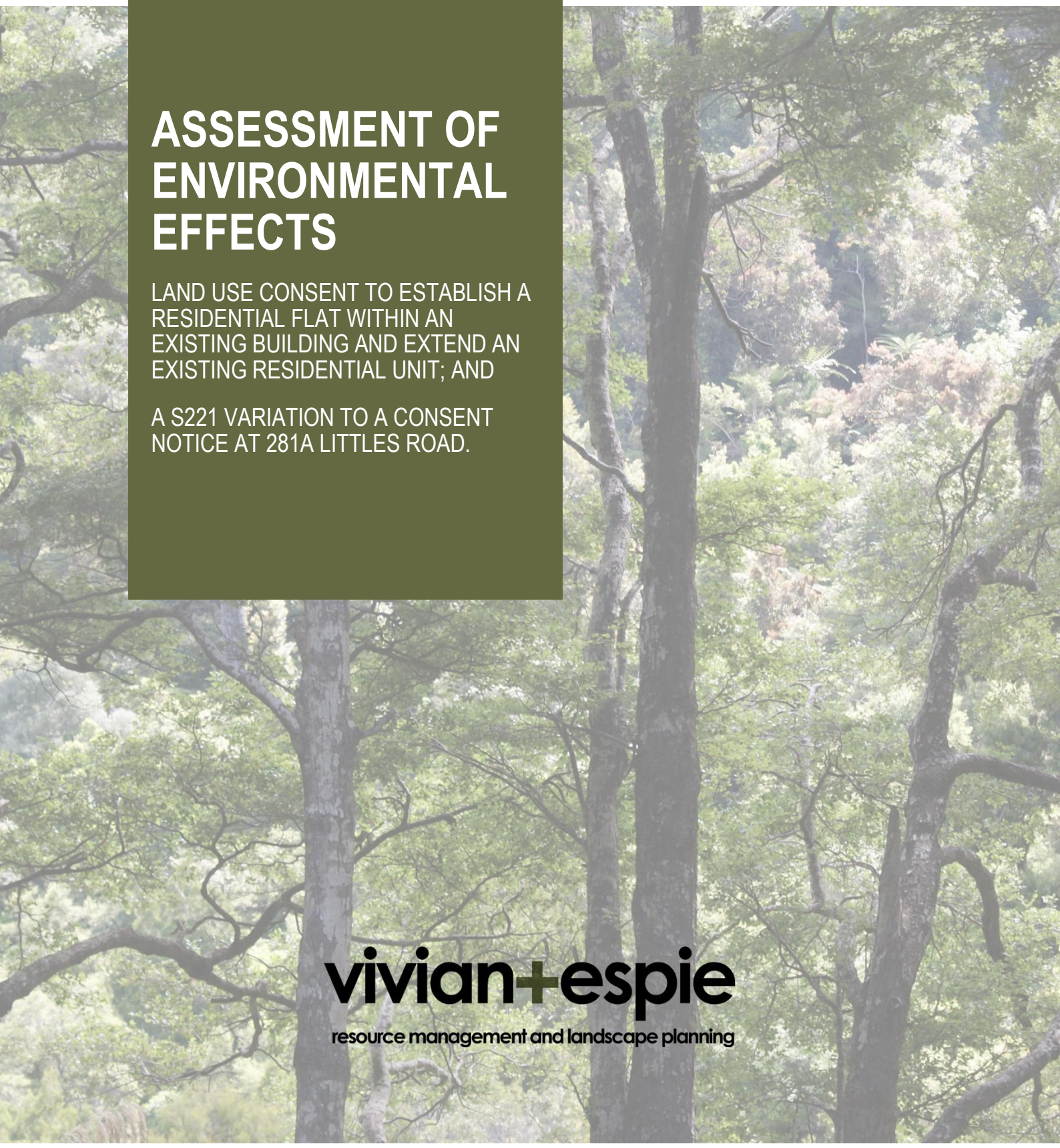
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PREPARED FOR CHRISSY WADSWORTH-SMITH AND DARREN SMITH
18/08/2025
J2353

ASSESSMENT OF ENVIRONMENTAL EFFECTS

LAND USE CONSENT TO ESTABLISH A RESIDENTIAL FLAT WITHIN AN EXISTING BUILDING AND EXTEND AN EXISTING RESIDENTIAL UNIT; AND

A S221 VARIATION TO A CONSENT NOTICE AT 281A LITTLES ROAD.



