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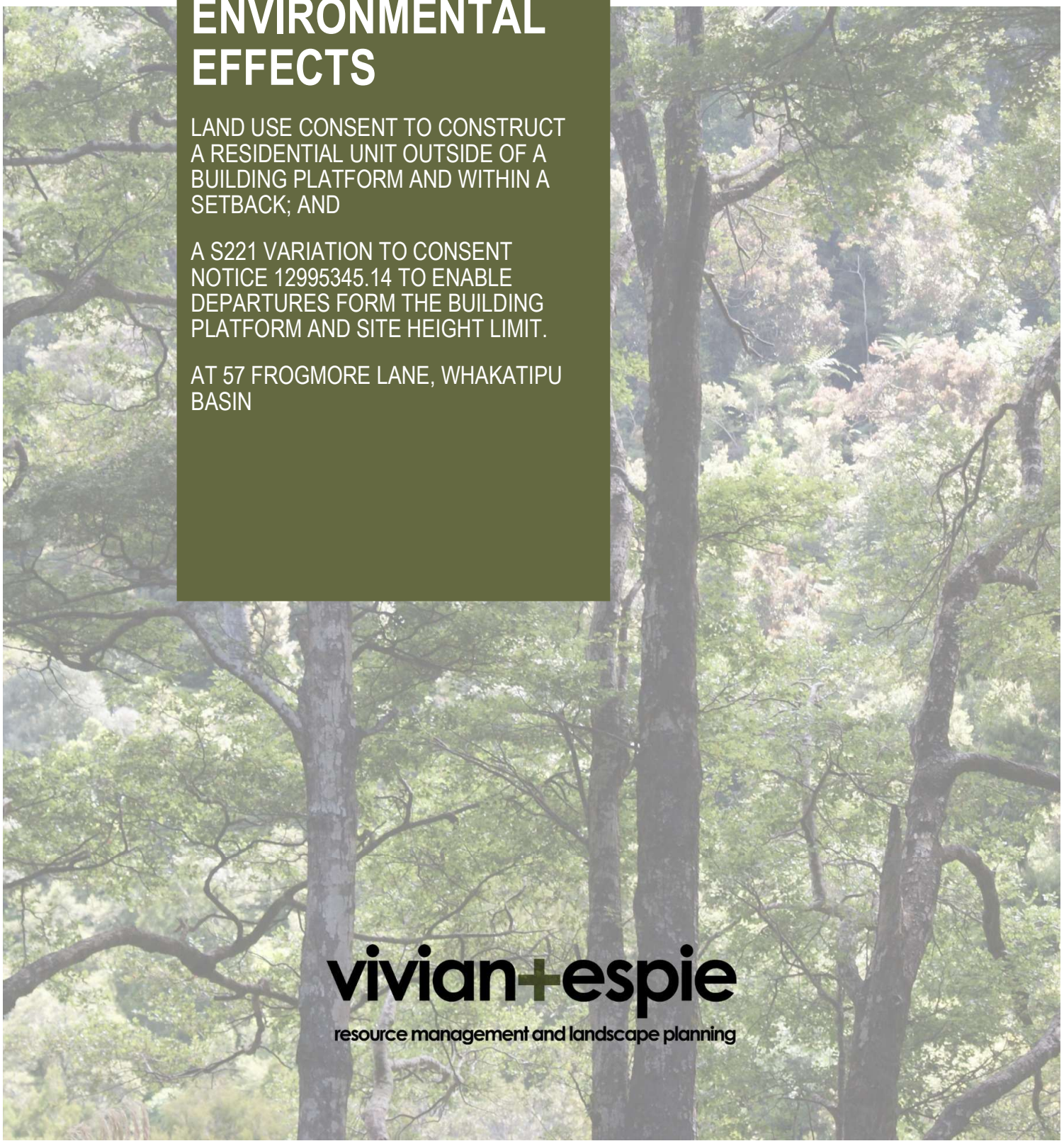
WOODLOT PROPERTIES LIMITED
7 NOVEMBER 2025
J2461

ASSESSMENT OF ENVIRONMENTAL EFFECTS

LAND USE CONSENT TO CONSTRUCT A RESIDENTIAL UNIT OUTSIDE OF A BUILDING PLATFORM AND WITHIN A SETBACK; AND

A S221 VARIATION TO CONSENT NOTICE 12995345.14 TO ENABLE DEPARTURES FORM THE BUILDING PLATFORM AND SITE HEIGHT LIMIT.

