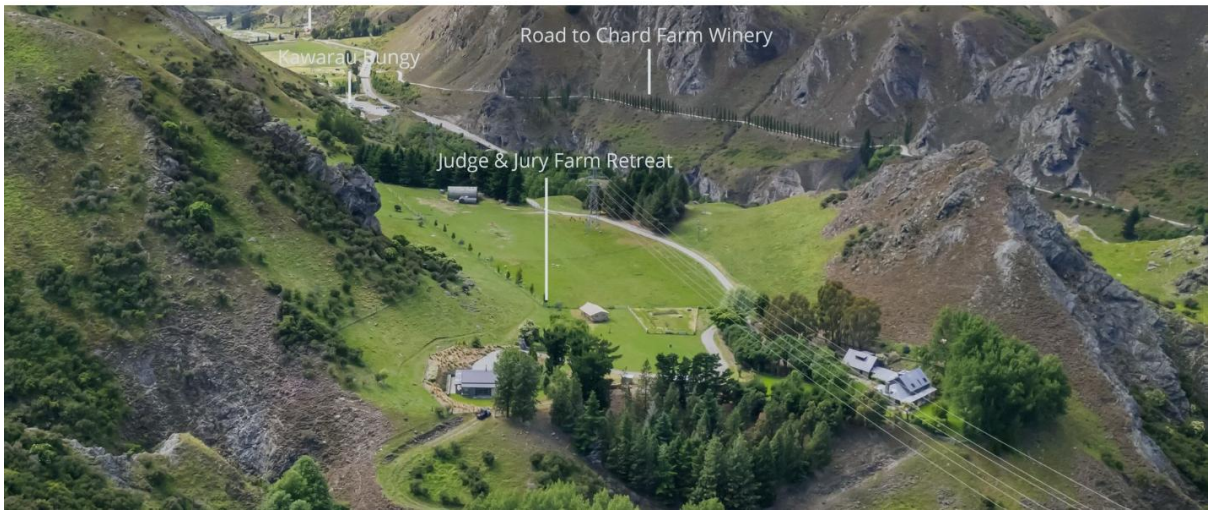
RESOURCE CONSENT APPLICATION FOR A WOOD SHED AT JUDGE AND JURY FARM, QUEENSTOWN



Neil and Davinia Smith Family Trust

dated 4 September 2025

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1.0 KEY INFORMATION

Site Address:	Judge and Jury Farm, 1631 Gibbston Highway, Queenstown
Applicants/Owners Details:	Neil and Davinia Smith Family Trust
Address for Service	Resource Development Hub Limited 97 McDonnell Road, Arrowtown 9302 rebecca@rdh.nz Attention: Rebecca Holden
Site Legal Description:	Lot 3 Deposited Plan 569363 and Section 3 Block I Kawarau Survey District and Part Section 4 Block I Kawarau Survey District and Section16, 65 Block I Kawarau Survey District and Part Section 66 Block I Kawarau Survey District held in Record of Title 1026417.
Site Area:	52.4877 hectares
Operative District Plan (ODP) Zoning:	Rural General (Outstanding Natural Landscape (ONL))
Proposed District Plan (PDP) Zoning:	Rural (ONL)
PDP Notations:	- Landscape Priority Area 21.22.16 (Eastern Whakatipu Basin) - Listed Heritage Item #9 (Judge and Jury Rock Formations, QLDC Category 3)
Brief Description of Proposal:	To construct a wood shed.
Summary of Reasons for Consent:	A **Discretionary** Activity under the Proposed District Plan.

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

Appendix [A]	Record of Title
Appendix [B]	Architectural Plans



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Rebecca Holden
4 September 2022

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

2.1 Site Details

The subject site is located at 1631 Gibbston Highway, Gibbston and is commonly referred to as the Judge and Jury Farm. The site comprises an area of 52.4877 hectares, and is comprised of number of parcels of land held in Record of Title 1026417 (**Appendix [A]** with the following legal description*: Lot 3 Deposited Plan 569363 and Section 3 Block I Kawarau Survey District and Part Section 4 Block I Kawarau Survey District and Section16, 65 Block I Kawarau Survey District and Part Section 66 Block I Kawarau Survey District.* There are no legal instruments registered on the title of note.

