terms of the material and colour appearance of any future building in 'JH'. As such, the proposal is considered to satisfy assessment matter (b) above.

c. Landform modification/planting (existing and proposed).

Due to the overall height of the land formation to the west of area 'JH', it must be acknowledged that the existing Apple orchard partially "cloaks" its appearance / legibility. Given this, the horizontal and vertical limitations of 'JH' and the proposed screening as discussed in part 2.2.3, any adverse effects from the proposal upon the landform will be de minimis and acceptable. As such, the proposal is considered to satisfy assessment matter (c) above.

d. For any building within the setback defined in Rule 24.5.7.2…

The subject site is not identified in Rule 24.5.7.2. As such, this assessment matter is not a relevant consideration for the current application.

4.2 Proposed District Plan – Earthworks - Chapter 25

25.8.1 In considering whether or not to grant consent or impose conditions on a resource consent, regard shall be had, but not be limited by the following assessment matters which are listed in the order of the matters of discretion.

25.8.2 Soil erosion and generation of sediments

25.8.2.1 The extent to which the proposal achieves effective erosion and sediment management.

25.8.2.2 Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.

25.8.2.3 Whether the extent or impacts of adverse effects from the earthworks can be mitigated by managing the season or staging of when such works occur.

25.8.2.4 Whether the proposal is supported with erosion and sediment management design that corresponds to the scale, area, duration of the works and the sensitivity of receiving environment. In particular where resource consent is required for non-compliance with Rule 25.5.11, this design is prepared by a suitably qualified person.

The proposal is considered to satisfy the matters listed above for the following reasons:

- During earthworks a temporary fence structure will be erected around the downslope / lower edges of the worksite(s) which will ensure all sediment and material remains on the subject site.
- The proposed earthworks will be completed within a six week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission and noise are considered to be adequately mitigated by methods described in the EMP.

25.8.3 Landscape and visual amenity values

25.8.3.1 Whether the design of the earthworks is sympathetic to natural topography.

25.8.3.2 Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.

25.8.3.3 The duration of earthworks and any timeframes proposed for remedial works and revegetation.

25.8.3.4 Within Outstanding Natural Features and Landscapes and the Rural Character Landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:

a. physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;

b. visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and

c. cultural attributes including Tangata whenua values, historic and heritage associations.

25.8.3.5 The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.

25.8.3.6 The potential for cumulative effects on the natural form of the landscape.

25.8.3.7 Whether the design or location of any new tracks or roads can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.

25.8.3.8 The extent earthworks will affect visual amenity values including public or private views and whether the earthworks will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.

The proposal is considered to satisfy the matters listed above for the following reasons:

- Effects on landscape and visual amenity values have been considered in detail within the Baxter Design landscape assessment where landscape and visual amenity values are maintained.
- The area of earthworks will either be built upon or re-surfaced.
- The proposal does not include any *tracks* or *roads*.

25.8.4 Effects on infrastructure, adjacent sites and public roads

25.8.4.1 Whether the earthworks will affect stormwater and overland flows, and the extent to which this creates adverse effects off-site and increases stormwater flows onto other properties, including whether this will exceed existing stormwater design or stormwater management of those properties.

25.8.4.2 Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.

25.8.4.1 Where there will need to be off-site disposal of excess material or cleanfill, traffic generation effects limited to access, road network performance and safety, damage to the carriageway and amenity effects.

25.8.4.1 Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the earthworks area is rehabilitated, or for damage to roads.

25.8.4.1 Any other measures employed to reduce the impact on other sensitive receivers such as aircraft operating in the Airport Protection Inner and Conical Surfaces for Queenstown and Wanaka Airports.

The proposal is considered to satisfy the matters listed above for the following reasons:

- The notable surface drainage pattern within proposed Lot 3 has been assessed by RDAgritech Ltd who recommend a minimum floor level for any residential building which is set out on the proposed earthworks plan which demonstrates this level will be achieved and any stormwater will be directed around the platform.
- Due to the location of the subject site. The proposal is not considered to have any impact upon *other sensitive receivers such as aircraft.*
- The proposed earthworks will be completed within a six week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission and noise are considered to be adequately mitigated by the methods described in the EMP.

25.8.5 Land stability

25.8.5.1 The extent to which any proposal demonstrates that fill associated with buildings, retaining, accesses and parking areas comply with the QLDC Land Development and Subdivision Code of Practice, where these matters have not already been addressed through a subdivision consent or building consent pursuant to Building Act 2004.