AT 57 FROGMORE LANE, WHAKATIPU BASIN



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Quality Assurance

Prepared By	Tom McIntyre	Senior Planner	4 November 2025
Reviewed By	Carey Vivian	Planner/ Director	4 November 2025

1. Key Information

Future Address	57 Frogmore Lane, Queenstown
Legal Description	Lot 4 DP 600882 held in Record of Title 1171346 The title is attached as **Attachment [B].**
Site Area	0.8065 hectares
Owners	Woodlot Properties Limited
Applicant	Woodlot Properties Limited
ODP Zoning	Rural General
Designations & Special Provisions	Visual Amenity Landscape
PDP Zoning	Wakatipu Basin Lifestyle Precinct (**WBLP**)
Designations & Special Provisions	LCU 2 – Fitzpatrick Basin
Proposed Activity	Land use consent to construct a residential unit outside of a building platform and to breach an internal boundary setback. A variation to consent notice 12995345.14 is also proposed. Plans are appended as Attachment **[C]**.
Consents Required	**Proposed District Plan** The site is within the Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct Sub-zone) (WBLP) and the proposal requires resource consent under the following rules: • A **restricted discretionary** activity resource consent under rule 24.5.7 for a building within the 10 m internal boundary setback. • A **non-complying** activity resource consent under rule 24.4.7 for the construction of a building for residential activity outside of a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform. **Resource Management Act 1991 (RMA)** • A **discretionary** activity under s221 of the RMA to change conditions (a) and (e) of consent notice 12995345.14, to construct a building partially outside of a platform and to breach the consent notice height limit. **Operative District Plan**

	The equivalent rules of the PDP for the WBLP are not under appeal following the issue of a Consent Order by the Environment Court and must now be treated as inoperative pursuant to section 86F of the RMA. Overall, the proposal is for a **non-complying** activity.
Written Approvals and Consultation	No persons other than the applicants are affected by the proposal.
Other consents/permits	Nil.

2. Introduction

This report is submitted as part of the application by Woodlot Properties Ltd ("the Applicant") for resource consent from Queenstown Lakes District Council ("QLDC" or "Council") for land use consent to construct a residential unit. The proposal will be in breach of conditions of the consent notice due to be issued through subdivision RM230062, therefore consent is sought to change these conditions to allow for the proposal.

The completed Form 9 is appended as Attachment **[A]** and the Record of Title is appended as Attachment **[B]** ("the site"). The plans of the proposed house and landscaping are appended as attachment **[C1]** and **[C2]**. 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 RM230062 (as varied by RM240836 and RM250133)

The subject site was created through **RM230062**, which was granted in August 2023 to subdivide the parent title, into six rural living lots and identify five building platforms (in addition to the existing platform on Lot 2 DP 475338). The consent approval included services and access to each building platform as well as associated earthworks. Titles have recently been granted under this subdivision. Prior to s223 and s224c certification, RM230062 was varied twice, explained as follows.

RM230062 was subsequently varied through **RM240836** on 22 November 2024. RM240836 authorised changes to the Lot 1 building platform as well as related changes to the landscape plan. These changes were to accommodate a proposed house design. RM240836 consent was a combined land use and s127 variation to the underlying subdivision.

RM230062 was again varied through **RM250133**, to allow for changes to the Lot 3 building platform and landscaping. RM250133 was granted on 19 May 2025. RM250133 consent was also a combined land use and s127 variation to the underlying subdivision.

