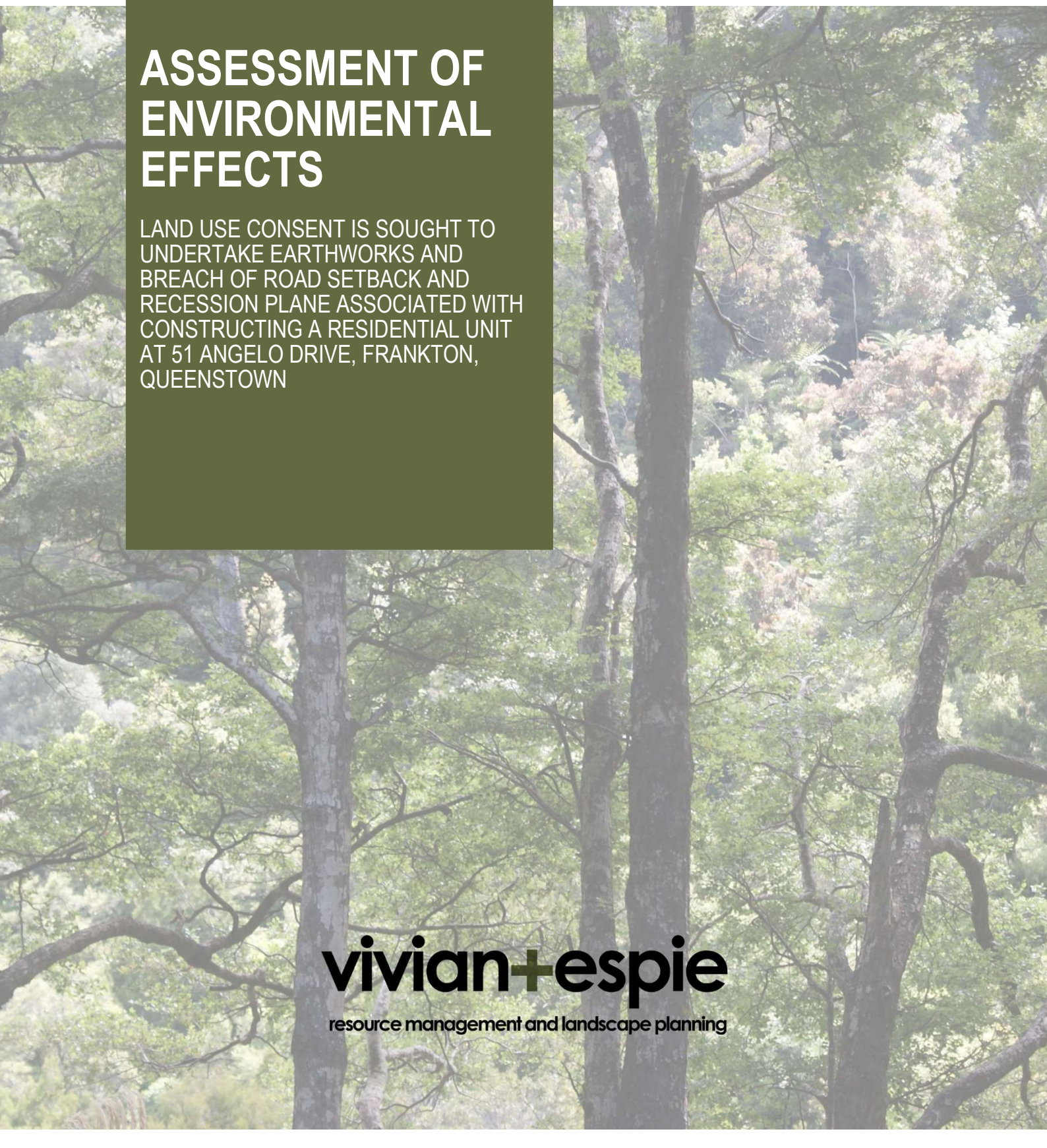
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PREPARED FOR:
ATLANTA STEWART & SIMON ANGLEM
SEPTEMBER 2025 – UPDATED OCTOBER 2025
#J2467

