# Assessment of Environmental Effects

## Resource Consent Application For Bulk and Location Breaches

**Amegopods Limited**

**11 Thorn Crescent, Fernhill, Queenstown**

**January 2026**

SOUTHERN PLANNING GROUP

southernplanning.co.nz

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# 1 The Applicant and Property Details

| | |
|---|---|
| **To:** | Queenstown Lakes District Council |
| **Applicant:** | Amegopods Limited |
| **Site Address:** | 11 Thorn Crescent, Fernhill, Queenstown |
| **Address for Service:** | Amegopods Limited<br><br>C/- Southern Planning Group<br>PO Box 1081<br>Queenstown, 9348<br><br>**sean@southernplanning.co.nz**<br><br>Attention: Sean Dent |
| **Legal Description:** | Lot 27 Deposited Plan 19608, held in Record of Title OT10C/296. |
| **Site Area:** | 932m$^2$ (more or less) |
| **Operative District Plan Zone:** | Low Density Residential |
| **Proposed District Plan Zone:** | Lower Density Suburban Residential |
| **Brief Description of Proposal:** | Resource consent is sought to construct additions to the existing residential unit on the site which result in bulk and location breaches of setbacks, recession planes, and building coverage. Additionally, the proposal results in a breach of earthworks standards with regard to maximum height of cut. |

# Appendices

**Appendix [A]** Site Location Plan

**Appendix [B]** Record of Title

**Appendix [C]** Architectural Plans

**Appendix [D]** Landscape Plan

**Appendix [E]** Enviroscope EMP



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Sean Dent
DIRECTOR
**SOUTHERN PLANNING GROUP**

January 2026

# 2 Executive Summary

The applicant applies for a land use consent to undertake the construction of additions to their existing residential unit located at 11 Thorn Crescent, Fernhill, Queenstown.

The proposed additions result in minor infringements of bulk and location standards relating to setbacks, recession planes, and building coverage. Additionally, the proposal necessitates earthworks which breach the earthworks standard for maximum cut height.

The site is contained in the Low Density Residential Zone under the Operative District Plan (**ODP**) and within the Lower Density Suburban Residential Zone under the Proposed District Plan (**PDP**).

Overall, the status of the application is that of a **Non-Complying 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 consistent with, and therefore not contrary to, 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 has a physical address of 11 Thorn Crescent, Fernhill, Queenstown. The subject site is generally square in shape with a slightly extended southern boundary. The site is accessed off Thorn Crescent via private access lane of which the applicant owns a 1/6 share.

The site is moderately sloping toward the south and contains an existing residential unit constructed by the applicants as an intended Stage 1 of a two Stage residential development on the site.

The site obtains views over Lake Wakatipu to the Remarkables and Cecil and Walter Peaks.

The 932m² site is legally described as Lot 27 DP 19608 and is held in Record of Title OT10C/926. A site location plan is contained at **Appendix [A]** and a copy of the Record of Title is contained within **Appendix [B]**.

## 3.2 Legal Documents

A review of the Record of Title confirms that there are no Consent Notices, Covenants, or Caveats that registered against the site.

While there are a several Easements registered both in favour of the application site and for other properties, the proposal does not affect any of the services that are provided for on the subject site. As noted above, a full copy of the Record of Title is contained within **Appendix [B]**.

## 3.3 Receiving Environment

The wider area comprises a mixture of a developed low density residential environment and some vacant sites which are yet to be built on. The housing typology is a mixture of multi-unit developments and single residential units with associated residential flats and accessory buildings.

The topography of the wider area is generally sloping in a southern direction towards Lake Wakatipu, located south of the site. The vast majority of the residential buildings within the surrounding area are orientated towards the Lake in a southern direction.

Immediately adjacent to the application sites eastern boundary is the Queenstown Resort College Lodge and Mercure Queenstown Resort Hotel. Both facilities are contained within the PDP's High Density Residential Zone.

