**The Property Group Limited**
Level 1 IT House
1 Umbers Street
Wānaka 9305

*20 August 2025*
*Our job no. 720351*

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348
Attn: Planning Department

**Attention: Resource Consents Team Leader**

To whom it may concern,

## Application for Resource Consent – Application for Resource Consent – New Residential Unit – 27 Central Park Avenue, Lake Hayes

Please find enclosed a resource consent application on behalf of Pip and Mark Stephen to construct a residential unit that is partially outside a building platform and to vary a consent notice instrument at 27 Central Park Avenue, Lake Hayes (the site).

This application includes a Form 9, a detailed description of the proposal, along with an assessment of environmental effects and supporting appendices.

A lodgement deposit of $3638.00 will be paid by the Applicant upon receipt of the lodgement invoice.

The Property Group Limited (TPG) is the agent for this application and should be the contact for any correspondence or telephone discussions.

I would appreciate being able to review draft conditions prior to consent being issued.

Please contact me should you have any questions regarding the application.

Yours sincerely



**Alex Dunn**

Senior Planner

027 335 6325
adunn@propertygroup.co.nz

## Form 9

### Application for Resource Consent - Section 88, Resource Management Act 1991

| | |
|---|---|
| **To:** | Queenstown Lakes District Council |
| **Applicant:** | Pip and Mark Stephen |
| **Agent:** | Alex Dunn<br>Senior Planner<br>The Property Group Limited (TPG)<br>027 335 6325<br>adunn@propertygroup.co.nz |
| **Address for service:** | The Property Group Limited<br>Level 1 IT House<br>1 Umbers Street<br>Wānaka 9305<br>Attention: Alex Dunn |
| **Invoice details:** | Pip and Mark Stephen<br>127 Nicholson Road<br>Khandallah<br>Wellington 6035 |
| **Site address:** | 27 Central Park Avenue, Lake Hayes |
| **Legal description:** | Lot 1 DP 552183 |
| **Owner of site:** | Mark and Pip Stephen, and DB Independent Trustee Co (No. 2) Limited |
| **Consent for:** | Land use consent to establish a residential unit that is partially outside a building platform; and<br>Variation of Consent Notice instrument |
| **Enclosed:** | Application and AEE<br>Appendix 1 – Record of Title<br>Appendix 2 – Instruments<br>Appendix 3 – Architectural Plans<br>Appendix 4 – Earthworks Plans<br>Appendix 5 – Low Risk EMP |

| | |
|---|---|
| **Signed:** | <br>**Alex Dunn**<br>**Senior Planner** |
| **Date:** | 20 August 2025 |

# Application for Resource Consent

Construction of a Dwelling and Variation of Consent Notice Instrument

27 Central Park Avenue

Pip and Mark Stephen

The Property Group

## Quality control

| | |
|---|---|
| **Title:** | Construction of a Dwelling and Variation of Consent Notice Instrument |
| **Client:** | Pip and Mark Stephen |
| **Job number:** | 720351 |
| **Prepared by:** | Alex Dunn |
| **Signature:** |  |
| **Reviewed by:** | Nicole Burgess |
| **Signature:** |  |

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## 1 Introduction

Pip and Mark Stephen hereby apply for resource consent from Queenstown Lakes District Council (Council) to construct a residential unit that is partially outside the approved residential building platform and to vary consent notice instrument 11903938.8. The site is located within the Wakatipu Basin Rural Amenity Zone – Lifestyle Precinct and requires resource consent for the reasons outlined in Section 5 of this report. The application includes architectural plans of the proposal which are included as Appendix 3, landscape and earthworks plans attached as Appendix 4, and a draft low risk EMP which is attached as Appendix 5.