Contained within the site are the Judge and Jury rock formations. These features are listed as a QLDC Category 3 heritage item given their significance to the District whereby their protection is warranted (Listed Heritage Item #9).

The site is accessed via an existing driveway from the northern side of State Highway 6 (SH6) approximately 600 metres west from the AJ Hackett Bungy Centre. This access is shared with 1633 Gibbston Valley Highway. The site contains an existing dwelling and garage, a large shed as well as other small out-buildings, and a separate two-bedroom cottage and detached garage located approximately 80 metres from the main residential unit and which is currently used for a homestay activity. Although most of the site is occupied by pastoral farmland, there are also pockets of mature pines and newly planted natives.

Transpower High Voltage Transmission Lines dissect the property, as annotated on the site plan contained within **Appendix [B]**.

The subject site is contained within the Rural General Zone of the Operative District Plan (ODP) and the Rural Zone of the Proposed District Plan (PDP), having a landscape classification of Outstanding Natural Landscape (ONL) and is within Landscape Priority Area 21.22.16 (Eastern Whakatipu Basin) as shown on District Plan maps. The property sits on a terrace above the Kawarau Gorge however existing development within the site enjoys a large degree of privacy due to local topography which screens the existing built form.

The Queenstown Trail traverses through the southern portion of the site adjacent to SH6, linking Arrowtown and the Gibbston Valley on the other side of the Kawarau bridge.

The site and surrounds are shown in Figure 1 below:

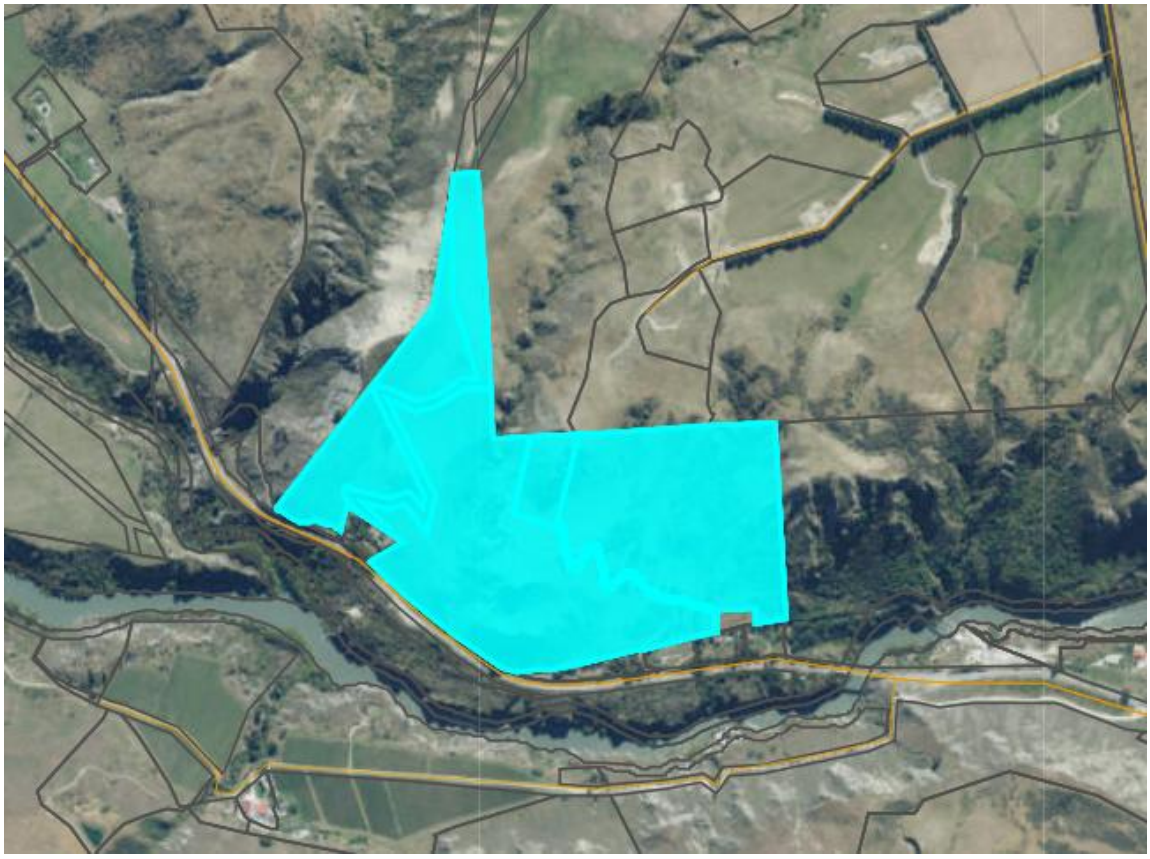


Figure 1: Aerial photo of subject site and surrounds.

3.0 RESOURCE MANAGEMENT BACKGROUND

Based on the available Council records, the following resource consents form the resource management background for the site:

RM950575 granted on 13 September 1995 approved the construction of a garage.

RM070541 granted on 24 January 2008 approved the construction of a residential dwelling and garage and undertake associated landscaping and earthworks.

RM110215 granted on 4 August 2011 approved the construction of the Queenstown Trail part of which traverses through the southern portion of the subject site. RM120171 approved a variation to a number of conditions of RM110215 relating to rerouting the trail and changing the safety barrier requirements.

RM210376 was granted on 6 June 2021 approving additions to an existing garage.

RM210299 was granted on 22 June 2021 (and reissued on 14 July 2021) approving a three-lot subdivision with one lot to be amalgamated with Part Section 4 Block I Kawarau SD (the subject site), identification of two residential building platforms and an associated boundary setback breach.

RM210696 was granted on 21 July 2022 approving a visitor accommodation activity, comprising five guest units/tents and the existing cottage for visitor accommodation for up to 365 nights per year for up to 17 guests over the entire site, with associated access, parking and earthworks breaches.

RM220186 granted on 28 April 2022 approving a residential activity within an existing building.

4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

4.1 Overview

Consent is sought under section 88 of the RMA to build a woodshed, located approximately 5m from the existing two-bedroom cottage described in Section 2.1 above (which is to the north of the existing residential unit).

The shed has a gross floor area of 68.2m^2, and is enclosed on three sides. The shed will be clad in horizontal cedar weatherboard with a colour steel roof finished in Flaxpod Matte (Black) which has a Light Reflectance Value of 6%. The maximum height of the proposed shed is 2.84m above existing ground level.

The proposed shed will be used to store wood which will be used in association with the existing permitted or authorised activities within the site, including residential and visitor accommodation activities.

The topography of the site within the location of the proposed shed is flat, therefore no earthworks are proposed.

Proposed plans are contained within **Appendix [B]**.

Please note: the "Proposed 6-Bay Shed" annotated on the site plan does not form part of this application. A further resource consent application will be submitted for this building.

5.0 STATUTORY CONSIDERATIONS

5.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General by the ODP; however the relevant rules under the ODP are treated as inoperative given the equivalent rules within the PDP are treated as operative pursuant to section 86F.

5.2 PROPOSED DISTRICT PLAN

The subject site is zoned Rural by the PDP. The proposed activity requires resource consent for the following reason[1]:

- A **discretionary** activity consent pursuant to Rule 21.4.11 for the construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.

Overall, the proposed activity is considered a **discretionary** activity under the PDP.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource

[1] *Rules that are treated as operative under s86F.*

Management Act 1991 are detailed below.

6.1 If 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:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

6.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
(b) any physical effect on the locality, including any landscape and visual effects:
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
(d) 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:
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

The following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor.

6.2.1 Permitted Activities (s95D(b))

The permitted baseline test calls for a comparison of the potential adverse effects of the proposal against two classes of activity; first, what is lawfully being undertaken on the land; secondly, what is permitted as of right under the District Plan (provided it is not a fanciful use). A consent authority *may* disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect.

