Assessment of Environmental Effects

Resource Consent Application to construct a new residential unit and associated breaches in building coverage and earthworks

Andrew Alan Campbell, Tania Joy Campbell and BCO Trustees (2024) Limited

3 Haggitt Lane, Lake Hayes, Queenstown

January 2026

SPG SOUTHERN PLANNING GROUP

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1 The Applicant and Property Details

To:	Queenstown Lakes District Council
Applicant	Andrew Alan Campbell, Tania Joy Campbell and BCO Trustees (2024) Limited
Site Address	3 Haggitt Lane, Lake Hayes, Queenstown
Address for Service	Andrew Alan Campbell, Tania Joy Campbell and BCO Trustees (2024) Limited C/- Southern Planning Group PO Box 1081 Queenstown, 9348 **alexa@southernplanning.co.nz** Attention: Alexa Harrington
Legal Description:	Lot 32 DP 338474; 1/43 share in Lot 300 DP 338474 and 1/9 share in Lot 301 DP 338474, held in Record of Title 181649
Site Area:	Lot 32: 6,738 m² more or less
Operative District Plan Zone:	Bendemeer Special Zone
Proposed District Plan Zone:	N/A
Brief Description of Proposal:	Resource consent to construct a new residential unit.
Summary of Reasons for Consent:	Resource consent is sought to undertaken construct of a new residential unit and associated breaches with earthworks and building coverage.

Appendices

Appendix [A] Record of Title

Appendix [B] Instruments

Appendix [C] Architectural Plans

Appendix [D] Geotechnical Report

Appendix [E] Environmental Management Plan

Appendix [F] Cut and Fill Earthworks Plans

Appendix [G] Landscape Plans

Appendix [H] Affected Party Approval



Alexa Harrington

06 January 2026

2 Executive Summary

The applicant applies for a land use consent to construct a new residential unit and the associated breaches with earthworks at the site located at 3 Haggitt Lane, Bendemeer.

The site is contained in the Bendemeer Special Zone under the Operative District Plan (ODP).

Overall, the status of the application is that of a **Discretionary** Activity.

This Assessment of Effects has been prepared in accordance with the requirements of Section 88 and Schedule 4 of the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought, and any actual or potential effects of the proposal may have on the environment.

The Assessment of Effects considers the effects of the proposal and determines that that the proposal will have less than minor adverse effects on the environment. Public notification is not requested, and nor are any persons considered to be adversely affected by the proposal.

The proposal is not contrary with the objectives and policies of the ODP and PDP. Overall, the proposal is consistent with the purpose and principles of the Act and accords with the definition of sustainable management under Part 2 of the Act.

3 Site Description and Receiving Environment

3.1 Site Description

The subject site (which for the purpose of this application is considered solely to be Lot 32) has a physical address of 3 Haggitt Lane, Bendemeer and is undulating in nature.

The 6,738 m² site is legally described as Lot 32 DP 338474. The Record of Title also contains two other allotments of which the applicants own shares of. The Record of Title is contained within **Appendix [A].**

The site is indicated the aerial photograph below:

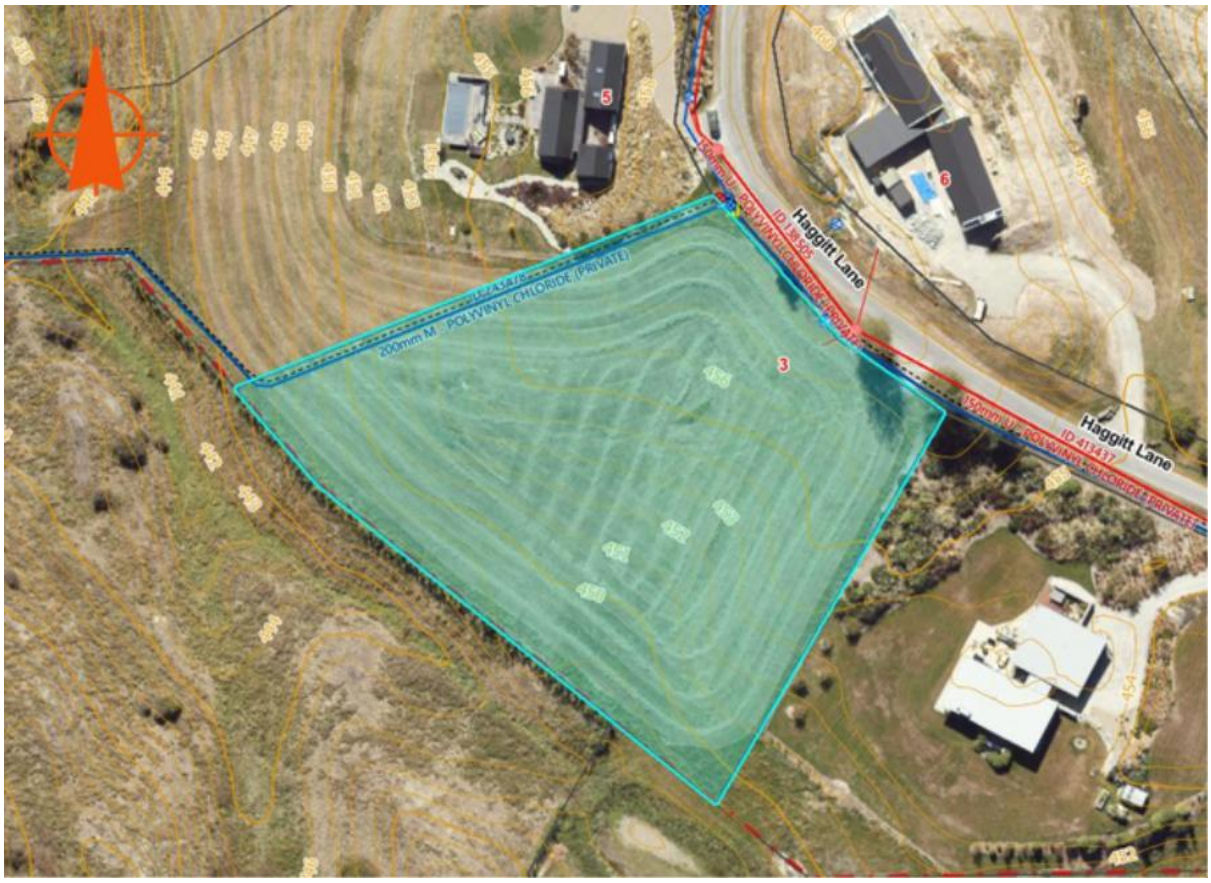


Figure 1: Location of the subject site (outlined in blue). Source: QLDC GIS

3.2 Legal Documents

A number of legal encumbrances are registered against the subject Record of Title, with such documents being contained within **Appendix [B].** The majority of these instruments are private and therefore are not of relevance to the application. The one relevant instrument, is consent notice instrument 6318687.2.

This consent notice is assessed below:

Condition:	**Comment:**
Condition a) – The owner shall be responsible for private infrastructure (summarised)	This condition is noted.
Condition b) – The allotments may not be further subdivided	Noted. This proposal does not result in a subdivision.
Condition c) – The requirement to have a landscape plan approved prior to the construction of a dwelling	This condition is noted and will be complied with.

3.3 Receiving Environment

The surrounding environment is comprised of the wider Bendemeer area; which presents itself as an enclave of rural residential living within the Whakatipu Basin. All the owners have shares in the farmland and landscaped grounds within the Bendemeer Zone.

4 Resource Management Planning Background

There are three resource consents which are relevant to the proposal. These are summarised below.

4.1 RM020776

Resource consent RM020776 was granted on 13 August 2003 for the subdivision of Part Lot 2 DP 18242 into 43 allotments, 36 of which contain residential building platforms intended for rural-residential use.

The consent also authorised a land use component enabling the construction of up to 36 residential units, along with associated garages and accessory buildings, within the approved building platforms.

In addition, the consent resulted in the creation of a consent notice registered on the title of the lot (6318687.2).

4.2 RM020776.127

On 15 December 2004, variation RM020776.127 was granted, amending aspects of the original subdivision and land use consent. This variation enabled a range of changes to the consent conditions, including amendments to roading design, vehicle access arrangements, and the configuration of building platforms.

Under the variation, reconfiguration of building platforms was provided for only where the platform's centre point remained consistent with that shown on the approved survey plan, and where the platform did not exceed a maximum area of 1,000 m².

The proposed relocation of the building platform associated with this application complies with these requirements, as the surveyed centre point remains unchanged from that recorded on the original survey plan, and the platform area remains at 1,000 m².

4.3 RM220951

RM220951 was granted on 15 December 2022 and approved an LPG cylinder storage facility that will service the Bendemeer Park subdivision with reticulated gas.

5 Description of the Proposal

5.1 Overview

Resource consent is sought to construct a new residential unit and associated earthworks breaches and building coverage on the site located at 3 Haggitt Lane, Lake Hayes, Queenstown.

The overall details of the proposal are addressed below.

5.2 Proposed Residential Activity

The proposed residential unit comprises of four-bedrooms with four bathrooms within a single two-storey design and an attached three-car garage, outdoor terrace, and landscaped area. The design is a series of connected pavilions, which breaks up the built form. The total building coverage is 540m² and the maximum building height will remain under 7m.

The roof is predominately pitched gable roofs with some flat and low-pitch elements and a dark, low-gloss metal roofing to visually recede into the surrounding landscape.

The proposed colours and external materials are consistent with the Bendemeer Management Limited Design Review Committee (BMLDRC). External materials will be schist, timber cladding, and dark, natural tones to soften contract and reduce visual dominance.

The proposed building is within the platform that is centrally positioned within the lot and extends across the upper portion of the site and the lower slope to be maintained as pasture grass.

The proposed residential unit adopts a low-profile built form that forms into the surrounding landscape. Mason and Wales Architects have complied the Architectural Package that illustrates the proposed residential development. The Architectural Package is contained within **Appendix [C].**

The servicing is connected to council services and discussed below. A geotechnical report by Kirk Roberts Limited is contained within **Appendix [D].**

Under RM020776.127 various conditions were imposed on all future buildings within the Bendemeer Zone. These conditions are discussed below:

Condition 6 – Building Platform

"Buildings on the residential allotments numbered 1-36 shall be located within the building platforms shown on the approved plan: BaxterBrown Planning & Design: Bendemeer AP Limited - Masterplan ref 3230 - CP6.dwg dated November 2004, with the exception of the following.

For the purposes of this Condition 4 'Building Platform' shall mean:

(i) The building platforms surveyed and plotted on the survey plan in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited - Masterplan ref 3230- CP6.dwg dated November 2004; or

(ii) (ii) A reconfigured building platform only where the final location and shape conforms to the following criteria:

a) The centre point of any platform is that of the centre point of the building platform for that lot which is surveyed and recorded on the survey plan

b) The maximum area for a building platform shall be 1000m2.

Provided that any building platform proposed under Clause (ii) of this definition shall be approved by the Principal: Landscape Architecture (CivicCorp) prior to the erection of any building on each of the Lots 1-36.