## 2 Site description

### 2.1 Location and Description

The site is located at 27 Central Park Avenue as shown in Figure 1 below:



**FIGURE 1: AERIAL IMAGE OF THE SITE (SOURCE: GRIP MAP)**

The site is held within one Record of Title which has the following details:

| **Record of Title Details** | | | |
|---|---|---|---|
| ***Identifier*** | ***Legal Description*** | ***Area*** | ***Owner*** |
| 957642 | Lot 1 DP 552183 | 5066m$^2$ | Phillipa Toni Stephen, DB Independent Trustee Co (No. 2) Limited and Mark James Stephen |

Consent Notice Instrument 11903938.8 is registered on the Title. The conditions of this consent notice as well as an analysis of each relevant condition is below. It is noted that conditions c) to f) inclusive do not apply to Lot 1.

| **Condition number:** | **Condition:** | **Comment:** |
|---|---|---|
| a) | All future buildings to be contained within the building platform. | The swimming pool is located outside the approved building platform. It is also proposed to construct a shed associated with a glass house and vegetable garden that is located outside the platform. |
| b) (i) | Residential units are to be designed to start on the flat portion of the platform (337.75 MASL). | This is achieved. The residential unit starts at 330.7 MASL. |
| b) (ii) | A residential unit shall not extend beyond the 345 MASL and must not be capable of breaking the ridgeline when viewed from Lot 5 DP 552183 (being the esplanade reserve long Mill Creek), whereby the ridgeline is defined as the 345 MASL contour. | The top of the chimney flue is 345.56 MASL. It is noted that the definition of height excludes chimneys (not exceeding 1.1m in any direction), provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m.<br><br>The roofline is below 345 MASL at 344.70 MASL.<br><br>If Council are of the opinion that the consent notice definition of height is |

| | | |
|---|---|---|
| | | different from the District Plan's definition as the Definition chapter refers to height in all zones and does not specifically take into consideration additional height restrictions placed on Titles by way of a consent notice instrument, then the consent notice variation also seeks approval to allow the chimney to be 0.56m above 345 MASL. |
| b) (iii) | Must have all external cladding and roofing in the range of browns, greens or greys with a LRV of 36% or less. | The proposal will comply with this requirement. |
| g) | Lot owners are requirement to comply with the management regime. | Noted. Will comply. |
| h) | Lot owners shall be responsible for establishing a replacement management regime if the established one fails. | Noted. Will comply. |
| i) | At the time a dwelling is constructed on a Lot, the owner shall construct a sealed vehicle crossing to the site from the right of way. | Noted. Will comply. |
| j) | The approved landscape plan is to be maintained and irrigated. | Noted. Will comply. |
| k) | There shall be no poplar, willow, or Pinus radiata species planted within 15m of the southern boundary of Lots 1 to 4. | Noted. Will comply. |
| l) | There shall be no ecotoxic fertilisers on Lots 1 to 4. | Noted. Will comply. |

There are several easement instruments registered on the Title as well.

A copy of the Record of Title is attached as Appendix 1.

## 3 Background

Resource consent RM211079 was issued on 11 February 2022 and authorised the construction of a residential unit with a height breach and a variation of a consent notice instrument.

The current application is similar to what has been consented, but it is considered that a new application as opposed to a variation is a cleaner way to deal with the changes. This ensures the consent notice variation, for example, only references this consent as opposed to referencing RM211079 which will not be implemented.

## 4 Proposal

It is proposed to construct buildings outside of the approved residential building platform. Specifically, it is proposed to construct an in ground swimming pool with associated deck areas. While decks themselves are not considered to be buildings if they are less than 1m in height from ground level (which is the case in this instance), swimming pools are considered to be buildings.

It is also proposed that a shed associated with a glass house structure be located outside of the building platform area. The glass house structure, inclusive of the shed, has an area of 28m$^2$ with a maximum height of 2.85 metres.

For completeness, the portion of the south terrace deck area that is attached to the main residential unit (and connects with the living room) is less than 1m in height from original ground level. Given this, it isnot considered to be a 'building' and therefore does not require consent to be outside of the platform.

The colours and materials proposed to be utilised on the residential unit are as follows:

| **Feature:** | **Colour/Material:** |
|---|---|
| Roof | Tray profile metal roofing – flaxpod matte |
| Roof | TPO membrane roofing – flaxpod matte |
| Cladding | Natural colour vertical cedar weatherboards |

| | |
|---|---|
| Cladding | Off form concrete |
| Window surrounds | Contrasting timber window surrounds – natural colour (dark brown) |
| Joinery | Aluminium – flaxpod |

Flexibility is sought to allow for changes to the final colours and materials that are similar to the above but are still compliance with District Plan and Consent Notice requirements.

The total building coverage is 236m$^2$.

## 5 Statutory Framework

### 5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Project Human Health Regulations 2011 (NESCS)

The NESCS 2011 applies to land that currently has, or historically had, an activity or industry undertaken on it that is included in the Hazardous Activities and Industries List (HAIL).