ASSESSMENT OF ENVIRONMENTAL EFFECTS

LAND USE CONSENT IS SOUGHT TO UNDERTAKE EARTHWORKS AND BREACH OF ROAD SETBACK AND RECESSION PLANE ASSOCIATED WITH CONSTRUCTING A RESIDENTIAL UNIT AT 51 ANGELO DRIVE, FRANKTON, QUEENSTOWN



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Quality assurance

Prepared by	Roz Devlin	Senior Planner	25 August 2025 14 October 2025
Reviewed by	Tom McIntyre	Senior Planner	28 August 2025

1. Key Information

Address	51 Angelo Drive, Frankton, Queenstown
Legal Description	Lot 5 DP 576080 held in Record of Title 1094404
Site Area	725m^2
Owners	Atlanta Stewart and Simon Anglem
Occupiers	Vacant site
Applicant	A Stewart and S Anglem
Operative District Plan Zoning	Low Density Residential Zone
Designations & Special Provisions	None
Proposed District Plan Zoning	Lower Density Suburban Residential
Designations & Special Provisions	Urban Growth Boundary Wāhi Tūpuna 20: Te Tapunui (Queenstown Hill)
Proposed Activity	Earthworks and breach of road setback and recession plane associated with constructing a residential unit
Consents Required	**Proposed District Plan**: • A **non-complying** activity under Rule 7.5.7.a for the breach of recession plane associated with the garage. • A **discretionary** activity under Rule 7.5.8.1 for the breach of the road boundary set back. • A **restricted discretionary** activity under Rule 25.5.3 for exceeding the maximum volume of earthworks for the LDSR Zone of 300m³. • A **restricted discretionary** activity under Rule 25.5.16.1 as the proposed fill exceeds 2m. • A **restricted discretionary** activity under Rule 25.5.18.2 a. for earthworks supported by retaining walls. Overall, the proposal is a **non-complying** activity.
Consultation	N/A
Other consents/permits	N/A

2. Introduction

This report is submitted as part of the application by A Stewart and S Anglem ("the Applicants") for resource consent from Queenstown Lakes District Council ("QLDC" or "Council") for earthworks and a breach of the road boundary setback and recession plane associated with constructing a residential unit (including a residential flat) at 51 Angelo Drive, Frankton, Queenstown. The completed Form 9 is appended as Attachment **[A]**. The Record of Title is appended as Attachment **[B]** and the Consent Notices are appended as Attachments **[B1]** – **[B6]**. A Location Plan is appended as Attachment **[C].** Proposed plans prepared by DK Designs are appended as Attachment **[D]**. A Geotechnical Report is appended as Attachment **[E]**; and an Environmental Management Plan prepared by Kirk Roberts Consulting is appended as Attachment **[F]**. 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. Existing Environment

3.1 Subject site and surrounding environment

The subject site is located at 51 Angelo Drive, Frankton, Queenstown, legally described as Lot 5 DP 576080 held in Record of Title 1094404 (copy appended as Attachment **[B]**). The site is 725m^2 in area and semi-rectangular in shape, with a shorter road boundary to the north and a shorter internal boundary to the south. The eastern boundary is an internal boundary adjoining property 49 and 49A Angelo Drive. The western boundary is also an internal boundary and shares this with properties 53A-53C and 74 Middleton Road. Construction is currently ongoing at the site to the west. The southern boundary adjoins 6 Short Court. The upper area of the site slopes gently away from the road then steeply downwards towards Lake Wakatipu. The site is shown in Figure 1 below and within the Location Plan appended as Attachment **[C]**:



Figure 1 – Site (outlined in blue) and surrounds

3.2 Site History

The site was established by subdivision consent RM081212, which created 158 residential allotments knowns as Remarkable Heights. The following Consent Notices are registered on the title and are appended as Attachments **[B1]** – **[B6]**:

Consent Notice 6717938.1 – relates to services, reserves contributions, and burning of debris. No further relevance to this application.

Consent Notice 7195226.1 – relates to services and development contributions. No further relevance to this application.