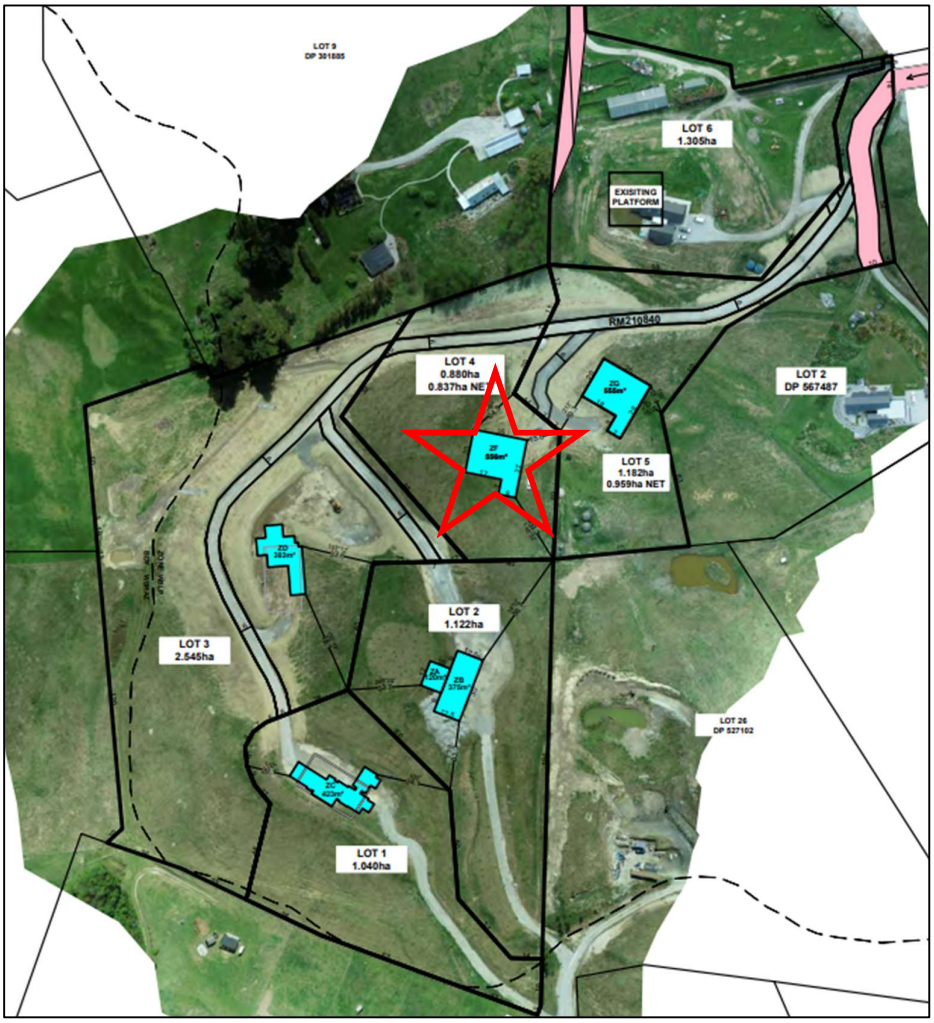


Figure 1: *Subdivision layout consented under RM230062 (as varied). Lot 4 is denoted by the red star. This plan shows the updated Lot 1 and 3 platforms, as consented through RM240836 and RM250133.*

4. The Proposal

4.1 Overview

It is proposed to build a house on Lot 4, slightly outside of the building platform and protruding through the bespoke height limit for the lot. The proposal is similar in nature to the land-use consents for Lots 1 and 3, in that the house design does not quite fit with the basic concept-level building platform shapes that were proposed at the time of subdivision. The house will be located at approximately the same location as the consented building platform, albeit with a slightly different shape. The garage portion of the building will also be located within the 10 m eastern internal boundary setback. To enable the height and landscaping departures, it is proposed to change conditions of the consent notice 12995345.14.

4.2 Proposed House

The proposed house has four bedrooms and a footprint of ~446 m^2. The majority of the roof is flat, aside from a small mono-pitch protrusion above the hallway and bedrooms, which is fitted with clerestory windows and skylights to allow more light into these parts of the building. The cladding will be a combination of alpine tray colorsteel, vertical weatherboard, and plaster render. The exterior colours will be kept within the range of browns, greens or greys, with <30% LRV for the walls and <20% LRV for the roof.

The house will be located slightly outside of the building platform, denoted as area ZF of the Record of Title. A change to condition (a) of CN 12995345.14 is sought to allow for this departure.

The house breaches the 10 m setback required from the eastern internal boundary. The garage is 7.1 m form the boundary at is closest point. Consent is sought for this infringement.

A portion proposed garage lies outside of the defined curtilage area of the Structural Landscape Plan approved through RM230062. However, there is no external lighting proposed on this portion, and the opening of the garage and car forecourt *is* within the curtilage area, thus condition (h) of the consent notice is complied with.