The building platforms in accordance with BaxterBrown Planning & Design: Bendemeer AP Limited - Masterplan ref 3230-CP6.dwg dated November 2004, shall be surveyed and plotted on the survey plan, and the co-ordinates of the centre points of these platforms shall be recorded on the survey plan at the time of submitting such a plan for approval under Section 223 of the Resource Management Act 1991."

The proposed residential unit will be rotating 98 degrees; however the centre point of the building platform is not changing and is 1000m².

Condition 7 – Building Height

"Except on Lots 23 and 31 no part of any residential unit shall exceed 7 metres in height above original ground level, and no part of any other building erected on such lots shall exceed 5 metres in height above original ground level."

The proposed dwelling is under the 7m height limit for Lot 32.

Condition 9 – Fencing

The proposed Landscape Plan by Baxter Design has been approved by Bendemeer Management Limited. No fencing is proposed as part of the design.

"That fencing of residential lots 1-36 be undertaken in accordance with the following controls:

i. *Post and wire, post and rail, and the use of stonework as defined in clause (iv) of this condition is permitted within or around the boundary of any homestead area only and on lot boundaries where the two coincide. No fencing is permitted on any other area of the lot."*

No fencing is proposal as part of the residential development.

ii. *"No post and wire or post and rail fence shall exceed a height of 1.2 metres above ground level."*

No post and wire or post and rail fences are proposed.

iii. "No wall may be erected on any lot except for retaining walls for landscaping or construction purposes that are not boundary walls or privacy walls, and those already constructed on site (pursuant to clause (vi) of this condition)."

No walls as described are proposed.

iv. "The maximum amount of stone wall perimeter fence shall be 20%. When stone is used it shall be sourced from Gibbston, shall be a maximum of 1200mm above ground level, shall be recessed pointing or dry wall construction."

No perimeter stone walls are proposed.

v. "Any timber posts or rails must be either hardwood or macrocarpa and left in an unstained and unpainted finish. The rails shall be 150mm by 100mm, notched to the posts, with a span of no greater than 2.25 metres and three rails are permitted. Posts shall be no less than 250mm square in timber to match the railing."

No post and rail fences are proposed.

vi. "Walls for the purpose of privacy shall be no greater than 5 metres from any building and shall not exceed 2.0 metres in height."

No walls for the purpose of privacy are proposed.

<u>Condition 10 – Landscape Planting</u>

That landscaping and planting on each of the Lots 1-36 shall be undertaken in accordance with: BaxterBrown Planning & Design: Planting Plan ref 3230 WD18g.DWG dated April 2004 - stamped as approved 15 December 2004, such that:

i. *"No trees, shrubs or other planting may be planted or allowed to grow on any Lot outside the Homestead Area on that Lot other than pasture grass,*

provided that this condition does not apply to or restrict structural planting required or allowed to be carried out by resource consent."

The proposal is consistent with this condition and a limited amount of Kowhai trees and Callery Pear trees are proposed to be planted outside the Homestead Area. The request has been approved by the Bendemeer Management Limited Design Review Committee (BMLDRC).

ii. *'Existing structural planting shall not be felled unless it is dead, diseased or dangerous, as defined by a qualified arborist. Any structural planting that is removed shall be replaced by a tree of the same species and at a minimum height of 3.0m at the time of planting.'*

No existing structural planting is proposed to be removed.

iii. "Prior to the construction of a residential unit on Lots 1 - 36, the property owner for the time being shall submit a landscaping plan for the *Homestead Area for the approval of the Principal: Landscape Architecture (CivicCorp). The landscape plan shall be designed so meet the following:*

A. Illustrate compliance with fencing and planting conditions, including the Design Guidelines for typical lots attached to this consent as Appendix 'A'

B. Landscaping including tree planting is to run with the contour, and should be used to accentuate and enhance the landform. Planting on ridges and skylines should be avoided.

C. Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.

D. Landscaping and planting shall be aligned with the existing character of planting established by the structure plan (BaxterBrown Planning & Design: Bendemeer - Planting Plan ref 3230-WD18g.DWG dated April 2004).

E. Generally, landscaping shall be designed so as to not compromise the ice sculptured legibility of the site and in particular when viewed from SH6 to the south of the site, Morven Ferry and Arrow Junction Roads, and any other public place to the south of the site other than the Crown Range Road."

The proposed Landscape Plan by Baxter Design has been approved by BMLDRC.

<u>Condition 11 – Covenant Conditions</u>

A covenant pursuant to Section 108(2)(c) of the Resource Management Act 1991 shall be registered on each of the allotments the subject of this consent providing for the following:

a. *That not more than one residential unit (together with private garage and other accessory buildings) may be erected on each lot;*

Only one residential unit with an attached private garage is proposed on Lot 32.

b. *Design guidelines attached to this consent as Appendix 'A' (including height restrictions as provided within Conditions 7 and 8 of this landuse consent) are to be followed for the erection of dwellings and other buildings on the lots.*

The proposed residential unit and landscape design have been approved by BMLDRC, demonstrating that the design guidelines have been followed.

c. *Prior to the construction of any residential unit the final design is to be approved by the Principal: Resource Management (Civic Corporation Ltd).*

The proposed dwelling and landscape design have been approved by BMLDRC.

d. *Fencing and landscaping restrictions as set out in Conditions 9 and 10(i), (ii) and (iii) above.*

Refer to Conditions 9 & 10 above.

Condition 12 – External Colours

The external colour of any materials used in the construction of buildings on the lots shall comply with the colour palette marked as 'Appendix B' attached to this consent.

The proposed colour scheme is recessive with schist, timber, natural stone and metal. This has also been approved by the BMLDRC.

5.3 Proposed Earthworks

Within the site is an unnamed gully that forms in the south-western extent of the site, while residential units border the north-west, north-east and south-west of the site. The site predominately slopes towards the south-west at approximately 11.6%.