25.8.5.2 Where earthworks are proposed on a site gradient greater than 18.5 degrees (1 in 3), whether advice from a suitably qualified person has been provided to address the stability of the earthworks.

25.8.5.2 Whether cut, fill and retaining are designed and undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice.

25.8.5.2 Whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures.

The proposal is considered to satisfy the matters listed above for the following reasons:

- Stability has been discussed in Part 2.2.7 where subject to conditions the proposal is not considered to exacerbate any existing natural hazards;
- Exposed excavation faces will be retained or battered at suitable gradient to ensure that the proposal will not compromise the stability of any neighbouring sites.
- The proposed excavation works will not require permanent retention measures.

25.8.6 Effects on water bodies, ecosystem services and biodiversity

25.8.6.1 The effectiveness of sediment control techniques to ensure sediment run-off does not leave the development site or enter water bodies.

25.8.6.1 Whether and to what extent any groundwater is likely to be affected, and mitigation measures are proposed to address likely effects.

25.8.6.1 The effects of earthworks on the natural character, ecosystem services and biodiversity values of wetlands, lakes and rivers and their margins.

25.8.6.1 The effects on significant natural areas.

The proposal is considered to satisfy the matters listed above for the following reasons:

- During earthworks a temporary fence structure will be erected around the downslope / lower edges of the worksite which will ensure all sediment and material remains on the subject site.
- The proposed earthworks will be completed within a six week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission and noise are considered to be adequately mitigated by the methods described in the EMP.
- The subject site is not located within the vicinity of a *significant natural area.*

25.8.7 Cultural, heritage and archaeological values

25.8.7.1 The extent to which the activity modifies or damages wāhi tapu or wāhi taonga, whether tangata whenua have been notified and the outcomes of any consultation.

25.8.7.1 The extent to which the activity affects Ngāi Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the iwi management plans identified in Advice Note 25.3.4.3.

25.8.7.1 The extent to which a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin or other archaeological items has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made. Using the Accidental Discovery Protocol in Schedule 25.10 as a guide.

25.8.7.1 Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.

25.8.7.1 Whether the area subject to earthworks contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga.

25.8.7.1 The extent to which earthworks and vibration adversely affect heritage items.

The proposal is not located within a Wahi Tupuna overlay.

25.8.8 Nuisance effects

25.8.8.1 The extent to which earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures, including whether a management plan has been submitted as part of the application.

25.8.8.1 Duration and hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area to an extent greater than anticipated to accommodate development otherwise provided for by the District Plan.

The proposal is considered to satisfy the matters listed above for the following reasons:

- The proposed earthworks will be completed within a six week period which reduces noise, dust and vibration effects.
- Effects associated with dust emission, noise, lighting and traffic effects are considered to be adequately mitigated by the methods described in the EMP.
- Conditions of consent include the requirement for an Traffic Management Plan (TMP).
- A condition of consent restricts the hours of operation.

25.8.9 Natural Hazards

25.8.9.1 Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.

25.8.9.2 Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall be had to the Natural Hazards Chapter 28, in particular Policies 28.3.2.1, 28.3.2.2, 28.3.2.3.

25.8.9.3 Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.

25.8.9.4 The extent earthworks affect the risk of natural hazards and whether the risk is reduced or not increased.

The proposal is considered to satisfy the matters listed above for the following reasons:

- Natural Hazards have been discussed in Part 2.2.7 where subject to conditions the proposal is not considered to exacerbate any existing natural hazards.

25.8.10 Functional aspects and positive effects

25.8.10.1 Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.

25.8.10.2 The extent to which the earthworks facilitate future development otherwise provided for by the District Plan.

25.8.10.3 Whether the earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access, safety and fencing.

25.8.10.4 Whether the earthworks are for the purposes of a fire break and the extent of the fire break is necessary.

25.8.10.5 Whether the earthworks are for the purposes of public recreation trails that enhance recreational opportunities and access.

25.8.10.6 Whether the earthworks are necessary for the remediation of contaminated land and facilitate the efficient use of the land resource.