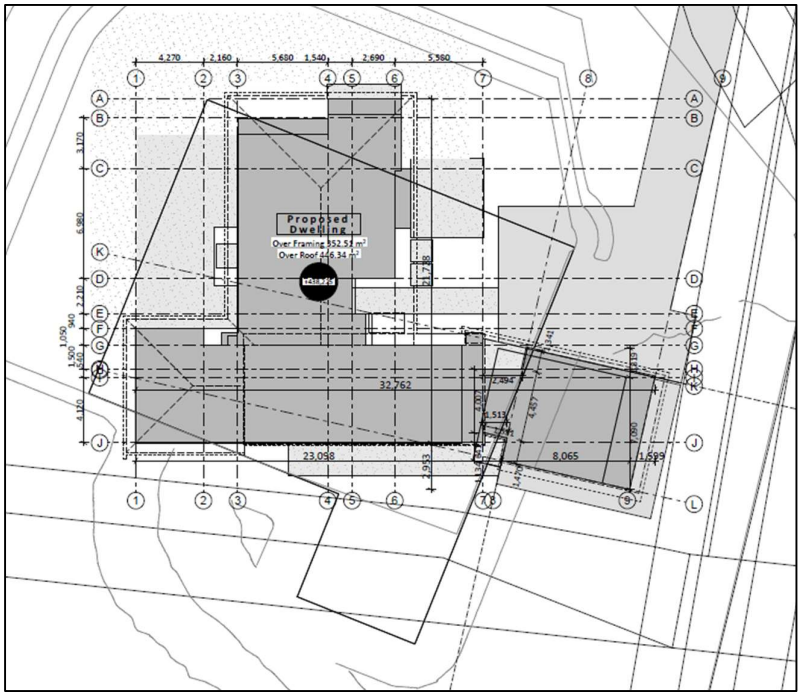


Figure 2: *Snip of site plan, showing the proposed building as slightly outside of the registered building platform. The garage is 7.1 m from the boundary at its closest point.*

4.3 Height Limit Breach

As part of CN XXXXXXXX.X, there are bespoke height limits for each lot created through RM230062, as follows:

Lot 1	ZC = 423m^2. Maximum building height 4.5m above RL: 417 masl.
Lot 2	ZA = 120m^2 and ZB = 375m^2 (495m^2 total). Maximum building height for ZA is 3m above RL 427 masl. Maximum building height for ZB is 4.5m above RL 427 masl.
Lot 3	ZD = 382.4m^2. Maximum building height 4.5m above RL 418.5 masl.
Lot 4	ZF = 556m^2. Maximum building height 4.5m above RL 438 masl.
Lot 5	ZG = 555m^2. Maximum building height 4.5m above RL 438 masl.
Lot 6	Existing.

The proposed house will exceed the bespoke height limit for Lot 4, thus it is proposed to change the consent notice condition wording to allow for the proposed height breach. The extent of the breach is limited to the mono-pitch protrusion illustrated in Figure 3 below.

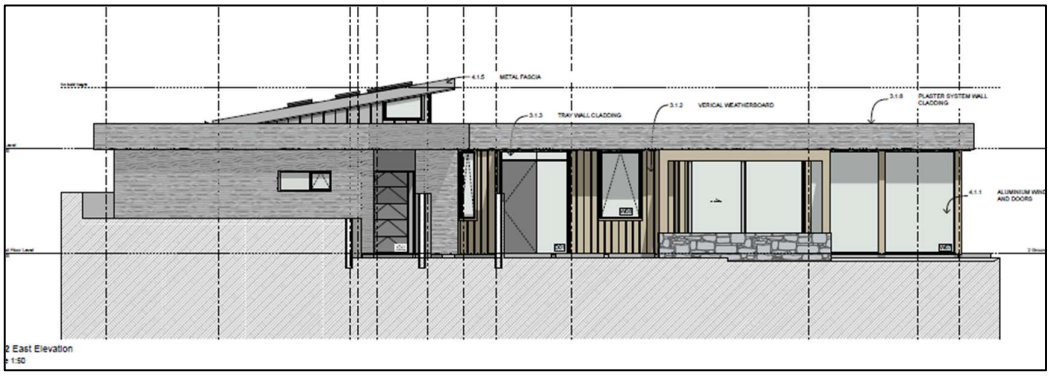


Figure 3: *North elevation. The mono-pitch roof protrusion will breach the 4.5 m height limit of the consent notice.*

4.4 Changes to consent notice

To enable the departures from the building platform and height limit, it is proposed to change the consent notice that is due to be issued as part of the RM230062 subdivision (12995345.14). Similar outcomes were provided for through RM240836 and RM250133, albeit through s127 variations to RM230062, given that the titles were yet to be issued when those consents were applied for.