Consent Notice 8283616.19 – relates to constructing a vehicle crossing, and services. A compliant vehicle crossing will be constructed.

Consent Notice 12371235.8 – refers to Lot 703 DP 571490, which was later subdivided into the subject site. No further relevance to this application.

Consent Notice 12756610.2 – relates to a subsoil drain within the site and adjacent Lot 4 near the boundary. The development is located away from this drain, which is annotated on the Proposed Plans with a khaki green colour.

Consent Notice 12756610.10 – relates to specific engineering designs and geotechnical assessment for foundations, which will be provided at building consent stage.

4. The Proposal

The proposal is to construct a residential unit (including a residential flat) with associated earthworks. The proposed building is set over 3 levels in response to the sloping site. The residential unit will have 3 bedrooms at the lower level, and living areas and a master bedroom at mid level. The upper level at the road elevation will have an attached garage and 1-bedroom residential flat. The building will be finished with dark grey Colorsteel and Cedar weatherboards. The bedrooms and living areas for the residential unit and flat will have outdoor decks with views to the south, east and west. A separate door next to the garage will provide a pedestrian entrance.

A small part of the garage extends into the eastern internal boundary setback (3.4m length by 0.27m, approximately 0.9m^2). there are no windows or openings on the eastern elevation. This encroachment is permitted by Rule 7.5.8.2b:

> *b. any building may locate within a* boundary *setback distance by up to 1m for an area no greater than 6m^2 provided the building within the boundary setback area has no windows or openings;*

The double garage will have compliant dimensions and will be accessed from a driveway with a maximum 1:6 gradient.

Earthworks have been minimised as much as possible and will comprise 115m^3 of cut over an area of 60m^2, 250m^3 of fill over an area of 310m^2, with a maximum cut height of 2.3m, and a maximum fill height of 2.2m. There will be earthworks supported by retaining walls up to 1.5m high extending into a small part of the western internal boundary setback.

The site will be landscaped with mixed native shrub species along the boundaries, and feature trees near the road, such as maples. A broadleaf hedge will provide privacy for the residential flat. The remainder of the site will be lawn, with an area of flat lawn, and the rest sloping. The lower level bedrooms will open onto flat lawn.

The proposal requires resource consent to:

- Construct part of the garage within the 4.5m road boundary setback.
- Breach the 45° recession plane on the eastern elevation of the garage by 0.2m^2 (refer to Figure 2 below).
- Undertake total earthworks volume of 365m^3.
- Place fill up to 2.2m in height.
- Construct 1.5m high retaining walls that will be closer than 1.5m from the boundary.

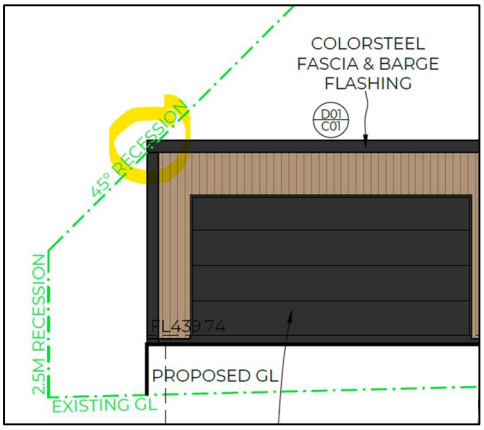


Figure 2 – garage recession plane breach

The Proposed Plans prepared by DK Designs are appended as Attachment **[D]**, including an Earthworks Plan. A geotechnical report prepared by Geosolve for the underlying subdivision is appended as Attachment **[E]** and an Environmental Management Plan is appended as Attachment **[F]**. Because the earthworks are not extensive, the applicants will provide specific engineering designs and geotechnical assessment for foundations at building consent stage, to comply with the requirements of Consent Notice 12756610.10.

5. Matters Requiring Consent

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

The Resource Management (National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES") 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. The application does not require consent under the NES since there have been no known HAIL activities that have taken place on the site as identified in QLDC and ORC GIS records. No new records suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application. The proposal is therefore considered to be a permitted activity under the NES.