The proposal is considered to satisfy the matters listed above for the following reasons:

- Part of the proposed earthworks are required to install infrastructure to service the proposed development only which includes the extension of existing network utilities such as power, telecoms, water supply, wastewater and stormwater disposal.
- No earthworks proposed in association with *farming activities, tracks* or *fencing* as set out above.
- The proposed earthworks are not required for the purposes of a *fire break.*

4.3 Proposed District Plan – Subdivision & Development - Chapter 27

4.2.1 Rule 27.5.9

All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct. Discretion is restricted to:

a. Location of building platforms and vehicle accessways;

b. *Subdivision design and lot layout including the location of boundaries, lot shape and dimensions (but excluding lot area);*

The subdivision design is set out on the proposed scheme plan[43] and confirms that the lot dimensions meet the expectations of Chapter 27 while the minimum allotment size of the Lifestyle Precinct is also achieved.

The proposed design, controls[44] and landscaping have been discussed in part 1.3 and the Baxter Design Ltd landscape assessment.[45] The landscape assessment confirms:

- The landscape character and visual amenity values will be maintained.
- The proposal avoids any adverse effects on any ONL or ONF values.

Servicing has been introduced and considered in part 1.3. Subject to conditions, the proposed subdivision can be adequately serviced and accessed.

Based upon the above, the proposal is considered to satisfy assessment matters listed a. and b. above.

c. *Location, scale and extent of landform modification, and retaining structures;*

The natural landform has been described in part 1 and within the Baxter Design landscape assessment alongside consideration of any adverse effects upon the landform. The proposed subdivision has been designed cognisant with minimising inappropriate modification to the natural landform and will not compromise any recognised qualities attributed to the natural landform. For this reason, coupled with those discussed in part 2, subject to conditions, the proposal is considered to satisfy assessment matter c. above.

d. *Property access and roading;*

Existing and proposed access has been introduced and discussed in parts 1.3 and 2.2.3. For the reasons already set out, subject to conditions, the proposal is considered to be adequately serviced with roading infrastructure and is considered to satisfy assessment matter d. above.

e. *Esplanade provision;*

Due to the size of the creek which traverses the northern corner of the subject site, no esplanade provision is required, and none was sought as part of the previous consent application RM180637. Therefore, there is no requirement for considering esplanade reserves

[43] Contained in Attachment E1.

[44] Attachment F.

[45] Contained in Attachment E1.

or strips and assessment matter e. above is not a relevant consideration for the current application.

f. Natural and other hazards;

Natural and other hazards have been considered in part 2.2.7 and the Geotechnical Assessment from RDAgritech Ltd where subject to conditions, the proposal will not exacerbate any existing natural hazard. As such, the proposal is considered to satisfy assessment matter f. above.

g. Firefighting water supply and access;

h. Water supply;

Water supply for domestic and fire-fighting purposes have been discussed in Part 1.3. Subject to conditions, the proposal is considered to satisfy assessment matters g. and h. above.

i. Network utility services, energy supply and telecommunications;

Letters confirming the provision of *energy supply* and *telecommunications* have been sought but due to internal workloads have not been forthcoming with confirmation prior to lodgement. The applicant will provide these confirmations as soon as they become available[46].

j. Open space and recreation provision;

Due to the *scale* of the proposed subdivision and *location* of the subject site, any contribution of an open space or recreation area would benefit residents of the proposed subdivision only which is not desirable given the site is within a rural environment. As such, assessment matter j. above is not a relevant consideration for the current application.

k. Opportunities for nature conservation values and natural landscape enhancement;

The subject site is not recognised as containing any notable conservation or natural vegetation value and it does not contain any scheduled trees. As such, assessment matter k. above is not a relevant consideration for the current application.

l. Easements;

A number of easements are required in order to service the proposed allotment arrangement and identified on the scheme plan[47]. Pursuant to s.223 of the RMA, other easements maybe

[46] Please refer to the application's covering letter.

[47] Contained in Attachment E1.

added should they be required. Irrespective, the proposal is considered to satisfy assessment matter l. above.

m. Vegetation and proposed planting;

Vegetation and proposed planting is set out on the proposed Landscape Plan[48], discussed in the Baxter Design landscape assessment and conditioned[49]. For the reasons set out in the landscape assessment, the proposal is considered to satisfy assessment matter m. above.

n. Fencing and gates;

The applicant seeks a specific landscape and built form outcome where a number of consent notice conditions[50] have been imposed in relation to *fencing* and *gates*. Based upon these controls, the proposal is considered to satisfy assessment matter n. above.

o. Wastewater and stormwater management;

Proposed wastewater and stormwater disposal has been discussed in part 1.3 and conditioned. Subject to conditions, the proposal is considered to satisfy assessment matter o. above.

p. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;

There is no existing trail connection on the southern, northern or western boundary that could facilitate a logical pedestrian and/or cycleway trail connection through the site for the public. As such, assessment matter p. above is not a relevant consideration for the current application.