The changes proposed under this consent are shown in **bold underline** and ~~strikethrough~~.

a) *All future buildings**, excepting the development authorised through RM25****, shall be contained within the building platforms (Building Platforms) shown as:*

   i. *Covenant Area ZC on Lot 1 DP 600882;*

ii. *Covenant Areas ZA & ZB on Lot 2 DP 600882*

iii. *Covenant Area ZD on Lot 3 DP 600882;*

iv. *Covenant Area ZF on Lot 4 DP 600882;*

v. *Covenant Area ZG on Lot 5 DP 600882;*

e) *All future buildings contained within the approved building platforms**, excepting the development authorised through RM25****,** shall not exceed the following height restrictions:*

Lot 1	*ZC = 423 m2. Maximum building height 4.5m above RL: 417 masl.*
Lot 2	*ZA = 120m2 and ZB = 375m2 (495m2 total). Maximum building height for ZA is 3m above RL 427masl. Maximum building height for ZB is 4.5m above RL 427masl.*
Lot 3	*ZD = 382.4 m2. Maximum building height 4.5m above RL: 418.5 masl.*
Lot 4	*ZF = 556m2. Maximum building height 4.5m above RL: 438 masl.*
Lot 5	*ZG = 555m2. Maximum building height 4.5m above RL: 438 masl.*
Lot 6	*Existing.*

4.5 Access and Servicing

The house will be serviced in accordance with the subdivision servicing arrangement for Lot 4 of RM230062.

Access

The proposal will utilise the existing formed access at the site, via Frogmore Lane, as consented and implemented under the RM230062 subdivision.

Water Supply

Water is to be supplied from Little Stream Water Company Ltd. There is an existing connection at the building platform, which will provide for the proposed house.

Wastewater Disposal

In accordance with the requirements of the consent notice, the applicant has engaged a suitably qualified person (John McCartney – Civilised Limited) to design a wastewater disposal system for the proposed house. The Civilised report is appended as Attachment **[D]**. This design forms part of the proposal.

Firefighting Supply

In accordance with the consent notice, water tanks are proposed in the near vicinity of the house. These will be wholly or at least partially buried and will hold a minimum 45,000 L of water as firefighting water reserve.

The driveway will act as a hardstand for a firefighting appliance, with a hose coupling provided. Any earthworks required to bury the water tanks will be within the permitted activity parameters.

Stormwater

Swales have been installed through the subdivision process to receive and dispose of runoff from the driveway.

Further soak-pits will be required to dispose of stormwater from the house and impermeable landscaping. The Civilised Report (Attachment **[D]**) confirms that ground conditions are suitable for disposal of this stormwater by soakage to ground. Additional soak pits are shown in the report, however, the design of the system will be addressed at the time of building consent.

Power Supply & Telecommunications

Power and telecommunications connections were established through the subdivision.

5. Matters Requiring Consent

5.1 Operative District Plan

The proposed house is within the WBLP. No appeals relate to the application of the Precinct sub-zoning over the subject property, and a Consent Order has been issued for the Precinct provisions, meaning the PDP rules must be treated as operative. The proposal does not trigger any rules or standards under the ODP.

5.2 Resource Management Act 1991

- A **discretionary** activity under s221 of the RMA to change conditions (a) and (e) of consent notice 12995345.14, to construct a building partially outside of a platform and to breach the consent notice height limit.

5.3 Proposed District Plan

The subject site is zoned Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct Subzone) in the PDP and the proposal requires resource consent for the following matters:

- A **restricted discretionary** activity resource consent under rule 24.5.7 for a building within the 10 m internal boundary setback. Council's discretion is restricted to the following matters:

    a. Building location, character, scale and form;
    b. External appearance including materials and colours;
    c. Landform modification/planting (existing and proposed).

- A **non-complying** activity resource consent under rule 24.4.7 for the construction of a building for residential activity outside of a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform.

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

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 7 of this report. Assessments against the relevant statutory documents are provided in section 9 below.