The depth of groundwater is unknown and will vary due to seasonal fluctuations in rainfall and weather events. Perched seepage was encountered in one borehole at 1.7m.

The proposed site is within the Whakatipu Basin Aquifer, which is a C-series aquifer. The earthworks are proposed in order to create the building platform and associated landscapes with the multi-level unit and attached 3-car garage.

The proposed earthworks have a maximum fill of 1.7m and a maximum cut of 2.7m. The maximum volume of earthworks is 3,530 cubic metres (m^3) and maximum area of 3,870 square metres (m^2) as shown in Figure 2 below.

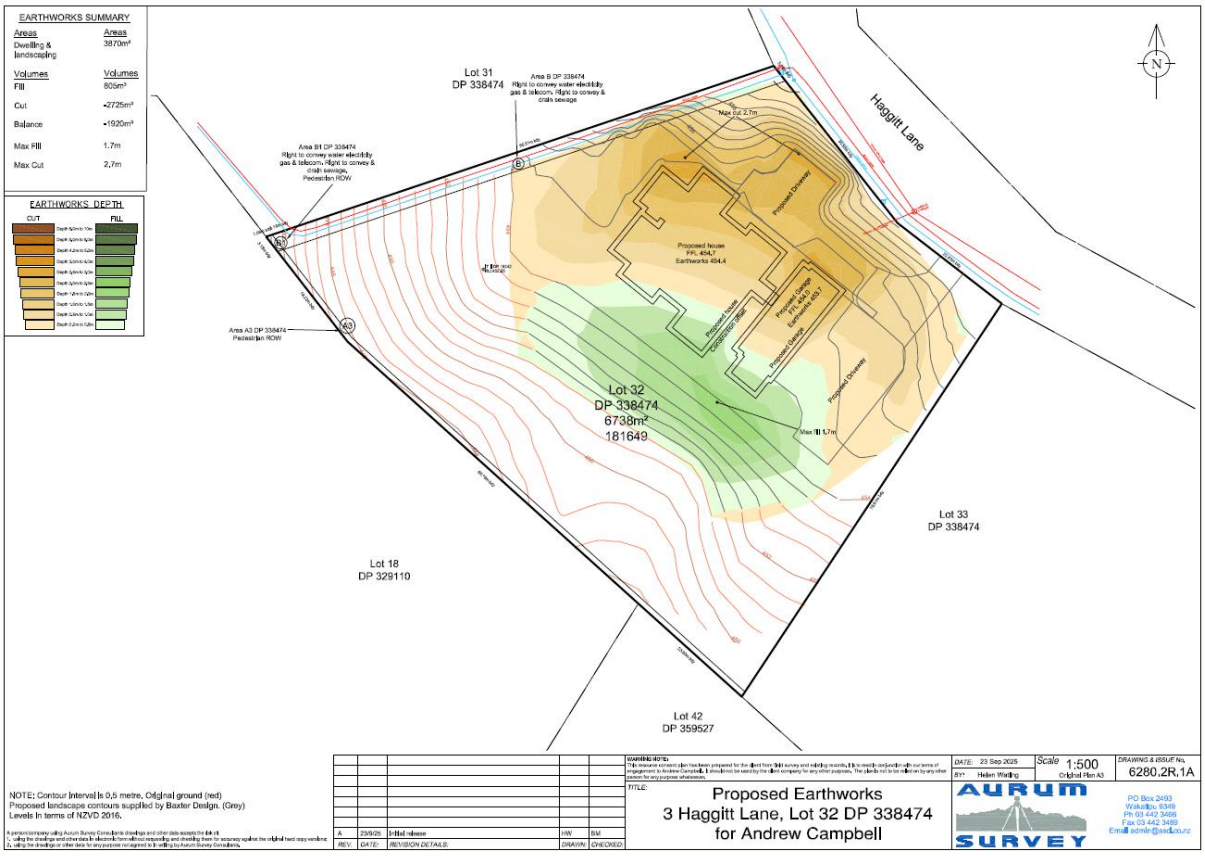


Figure 2: Earthworks Cut and Fill Plan (Source: Application)

Kirk Roberts Consulting have prepared the 'Medium Risk' Environmental Management Plan (EMP) attached in **Appendix [E]** and the Earthworks Cut and Fill Plan prepared by Aurum Survey Limited attached in **Appendix [F].**

The EMP is prepared in accordance with the following documents:

- Otago Regional Council (ORC) Residential Earthworks in Otago – A guide for developers, landowners, contractors and service providers March 2023 (Guide Residential Earthworks in Otago).
- Queenstown Lakes District Council (Council) Guidelines for Environmental Management Plans, June 2019 (EMP Guidelines).

6 Statutory Considerations

6.1 Operative District Plan

Under the ODP, the site is contained within the Bendemeer Special Zone (Activity Area 6).