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Quality Assurance

Prepared By	Tom McIntyre	Senior Planner	15 August 2025
Reviewed By	Carey Vivian	Planner/ Director	18 August 2025

1. Key Information

Address	281A Littles Road, Wakatipu Basin
Legal Description	Lot 1 DP 539318 held in Record of Title 901689
Site Area	6000 m^2
Owners	Chrissy Wadsworth Smith and Darren Smith
Occupiers	Chrissy Wadsworth Smith and Darren Smith
Applicant	Chrissy Wadsworth Smith and Darren Smith
Operative District Plan Zoning	Rural General
Designations & Special Provisions	None
Proposed District Plan Zoning	Wakatipu Basin Rural Amenity Zone – Lifestyle Precinct (Landscape Character Unit #2 – Fitzpatrick Basin)
Designations & Special Provisions	None
Proposed Activity	Land use consent to establish a residential flat within an existing building and to undertake extensions to an existing residential unit; and A variation under s221 of the RMA to change a consent notice to allow for a residential flat at the site. Plans of development are appended as Attachment **[C]**.
Consents Required	<u>Operative District Plan</u> As there are no appeals to the equivalent rules in the PDP, the relevant ODP rules must be treated as inoperative pursuant to section 86F(1)(a) of the RMA. <u>Proposed District Plan</u> • A **non-complying** activity pursuant to Rule 24.4.7 for the construction of a residential building outside a building platform on a site where there is such a platform. • A **restricted discretionary** activity pursuant to Rule 24.5.2 for the construction of a residential flat >10 m away from the principal residential unit. • A **restricted discretionary** activity consent pursuant to Rule 24.5.6 in relation to the 500 m^2 maximum building coverage for the site. • A **restricted discretionary** activity pursuant to Rule 24.5.9 in relation to the 75 m road boundary setback. The proposed house additions and the garden shed are all located within the 75 m setback required in the Precinct.

	Resource Management Act 1991 • A **discretionary** activity pursuant to section 221 of the RMA to delete Conditions a and b of CN 11554479.2 to allow for a residential flat and enable built form outside of the building platform. Overall, the proposal is for a **non-complying** activity.
Written Approvals and Consultation	None.
Other consents/permits	Nil.

2. Introduction

This report is submitted as part of the application by Chrissy Wadsworth Smith and Darren Smith ("the Applicant") for resource consent from Queenstown Lakes District Council ("QLDC" or "Council") for the following matters:

- Land use consent for a residential flat and to make alterations to an existing building; and
- A s221 variation to delete conditions a and b of consent notice 11554479.2 to allow for a residential flat and allow built form outside of a building platform.

The completed Form 9 is appended as Attachment **[A]** and the Record of Title for the subject site as Attachment **[B]** ("the site"). Plans, a servicing report, and landscape and visual effects assessment are appended as attachments **[C], [D]** and **[E]**. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

3. Background

3.1 Subject Site and Surroundings

The subject site measures 6000 m^2 in area and is in use as a rural-residential style property. The buildings on site include: an existing residential unit that was converted from a barn under RM170879 (the **main house**); an ancillary garage beside the house; and an older barn-style building at the north-east corner (the **dancehall**). Access is achieved via a formed Right of Way over 273 Littles Road, which also provides access to three other residential properties. The subject site is within the Wakatipu Basin Rural Amenity Zone - Lifestyle Precinct (**The Precinct**) and is contained in the Fitzpatrick Basin Landscape Character Unit (LCU 2).



Figure 1: Aerial photograph showing the subject site (blue) and surroundings.

3.2 Site History

The site has a long resource management history, with numerous resource consent files on Edocs. The consents most relevant to the current proposal are as follows:

RM170879: Conversion of an existing barn to a residential unit: Consent granted 14 February 2018. This consent relates to what is now the main house on the site.

RM190307: Two-lot Rural General subdivision Land Use: Internal Boundary Setback for Existing Dwellings; and NES consent. Consent granted 19 July 2019. It was this consent through which the current lot boundaries and Consent Notice 5264879.1 were created.

3.3 Consent Notice 11554479.2

There are numerous instruments on the title, although the only instrument in which Council has an interest is Consent Notice 11554479.2. This consent notice applies to both the subject site and the neighbouring site at 281 Littles Road (Lot 1 DP 539318 and Lot 2 DP 539318 respectively). The conditions are summarised as follows:

a) Requires future buildings to be within the building platform.
b) Prohibits residential flats from being established on site.
c) Advises that lot owners are responsible for monitoring and treating their own water supply.
d) Advises of water hardness and recommends a softening device.
e) Requires lot owner to be part of the management entity for maintenance of the water supply.

This consent notice was created through RM190307, a residential subdivision in the ODP Rural General zone. Since the creation of the consent notice, the ODP Rural General zoning of the site has been effectively superseded by the WBRAZ lifestyle precinct zoning of the PDP.

4. The Proposal

4.1 Overview

Overall, the applicant seeks consent to:

- Make alterations to the 'dancehall' and convert part of it into a residential flat;
- Construct an addition to the main house that will extend outside of the building platform;
- Construct a garden shed and gazebo; and
- Make changes to CN 11554479.2 to allow for the proposed flat and construction outside of the building platform.

The overall proposal is shown in Figure 2, and the various aspects of the application are discussed in detail below.