To the west, parts of Aspen Grove's Lower Density Suburban Residential Zone and Richard Park Lane Medium Density Residential Zone are subject to a visitor accommodation overlay and therefore there is a high prevalence of residential visitor accommodation (**RVA**) occurring in the wider environment.

Immediately south of the application site and laying between the site and the Glenorchy-Queenstown Road, is a Recreation Reserve and Local Purpose Reserve – Beautification, both of which are owned by the Queenstown Lakes District Council. These reserves are both heavily vegetated and contain no tracks or recreation facilities owing to their steep topography.

Overall, the anticipated character of the receiving environment is one of a low-medium density residential living area.

# 4 Resource Management Planning Background

There is no relevant resource management planning background for the site. As discussed above, there is an existing residential unit on the site that was constructed as Stage 1 of the applicants two Stage residential development aspirations.

The existing residential unit was constructed as a Permitted Activity under the provisions of the PDP and subject to building consent BC230572. Code of Compliance Certification was granted on 9th January 2025 for the existing residential unit.

No other planning or building consent history exists for the site on the QLDC E-Docs website.

# 5 Description of the Proposal

## 5.1 Overview

As outlined above, the applicants propose to construct additions to their existing residential unit which will form the second and final stage of their residential development aspirations for the site.

The proposed additions result in minor breaches of bulk and location standards relating to recession planes, setbacks, and building coverage.

Additionally, the earthworks, while modest in volume, area, and proximity to boundaries and otherwise compliant with PDP standards, results in a breach for the maximum height of cut.

Full details of the proposal are described below:

## 5.2 Proposed Built Form

The proposed additions to the residential unit have been designed by Shana Payne of Ignite and a full copy of the architectural plans are contained in **Appendix [C]**.

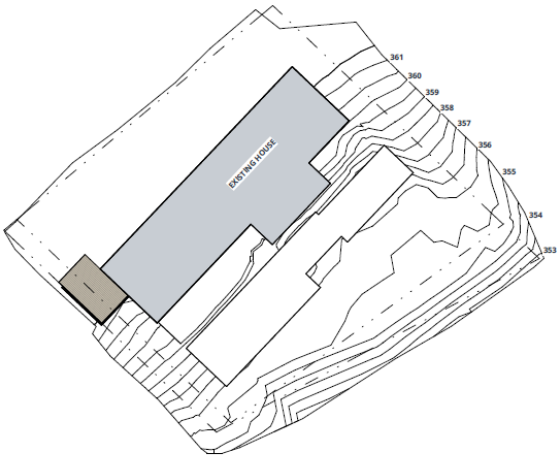
The architectural plans illustrate that the existing residential unit has an area of 176m$^2$ + a car parking deck of 19m$^2$ comprising a building coverage of 21%.

The proposed additions comprise an additional 220m$^2$ comprising;

- 116m$^2$ addition to the residential unit.
- 29m$^2$ proposed garage.
- 75m$^2$ pool and associated deck.

The proposed additions will result in a total building coverage of 415m$^2$ or 44% - a breach of 4% from the Lower Density Suburban Residential Zone maximum building coverage of 40%.

Figure 1 below illustrates the existing vs. proposed building coverage:



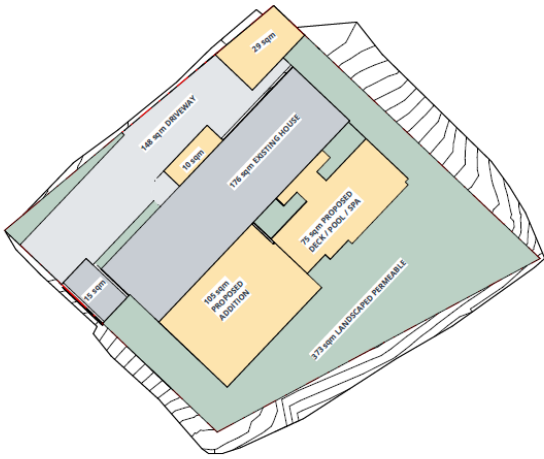




*Figure 1 – Existing vs. Proposed Building Coverage. Source - IGNITE*

Aside from the infringement of the overall building coverage, the only part of the proposed built form which will breach the other PDP bulk and location standards is the 29m$^2$ garage that is proposed in the northeastern corner of the site at the end of the driveway. The garage directly abuts the eastern and northern boundaries of the site.