6.2 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

7. 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.

7.1 Receiving Environment and Permitted Baseline

The Quality Planning website defines the receiving environment as follows:

> *The environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:*
>
> - *the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities*
> - *the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*
>
> *but not*
>
> - *the environment as it might be modified by implementing future resource consent applications (because these are too speculative)* [1] *(underlining added).*

In considering the effects of the proposal, the consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In terms of the future state of the environment, there is no relevant permitted baseline to apply, however RM230062 (as varied) is highly relevant to the proposal. Most of the physical works (including access, levelling of platforms, landscaping etc.) approved under RM230062 has been implemented, and therefore provides context for the proposed house, particularly with regard to landscape and servicing matters.

[1] https://qualityplanning.org.nz/node/850

Consents RM240836 and RM250133 also provide important context, as they have provided for similar outcomes on Lots 1 and 3 or the same underlying subdivision.

7.2 Effects of Proposed Residential Unit

Although the proposal triggers a **non-complying** activity status, the matters of restricted discretion from PDP rule 24.4.6, provide the most useful set of assessment criteria, as these also address the same matter as the matters of discretion from Rule 24.5.7.

a. Effects on landscape character associated with the bulk and external appearance of buildings;
b. Access;
c. Infrastructure;
d. Landform modification, exterior lighting, landscaping and planting (existing and proposed);
e. Natural hazards;
f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.;
g. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.

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

The WBLP deliberately provides for rural living activity, and rural living can be absorbed by the corresponding LCU's without their character being degraded. The relevant objectives and policies do not seek that the character of the site itself remains unchanged, but they do seek that the character of the landscape character unit (as set out in Schedule 24.8) is maintained or enhanced.

The proposed house falls within the Landscape Character Unit 2: *Fitzpatrick Basin* (LCU2) of Schedule 24.8 of the PDP, which is recorded as having a **high** capability to absorb additional development[2].

Council's consideration of the landscape effects of RM230062 relied on the expert assessment of Ms Mellsop. Ms Mellsop's assessment found that future dwellings on Lots 4 to 5 would be largely within LCU2 and of a density and nature that is anticipated within this part of the Lifestyle Precinct. Additional planting and mounding will assist in integrating the dwellings into the landscape and partially screen them from viewpoints on Littles Road and neighbouring properties to the west. The platform was supported with requirements for structural landscaping and a bespoke height limit of 4.5 m above RL 338 m. The current proposal is to

[2] Below the 440 m contour. The Lot 4 platform is on the 438 m contour.

construct a small amount of built form outside of the consented platform and within an internal setback and for the roof to protrude through the 4.5 m height plane. A Landscape and Visual Effects Assessment (LVEA) has been prepared for this proposal, and is appended as Attachment **[E]**.

The LVEA has assessed both platform protrusions, one being the garage extending beyond the east of the platform, and the other being the sunroom / living room that extends north out of the platform. For the garage, the LVEA finds that the 3.8 m high roofline sits 0.7 m below the bespoke height limit, and that in practically all views from outside the site itself, the garage will be behind the dwelling and the consented building platform. The report considers that this part of the building will be indiscernible when compared to a compliant building within the platform. Similarly, the living room protrusion is small and low in height and it will be very difficult to perceive any relevant difference between the proposed situation and a hypothetical compliant dwelling contained within the building platform

Regarding the height protrusion, the LVEA finds that the extent of the breach is particularly small, limited to only the small 'pop-up' mono-pitch area, with the remainder of the roof at only 3.8 m high, and other parts of the consented platform remaining unbuilt. The LVEA finds that the difference between the proposed building and one that fully complies with the height plane, will effectively be indiscernible from outside the site. The report notes that in effect, a building with more perceived bulk could be built while remaining compliant with the height plane. These findings are accepted and adopted for the purposes of this AEE.

The internal setback breach will not be perceivable from public viewpoints out side of the site. The affected property is also owned by the applicant, thus there will be no adverse effect on any other party.

Any effects of the proposed house on landscape character and visual amenity values will be appropriate.

7.2.2 Access;

The house will utilise the existing formed access established through the subdivision proces. This is a well-formed access with a suitable crossing onto Littles Road, with no upgrades be necessary. No adverse effects are expected with regard to access.

7.2.3 Infrastructure;

As discussed, the proposed servicing is addressed in the report prepared by Civilised Limited, appended as Attachment **[D]**.