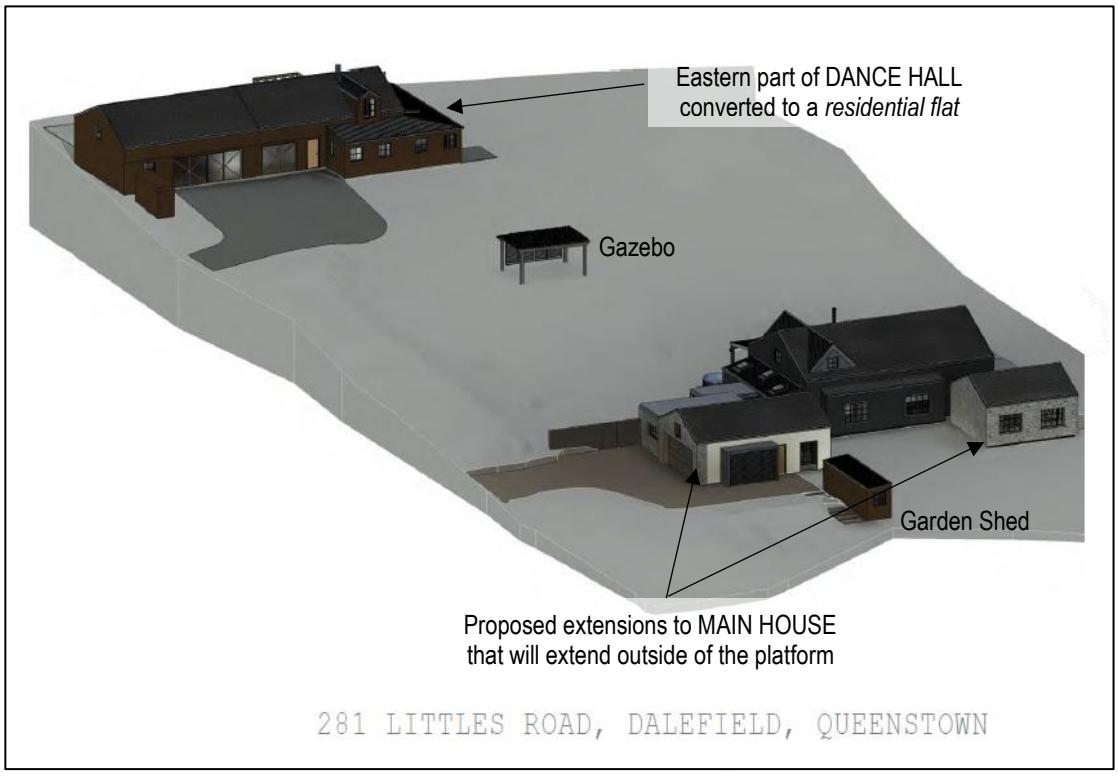


Figure 2: Render of proposal

4.2 Residential Flat

It is proposed to convert the eastern part of the existing dance hall building into a 1-bedroom residential flat. Some small alterations to the external appearance of the dance hall will be required to make the building suitable for occupation. Specifically, the wrap-around lean-to will need to be raised in height slightly, there will be changes to some windows, external doors will be added, and a pergola and schist chimney will be added to the northern side of the building.

Although the building is of a considerable age, it is not a protected heritage feature. Notwithstanding, the proposed alterations have been designed to respect the character and age of the building.

Currently, the NW and SW elevations are clad in corrugated coloursteel, which was intstalled as emergency repair work due to a leaking roof and rotting timber in those parts of the building. The applicant will revert the cladding of these elevations back to timber weatherboards through this proposal.

In terms of servicing, the flat will connect into the existing private water supply scheme that services the site (supplied by an off-site bore). 45,000 L of firefighting water will be provided by the existing water tanks at the

south of the site, where there is also a hose coupling[1]. There is an existing driveway adjecent to the dancehall that will act as a hardstand for a fire appliance.

There is an existing on-site waste water disposal system for the main house. To provide for the proposed flat, it is proposed to retain the existing treatment plant, but construct a new disposal area. This new disposal area will comprise two 4m x 9m disposal beds, located south of the main house.

As there are no changes to the existing roof area of the dancehall, no further provision for stormwater disposal is required.

The flat will utilise exisitng power and telecommunicaiton connections at the site.

4.3 Main House, Gazebo, and Shed

It is proposed to construct two distinct single storey additions to the main house, comprising a new entry/garage/laundry/workshop area (~115 m^2), and a media room (~52 m^2). Both additions will mainly extend to the south of the existing house, and will be partially outside of the building platform. The additions are architecturally designed, with external materials including schist, textured plaster, timber joinery, and glass sections, all materials chosen to compliment the existing building.

The house will continue to utilise the existing service arrangements, although the existing stormwater disposal system will be upgraded to cater for the increased roof-space. As per the Civilised Infrastructure Report at Appendix **[D]**, it is proposed to construct a new soak-pit to the southeast of the house to cater for the additional roof space. No other changes to the existing servicing arrangement for the main house are required.

Two small accessory buildings are also proposed, being a small garden shed at the southern boundary of the site, and a gazebo in the centre of the site. For the purposes of District Plan assessment, the proposed gazebo is essentially a 'Pergola' with a height less than 2.5 m. The gazebo therefore does not meet the definition of a building, and does not require resource consent. The proposed shed requires consent as a new accessory building.