Garages, as an accessory building, may be located in the internal boundary setbacks as a Permitted Activity provided that they do not exceed 7.5m in length and contain no doors/windows/openings within 1.5m of the site boundary and comply with the recession planes.

The garage will breach the standard for openings within 1.5m of the boundary as the main garage door on the western elevation will be within 1.5m of the northern boundary.

Additionally, the garage results in a minor breach of the recession plane measured from the eastern and northern boundaries.

The garage will be clad in schist and will comprise a living roof to integrate it into the topography and adjacent residential environment.

The only other matter of note with regard to potential PDP matters is that the applicants are proposing a bar in the basement level as illustrated on the IGNITE plan A1203.

The applicant wishes to make it explicitly clear to the Council that **this bar facility is in no way to be utilised as a second kitchen for either a second residential unit or a residential flat.**

The bar is proposed in this level of the proposed residential development given the developments unique stepped design with multiple levels cascading down the site and the applicants desire to have bar facilities on the same level as the proposed pool and associated deck area. It is a matter of personal convenience and amenity for the applicants ensuring that the do not need to take the proposed lift between levels in the residential unit to get beverages from the kitchen in the ground level (existing) residential unit as shown on sheet A1201.

A condition of consent is invited confirming that the living area with the bar facilities in the basement level is never to be used as an independent residential flat or second residential unit.

## 5.3 Proposed landscaping

The proposed development will achieve a total permeable landscape area of 40%. To best utilise this permeable landscape area and to mitigate any potential adverse effects of the building coverage non-compliance, the applicant has engaged Katie Deans to design a landscape response for the site.

The proposed landscape planting incorporates planting treatment of the site boundaries as well as integrating landscaping throughout the different levels of built form inclusive of a green roof of silver tussock on the proposed garage and above the basement level living area (containing the bar facilities).

The full landscape plan package including the hardscape plan, planting plan inclusive of species and quantities, and hardscape plan elevations, are all contained in **Appendix [D]**.

## 5.4 Proposed Earthworks

Earthworks for the proposed development are contained on Sheet A1004 of the IGNITE plans in **Appendix [C]**.

The total volume of earthworks proposed is 183.6m$^3$ all of which is proposed to be removed off site. This easily complies with the maximum permitted volume for excavation and for removal off-site being 300m$^3$.

There is no proposed fill and all excavations are located sufficiently far from the site boundaries so as not to breach the Standards for cut height and fill depth from site boundaries.

The only component of the earthworks that does not comply with the PDP Standards for earthworks is the cut height. It is proposed to undertake a maximum cut of 2.7m for the lower basement level (containing the applicants home office). This results in a breach of the maximum cut height of 0.3m.

As the proposal triggers earthworks consent and it is on a steeply sloping site, the QLDC earthworks guidelines require the provision of an EMP with the application.

When the applicant constructed the existing residential unit (and despite not requiring resource consent) they engaged Enviroscope to prepare an EMP. Accordingly, Enviroscope have been engaged again for this second stage of development and have prepared an EMP. This document is contained in **Appendix [E]**.

# 6 Statutory Considerations

## 6.1 Operative District Plan

Under the ODP, the site is contained within the Low Density Residential Zone.

It is understood that the subject PDP provisions that are relevant to this application are beyond appeal. As such, the relevant provisions are treated as operative, with the standards and provisions relating to the ODP no longer considered to be applicable.