5.2 Proposed District Plan

The subject site is zoned Lower Density Suburban Residential under the PDP and the proposal requires the following resource consents:

- A **non-complying** activity under Rule 7.5.7.a for the breach of recession plane associated with the garage (0.2m^2).
- A **discretionary** activity under Rule 7.5.8.1 for the breach of the road boundary set back. It is proposed to locate a portion of the garage within the 4.5m road boundary setback. The area within the setback is approximately 13.86m2, 7.423m along the northern (road) elevation and 3.014m along the eastern elevation.
- A **restricted discretionary** activity under Rule 25.5.3 for exceeding the maximum volume of earthworks for the LDSR Zone of 300m^3. It is proposed to undertake approximately 365m^3 of earthworks within the site (115m^3 of cut, 250m^3 of fill).
- A **restricted discretionary** activity under Rule 25.5.16.1 as the proposed fill exceeds 2m. It is proposed to place fill up to 2.2m in height.
- A **restricted discretionary** activity under Rule 25.5.18.2 a. for earthworks supported by retaining walls where the wall must be setback a distance at least equal to the height of the retaining wall. It is proposed to construct 1.5m high retaining walls where a portion (1.7m^2) will be closer than 1.5m to the western internal boundary.

Overall, the proposal is a **non-complying** activity under the PDP.

5.3 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified by the author. 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 AEE. 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. Effects on the Environment

6.1 Permitted Baseline

As noted above, Section 104(2) of the Act states that, in considering the effects of allowing an activity, a consent authority may disregard an adverse effect if the plan permits an activity with that effect.

In the Proposed District Plan LDSR zone, residential activity is permitted, and the construction of a residential unit (including a residential flat and accessory buildings) is a permitted activity providing that it also complies with relevant standards, including height and setbacks. An accessory building such as a garage detached from a

residential unit may be located within the internal boundary setbacks provided it does not have any windows or openings. Any building may locate in a setback by up to 1m (6m^2) provided there are no windows or openings.

Furthermore, 300m^3 of earthworks is a permitted activity providing that it also complies with standards, which includes a maximum cut height of 2.4m and a maximum fill height of 2m. Retaining walls <2m in height are permitted where they are set back from the boundary by a distance at least equal to their height.

It is therefore considered that there is a relevant permitted baseline regarding construction of a residential unit and associated earthworks that can be applied to this application.

6.2 Earthworks effects

Due to the slope of the site, earthworks are deemed **medium risk** under QLDC Guidelines. An Environmental Management Plan (EMP) prepared by Kirk Roberts Consulting is appended as Attachment **[E]**. The EMP notes that the proposed earthworks are limited in scale, comprising only minor site preparation works to establish pile foundations, localised stripping around footing locations, and the management of small volumes of spoil generated during piling. No major bulk earthworks or remodelling of site contours are proposed.

The EMP provides an anticipated earthworks staging methodology:

- Site establishment and clearance in accordance with Erosion and Sediment Control Plan (ESCP).
- Bulk earthworks – silt fencing, contour drains, and silt socks in accordance with ESCP. Progressive stabilisation.
- Decommission ESCP.

Once complete, the earthworks will be occupied by the new built form and associated landscaping and site rehabilitation.

Soil erosion and generation of sediments

Earthworks can result in adverse effects on the environment due to dust and sedimentation. The nearest water bodies are Lake Wakatipu, various unnamed streams along Queenstown Hill, including one to the east, and the stormwater network. The site is well separated from sensitive water bodies. The proposed earthworks will be undertaken in a manner that will comply with the relevant nuisance effects, erosion, sediment generation and run-off requirements as per the Table 25.3 Standards. Appropriate measures will be installed to ensure that earthworks do not create erosion and sediment run-off, as detailed in the EMP.

Overall, potential adverse effects of soil erosion, generation and run-off of sediment are considered to be less than minor.

Landscape and visual amenity values

The proposed earthworks are located within an urban area, and as such landscape and visual amenity values are not considered to be as sensitive as that of a rural zone. The earthworks proposed are also temporary in nature. Once complete, the earthworks will be contained by retaining walls and fully occupied by the new built form, and lawns/planting.