4.2.2 Assessment Matters in relation to Rule 27.5.9 – 27.9.3.3

Subdivision Design and Landscape

a. The extent to which the location of future buildings, ancillary elements and landscaping responds to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape unit, and the following assessment matters:

i. the retention of existing vegetation and landform patterns;

[48] Contained in Attachment E1.

[49] Attachment F.

[50] Attachment F.

Landform modification has been discussed in part 4.2.1 (c) above.

ii. *the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;*

Proposed boundaries have been considered in part 4.2.1 (b) & (n) above as well as the Baxter Design landscape assessment. For the reasons already discussed, the proposal is considered to satisfy assessment matter (ii) listed above.

iii. *earth mounding, and framework planting to integrate buildings and accessways;*

Existing landform and vegetation have been considered in the Baxter Design landscape assessment. For the reasons discussed in the landscape assessment, the proposal is considered to satisfy assessment matter (iii) listed above.

iv. *planting of appropriate species that are suited to the general area including riparian restoration planting;*

The proposed Landscape Plan only contains exotic species yet these are considered to be appropriate to the site and surrounding area. As such, the proposal is considered to satisfy assessment matter (iv) listed above.

v. *the retirement of steep slopes over 15˚ and restoration planting to promote slope stabilisation and indigenous vegetation enhancement;*

The subject site has been geotechnically assessed and discussed in part 2.2.7 above where no slopes have been identified as requiring *slope stabilisation*.

vi. *the integration of controls for future development that address building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, vehicle accessways (including paving materials), external lighting and domestic infrastructure (including water tanks);*

A number of consent notice conditions have been discussed in part 1.3. Based upon these conditions, the proposal is considered to satisfy assessment matter (vi) listed above.

vii. *the integration of existing and provision for new public walkways and cycleways/bridlepaths.*

Potential connectivity (integration) with public walkways / cycleways has been discussed in part 4.2.1 (p) above. For the reasons already set out, this assessment matter is not considered to be a relevant consideration for the current application.

viii. *whether the use of varied allotment sizes maintains a sense of spaciousness, or successfully integrates development with existing landform, vegetation and settlement patterns.*

Due to the landform and location of the subject site, it is considered to have a sense of spaciousness which has been maintained by the subdivision design through the location of building platforms and the selection of species on the proposed Landscape Plan. Spaciousness and natural landscape elements have been considered in the Baxter Design landscape assessment and for the reasons set out in that assessment, the proposal is considered to satisfy assessment matter (viii) listed above.

b. *The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development.*

The title of the subject site is not encumbered with any covenants and/or consent notices. Proposed controls have been discussed in part 1.3. The proposal is considered to satisfy assessment matter (b) listed above.

c. *Where the site adjoins an ONF or ONL, the extent to which the development affects the values of that ONF or ONL.*

The subject site does not adjoin any ONF nor ONL. As such, assessment matter (c) listed above is not a relevant consideration for the current application.

d. *The extent to which development affects Escarpment, Ridgeline and River Cliff Features shown on the planning maps, and in particular whether a building platform, access or associated earthworks would be visually prominent on escarpments, river cliff features and ridgelines, as viewed from any public place, including roads.*

The subject site does not contain nor adjoin any *Escarpment, Ridgeline or River Cliff Features shown on the planning maps*. As such, assessment matter (d) listed above is not a relevant consideration for the current application.

e. *Where building platforms are proposed to be located within the road setback, the extent to which future development (including landscaping and mounding) will maintain views to Outstanding Natural Features and the surrounding Outstanding Natural Landscape mountain context when viewed from the road.*

f. *Where the site size and dimensions are such that compliance with the setback from roads, or the setback from any Escarpment Ridgeline or River Cliff Feature is not practicable, the extent to which any adverse effects arising from the visibility of future buildings or access is mitigated or remedied, acknowledging the constraints of the site.*

There are no proposed platforms within any road setbacks. As such, assessment matters (e) and (f) are not relevant considerations for the current application.

g. *Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.*

A consent notice or bond is not considered to be necessary to ensure landscape outcomes. As such, assessment matter (g) listed above is not a relevant consideration for the current application.

h. *Whether the layout of reserves and accessways provides for adequate public access and use.*

Potential connectivity (integration) with public walkways / cycleways has been discussed in part 4.2.1 (p) above. For the reasons already set out, this assessment matter is not considered to be a relevant consideration for the current application.

i. *Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.*

The maintenance of landscape character and visual amenity has been considered in the Baxter Design landscape assessment where it has not been identified that open space would be sufficiently threatened in the future that a retention mechanism is recommended. As such, this assessment matter is not considered to be relevant.