## 6.2 Proposed District Plan

The site is contained within the Lower Density Suburban Residential Zone in terms of the PDP. The proposal requires the following resource consents under the PDP.

### 6.2.1 Chapter 7 – Lower Density Suburban Residential Zone

- A **Discretionary Activity Consent** pursuant to Standard 7.5.8.2 whereby the proposed garage (accessory building) breaches the internal boundary setbacks from the northern and eastern boundaries and (a) breaches recession planes and (b) has an opening within 1.5m of the northern boundary.

- A **Non-Complying Activity Consent** pursuant to Standards 7.5.7.1 and 7.5.7.2 as the proposed garage (accessory building) will infringe the recession planes measured from the northern and eastern boundaries.

- A Discretionary Activity Consent pursuant to Standard 7.5.5 for a breach of the maximum 40% building coverage. The proposed development results in a building coverage of 44%.

### 6.2.2 Chapter 25 – Earthworks

- A **Restricted Discretionary** Activity Consent pursuant to Standard 25.5.15 whereby the proposed earthworks will exceed the maximum cut height of 2.4m. The maximum height of cut will be 2.7m.

## 6.3 NES Contaminated Soils

A review of the District and Regional Council's records for the subject site does not indicate the existence of HAIL activities on the site or having been undertaken from the subject site.

As such, it is considered that the regulations in the NES do not apply.

## 6.4 Overall Status

The overall status of the proposal is that of a **Non-Complying 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.

The assessment of effects has addressed the following categories:

- Permitted Baseline
- Effects of Proposed Garage
- Effects of Building Coverage
- Effects of Proposed Earthworks

## 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 case, the permitted baseline includes the development and use of a residential unit for residential occupation provided that the built form achieves the bulk and location standards of the zone. The permitted baseline also includes the effects associated with these permitted activities, including (but not limited to) car parking, traffic generation, nature and scale, noise and impacts on privacy and amenity values.

In this regard, the proposed development on the subject site will comply with almost all bulk and location standards with the exception of a minor and/or technical breach of the setback and recession planes for the proposed garage and a 4% exceedance of building coverage.

In regard to earthworks, these are Permitted Activities up to 300m$^3$ in volume, 2.4 in cut height, 2.0m in fill depth, a 1:1 separation from site boundaries, and no more than 300m$^3$ of material transported to or from the site via road.

In this case, the proposal is for 180m$^3$ of earthworks, no fill, compliance with the 1:1 separation from boundaries, and 180m$^3$ of earthworks transported off-site by road. The maximum cut height in an isolated spot behind the lower basement level will be 2.7m exceeding the permitted cut height by 0.3m.

Overall, it is considered that there is a relevant Permitted Baseline to apply to the proposal.

## 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:

- Effects of Proposed Garage
- Effects of Building Coverage
- Effects of Proposed Earthworks

### 7.3.1 Effects of the Proposed Garage

The infringements of bulk and location standards created by the proposed garage will have a negligible adverse effect on the wider environment and adjacent neighbours.

As noted above, it is Permitted for a garage(accessory building) to be located in an internal setback provided it doesn't exceed 7.5m in length, contain any doors, windows or openings with 1.5m of the boundary or breach recession planes.

In this case, the garage complies with the maximum length along both boundaries. In terms of the restriction on doors, windows and openings, the garage door on the west elevation, whilst not facing the northern boundary, still opens within 1.5m of that boundary.

This breach is considered to have a de-minimus effect on the adjacent landowner as it does not result in any breach of privacy. Specifically, the neighbouring topography ascends to the north and contains no built form in the immediate vicinity. Any future built form on this site would in fact look down upon and over the applicants proposed residential development.

Figure 2 below illustrates the location of the subject site and the steeply sloping, vacant property to the north and the surrounding Mercure Resort and QRC Lodge.