As such adverse effects on landscape and visual amenity values are considered to be less than minor.

Effects on infrastructure, adjacent sites, and public roads

Due to the site's topography there will be retaining near the boundaries; however, the temporary timeframe until the site is retained, landscaped and built on, and the adoption of the appropriate retaining wall methodologies, will ensure that any adverse effects on the stability of the adjoining neighbours or Angelo Drive can be appropriately managed.

There is lateral stormwater and wastewater piping located within the lower southwestern part of the site, as well as a subsoil drain. The applicant does not propose to excavate, cut or otherwise encroach into these defined areas.

Overall, potential adverse effects on adjacent sites, infrastructure or public roads are considered to be less than minor.

Land stability

A small portion (1.7m^2) of retaining walls up to 1.5m high will be closer than 1.5m from the eastern boundary, as shown approximately in orange below (Figure 3). This encroachment is reasonably minor, and the upper wall will be less than 1.0m above natural ground level. The retaining walls will be constructed appropriately to ensure that adjacent sites are not adversely affected and in accordance with the requirements of Consent Notice 12756610.10.

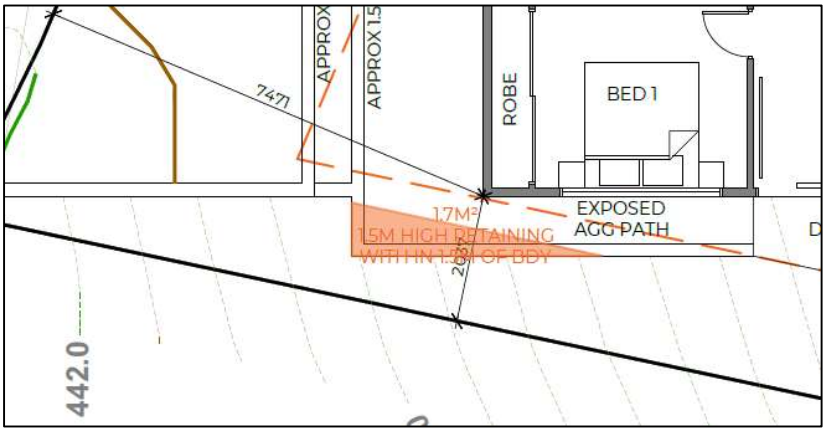


Figure 3 – Retaining walls near eastern boundary

The proposed earthworks will be undertaken within the application site and would not result in any adverse effects on infrastructure, adjacent sites, or public roads that would be minor or more than minor.

Effects on water bodies, ecosystem services and biodiversity

The proposed earthworks will be undertaken appropriately to comply with the relevant nuisance effects, erosion, sediment generation and run-off requirements as per the Table 25.3 Standards, to ensure no sediment enters any water bodies, as detailed in the EMP.

Overall, adverse effects on water bodies, ecosystem services and biodiversity are considered to be less than minor.

Cultural, heritage and archaeological sites

The site has not been identified as containing a heritage feature or an archaeological site. The site is within Wāhi Tūpuna 20: Te Tapunui (Queenstown Hill) where earthworks are identified as a threat. The earthworks are

reasonably small in scale and expected for development of a residential zoned site. Overall, the earthworks would be unlikely to result in adverse effects that are incompatible with Manawhenua values.

Nuisance effects

Nuisance effects are unlikely to arise due to the small scale of earthworks required and their temporary nature. The EMP will capture environmental incident responses and procedures.

Overall, adverse nuisance effects are considered to be less than minor.

Natural Hazards

The site is located in an area where the soils are identified on the Queenstown Lakes District Council hazard mapping system to be at a 'nil to low risk of liquefaction.' It is noted that seismic activity has been identified for the region as a whole and appropriate allowance should be made for seismic loading at the time a building is constructed. No active fault traces have been identified within the site or immediate vicinity as stated in the Geotechnical Report appended as Attachment **[E]**.

The risks of seismic loading, liquefaction, and specific engineering designs and geotechnical assessment for foundations (as required by Consent Notice 12756610.10) will be addressed at building consent stage.

Overall, potential adverse effects in relation to natural hazards are considered to be less than minor.