The house extensions and garden shed are within the 75 m road boundary setback and will therefore require resource consent for this infringement.

4.4 Change to CN 11554479.2

It is proposed to delete conditions a) and b) from CN 11554479.2 as follows:

[1] For clarity, the applicants had initially thought to move these tanks as shown in the Infrastructure Report, however it is now intended that the tanks stay where they are. This will have no impact on the suitability of the proposed water supply arrangement.

~~*a) All existing and future buildings shall be contained within the Building Platform as shown as Covenant Areas CA and CB as shown on Land Transfer Plan 539318;*~~

~~*b) No residential flat shall be established on the site.*~~

5. Matters Requiring Consent

5.1 National Environmental Standard – Contaminated Soil

The Resource Management (National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES-CS") came into effect from 1 January 2012 and applies to all subdivision or other activity that will change the use of the land. The NES requires an applicant to demonstrate to the Council that it is highly unlikely that there will be a risk to human health from any activity on the HAIL list.

A controlled activity resource consent under the NES-CS was granted through **RM190307**, being the subdivision consent that created the site. Under that consent, QLDC and ORC confirmed that the site is acceptable for rural residential land use, and no conditions of consent in relation to the NES-CS were imposed. There is no further change of use proposed under this application, and any earthworks will be within the parameters of the NES, thus the NEC-CS is of no consequence to the proposal.

5.2 Operative District Plan

The subject site is within the Rural General Zone. As there are no appeals to the equivalent rules in the PDP, the relevant ODP rules must be treated as inoperative pursuant to section 86F(1)(a) of the RMA.

5.3 Proposed District Plan (Stage 3 – Decisions Version)

The subject site is zoned Wakatipu Basin Rural Amenity Zone in the PDP and the proposal requires resource consent for the following reasons.

- A **non-complying** activity pursuant to Rule 24.4.7 for the construction of a residential building outside a building platform on a site where there is such a platform. The additions to the main house will extend outside of the building platform.

- A **restricted discretionary** activity pursuant to Rule 24.5.2 to establish a residential flat >10 m away from the principal residential unit. Council's discretion is limited to the following matter:

a. Effects on landscape character associated with the location of buildings and cumulative adverse effects.

- A **restricted discretionary** activity consent pursuant to Rule 24.5.6 in relation to the 500 m^2 maximum building coverage for the site. The existing site building coverage is 535 m^2. The proposal will increase the total coverage to 685 m^2. Council's discretion is restricted to the following matters:
  a. Building scale and form;
  b. Visual prominence from both public places and private locations.

- A **restricted discretionary** activity pursuant to Rule 24.5.9 in relation to the 75 m road boundary setback. The proposed house additions and the garden shed are all located within the 75 m setback required in the Precinct.

Resource Management Act 1991

- A **discretionary** activity pursuant to section 221 of the RMA to delete Conditions (a) and (b) of consent notice 11554479.2.

Overall, the proposal is for a **non-complying** activity

5.4 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified above. If the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this application. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("Act") to process the application regardless of the type of activity that the application was expressed to be for.

6. Statutory Considerations

6.1 Section 104 – Matters for Assessment

Of relevance to this application, Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act:

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

(b) any relevant provisions of –
(i) a national environmental standard:
(iii) a national 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.

Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

An assessment of the effects of the proposal on the environment is provided in section 8 of this report. Assessments against the relevant statutory documents are provided in section 10 below.

7. Section 104D Non-Complying Activities

Under section 104D, a consent authority processing an application for a non-complying activity may grant a resource consent only if it is satisfied that either:

- The adverse effects of the activity on the environment will be minor; or
- The activity will not be contrary to the objective and policies of the plan or proposed plan

In this instance, as assessed below, the adverse effects of the proposal have been found to be no more than minor, and the proposal is not contrary to the objectives and policies of the PDP. The proposal therefore passes both gateway tests of s104D, and the Council may grant resource consent.

8. Effects on the Environment

Section 104D provides that consent may only be granted for a non-complying activity if the Court is satisfied that one of the gateway tests are met. This section of the application considers whether or not the adverse effects on the environment will be minor. It is understood that "minor" suggests adverse effects that are less than major, but more than simply minute or slight, and are determined after having regard to any mitigation that may be achieved by imposing conditions.

8.1 Permitted Status of Residential Flat Activity

The site contains an existing, consented residential unit. This residential unit is currently utilised for a permitted residential activity, pursuant to Rule 24.4.3.

24.4.3	The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 and subject to the standards in Table 24.2.	P

As part of a residential unit, it is a permitted activity to have a residential flat that is ancillary to the principal unit. Thus in terms of the Proposed District Plan, the establishment of a residential flat activity on the site can be considered as part of the permitted baseline. The effects to be considered under this application are limited to those related to built form and infringements of built form standards (setback, site coverage, separation of the flat from the unit). These effects have been assessed in detail in the attached Landscape Report, discussed below.