- **Controlled Activity** resource consent pursuant to Rule 12.9.3.2 (i)(a) for the construction of a building in Activity Area 6 of Bendemeer Zone Plan 'A' in respect of the location, external appearance, associated earthworks, access and landscaping.
- **Restricted Discretionary Activity** resource consent pursuant to Rule 12.9.3.3 (iv) as site standard Rule 12.9.5.1(iii)(1)(a) which provides that the total volume of earthworks is not to exceed 100m³ per site (within a 12 month period) is not able to be met. In this instance, the total volume of earthworks associated with the construction of the residential unit and landscaping is proposed to be 3,870m².
- **Restricted Discretionary Activity** resource consent pursuant to Rule 12.9.3.3 (iv) as site standard Rule 12.9.5.1 (iii)(1)(b) which provides the maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site (within a 12 month period) cannot be complied with as the cut area will be over 2,000m².
- **Restricted Discretionary Activity** resource consent pursuant to Rule 12.9.3.3 (iv) as site standard Rule 12.9.5.1(iii)(2)(b) which provides the maximum height of any cut shall not exceed 2.4 metres cannot be complied with as the cut will be a maximum of 2.7m.
- **Restricted Discretionary Activity** resource consent pursuant to Rule 12.9.3.3 (iv) as site standard Rule 12.9.5.1 (iv)(d) which no earthworks shall exceed 1000m³ in total volume or 2500m² in total area cannot be complied with as the total volume is 1920m³ and an area of 3870m². Council's discretion is restricted to this matter.
- **Restricted Discretionary Activity** resource consent pursuant to Rule 12.9.3.3 (iv) as site standard Rule 12.9.5.2 (vi) which provides the building coverage for residential units in Activity Areas (1)-(8) of the Bendemeer zone Plan 'A' on any site shall not exceed 500m² cannot be complied with as the total building coverage is 540m². Council's discretion is restricted o this matter.

6.2 Proposed District Plan

The site has not yet been subject to review under the provisions of the PDP.

6.3 Overall Status

The overall status of the proposal is that of a **restricted discretionary** activity.

7 Assessment of Effects

In accordance with Section 88 and Schedule 4 of the Act an assessment is made of any actual and potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied or mitigated. Accordingly, below is an assessment of effects relative to the scale and significance of the proposed activity.

7.1 Permitted Baseline

Sections 95D(b), 95E(2)(a) and 104(2) of the Act provide discretion to Council (for the purposes of forming an opinion as to the actual or potential effects) to disregard any adverse effects of the proposal on the environment (or on a person) if a District Plan or National Environmental Standard permits an activity with that effect.

In this instance, the proposal involves the construction of a new residential unit within the Bendemeer Special Zone. The Bendemeer Special Zone of the ODP does not provide for a residential activity on this site as a permitted activity, as new buildings require consent. Accordingly, there is no permitted baseline against which the effects of the proposal can be disregarded, and the permitted baseline is not applicable.

7.2 Alternative locations or methods

The proposed activity will not result in any significant adverse effects on the environment. Alternative locations are therefore not considered necessary.

7.3 Assessment of the actual and potential effects

The following areas of consideration apply in terms of assessing the actual and potential effects on the environment.

7.3.1 Location, Design and External Appearance of the Buildings

Building Appearance

The proposed residential unit will compromise of 4 bedroom and 4 bathrooms with material and form that is deliberately restrained to ensure that the architecture is sympathetic rather than dominant. Materials such as schist, cedar and metal offer a palette of both contemporary and timeless.

The combination of these materials will ensure that the external appearance of the residential unit will appear recessive within the landscape.

The following table outlines the materials for the proposed residential unit:

Building Element	Material
External walls	Options: - Local stacked schist stone, with raked mortar - Local stacked schist stone, with bagged, plastered mortar - Concrete sills and detailing natural dark grey concrete in textured boarded finish

	- Cedar stained in selected wood oil, from shortlisted colour range of dark grey/browns o X-Forge, X-Benmore, X-Flint, X-Stockade, X-Foundry, X-Haast, X-Tasman, X-Double cone, X-Tor, and X- Buscot
Roof	Prepainted Colourcote/Coloursteel/colourbond metal roofing in selected colour from shortlisted colour range below of grey/browns with low light reflectance values (LRV) and Low Gloss 'G10' finish: - Grey Friars, Thunder Grey, BasalTbase, Mudstone, Weathered Copper and Karaka
Chimney Flues and Caps	Painted metalwork , in colour and finish to match roof.
Window and door joinery	Powdercoat finish in selected colours, from shortlisted colour range below of dark grey/browns with low light reflectance values (LRV) and low gloss 'G10' finish – powdercoat to match roof colour, /or from duralloy range - Coal dust, matt gravel, electric cow, matt charcoal, matt black and dark bronze.

The house is oriented towards Coronet and Cecil Peak. The landscape design has been proposed to reinforce the connection, extending the architecture into its setting through appropriately scaled planting and outdoor living areas that align with existing landforms.

The proposed residential unit is contained entirely within the building platform. The unit will comply with the height limit of 7m.

Effects on Landscaping

A Landscape Plan has been prepared by Baxter Design and is attached in **Appendix [G].**

The proposed residential unit will result in localised and minor landscape modifications associated with the building platform and residential curtilage, however these effects are confined to a limited portion of the site and are mitigated through a comprehensive landscape design.

The majority of the site remains open pasture, maintaining the dominance and legibility of the underlying landform. The proposed planting utilities appropriate native and complementary species. The planting is proposed to soften built edges, integrate retaining elements, and reinforce the rural character of the Bendemeer Special Zone. No significant landscape features are proposed to be removed, and visual effects will reduce over time as planting matures. Overall, the landscape effects are appropriate mitigated and are considered less than minor.

7.3.2 Effects of Earthworks

The proposed earthworks are limited in extent and are required to establish the building platform, access, landscaping and associated residential infrastructure. The works are localised, temporary in nature, and will be undertaken using standard best-practice construction and environmental management measures. The following assessment considers the potential effects of the earthworks and the extent to which those effects are avoided and mitigated.

Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.

The EMP includes appropriate sediment and erosion control measures to ensure sediment is retained on site during earthworks, including staged works, stabilisation of exposed areas, and management of sediment. With implementation of the EMP, sediment discharge beyond the site boundary is unlikely.

In this instance it is anticipated that the earthworks will be able to take place with minimal effects on soil erosion and sedimentation. It is anticipated that the standard environmental management conditions will be placed on the consent to ensure the earthworks are appropriately retained on site and will not result in any run-off of sediment outside the boundaries of the site. These conditions require appropriate safeguards to be put in place through the use and implementation of Erosion and Sediment Control Plan (ESCP).