There is no known history of an activity on the HAIL list occurring on the subject site. In addition, there is nothing to suggest that previous activities and use of the site would result in the land being potentially contaminated, nor is there any new activity or use proposed by this application which could lead to potential contamination. The proposal therefore does not require consideration under the NESCS 2011.

### 5.2 Operative District Plan

The site is zoned as Rural Residential within the Operative District Plan (ODP). Rules within this plan are now deemed inoperative. No further consideration is required to be given to the ODP.

### 5.3 Proposed District Plan

The site is zoned as Wakatipu Basin Rural Amenity Zone – Lifestyle Precinct (WBRAZ-LP) within the Proposed District Plan (PDP). The site is also identified as being within the Lake Hayes Rural Residential Landscape Character Unit (LCU).

The proposal requires consent for the following reasons:

- A controlled activity resource consent pursuant to Rule 24.4.5.1 for the construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent and registered on the Title. This rule

is being triggered as it relates to the main form of the residential unit which is contained entirely within the platform. Council's control is with respect to:

a. Effects on landscape character associated with the bulk and external appearance of buildings;

b. Access;

c. Infrastructure;

d. Landform modification, exterior lighting, landscaping and planting (existing and proposed);

e. Natural hazards;

f. The contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment;

g. N/A

- A **non-complying** resource consent pursuant to Rule 24.4.7 for the construction of buildings for residential activity outside a building platform. In this instance, a portion of the glass house structure (which also contains a shed) is located outside the approved building platform. The swimming pool is also located outside of the platform.

- A **restricted discretionary** resource consent pursuant to Rule 24.5.8.1 which provides that the maximum height of buildings shall be 6.5 metres. In this instance, the maximum height of the building proposed is 6.8 metres. Council's discretion is with respect to:

  a. Visual prominence from both public places and private locations;

  b. External appearance including materials and colours;

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

- A **restricted discretionary** resource consent pursuant to Rule 25.4.2 for exceeding 400m$^3$ of earthworks. In this instance, 1500m$^3$ is proposed. Council's discretion is with respect to the matters detailed in Part 25.7 of the Plan.

## 5.4 Resource Management Act 1991

- A **discretionary** activity consent pursuant to s221 of the RMA to allow elements of the built form to be located outside the platform. The variations sought to the consent notice are as follows (added text in **bold underline** and deleted text in ~~strike through~~):

  a) All future buildings on Lot 1 shall be contained entirety within the building platform shown as covenant area P on Deposited Plan 552183 (Building Platform) **with the exception of the development authorised by RM25XXXX**.

b) The future residential unit to be constructed on the Building Platform:

(i) must be designed to start on the flat portion of the Building Platform (337.75 MASL as shown on South Land plan Ref T4060_310 dated 5/4/18)

(ii) shall not extend beyond the 345 MASL shown on Southern Land plan titled 'Lots 1-6 being a Subdivision of Lot 9 DP12678 Proposed Earthworks' dated 6/7/18 drawing reference T4060_E3 Revised B and must not be capable of breaking the ridgeline when viewed from Lot 5 Deposited Plan 552183 (being that part of the site which will be vested as esplanade reserve along Mill Creek), whereby the ridgeline is defined as the 345 MASL contour.

(iii) must have all external cladding and roofing in the range of browns, greens or greys with a Light Reflectance Value of 36% or less.

**Except for the development approved on Lot 1 by RM25XXXX as it relates to the height of the chimney.**

### 5.5 Activity Status

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

## 6 Assessment of Environmental Effects

In accordance with section 88(2)(b) of the Act and Clause 1(d) of Schedule 4 to the Act, this assessment of environmental effects of the proposed activity has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment.

### 6.1 Permitted Baseline

In forming the opinion for the purposes of s95 and s104(1)(a), adverse effects on the environment can be disregarded if the Plan permits an activity with that effect.

In this case, all buildings within this zone require resource consent. Therefore, there is no permitted baseline of relevance to this application.

### 6.2 Existing Environment

Although the permitted baseline is not of relevance, the existing environment is. In this instance, the existing environment is comprised of the development approved by resource consent RM211079. Of particular relevance, RM211079 approved a residential unit that was contained within a platform, a pool located outside the platform (in a slightly different location to where this application seeks to establish a pool), and 3460m$^3$ of earthworks with a maximum cut of 3.28 metres.