8.2 Visual Amenity and Landscape Character Effects

A full assessment of effects on landscape character is covered in the Landscape and Visual Effects Assessment, prepared by Vivian and Espie, appended to this report as Attachment **[E]** (hereon referred to as the Landscape Report). The subject site falls within the Landscape Character Unit 2: Fitzpatrick Basin (LCU 2) of Schedule 24.8 of the PDP. The values of this LCU 2 are summarised at section 5 of the Landscape Report.

In relation to LCU 2, Schedule 24.8 finds that the area has a high capability to absorb additional development, hence it has been included in the Lifestyle Precinct. It also states that the area reads as a predominantly rural-residential landscape that, together with the adjacent Dalefield landscape character unit, forms a discrete enclave, apart from the balance of the Wakatipu Basin study area. The Landscape report also acknowledges that full weight can be placed on the Wakatipu Basin Lifestyle Precinct provisions, given that there are no remaining live appeals against the zoning and provisions.

The report finds that views towards the proposed flat can be gained from the following locations:

- A part of Littles Road
- Immediately neighbouring properties

Visual Amenity

The Landscape Report notes that visual effects are:

"effects on landscape values as experienced in views. … A proposal that is in keeping with the landscape values, for example, may have no adverse visual effects even if the proposal is a notable change to the view. Conversely, a proposal that is completely out of place with landscape values may have adverse effects even if only occupying a portion of the view"

It is also noted that the bulk and location of the dancehall will be remain unchanged through the residential flat conversion. The Landscape Report finds that the gazebo and garden shed will be very difficult or impossible to see from outside the site, while the house extensions are potentially visible.

Littles Road

In views from Littles Road, the Landscape Report notes that the road frontage is well vegetated with a well-maintained Leyland cypress hedge that forms a strong visual screen. Due to the hedging, views to the site are available from only a relatively short stretch of Littles Road, and from positions that are set back and oblique from the site itself. The Landscape Report includes photos of the limited visibility from Littles Road. Overall, due to this limited visibility, the sites Precinct zoning and its location within an existing rural-living enclave, The Landscape Report finds that the visibility of the proposed activities will not have any adverse effects on the amenity of a road user. The site and its context will continue to contribute to amenity in the way that they currently do.

Neighbouring Properties

The Landscape Report has assessed the visibility from 273, 279 and 281 Littles Road.

From No. 279, the Landscape Report finds that views are limited due to a strong band of native vegetation, leaving only the roof of the dancehall visible. The Report finds that some upgrading of the roof may be evident if the current proposal proceeds but any outdoor activity associated with the barn building will be screened, as current outdoor activity is. The amenity that is enjoyed from the 279 Little Road property will be unaffected.

From No. 281, views are screened by a gabion wall on the boundary with the subject site. The Landscape Report finds that it will be possible to look into the subject site and see the proposed extensions and garden shed, although an observer would need to be quite deliberate. Even when seen, the Report considers that the proposed additional built form will not appear out-of-place and will not block any significant views. Amenity will not be adversely affected.

Finally, from No. 273, the Report notes that visibility is limited by bands of native vegetation, allowing only views of the upper parts of the buildings on site. Some alterations will be visible, but not in a way that impedes views or reduces solar access. Visual amenity will be maintained.

Landscape Character

Paragraphs 24-27 of the Landscape Report discuss the effects of the proposal on landscape character. The Report explains that the landscape character of the Wakatipu Basin's LCUs that lie within the Precinct is such that the PDP expressively provides for rural living activity within them; i.e., in general terms, these LCUs can absorb rural living activity without character being degraded (provided design is done appropriately so as to accord with the relevant assessment matters).

In this case, the proposed flat is being established within an existing building, and the main instance of new built form is the additions to the main house (rather than entirely new buildings).

Appendix 1 of the Landscape Report includes an assessment of the proposed built form against the assessment matters contained in section 24.7.5 of the WBRAZ chapter of the PDP. This assessment is adopted for the purposes of this AEE, with the following points emphasized:

- The additions to the main house will not extend beyond the existing building height;
- Dark and recessive materials are to be used, in keeping with the existing building and rural context;
- The proposed alterations and extensions will not significantly increase the amount of built form that is visible. The site will very largely continue to be perceived as it is now; a vegetated rural living property that is part of a grouping of similar sites. Visual amenity will not be adversely affected to any degree that is more than very low.
- The mitigation of potential effects if provided by existing elements; topography, mature vegetation and existing buildings.

Although this is a non-complying activity, the assessment matters under 24.7.5 for new built form provide useful criteria for assessment. The Landscape Report has assessed the proposal against these matters and finds that the proposed alterations and extensions generally accord well with the intentions of the individual assessment matters. Overall, the report finds that the proposal upholds the landscape character of LCU 2 as it is set out in Schedule 24.8. and as anticipated by the Precinct provisions, which provides for rural living. There will not be any adverse effects on landscape character or values.

Conclusion

The findings of the landscape report are accepted and adopted for the purposes of this report. Overall, the effects of the proposed house extensions and dancehall alterations, including the related infringements of built form standards, are considered to be no more than minor.