Water Supply

The house will utilise the existing water supply connection at the platform. Water is to be supplied from Little Stream Water Company Ltd. No adverse effects are expected in this regard.

Wastewater

In accordance with condition (p) of consent notice 12995345.14, the applicant has engaged a suitably qualified person (John McCartney – Civilised Limited) to design a wastewater disposal system for the

proposed house. The Civilised report confirms that ground conditions are suitable for OSWWD, and includes a design that will cater for the proposed house. The report is appended as Attachment **[D]**. This design forms part of the proposal. No adverse effects are expected in this regard.

Firefighting Supply

The proposed firefighting water supply complies with condition (c) of consent notice 12995345.14, and the relevant requirements of the PDP. No adverse effects are expected in this regard.

Stormwater

Storm water disposal has been addressed in the Civilised report. Stormwater from the impervious driveway areas will be collected in new swales that will drain to the existing overland flow features on site.

Stormwater runoff from the house will be disposed of in a soakpit located southeast of the building platform. The Civilised report confirms that ground conditions are suitable for a soak pit. No adverse effects are expected in this regard.

Power Supply & Telecommunications

The platform has existing connections to power and telecommunications. No adverse effects are expected in this regard.

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

The building location is flat as a result of earthworks undertaken through RM230062, meaning only a site scrape and a small amount of cut around the garage is required to prepare for the foundations of the proposed house. A small amount of earthworks will be required to install the firefighting tanks. All of these works will be within the Permitted earthworks parameters and thus no adverse effects are expected.

No changes are proposed to the vegetation implemented through the Structural Landscape Plan. This will be retained in perpetuity. No exterior lighting is proposed.

7.2.5 Natural Hazards

The site is not known to be affected by any natural or other hazards. Specifically, the Council's online GIS Hazard Map does not identify the site as being prevalent. No section 106 matters are considered applicable to the proposal.

7.2.6 Lake Hayes Catchment

N/A

7.2.7 Electricity Infrastructure

This matter of discretion is not relevant to the application as there are no changes proposed to electricity distribution infrastructure.

7.3 Conclusion on effects

Overall, it is concluded the effects on the environment will be no more than minor, and the first section 104 threshold is passed.

8. Notification Assessment

8.1 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.

Notification is therefore 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 is therefore not precluded from public notification.

8.2 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))

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

Limited notification is therefore not precluded under Step 2.

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

- 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 is not precluded from limited notification.

It is requested that the application be processed on a non-notified basis, as the proposal is in accordance with the outcomes provided for by the Lifestyle Precinct zoning.

9. Policy Framework

The second test requires considering the relevant objectives and policies of the Operative District Plan (**ODP**) and PDP to determine whether the Proposal is "contrary" in the sense of "being opposed to in nature; different or opposite" or "repugnant and antagonistic".

It is understood that an application may be considered to be in conflict with certain policies but that does not make it contrary. It is also understood that the accepted practice of the Courts has been that if a proposal is to be stopped at the second gateway it must be contrary to the objectives and policies as a whole.

However, first, some higher order documents are considered.

9.1 National Policy Statement for Highly Productive Land 2022

The Environment Court have issued a decision which confirms that the WBRAZ is not a rural or rural production zone in terms of the NPS-HPL. As such, the NPS-HPL is of no consequence to the proposal, as the site does not meet the definition of highly productive land.

9.2 Operative Regional Policy Statement - 1998

Section 104(1)(b)(v) requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. The Operative Regional Policy Statement 1998 (ORPS) has now been revoked:

9.3 Operative 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 2019.

9.4 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 some relevance:

UFD-O4 -Development in rural areas

Development in Otago's rural areas occurs in a way that:

1) *Avoids impacts on significant values and features identified in this RPS,*
2) *Avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,*
3) *Only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and*
4) *Outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.*

The site is not on nor adjacent to an ONL, ONF or any other significant feature identified in the RPS. The site does not meet the definition of highly productive land, as the site is located within the Lifestyle Precinct of the Wakatipu Basin Rural Amenity zone, which is not a rural production zone. The Lifestyle precinct provides for rural residential development such as is proposed.

Overall, proposal is consistent with the relevant provisions of the PORPS.

9.5 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.