It is considered that adherence with the EMP, associated ESCP, and standard conditions of consent will result in less than minor adverse effects with respect to soil erosion, generation, and run-off sediment.

The earthworks are to be undertaken within the confines of the site and there is adequate separation distance between the area of earthworks and adjacent sites, such that any potential effects in relation to property damage will be less than minor.

Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.

As outlined in the EMP, temporary stormwater and runoff controls will be implemented during earthworks to manage overland flows. Earthworks are localised and will not materially alter existing drainage patterns, and adverse off-site stormwater effects are not anticipated.

The closest waterbodies are two small ornamental ponds located approximately 150 m southeast and 200 m east of the proposed site. Both waterbodies are topographically higher than the site, therefore any unexpected surface runoff from the site will not enter the ponds. The ESCP has been designed to ensure no runoff is anticipated to leave the site boundary.

As per Section 4.2 of the EMP, the earthworks will be undertaken with erosion and sediment control devices installed, maintained and decommissioned in accordance with the following principles:

a) Erosion and sediment controls are integrated with construction planning.
b) Effective and flexible erosion and sediment control plans are developed based on soil, site slope, weather, construction conditions and the receiving environment.
c) The extent and duration of soil exposure is minimised.
d) Water movement through the site is controlled – clean water is diverted around the site and 'dirty' and 'clean' water is kept separated as far as practicable.
e) Soil erosion is minimised as far as reasonable and practical.
f) Disturbed areas are promptly stabilised.
g) Sediment is retained on site as far as practicable. If runoff leaves the site and enters surface water, it must meet water quality criteria.
h) Controls are maintained in proper working orders at all times.
i) Erosion and sediment control devices to remain in place until site stabilised (defined as 80% vegetative cover).

The proposed measures to be implemented are industry best practice measures.

Overall, effects in this regard are assessed to be less than minor.

Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

The EMP provides for the earthworks to be temporary and undertaken during a short period. It should not take more than 18 months. This limited duration of exposed earth reduces the potential for temporary adverse effects.

Where earthworks are proposed on a site with a gradient > 18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of

the earthworks.

The proposed gradient on the site is 1:9 and the site is located within 'good ground' as described within the geotechnical report by Kirk Roberts. The EMP requires that works be undertaken in accordance with appropriate construction methodologies and supporting geotechnical input. These measures ensure slope stability is maintained and avoids adverse effects.

Whether appropriate measures to control dust emissions are proposed.

The proposal does include dust management measures including water spraying and management of exposed areas will be implemented as required. These measures are sufficient to ensure dust effects are less than minor and temporary.

Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

The EMP and Geotechnical Report confirms that groundwater will not be intercepted. Procedures are included to manage any unexpected groundwater encounter, including implementation of mitigation measures and no resource consents are required from the Otago Regional Council.

7.3.3 Effects on landscape and visual amenity values

The proposed earthworks are temporary and required to facilitate the building platform and associated residential development and landscaping. The proposed works are confined to a defined area of the site and have been designed to the existing topography. The assessment considers the potential effects of the earthworks on landscape and visual amenity values and the extent to which those effects are avoided or mitigated.

Whether the scale and location of any cut and fill will adversely affect:

The scale and location of cut and fill are limited and confined to the established building platform and access areas. Earthworks are designed to flowing existing contours and avoid visually prominent ridgelines. As a result, adverse effects on landscape quality, natural landform, and the visual amenity of surrounding sites are considered less than minor.

- *the visual quality and amenity values of the landscape;*

Earthworks are localised and integrated with the natural landform. The visual quality and amenity values of the landscape will be maintained with any temporary construction effects mitigated through rehabilitation and planting.

- *the natural landform of any ridgeline or visually prominent areas;*

No ridgelines or visually prominent landforms will be modified. The earthworks do no interrupt or obscure the legibility of the underlying landform, which remains dominant within the landscape.

- *the visual amenity values of surrounding sites.*

Duer to the site's size, setbacks, landform containment, and proposed landscaping, the earthworks will not result in adverse effects on surrounding properties. Any short-term construction effects will be temporary, and effects will be less than minor.

Whether the earthworks will take into account the sensitivity of the landscape.

The earthworks take into account the sensitivity of the Bendemeer landscape by limiting disturbance, avoiding prominent areas, and integrating works with the existing topography. This approach reflects the rural and natural character of the area.

The potential for cumulative effects on the natural form of existing landscapes.

The proposed residential unit represents a single, contained earthworks activity associated with one residential development. It will not contribute to cumulative adverse effects on the natural form of the landscape.

The proposed rehabilitation of the site.

Following completion of the earthworks, disturbed areas will be rehabilitated through re-contouring and planting in accordance with the approved landscape design and EMP. Rehabilitation will restore and enhance landscape character over time.

7.3.4 Effects on adjacent sites

Whether the earthworks will adversely affect the stability of neighbouring sites.

The proposed earthworks on confined to the subject site and are set back from the internal and road boundaries. The cut, fill and any retaining are limited in extent and designed to maintain slope stability. With implementation of the EMP and construction methods, the earthworks will not adversely affect the stability of neighbouring sites and effects are less than minor.

Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.

The proposed earthworks will note materially alter existing surface drainage patterns or overland flow paths. Temporary and permanent drainage measures will ensure runoff is appropriate management, and adjoining land will not be subject to increased risk of inundation or changes to groundwater levels. Overall, the effects are less than minor.

Whether cut, fill and retaining are done in accordance with engineering standards.