The existing environment has been taken into consideration in the assessment below.

### 6.3 Receiving Environment

The receiving environment is comprised of rural residential activities on similar sized allotments to that of the subject site.

The receiving environment has been taken into consideration in the below assessment.

### 6.4 Effects on the Environment Assessment

Although a non-complying activity, guidance has been taken from the matters of control within Rule 24.4.5.1 as well as the objectives and policies of Chapter 24.

*Effects on Landscape Character*

LCU 12 is identified as having high capability to absorb additional development. In this instance, the bulk of the residential unit is fully contained within the platform.

The portions of built form outside the platform are minimal and will not have any discernible adverse effects on landscape character due to the low height of the glasshouse/shed structure and swimming pool which is located in the ground.

The chimney flue is narrow and its potential height breach will not generate adverse effects on the wider landscape character due to its small scale.

Overall, potential adverse effects on landscape character are assessed to be less than minor.

*Access*

Access will be from the right of way. There will be a sealed crossing to this right of way. There is ample room for parking and manoeuvring on the site.

Overall, potential adverse effects relating to access matters are assessed to have a less than minor effect on the wider environment.

*Infrastructure*

Reticulated wastewater and water connections are available. There are two hydrants available nearby that comply with SNZ PAS 4509:2008.

Stormwater (excluding pool discharge) can be discharged to the grass swale that was constructed at the time of subdivision.

Overall, infrastructure servicing is feasible and it is assessed that potential adverse effects on the wider environment will be less than minor.

*Landform Modification*

There will be some landform modification to accommodate the establishment of the residential unit and associated landscaping. The amount of landform modification is extremely similar to that approved by RM211079. In fact, the building proposed by way of this consent largely integrates with the existing ground level which means the amount of earthworks proposed by way of this consent is less.

Taking the existing environment as approved by RM211079 into account, potential adverse effects relating to landform modification are assessed to have a less than minor effect on the wider environment.

*Natural Hazards*

The site is identified as being within an area that is at "probably moderate risk" for liquefaction. It is noted that the GCR and corresponding Schedule 2A submitted as part of the s224c for the underlying subdivision which created the subject allotment did not identify any hazards that required mitigating through building (including foundation) design.

Overall, effects relating to natural hazards are assessed to have a less than minor effect on the wider environment.

*Water Quality of Lake Hayes*

The decision report for RM211079 stated:

> *The Applicant has provided a landscape plan that comprises substantial areas of native planting along the northern, western and southern boundaries of the site. This planting is consistent with planting found within the surrounding area, and precinct. Additionally, the planting is considered to contribute to improving the water quality of the Lake Hayes catchment as the proposed vegetation will assist in retaining sediment on site, and otherwise acting as a 'filter' for stormwater run-off from the site.*

A commensurate level of landscape planting is proposed by way of this consent. As such, the same finding with regard to the water quality of Lake Hayes is anticipated here.

*Earthworks*

Earthworks will consist of 750m$^3$ of cut and an equal amount of fill. Earthworks will be required for some reshaping of existing mounds, associated landscaping, and excavation for the footprint of the building. 3460m$^3$ of earthworks has been approved by the previous consent. Given the extent of earthworks of this consent is less, it is anticipated the same conditions of the previous consent can be applied here. A draft low risk EMP is also attached to this application as Appendix 5.

Having specific regard to the existing environment, it is assessed that the earthworks will have a less than minor effect on the wider environment.

*Building Height*

The building will be 300mm above the height permitted by the Plan. Such a height breach is assessed as being close to indiscernible considering the relatively large size of the site and the landscaping proposed which will soften built form.

*Consent Notice Variation*

The consent notice variation will allow the small portions of built form to be outside the platform and for the chimney to extend above 345 MASL. The intrusions of both are extremely minimal. The bulk of the building (i.e. all built form under the roof) complies with the consent notice height. The portions of built form outside the platform will be indiscernible.

Overall, effects relating to the consent notice variation are assessed to have a less than minor effect on the environment.

### 6.5 Effects on Persons Assessment

Section 6.4 largely focused on potential effects on the wider environment. This section focuses on potential effects on persons.