Functional aspects and positive effects

The earthworks are required to enable the construction of an anticipated residential unit (including residential flat) on the subject site.

6.3 Road boundary setback and recession plane effects

It is proposed to locate a portion of garage within the boundary setback as shown in orange below (Figure 4). The area within the setback is approximately 13.86m^2, 7.423m along the northern (road) elevation and 3.014m along the eastern elevation. The garage will be directly attached and sit adjacent to the residential unit enabling safe and efficient vehicle access from Angelo Drive and manoeuvrability within the site.

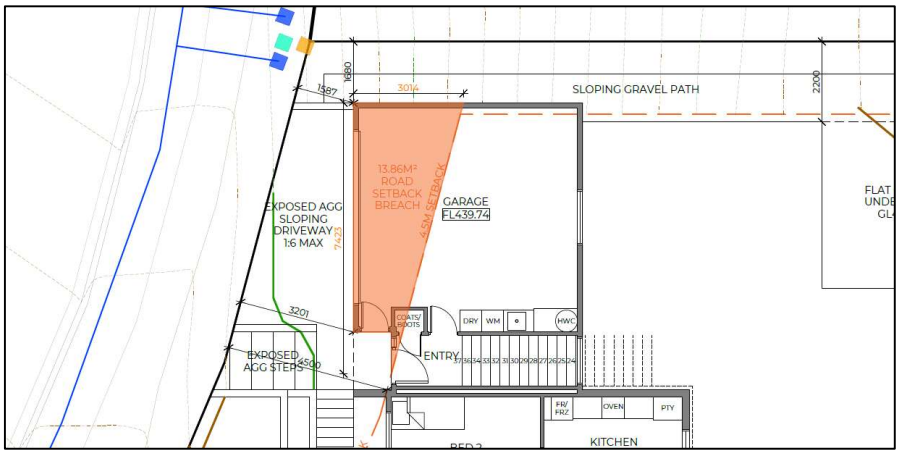


Figure 4 – Proposed road boundary breach - garage

Once the residential unit is established on site, much of the northern elevation and built form will sit below Angelo Drive. The separate pedestrian entrance will provide some street activation, which will mitigate views of the garage door. Any potential visual effects of the garage within the road boundary setback on users of Angelo Drive, the existing footpath, or the residential units on the opposite side of Angelo Drive will be mostly indistinguishable and further softened when viewed against the constructed residential unit and landscaping once established. The encroachment into the road boundary is considered to be relatively minor in scale.

A small portion of the garage will extend into the recession plane on the eastern boundary (0.2m^2). This is considered a minor encroachment that would not result in noticeable shading, dominance, or other adverse amenity effects on the road or the neighbouring site at the east.

Overall, any potential adverse effects from the proposed road boundary and recession plane breaches of the garage are considered to be less than minor.

6.4 Summary

Overall, the adverse effects on the environment arising from the proposed development with associated earthworks and road setback and recession plane breaches are considered to be no more than minor.

7. Notification Assessment

7.1 Public Notification Tests

Step 1 – Mandatory public notification

- We are not requesting public notification of the application.
- Provided a request is reasonable, we are unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act.
- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Accordingly, mandatory public notification of the application is not required.

Step 2 – Public notification precluded

- Public notification is not precluded by any rule or national environmental standard.
- The proposal is not for a controlled activity, or a boundary activity (as the infringed boundary is a public boundary).
- The proposal is not a prescribed activity.

Accordingly, public notification of the application is not precluded.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

- No NES requires public notification.
- The adverse effects of the activity on the environment will not be more than minor.

Step 4 - Public notification in special circumstances

- No special circumstances exist. This is because the proposal is for a residential activity in a residential zone. Effects arising from earthworks and the building extension can readily be managed.

This application can be processed without public notification.

7.2 Limited notification

Step 1: certain affected groups and affected persons must be notified

Not applicable. The site is not within a Statutory Acknowledgement Area.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under step 2.

Step 3: if not precluded by step 2, certain other affected persons must be notified

Consideration of affected parties is required in accordance with section 95E. No persons are considered to be adversely affected for the reasons set out in section 7.2 and 7.3 of this application.