Access and Connectivity

j. *Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.*

Please refer above to part 4.2.5 assessment matter (d). For the reasons discussed, the proposal is considered to satisfy assessment matter (j) listed above.

k. *Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.*

Potential connectivity (integration) with public walkways / cycleways has been discussed in part 4.2.1 (p) above. For the reasons already set out, this aspect of the assessment matter above is not considered to be a relevant consideration for the current application.

Based upon the geotechnical assessment and the proposed earthworks plan in relation to vehicle accessways, the proposal avoids any adverse effects on soil stability. Landform patterns and features is considered in the Baxter Design landscape assessment.

Vegetation removal and proposed planting has been discussed in part 4.2.1 (m) above. For the reasons already set out, the proposed vegetation removal and planting is considered acceptable.

Given the above, the proposal is considered to satisfy assessment matter (k) listed above.

l. *Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect, to reserves (existing or proposed), roads, existing rural walkways and cycle ways.*

Provision of pedestrian paths, cycle ways, bridle paths, reserves and walkways have been considered in assessment matter 4.2.1 (p) above. For the reasons already set out, this aspect of the assessment matter above is not considered to be a relevant consideration for the current application.

m. *Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.*

It is not practical nor efficient to design the proposal where it would not cross the water body within part of the site and within the road reserve as it extends the entire length of the roadside boundary and further. The proposed EMP has been contemplated cognisant of the existing water body and subject to conditions there will be no significant adverse effects upon the water body.

Based upon the above, the proposal is considered to satisfy assessment matter (m) listed above.

n. *Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision*.

The proposal does not include any *public roads*. In addition, due to the scale, nature and location of the proposal, there is no logical road connection for the proposal to consider in order to serve the surrounding land or provide road linkage. As such, this assessment matter is not considered to be a relevant consideration for the current application.

Infrastructure and Services

o. *Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.*

p. *Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.*

Natural water system is not defined in the District Plan. Proposed disposal of stormwater and wastewater is discussed in part 1.3. Subject to conditions, the proposed methods of disposal are considered to avoid any adverse effects upon ground water and ecological values. Subject to these conditions, the proposal is considered to satisfy assessment matters (o) and (p) listed above.

q. *Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.*

Natural water system is not defined in the District Plan. The subject site does not contain any water courses or water bodies. As such, this assessment matter is not considered to be a relevant consideration for the current application.

r. *Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.*

Proposed potable water supply is discussed in part 1.3 and conditioned. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing potable water for each proposed allotment and assessment matter (r) is considered satisfied.

s. *Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.*

Proposed firefighting water supply described in part 1.3. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing emergency water supplies to each site in the event of fire and assessment matter (s) is considered satisfied.

t. *Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.*

u. *Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.*

Proposed disposal of wastewater is described in part 1.3. The proposed allotments are sufficient in size to accommodate individual treatment, yet the preference is to dispose of wastewater to public reticulation. As such, the proposal is considered to satisfy assessment matters (t) and (u) listed above.

v. *Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.*

The *integrity of stormwater and/or wastewater treatment and disposal systems* is not understood. However, easements are required for the delivery of water to each site as set out on the proposed scheme plan. Consent notices are offered[51] in relation to wastewater treatment and disposal systems. As such, the proposal is considered to satisfy assessment matter (v) listed above.

w. *Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.*

Any existing easements in place over the subject site in relation to supplying neighbouring sites with electricity or telecoms lines will be retained as set out in the easement schedule. As such, this assessment matter is not considered a relevant consideration for the current application.

[51] Attachment F.

x. *Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.*

Proposed telecommunications and electricity supply is described in part 1.3. Subject to conditions, the proposed supply is considered adequate and reliable in terms of providing telecommunications and electricity to each allotment created. All proposed services are intended to be buried. As such, the proposal is considered to satisfy assessment matter (x) listed above.