In this instance, it is assessed that the effect on any persons will be less than minor for the following reasons:

- The existing environment is comprised of a similar proposal.
- The portions of the built form outside the platform will be nearly indiscernible.
- Residential use of the site is anticipated given the existing building platform and the zoning of the site.

Overall, the effect on any persons is assessed to be less than minor.

### 6.6 Effects Conclusion

Based on the above assessment, it is considered that all actual and potential effects associated with the proposal will have a less than minor effect on the environment.

## 7 Notification Assessment

### 7.1 Public Notification – Section 95A

The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the RMA. This comprises the following four-step process to determine whether to publicly notify an application.

**Step 1 – Mandatory public notification in certain circumstances (sections 95A (2) and (3):**

Mandatory public notification is not required as the applicant does not request public notification [s95A(3)(a)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 [s95A(3)(c)].

**Step 2 – Preclusion to public notification:**

Public notification is not precluded because the activity is not subject to any rule in the District Plan or a National Environmental Standard that precludes public notification [s95A(5)(a)] and the activity is not for a controlled activity [s95A(5)(b)(i)] or a boundary activity [s95A(5)(b)(iii)].

**Step 3 - Public notification – rule/adverse effects:**

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or National Environmental Standard that requires public notification, and in accordance with section 95D adverse effects on the environment will not be more than minor.

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

Public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment has been provided in Section 6 of this report. There are no effects on the environment that are more than minor.

**Step 4 – Special circumstances:**

There are no special circumstances that warrant public notification under section 95A(9) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed **without public notification.**

## 7.2 Limited Notification – Section 95B

Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is also a four-step process to determine whether to limited notify an application.

**Step 1 – Customary rights and marine title groups, and statutory acknowledgements:**

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

**Step 2 - Preclusions to limited notification:**

There is no preclusion to limited notification as there is no rule in the District Plan or National Environmental Standard that precludes limited notification of the application [s95B(6)(a) and (b)] and the application is not for a district land use consent with controlled activity status [s95B(6)(b)].

**Step 3 – Limited notification – affected persons:**

In determining whether a person is an affected person (S95E):

- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor),
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded,
- the adverse effects on those persons who have provided their written approval must be disregarded, and
- must have regard to every statutory acknowledgment made in accordance with an Act specific in Schedule 11.

In this instance, the assessment contained at section 6.5 confirms that the effect on any persons is less than minor.

The activity is not within or adjacent to a statutory acknowledgement area.

Therefore, limited notification is not required under step 3.

**Step 4 – Special circumstances:**

There are no special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above. There are no special circumstances that warrant limited notification under section 95B(10) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed **without limited notification**.

### 7.3 Notification Conclusion

Section 95 of the Act sets out the requirements for the Council to consider when determining whether an application for resource consent should be notified.

Section 6 of this report confirms that any effects on specific parties and the wider environment will be less than minor. Therefore, in accordance with the steps outlined above, notification of the proposal is not required.

## 8 Statutory Assessment

### 8.1 Section 104 of the RMA

**Section 104**

*In considering an application for land use consent, the consent authority must have regard to Part 2 (Purposes and Principles) of the RMA, and to the matters to be considered as set out in section 104(1). Section 104(1) states that, subject to the provisions of Part 2, a consent authority must have regard to:*

*(a) any actual and potential effects on the environment of allowing the activity; and*

*(b) any relevant provisions of –*

*(i). a national environmental standard:*
*(ii). other regulations:*
*(iii). a national policy statement:*
*(iv). a New Zealand coastal policy statement:*
*(v). a regional policy statement or proposed regional policy statement:*
*(vi). a plan or proposed plan; and*

*(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

In respect of section 104(1)(a), an assessment of the actual or potential effects has been included in Section 6 of this report. This assessment is also relevant to section 104(1)(a) and it is determined that the actual and potential effects of the proposal will be acceptable.

The following higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act are relevant to this proposal:

**Queenstown Lakes Proposed District Plan**

The following objectives and policies contained within chapters 24 and 25 of the QLDC PDP are relevant to this proposal. These are assessed in the Tabe below.