In this case, all buildings within the Rural Zone which are located outside of an approved building platform require resource consent under the PDP, therefore there are no permitted activities of relevance to an assessment of the proposal.

6.2.2 Assessment of Effects on the Environment

Taking into account section 6.2.1 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are contained within Section 5.4.2.2(1) of the ODP, and Section 21.21.1 of the PDP.

Overall, the proposed activity is considered to raise actual or potential effects on the environment relating to Landscape and Visual Effects, which are assessed as follows;

i. Landscape Character and Visual Effects.

The subject site is identified on PDP maps as being within an Outstanding Natural Landscape classification and within Landscape Priority Area 21.22.16 (Eastern Whakatipu Basin).

The PDP gives direction that almost all development in ONLs is inappropriate and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated elements are reasonably difficult to see from beyond the boundary of the site.

The proposed building is located to the north of the existing residential unit, and to the south of the existing cottage. The resource management history for the site confirms that none of these existing buildings are visible from outside of the subject site due to surrounding topography which screens development in this area of the site. This will remain the case for the proposed woodshed.

The proposed woodshed will be clad in natural, recessive materials, is small in scale (68.2m^2 and a maximum height of 2.84m), and is considered to be in keeping with existing built form within the site, reinforcing existing rural vernacular.

Although Schedule 21.22.16 identifies that there is limited ability within this Landscape Priority Area to absorb additional development, in this case, given the nature and scale of the proposed woodshed which will not be seen from outside of the site, the landscape values identified in Schedule 21.22.16 as they relate to the Eastern Whakatipu Basin PA will be protected.

Accordingly, adverse effects on landscape character and visual amenity values are less than minor.

ii. Conclusion

For the reasons set out above, the proposed development will not have adverse effects on the environment that are more than minor.

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

N/A

6.4 If the activity includes the discharge of any contaminant, a description of:

1. The nature of the discharge and the sensitivity of the proposed receiving

environment to adverse effects; and

2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

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

In addition to the resource consent conditions anticipated, no other mitigation measures are necessary in addition to those incorporated into this proposal.

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

No person is considered to be affected by the activity.

6.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than standard conditions of consent.

6.8 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).

The proposed activity will have no effect on any customary rights.

7.0 SECTION 95 NOTIFICATION

7.1 Public Notification

Pursuant to s95A(1), a consent authority must follow the steps set out in s95A to determine whether to publicly notify an application.

In terms of s95A(3), the applicant does not request the application be publicly notified, public notification is not required pursuant to s95C and the application is not made jointly with an application to exchange recreation reserve land.

In terms of s95A(8), the assessment above concludes that the proposal will not have more than minor adverse effects on the environment.

There are no rules or national environmental standards that require public notification.

The proposal is not considered to exhibit any “special circumstances”.

Overall, it is concluded that the potential adverse effects of the proposal on the environment are not

more than minor and therefore public notification is not warranted.

7.2 Limited Notification

Pursuant to s95B(1), a consent authority must follow the steps set out in s95B to determine whether to limited notify an application.

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group (s95B(2)).

The proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11.

In accordance with s95B(8), no other person is considered to be an adversely affected persons in accordance with s95E of the RMA.

The proposal is not considered to warrant limited notification due to special circumstances.

Overall, it is considered that the proposal does not warrant limited notification.

8.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

8.1 Operative District Plan

The relevant objectives and policies are contained in Part 4 (District Wide Issues) and Part 5 (Rural Areas) of the Operative District Plan.

8.1.1 Part 4 District Wide – Landscape

Objective 4.2.5 and associated Policies 4.2.5.2 seek to ensure land use and development is undertaken in a manner which avoids, remedies, or mitigates adverse effect son landscape and visual amenity values. The proposed woodshed will not undermine landscape and visual amenity values, particularly given it will not be visible from outside of the subject site.

Overall, the proposal is consistent with the relevant objectives and policies contained within Part 4 of the ODP.

8.1.2 Part 5 (Rural General)

Objective 1 - Character and Landscape Value and associated policies seek 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.

The subject site currently contains a small farming operation and residential/visitor accommodation activities. The proposed woodshed will not compromise existing rural productive activity within the site.