Nature Conservation and Cultural values

y. *Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.*

Vegetation removal and proposed planting has been discussed in part 4.2.1 (m) above. For the reasons already set out, the proposed vegetation removal and planting is considered acceptable. When the proposed planting is considered in the context of the existing level of vegetation, the proposal is considered to satisfy assessment matter (y) listed above.

z. *Assessing the extent to which the subdivision design and layout preserves or enhances areas of archaeological, cultural or spiritual significance.*

The subject site is not recognised as containing any notable historical, cultural or spiritual items and the site is not within a Wahi Tupuna area. As such, assessment matter (z) is not considered to be relevant.

aa. *Considering the benefits of the removal of identified wilding exotic trees.*

The proposal does not remove any *identified wilding exotic trees.* As such, this assessment matter is not relevant.

bb. *Where the subdivision land includes waterbodies, considering the extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.*

For the reasons set out under assessment matter (m) above, the proposal is considered to satisfy this assessment matter.

Hazards

cc. The extent to which natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28.

Natural hazards are discussed specifically within part 2.2.7 and for the reasons set out already, subject to conditions, the proposal is considered to satisfy assessment matter (cc) above.

5.0 RESOURCE MANAGEMENT ACT 1991: PART 2

5.1 Section 5

The purpose of the Act as stated in s5(1) of the RMA is, "to promote the sustainable management of natural and physical resources". Section 5(2) of the Act defines "sustainable management" as:
… managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –
(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

As detailed throughout the current application, it is considered that the proposal is an appropriate use of the subject land that enables the creation of six rural living allotments in a manner that maintains the landscape character and visual amenity values of the area.

As discussed in part 2 of the current application, any adverse effects on the environment associated with the proposal are considered to be appropriately mitigated.

The proposal is considered to represent sustainable management where adverse effects on the environment have been appropriately mitigated whilst providing for the social, cultural and economic wellbeing of the community.

5.2 Section 6

Section 6 relates to matters of national importance. Of specific relevance to the subject application are (a) relating to the preservation of the natural character of lakes and (h) pertaining to the management of risks from significant natural hazards.

Section 6 matters have been discussed within the assessments of the current application where the proposal is not considered to be contrary to Section 6 matters. It is considered that this is an

important consideration given PDP provisions and the application of the proposed policy framework within the context of the effects of the current proposal on Part 2 of the RMA.

5.3 Section 7

Section 7 relates to 'other matters'. The matters of relevance are considered to be as follows:
(b) the efficient use and development of natural and physical resources
(c) the maintenance and enhancement of amenity values
(f) the maintenance and enhancement of the quality of the environment

In a similar vein to section 6 above, these matters have been discussed within the assessments of the current application where the proposal is considered to be consistent with Section 7 matters.

5.4 Section 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi. The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

In a similar vein to sections 6 and 7 above, these matters have been discussed within the assessments of the current application where the proposal is considered to be consistent with Section 8 matters and is considered to achieve Part 2 of the Act.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

6.0 CONCLUSION

Overall, the current application is made as a restricted discretionary activity. Subject to Part 2 of the RMA, s.104 sets out those matters to be considered by the consent authority when considering a discretionary resource consent application:

104C Determination of applications for restricted discretionary activities

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—
(a) a discretion is restricted in national environmental standards or other regulations:
(b) it has restricted the exercise of its discretion in its plan or proposed plan.

(2) The consent authority may grant or refuse the application.

(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

An actual and potential effects-based assessment on the environment has been undertaken in accordance with section 104 of the RMA in part 2 of this application document where the proposal is not considered to result in any unacceptable adverse effects.

National Planning Instruments have been considered in parts 1.4.4 of the current application where there are no relevant National Planning Instruments that are required to be considered as part of the current application.

For the purposes of the relevant regional policy statements, PDP Strategic Chapters are considered to give effect to these and as assessed in part 3, the proposal is consistent with each relevant provision from PDP Strategic Chapters.

Part 2 of the RMA has been considered in part 5 above where the current application is considered to be in keeping with the purpose and principles of the RMA.

Based upon the above, there are no reasons as to why the current application should not be granted consent subject to suitably worded conditions being imposed.

AEE prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD & ASSOCIATES

7th May 2025	Original AEE lodged.
28/05/25	Amended Lot 3 RDP as well as Parts 1.4 & 3 of the AEE to include Chapter 4 & 24 Assessments.
13/06/25	Amended to address QLDC RFI.
24/06/25	Amended to address concerns raised by meeting on Landscape Outcomes as well as outstanding RFI Items.
29/08/25	Amended to address QLDC RFI during drafting a decision.
18/11/25	Amended following QLDC P&I assessments of Arrowtown water and wastewater schemes.

16/12/25	Amended to revise driveways and include header tanks for private potable water.