8.3 Consent Notice Changes

The proposed changes to CN 11554479.2 are detailed above. The relevant case law around consent notice conditions on property titles, makes it clear that:

- They provide a degree of certainty to the parties subject to the consent notice, in this case being the surrounding neighbours whose sites were also established under the parent consent; and
- That these covenants should only be altered when a material change in circumstances means the consent notice condition no longer achieves, but rather obstructs, the sustainable management purposes of the RMA. In such circumstances, the ability to vary or cancel the consent notice condition can hardly be seen as objectionable.

The re-zoning of the site from Rural General in the ODP, to the Lifestyle Precinct in the PDP represents a substantial and highly relevant material change in circumstances.

The site was created through subdivision consent RM190307, which was a subdivision of Rural General zoned land under the ODP. The Rural General zoning primarily provided for farming activities or other rural-based activities reliant on the soil resource. From section 5.3.1.1 of the Rural General ODP chapter: *The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks.*

Emphasis was placed on the protection of open space and rural amenity values. Only farm-related buildings were readily provided for under the zone provisions, while applications for residential activities/subdivisions were highly scrutinised and required to meet a 'high-bar' to be consent able under the Rural General policy framework. Residential activities/subdivisions often proceeded on a Publicly Notified basis, and building platforms were a necessary tool for containing residential activities upon Rural General landscapes. In the case of the subject site, the RM190307 subdivision was approved with a building platform around the existing 'main house', and a prohibition on residential flats.

For context, the condition prohibiting residential flats was conceived of prior to the subdivision, under RM170879, which consented the conversion of a barn into what is now the 'main-house'. That consent resulted in two residential units on the parent lot of the land subdivided through RM190307. Given the Rural General Zoning, the prohibition on residential flats was volunteered by the applicant to control the scale and intensity of residential activities on site. The requirement was replicated in the RM190307 subdivision due to the lot sizes (6000 m^2) being unusually small for the Rural General zone.

Since the granting of RM170879 and RM190307, the subject site has been rezoned to the Lifestyle Precinct of the WBRAZ of the PDP. This is a significant material change in circumstances, as the Precinct specifically

provides for rural living opportunities and allows for the subdivision of sites down to a minimum lot size of 6000 m^2. It is very likely that if the subdivision consented under RM190307 was assessed through the current Lifestyle Precinct provisions, there would be no prohibition on residential flats, and the inclusion of a building platform would largely be optional given the existing built form. These extra conditions would not be required as the Precinct, particularly in LCU 2, provides for rural living and has specific standards that can be relied upon in lieu of consent notice conditions. It is for these reasons that the deletion of conditions (a) and (b) is appropriate and supportable.

Overall, conditions (a) and (b) of the consent notice effectively 'grandfather' the old planning framework that applied under the much more restrictive Rural General zoning. The adverse effects of the Consent Notice changes are less than minor as they simply allow for the proposal (and future proposals) to be assessed as intended under the new Proposed District Plan provisions.

9. Notification Assessment

9.1 Public Notification

Step 1 – Mandatory notification in certain circumstances (s95A(1)(3):

- The applicant has not requested that the application be publicly notified.
- The applicant has not refused to provide information or agree to the Commissioning of a report.
- The application does not involve exchange of recreation reserve land.

Step 2 – Public notification precluded in certain circumstances (s95(5))

- The proposal is not subject to a rule or NES that precludes public notification.
- The proposal is not for a controlled activity or a boundary activity.
- The proposal is not a prescribed activity.

Accordingly, public notification is not precluded under Step 2.

Step 3 – (s95(8))

- There are no rules or NES that require public notification.
- The proposal will not have adverse effects that are more than minor.

Step 4 – Special circumstances (s95(9))

- No special circumstances exist in relation to this application.

The application can be processed without public notification.

9.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified (s95B(3))

- No persons or groups are affected by the proposal.

Step 2 – Limited notification precluded in certain circumstances (s95B(6))

- There is no rule or NES that precludes limited notification
- The application is not for a controlled activity.

Limited notification is not precluded under Step 2.

Step 3 – Certain Affected Persons Must be Notified (s95B(7))

- As set out in the earlier assessment, there are no persons who are considered to be directly affected by the proposal, or with regard to the public generally.

Step 4 – Special circumstances (s95B(10))

- No special circumstances exist in relation to this proposal.

The application can be processed on a non-notified basis.

10. Policy Framework

10.1 National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022 with the purpose of enhancing protection for highly productive land from inappropriate subdivision, use, and development. The site is zoned as 'Wakatipu Basin Rural Amenity Zone – Lifestyle Precinct', which is not a general rural or rural production zone. The NPS-HPL therefore does not apply and is of no consequence to the proposal.

10.2 Otago Regional Policy Statement (2019)

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. At a high level, the proposal is consistent with the objectives and policies of the ORPS. All of the objectives and policies within

the PORPS are covered by and implemented through the relevant Objectives and Policies in the PDP. Nevertheless, a brief assessment follows.