All cut, fill and retaining works will be designed and constructed in accordance with accepted engineering standards and best practice. This ensures structural stability and avoids adverse effects on site or neighbouring land. The effects are less than minor.

7.3.5 General amenity values

The proposed earthworks are limited in scale, temporary in nature, and necessary to facilitate the residential development. The following assessment considers the effects of the earthworks on general amenity values, including noise, dust, visual effects, and overall site appearance, and the extent to which those effects are avoided or mitigated.

Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

The removal and importation of soil will be managed to avoid sediment deposition on surrounding roads. A stabilised site access, together with on-site sediment controls and monitoring, will ensure that sediment tracking and runoff are avoided. With these measures in place, adverse effects on surrounding roads and the residential neighbourhood will be avoided.

Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

Earthworks will generate temporary noise, vibration, and dust typical of residential construction. These effects will be managed through standard construction controls, including limited hours of work, well-maintained machinery, and dust suppression measures. Effects will be localised, temporary, and will not result in an unacceptable loss of amenity for surrounding properties.

Whether natural ground levels will be altered.

Natural ground levels will be altered only where necessary to form the building platform and access. These changes are localised, reflect the existing topography, and are not visually prominent. Following completion of works, disturbed areas will

be re-contoured and rehabilitated, ensuring the overall landform and amenity values are maintained.

7.3.6 Impacts on sites of cultural heritage value

Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.

A review of the District Plan maps, and the Kā Huru Manu Ngāi Tahu Cultural Atlas confirms that the subject site does not contain any identified Waahi Tapu or Waahi Taoka and is not located within, or adjacent to, a Statutory Acknowledgment Area. Accordingly, the proposal will not adversely affect identified cultural heritage values, and no direct effects on tangata whenua values are anticipated.

Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

The subject site does not contain any recorded archaeological sites. An EMP has been prepared which includes an Accidental Discovery Protocol consistent with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

In the unlikely event that archaeological material is discovered during earthworks, works will cease and Heritage New Zealand Pouhere Taonga and relevant iwi will be notified. With these procedures in place, potential effects on archaeological values are appropriately avoided and mitigated.

7.3.7 Building Coverage

The proposal breaches the permitted building coverage standard for the Bendemeer Special Zone by 40m². The exceedance arises from the scale of the single residential dwelling and associated covered areas; however, the effects of this breach are limited and appropriately mitigated.

The site is large, with development confined to a defined building platform, and the majority of the land remains undeveloped and in open space. The building form is articulated into a series of connected pavilions rather than a single bulky structure, which reduces the perceived visual mass and dominance of the coverage when viewed from surrounding sites and public roads. Building height remains compliant, and the coverage does not extend into visually prominent ridgelines or sensitive landscape areas.

Extensive landscaping and generous setbacks further mitigate the visual effects of the increased coverage, ensuring the development sits comfortably within the rural landscape and maintains the open character anticipated for the zone. No adverse

effects on neighbouring properties or the wider landscape are anticipated as a result of the coverage exceedance.

Overall, while the proposal does not comply with the building coverage standard, the resulting effects are localised, well mitigated, and are considered to be less than minor.

7.3.8 Services

The stormwater servicing and management are addressed within the Geotechnical Report. The proposed development can be appropriately serviced without adverse effects on the site or surrounding properties.

The site is serviced by reticulated wastewater and potable water connections available at the lot boundary. The proposal utilises existing infrastructure and will not place unreasonable demand on the network capacity.

Power and telecommunications infrastructure are provided to the site as part of the approved subdivision consent. The proposal can be serviced without the need for additional infrastructure.

Firefighting requirements are met through the provisions of a fire hydrant located within the road reserve, ensuring adequate fire protection is consistent with Council standards.

Council GIS mapping identifies the site as being subject to nil to low liquefaction risk. As such, natural hazard risk is low and does not give rise to adverse effects requiring further mitigation.

7.4 Hazardous substances

The proposed activity does not involve the use of hazardous substances and installations.

7.5 Discharge of contaminants

The proposal does not include the discharge of any contaminant.

7.6 Mitigation measures

The proposal does not introduce any element to the proposal which requires mitigation.

7.7 Identification of interested or affected persons

No persons are considered to be affected by the proposal.

The proposal has been reviewed by the Bendemeer Management Limited Design Review Committee (BMLDRC) and approved. The proposed design approval document is attached in **Appendix [H].**

7.8 Monitoring

No monitoring is required other than standard conditions of consent.

7.9 Customary rights

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

8 Notification

Public and limited notification matters of consideration are detailed below.

8.1 Section 95A: Public Notification

In terms of Section 95A(1), a consent authority must follow the steps set out in Section 95A, in the order given, to determine whether to publicly notify an application for a resource consent. The four steps within Section 95A(1) are addressed below.

Step 1: Mandatory public notification in certain circumstances

The following matters are noted:

- The applicant is not requesting public notification of the proposal (Section 94A(3)(a)).
- Provided a further information is reasonable, the applicant is unlikely to refuse to provide information or refuse the commissioning of a report under Section 92(2)(b) of the Act (Section 95A(3)(b)).
- The application does not seek to exchange recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c))

Based on the above, mandatory public notification of the application is not required.

Step 2: Public notification precluded in certain circumstance

The following matters are noted:

- Public notification is not precluded by any rule or national environmental standard (Section 95A(5)(a)).

- The proposal is not a controlled activity, a restricted discretionary/discretionary subdivision or a residential activity, a boundary activity or a prescribed activity (Section 95A(5)(b)(i)(ii)(iii)(iv)).

Based on the above, public notification of the application is not precluded.

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

The following matters are noted:

- Public notification of the proposal is not specifically required by a rule or a national environmental standard (Section 95A(8)(a)).