Further, the proposed activity has been assessed as not adversely affecting the rural character of the area, nor will it have adverse effects on the landscape values of the District. The location of the proposed building will not be visually discernible from outside of the subject site.

Objective 3 - Rural Amenity and associated policies seek to avoid, remedy or mitigate adverse effects of activities on rural amenity.

The proposed development will not compromise the existing productive farming activity within the subject site, and not result in adverse effects on rural amenity values.

Overall, the proposal is consistent with the relevant objectives and policies contained within Part 5 of the ODP.

8.3 Proposed District Plan

The relevant operative objectives and policies are contained within Chapters 3 (Strategic Direction), 6 (Landscape and Rural Character), and Chapter 21 (Rural) of the PDP.

8.2.1 Strategic Directions

Strategic Objective 3.2.5.2 states that within the Rural Zone, new subdivision, use and development is inappropriate in ONLs unless the landscape values of Priority Areas which are specified in Schedule 21.22 are protected. Supporting Strategic Policy 3.3.30 seeks to protect the landscape values of ONL's.

The proposal will not undermine the landscape and visual amenity values identified within Schedule 21.22.16 (Eastern Whakatipu Basin) given the proposed woodshed is contained by topography and will not be discernible when viewed from the surrounding environment. Landscape values will be protected. As such, the proposal is considered to be consistent with the relevant Strategic Objectives and Policies contained within chapter 3 of the PDP.

8.2.2 Landscape and Rural Character

Policy 3.2.7 seeks to ensure that subdivision and development in the ONLs does not compromise the landscape values of that ONL. Further, Policy 6.3.3.1 recognises that development is inappropriate in almost all locations in ONLs, meaning successful applications will be exceptional cases where the landscape can absorb the change and where buildings will be reasonably difficult to see from beyond the boundary of the site.

The proposal involves the construction of a wood shed that will be indiscernible when viewed from the surrounding environment.

Accordingly, the proposal is considered to be consistent with the relevant policies contained within Chapter 6 of the PDP in that the landscape values of the ONL will not be compromised.

8.2.3 Rural Zone

Objective 21.2.1 and associated policies seek to enable a range of land uses while protecting the landscape values of the ONL and maintaining or enhancing amenity values within the rural environment and nature conservation values.

The proposal to construct a woodshed is ancillary to permitted or authorised activities within the site. The proposed building will not be discernible from the surrounding environment, and will therefore maintain the landscape and rural amenity values of the surrounding environment.

The proposal is considered to be consistent with the relevant objectives and policies contained within Chapter 21 of the PDP.

8.3.4 Conclusion

In summary, the proposal would be consistent with the relevant objectives and policies of both the ODP and PDP.

9.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The purpose of the RMA is to promote the sustainable management of natural and physical resources. An assessment against Part 2 is undertaken below.

In terms of Section 5, the development will result in sustainable management of natural and physical resources, whilst also not affecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. The application therefore accords with Section 5.

Section 6 sets out the matters of national importance. Of relevance to this application is Section 6(b) being the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, and Section 6 (f) being the protection of historic heritage from inappropriate subdivision, use, and development. As outlined in the assessment above, the proposal has been assessed as protecting the surrounding ONL and historic heritage from inappropriate development. The proposal is therefore recognise and provide for the relevant matters of national importance.

Section 7 sets out other matters that must be had particular regard to. Of relevance are the maintenance and enhancement of amenity values (s7(c)) and of the quality of the environment (s7(f)). The proposal is assessed as not having adverse effects on either.

Section 8 requires that the principles of Te Tiriti o Waitangi are taken into account. This proposal has no effect on the Treaty principles.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

10.0 CONCLUSION

Consent is sought to construct a woodshed at Judge and Jury Farm, Queenstown.

The activity is assessed as a **discretionary** activity under the RMA.

The actual and potential effects on the environment have been outlined in Section 6.2.2 of this report

where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. In addition, no persons are considered to be adversely affected.

The proposed development is consistent with the relevant objectives and policies of both the Operative and Proposed District Plans. and meets the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the proposed development is granted as proposed.