1.1.1 Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources	The proposal will provide for the economic wellbeing of the applicant and future residents, while maintaining visual amenity and landscape character values. The proposal is considered to be a sustainable use and development of natural and physical resources.
1.1.2 Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following (a-f)	

10.3 Proposed Regional Policy Statement (2021)

The PORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, following a determination by the High Court in 2021. The Otago Regional Council notified its decisions on submissions on the Proposed Otago Regional Policy Statement (2021) PORPS on 30 March 2024. The following provisions are of relevance, noting that the policy statement is a 'high-level' document and does not contain specific provisions for small-scale rural-residential developments.

Objective UFD-O4 – ***Development of rural areas*** – *Development in Otago's rural areas occurs in a way that:*

- ***4:*** *provides for the ongoing use of rural areas for primary production and rural industry, and*
- ***4A:*** *does not compromise the long term viability of primary production and rural communities.*

Policy UFD-P7 – Rural Area – *The management of development in rural areas:*

- *Maintains rural areas as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region.*
- *Prioritises land-based primary production on highly productive land in accordance with the NPS-HPL, except as provided for in (5) below*
- *Enables the use by Kāi Tahu of Native Reserves and Māori Land, for papakāika, kāika, nohoaka, marae and marae related activities in accordance with MW-P4;*
- *Restricts the establishment of non-rural activities which could adversely affect, including by way of reverse sensitivity or fragmentation, the productive capacity of highly productive land, or existing or anticipated primary production and rural industry activities, except as provided for in (5) or the NPSHPL.*

Policy UFD-P8 – Rural lifestyle development *– The establishment, development or expansion of rural lifestyle development only occurs where:*

- *It avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential.*
- *It minimises impacts on existing or anticipates primary production, rural industry and other rural activities and the potential for reverse sensitivity effects*
- *it avoids highly productive land except as provided for in the NPS-HPL,*
- *the suitability of the area to accommodate the proposed development is demonstrated, including*
    a. *capacity for servicing by existing or planned development infrastructure (including selfservicing requirements),*
    b. *particular regard is given to the individual and cumulative impacts of water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and*
    c. *likely future demands or implications for publicly funded services including emergency services and additional infrastructure*

Given the proposal is for a reconfiguration of an existing instance of rural living, this objective and related policies have only limited relevance. Notwithstanding, the subject land is within the WBRAZ Lifestyle Precinct and therefore is not classed as highly productive land under the NPS-HPL, thus the proposal will have no effect on Otago's primary production capabilities. The land has not been identified for future urban expansion, and the development can be adequately serviced (including emergency services). The proposal is consistent with the relevant objectives and policies of the PORPS.

10.4 Operative District Plan

The relevant objectives and policies are contained within Sections 4 and 5 of the ODP. Although all of the rules that are relevant to the proposal are now treated as inoperative under Section 86F, and there are no rules triggers on which to base an assessment of the objectives and policies. Notwithstanding, a brief assessment follows.

10.4.1 District Wide Objectives and Policies (Chapter 4)

The District Wide objectives and policies in Chapter 4 of the ODP are relevant to this application. Objective 4.1.4 Nature Conservation Values (relevant objectives and policies only) read:

"The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.
The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

Policies:

….

1.13 To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.

1.16 To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.

1.17 To encourage the retention and planting of trees, and their appropriate maintenance."

The proposal is not within the Lake Hayes Catchment. The site does not exhibit indigenous vegetation or habitat for native flora and fauna, being primarily in use as a landscaped garden around the existing buildings. The site includes existing structural landscaping which will be unchanged through this proposal. Overall, it is concluded that the proposal is consistent with this objective and associated policies, but that they are not highly relevant or determinative to the proposal.

10.4.2 Rural General Objectives and Policies (Chapter 5)

In considering these Rural General zone objectives and policies it must be noted that there are no appeals to the Wakatipu Basin Amenity Zone that seek a return to the Rural General provisions. No ODP rules are triggered by which to implement the objectives and policies, nevertheless, an assessment follows.

Objectives 1 and 3 of Section 5.2 are relevant to the proposal and these are assessed with their corresponding relevant policies in turn;

> ***Objective 1 - Character and Landscape Value***
> *To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.*
>
> ***Policy 1.1*** *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

As per the Landscape Report and the assessment of effects above, the proposal has been found to maintain the character and landscape values of this rural area, recognising that change is anticipated given the consented environment and that the PDP provisions allow for rural living down to a density of 1 unit per 6000 m^2 site, and with permitted residential flats. Adverse effects are mitigated as much as possible/practical. The District Wide landscape objectives and policies have been fully considered above.

> ***Policy 1.2*** *Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*

The proposal involves the reconfiguring of a rural-residential development. This policy does not directly relate to the proposal which does not utilise the soil resource.

Policy 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

The land has limited potential for rural productive activities given its size. The proposal will have a negligible impact on the value of the land for rural productive activities.

Policy 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*

The character of this part of the rural area is changing as a result of the PDP WBLP provisions. The site is of a sufficient size and layout to comfortably contain the flat and additional built form without compromising landscape character values (as found in the Landscape Report).