9.6 Proposed District Plan

The relevant objectives and policies are contained in Chapter 24 *Wakatipu Basin* of the PDP.

9.6.1 Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct) (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 following is an assessment of the proposal against the most relevant objectives and policies.

> ***Objective 24.2.1 -*** *Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.*
>
> ***Policy 24.2.1.4*** *Within those areas identified as having a landscape capacity rating of Moderate, do not allow any new residential development and subdivision for residential activity that is not located and designed so as to:*
>
> *a) Avoid sprawl along roads;*
> *b) maintain a defensible edge to and not encroach into any area identified as having Moderate-low, Low or Very Low landscape capacity rating;*
> *c) minimise incremental changes to landform and vegetation patterns associated with mitigation such as screen planting and earthworks which adversely affect important views of the landform and vegetation character identified for the relevant Landscape Character Units in Schedule 24.8; and*
> *d) not degrade openness when viewed from public places if that is identified in Schedule 24.8 as an important part of the landscape character of the relevant area, including as a result of any planting or screening along roads or boundaries.*

Schedule 24.8 assigns a high development capability to LCU-2. The house is more of less contained within the consented platform, with the small platform and height protrusions being indiscernible from outside of the site. The proposal will maintain openness values and does not encroach into any area with lower landscape capacity ratings. The house also benefits from the recently implemented Structural Landscape Plan to ensure that the effects of the proposal are consistent with the outcomes sought for LCU-2. The proposal is consistent with this policy.

> ***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.*

The site has been developed in accordance with (and as consented under) RM230062, including the formation of accesses, the levelling of building platforms, and installation of services. Landform modifications

required for the current proposal are limited to a site scrape and a small amount of cut at the garage, which are within the 400 m^3 permitted maximum. No further modifications to the landform are required under this application. 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 proposed building location benefits from the mitigation offered by the Structural Landscape Plan consented and implemented under RM230062. The proposed building will have recessive external materials and as per the assessment of effects above, the proposal will maintain the existing landscape character and visual amenity values of LCU-2 as described in Schedule 24.8. 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 house will be located on the approved building platform on site and will accord with relevant standards for external colours and materials. The form and scale of the building is commensurate with existing residential development in this locality. The height and platform departures and the setback infringement will be indiscernible from outside of the site. The proposal is consistent with the outcomes sought for LCU-2. 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 house has a low, flat roof and is located at an approved platform location, upon the flat-terrace area of LCU-2. The house remains subservient to surrounding natural landscape element. The proposal is consistent with this policy.

> ***Policy 24.2.1.18 –*** *Ensure subdivision and development maintains a defensible edge between areas of rural living in the Precinct and the balance of the Rural Amenity Zone.*

The house location is entirely within WBLP, within an area of LCU-2 that is identified as being able to accommodate development. The house is located at a consented platform location and is well separated from the nearest area of WBRAZ, thus a defensible edge between these subzones will be maintained. 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.*

The house will utilise the consented arrangements for water supply, power and telecommunications. In accordance with RM230062, the proposal includes an on-site wastewater disposal system designed by a qualified person. Stormwater will be disposed of via a soak-pit, to be designed at building consent stage. Water and ecological quality, and recreation values, will be maintained. The proposal is consistent with this objective.

Objective 24.2.5 *- Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.*

The proposal enables an ongoing rural living opportunity within the Precinct. As per the above assessment, the proposal represents good design, and is of a density that is compliant and compatible with the WBLP. The landscape character of LCU-2 and the wider receiving environment will therefore be maintained. The proposal is consistent with this objective.

Policy 24.2.5.2 *– Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.*

As discussed, the current proposal is essentially part of giving effect to the WBLP zoning of the site. The proposal has been designed in a sympathetic manner, utilising the recently implemented Structural Landscape Plan to integrate the house into the landform in order to maintain and enhance the landscape and visual amenity values of LCU-2.

9.6.2 Conclusion

Overall, the proposal is considered to be consistent with (and not contrary to) the objectives and policies of the ODP and the PDP. As such, the second section 104D threshold test is also passed.

10. Other Matters

No other matters are considered relevant to this proposal.

11. Consultation

No consultation has been undertaken as the proposal is consistent with, and gives effect to, the WBLP zoning.

12. 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]**: Civilised Servicing Report

Attachment **[E]**: Landscape and Visual Effects Assessment

Attachment **[F]**: Geotechnical Report