Step 4: further notification in special circumstances

There are no special circumstances considered relevant to this application.

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

8. Policy Framework

8.1 Operative & Partially Operative Regional Policy Statements

Section 104(1)(b)(v) requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. The Partially Operative Regional Policy Statement (PORPS) is high level and does not provide specific guidance for small scale applications of this nature for a residential unit on a residential allotment in a residential zone. The objectives and policies with regard to freshwater management are relevant and the proposal addresses these through the EMP. Overall, the proposal is not contrary to any policy of the PORPS.

8.2 Proposed District Plan

In terms of the Proposed District Plan, the following objectives and policies are applicable.

8.2.1 Lower Density Suburban Residential Zone (Chapter 7)

7.2.1 Objectives

7.2.1 High density residential development provides a positive contribution to the environment through quality urban design.

Policies

7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development and maintains

suburban residential amenity values including predominantly detached buildings, and predominantly one to two storey in height.

7.2.1.3 Ensure that the height, bulk and location of the development maintains the suburban intensity character of the zone and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

7.2.1.5 Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2021.

The residential unit and flat have been designed to respond sensitively to the existing topography of the site and to complement the surrounding built environment. The residential unit is to be located at the northern end of the site which is consistent with the existing residential developments along Angelo Drive, where most developments are located closer to the road boundaries while retaining rear landscaped and grassed areas within the sites.

The proposed cuts and retaining walls and volume of earthworks are reasonably modest and allow for the residential unit and outdoor living areas to be nestled down below Angelo Drive. The residential unit does not breach height and the encroachment into the road boundary setback and recession plane for the garage will be mitigated by overall design and landscaping. Once the residential unit is constructed and the landscaping is established within the site, the built form will be visually interesting and will not appear dominant on the street.

The proposal is consistent with the above Objectives and Policies.

7.2.3 Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

Policies

7.2.3.3. Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.

The proposal is consistent with many of the residential developments on Angelo Drive and the surrounding areas. The street frontage will be landscaped and the external materials of the residential unit on the northern elevation will be varied. The northern elevation is stepped back from the road and includes a pedestrian entrance to enhance legibility.

The proposal is consistent with the objectives and policies above.

7.2.6 Objective - Development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.

Policies

7.2.6.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.

7.2.6.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

Access, parking and the efficiency and safety of the transport network or Angelo Drive will not be compromised by the garage encroaching into the road setback. The proposal is not considered inconsistent with the objectives and policies above.

8.2.2 Earthworks (Chapter 25)

25.2.1: Objective– Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.

25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development.

25.2.1.2 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.

25.2.1.4: Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.

25.2.1.5: Design earthworks to recognise the constraints and opportunities of the site and environment.

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.

25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

25.2.1.11 Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

Earthworks will be undertaken in a manner than minimises adverse effects on the natural and social environment by operating within regular hours and ensuring the containment of both noise and environmental pollution. This will be achieved through standard sediment control through EMP (including ESCP) and anticipated conditions. The scale of the earthworks is reasonably modest, and once complete the quality of the existing urban environment will be maintained. The proposal is consistent with the objectives and policies above.

9. Conclusion

The proposed development will promote sustainable management by enabling the applicant to provide for their economic and social well-being through the development of the site for a residential unit, while at the same time avoiding, remedying, and mitigating the adverse environmental effects arising from the activity.

Attachments

Attachment **[A]**: Form 9
Attachment **[B]**: Record of Title 1094404
Attachment **[B1]**: Consent Notice 6717938.1
Attachment **[B2]**: Consent Notice 7195226.1
Attachment **[B3]**: Consent Notice 8283616.19
Attachment **[B4]**: Consent Notice 12371235.8
Attachment **[B5]**: Consent Notice 12756610.2
Attachment **[B6]**: Consent Notice 12756610.10
Attachment **[C]**: Location Map
Attachment **[D]**: Proposed Plans (DK Designs)
Attachment **[E]**: Geotechnical Report
Attachment **[F]**: Environmental Management Plan (Kirk Roberts Consulting)