Policy 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

As described above and in the Landscape Report, the landscape values as described in LCU 2 of the PDP will be maintained.

Policy 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

LCU 2 has a high capability to absorb change. The flat will be within an existing building, and the new built form proposed is well screened from Littles Road. Existing landscaping will enable the proposal to be nestled into the landscape and not stand out.

Policy 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

The proposal does not threaten skylines, ridgelines, hills or prominent slopes.

10.5 Proposed District Plan

10.5.1 Strategic Direction

Objective 3.2.5.8 - *Within the Wakatipu Basin Rural Amenity Zone:*

a. *the landscape character and visual amenity values of the Basin and of its Landscape Character Units, as identified in Schedule 24.8 are maintained or enhanced; and*
b. *the landscape capacity of each Landscape Character Unit and of the Basin as a whole is not exceeded.*

As addressed in the assessment of effects above and confirmed in the attached Landscape Report, the proposal will not adversely affect the landscape character or visual amenity values of LCU 2. The character and values will therefore be maintained, and the proposal is consistent with this objective.

10.5.2 Wakatipu Basin Rural Amenity Zone (Chapter 24)

The purpose of the Zone is to maintain or enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities. The Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. The subject site is located within the Fitzpatrick Basin Landscape Character Unit (LCU 2).

> ***Objective 24.2.1 -*** *Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.*

> ***Policy 24.2.1.2*** *Subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that:*
>
> *a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and*
> *b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced by ensuring that landscape capacity is not exceeded.*

The subject site belongs to LCU 2, which has been identified as having a high capacity to absorb additional development. As outlined below, the proposal is consistent with all relevant policies that serve to assist to achieve Objective 24.2.1. The Landscape Report has confirmed that the landscape character and visual amenity values of the Wakatipu Basin are maintained

> ***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.*

No changes to the existing landform is required to accommodate the proposal. The proposal is consistent with this policy.

> ***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 proposal will maintain the landscape character and visual amenity values of LCU 2 in that it is within the degree of change anticipated through the PDP provisions which allow for one dwelling per 6000 m^2 with associated residential flats. The proposed house additions are visually muted and recessive and the existing structural landscaping will ensure integration into the landscape. The proposal is consistent with this policy.

Policy 24.2.1.8 *– Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:*

a. controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.

The proposed built form is visually muted and recessive, and have been kept to modest scale, in keeping with the scale of existing built form on the site and neighbouring sites. The proposed schedule of materials and colours also complies with relevant district plan standards. The existing structural landscaping will aid with the integration of the built form into the landscape, thus mitigating against the infringements of built form standards. The proposal is consistent with this policy.

Policy 24.2.1.9 *- Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*

The subject titles are not located within nor adjacent to any ONL or ONF, nor will they affect any ONL or ONF. The proposal is consistent with this policy.

Policy 24.2.1.13 *- Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.*

No earthworks are proposed. The proposal is consistent with this policy.

Policy 24.2.1.15 – *Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.*

The proposal involves only relatively small alterations to existing buildings. Overall site coverage will be slightly over 11%. It is therefore considered that the proposal maintains the sense of spaciousness that is present in the existing environment. The proposal is consistent with this policy.

Policy 24.2.1.19 – *Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by:*

- *implementing road setback standards; and*
- *ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while*
- *recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and dimensions, or the application of other setback requirements to the site.*

The proposal does not impede any views towards ONLs or ONFs. Compliance with the 75 m road boundary setback is not practical on this site, and it covers approximately two thirds of the site regardless, the effects of built for are very effectively mitigated by existing structural landscaping. The proposal is consistent with this policy.

> ***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.*
>
> ***Policy 24.2.4.1 –*** *Avoid adverse cumulative impacts on ecosystem services and nature conservation values.*
>
> ***Policy 24.2.4.4 –*** *Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.*
>
> ***Policy 24.2.4.9 –*** *Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, particularly in locations such as gullies and riparian areas, or to provide stability.*

The Civilised Ltd report confirms that the proposal can be adequately serviced and will have the necessary infrastructure to support fire service vehicles, consistent with relevant PDP standards. The subject site is not within the Lake Hayes catchment, and no other threats to water quality, ecological quality and recreation values have been identified. The proposal is consistent with this objective.

10.6 Summary

Overall, the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of the PDP.

11. Other Matters

No other matters are considered relevant to this proposal.

12. Consultation

No consultation has been undertaken.

13. Conclusion

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans, "subject to Part 2". The Council is also required to have regard to the effects of the proposal on the environment.

The proposed development will achieve the purpose of sustainable management under s 5 of the Act, including by reference to the other principles in Part 2 of the Act by enabling the Applicant to provide for their economic and social well-being, while at the same time avoiding any adverse environmental effects.

Attachments

Attachment **[A]**: Form 9

Attachment **[B]**: Record of Title

Attachment **[C]**: Plans

Attachment **[D]**: Infrastructure Report

Attachment **[E]**: Landscape Report