- The consent authority decides, in accordance with Section 95D, that the proposal will have or is likely to have adverse effects on the environment that a more than minor (Section 95A(8)(b)). The assessment included in this application concludes that the effects will not be more than minor.

Step 4: Public notification in special circumstances

The following is noted:

- It is considered that there are no special circumstances that warrant the proposal being publicly notified (Section 95A(9)). Consideration as to whether limited notification should occur is addressed below

8.2 Section 95B: Limited Notification

Section 95B(1) requires a decision on whether there are any affected persons under Section 95E. The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under Section 95A.

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

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups, nor is it on, adjacent to or may affect land subject to a statutory acknowledgement (Section 95B(2)-(4)).

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

Limited notification is not precluded under Step 2, as:

- The proposal is not subject to a rule in the District Plan or national environmental standard that precludes limited notification (Section 95B(6)(a)).
- The proposal is not a controlled activity or a prescribed activity (Section 95B(6)(b)

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

Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of the infringed boundary has provided their approval, nor is the proposal a prescribed activity (Section 95B(7)).

Limited notification is not precluded under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal are assessed in the application.

The assessment in this application takes into consideration the exclusions of Section 95E(2) and (3), when assessing the proposal will have or is likely to have adverse effects on persons that are minor or more than minor (but not less than minor).

Step 4: Further limited notification in special circumstances

It is considered that there are no special circumstances that apply to the application which warrants limited notification.

9 Statutory 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

9.1 Operative District Plan

The relevant objective and its associated policies are located in section 12.8.3 of the ODP.

Bendemeer Special Zone: Chapter 12

Objective *Development managed and contained so that it does not compromise the ice sculptured legibility of the land upon which (the) zone is located when viewed from surrounding public roads to the south of the zone other than the Crown Range Road.*

Retention of significant areas of open space.

Maintenance and enhancement of naturalness, rural character and amenities.

The proposed development is placed within the defined building platform and has been designed as a series of articulated building forms rather than a single dominant structure. The building height remains within the 7m limit, and the gabled pavilions follows the natural contours of the land. The visual effects are further reduced through recessive colours and natural materials. The proposed residential unit ensures that the dominance of open rural land across the site a is maintained and avoids fragmentation of open space. Overall, the building is visually grounded and designed to recede into its surroundings, ensuring rural amenity values are maintained and through integrated landscaping is enhanced. The proposal is consistent with the above objectives.

Policies

1 *Limitation of residential, visitor and/or commercial activities within defined Activity Areas to ensure avoidance of adverse effects on open space, rural character, the ice sculptured legibility of the land and rural amenity values.*

The proposed development is limited to a single residential activity located entirely within the building platform and activity area. No visitor accommodation or commercial activities are proposed. The proposed development provides appropriate setbacks to the road and internal boundaries, avoids adverse effects on open space, rural character, and rural amenity. The proposal is consistent with Policy 1.

2 *Strict adherence to long-term planning, especially the limited identification of residential, visitor accommodation and commercial activities and the placing of structures.*

The proposal reflects long-term planning principles for the Bendemeer Special Zone by limiting development to one residential unit. The proposed building is contained within the platform and ensures the built form aligns with the

intended structure and vision for the zone. The proposal is in accordance with Policy 2.

3 *Avoidance of activities and development densities which may adversely affect rural character and amenities.*

The proposed works is one residential unit, which ensures the density is low and appropriate for the site size and Activity Area. The proposed built form ensures that the rural character and visual amenity of the area are maintained and is in accordance with Policy 3.

4 *Enhancement of naturalness of the zone through appropriate planting and landscaping.*

The proposal includes a landscape design that integrates the buildings with the surrounding landform. The landscaping and planting have been approved by the BMLDRC and is suitable for the zone. The proposal is consistent with Policy 4.

5 *Avoidance of proliferation of visitor accommodation and/or commercial activities.*

No visitor accommodation or commercial activities are proposed. The development is solely for residential use and does not set a precedent for further intensification or proliferation of non-residential activities within the zone. The proposal therefore is in accordance with Policy 5.

6 *Requiring the zone be fully serviced.*

The proposed development will be fully serviced in accordance with the requirements of the Bendemeer Special Zone.

Overall, the proposal is consistent with this objective and its associated policies.

9.2 Proposed District Plan

Higer order objectives and policies apply to ODP Special Zones. The proposal is consistent with these higher order provisions.

10 Section 104 of the Act

Section 104 of the Act states when considering an application, the consent authority must, subject to Part 2 of the Act, have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a plan or proposed plan;

- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

As outlined in the application, the proposed activity will not result in any adverse effects on the environment that are more than minor, any potential effects have been avoided, remedied or mitigated to an extent that such are less than minor.

Further, the proposed activity is not contrary to the relevant objectives and policies of the Operative District Plan, and finally, there are no other matters relevant to the assessment of the application.

11 Purpose and Principles of the Act

The purpose of Act is to promote the sustainable management of natural and physical resources. Sections 6, 7 and 8 also require consideration.

In terms of Section 6, there are no matters of national importance that need to be recognised and provided for in terms of the proposed activity.

Section 7 of the Act states that achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The proposed activity accords with the relevant matters that particular regard shall be given to in terms of Section 7 of the Act.

There are no matters under Section 8 of the Act that require consideration with respect to the proposed activity.

For the reasons outlined in the application, the proposed activity is consistent with the purpose and principles of the Act and the associated matters under Part 2 of the Act.

The proposed activity involves an efficient use of natural and physical resources, and such will be undertaken in a manner which avoids, remedies and mitigates potential adverse effects on the environment.

Overall, it is considered that the proposal is consistent with the purpose and principles of the Act and therefore accords with the definition of sustainable management.