Table 1: Objectives and policies assessment

| **Objectives and Policies** | | **Assessment** |
|---|---|---|
| Objective 24.2.1 | Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced. | The proposal will maintain amenity values as the majority of the built form is within the platform. |
| Policy 24.2.1.6 | Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform. | Minimal landform modification is required. |

| Objectives and Policies | | Assessment |
|---|---|---|
| Policy 24.2.1.7 | Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units. | The majority of the built form is within the platform. This LCU has a high capability for additional development. Therefore the values identified in the Schedule will be protected. |
| Policy 24.2.1.4 | Enable residential activity within approved and registered building platforms subject to achieving appropriate standards. | The development is largely within the platform. |
| Objective 24.2.4 | Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure. | The site can be serviced by infrastructure. No adverse effects on water quality are anticipated. |
| Policy 24.2.4.2 | Restrict the subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal. | Residential use of the site is anticipated as there is a building platform and a residential unit has been granted previously. There are no additional potential adverse effects on water quality over and above the existing environment. |
| Objective 24.2.5 | Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced. | This is an application that results in rural living within the Precinct. |
| Policy 24.2.5.1 | Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units. | The LCU has high capability to absorb additional development. This site has a platform and was part of a rural residential subdivision. |
| Policy 24.2.5.2 | Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall. | The development is sympathetic to the surrounding landscape and amenity of the area. |
| Objective 25.2.1 | Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities. | Earthworks are centralised to the site and will not generate offsite effects. |
| Policy 25.2.1.1 | Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development. | Earthworks will be minimal and not deemed high risk. Adverse effects relating to erosion and |

| Objectives and Policies | | Assessment |
|---|---|---|
| | | sedimentation runoff will be avoided. |
| Policy 25.2.1.3 | Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines. | Earthworks will not impact any prominent landforms. |
| Policy 25.2.1.4 | Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas. | Earthworks are relatively minor in scale and will therefore maintain the amenity values of the wider area. |
| Policy 25.2.1.6 | Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites. | Earthworks are centralised to the site and will therefore not adversely affect infrastructure, buildings or adjacent sites. |
| Objective 25.2.2 | The social, cultural and economic wellbeing of people and communities benefits from earthworks | Earthworks will enable the applicants to construct a residential unit on an appropriately zoned site. |
| Policy 25.2.2.1 | Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:<br><br>a. Nationally and Regionally Significant Infrastructure;<br>b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;<br>c. minimising the risk of natural hazards;<br>d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and<br>e. the use and enjoyment of land for recreation, including public walkways and trails; and<br>f. maintaining or enhancing the operational efficiency of existing infrastructure. | These matters have been taken into consideration. |

For those reasons outlined above, it is considered that the proposal is consistent with the relevant objectives and policies of the Queenstown Lakes Proposed District Plan.

### 8.2 Section 104D of the RMA

As a non-complying activity, consideration must be given to the three threshold/gateway tests of s104D. In this instance, the assessment above concludes that the effects on environment will be less than minor (therefore no more than minor). The proposal passes the first gateway test.

Regardless of the proposal passing the first gateway test, consideration is also given to the second gateway test. In this instance, a thorough assessment has concluded that the proposal is consistent with all relevant objectives and policies, including what is deemed to be the key policy – being policy 22.2.2.3.

Section 104D only requires a one test to be passed for consent to be issued. In this instance, both tests are passed and therefore, Council is able to issue consent subject to conditions.

### 8.3 Resource Management Act 1991 – Part 2 Assessment

In accordance with recent case law, decision makers no longer need to refer to matters under Part 2 of the RMA 1991 when considering resource consent applications. This includes sections 5 (Purpose), 6 (Matters of National Importance), 7 (Other Matters), and 8 (Treaty of Waitangi). Reliance on specific sections of Part 2 do not need to be considered unless the relevant district plan is invalid, has incomplete coverage or is uncertain.

The QLDC PDP is a valid planning document, has complete coverage over the proposed activities and anticipated effects, and is of sufficient certainty to not require a specific assessment against Part 2 matters in this instance.

## 9 Conclusion

The application is being made by Pip and Mark Stephen to the Queenstown Lakes District Councill for a land use consent to construct a residential unit with elements that are partially outside the approved building platform with associated earthworks.

The preceding assessments conclude that the proposal will result in less than minor effects on the environment and no persons will be adversely affected. The proposal is also not contrary to the relevant objectives and policies of the QLDC PDP.

On this basis, it is considered that the proposal can be granted on a non-notified basis in accordance with Sections 104, 104B and 104D.

We request the opportunity to review the draft conditions prior to the decision being issued.

We look forward to working with you and your team further during this resource consent process.