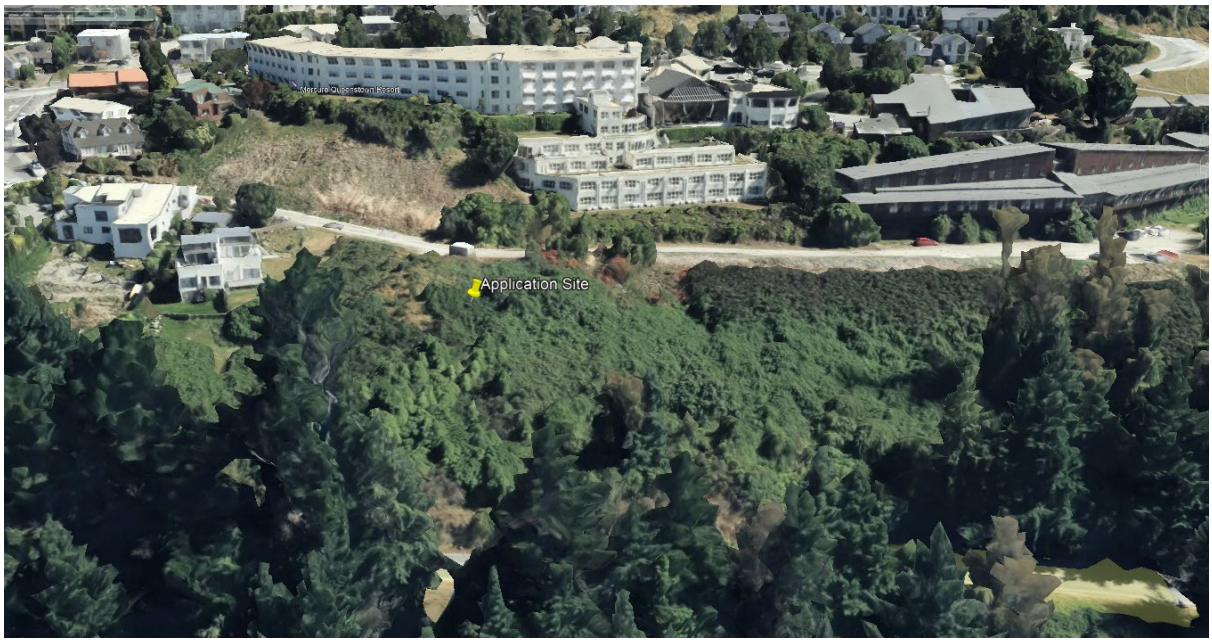



*Figure 2. Google Earth 3D view of site and surrounding topography/development*

To mitigate any potential effects, the applicant is proposing a 2m high fence along this northern boundary from the garage to their entry gate. Additionally, the proposed garage will have a green/living tussock roof, and the exterior cladding will be a high-quality/high amenity schist.

In regard to the breaches of the recession planes it is considered that the breach from the northern boundary is de-minimus. Any future built form on the adjacent property to the north will be located above, and subsequently, will look above the proposed garage. The property owners will not receive any shading effects or loss of solar gain/views and there will be no adverse dominance effects of built form or a decrease in their privacy. The green/living roof will also mitigate the visual effects of the built form from this property.

Similarly, the breach of the recession plane from the eastern boundary is incredibly small. The immediately adjacent property is a thin wedge of land which is part of the Mercure Resort as illustrated in Figure 3 below.



*Figure 3 – Mercure Resort Property 'Wedge'*

There is no built form or development in this area and given its unusual dimensions, it's unlikely that any built form could be constructed there without resource consents.

Accordingly, the small recession plane breach on this boundary will have negligible effects in terms shading effects or loss of solar gain/views and there will be no adverse dominance effects of built form or a decrease in their privacy. Similarly to the northern boundary breach, the green/living roof will also mitigate the visual effects of the built form from this property.

Overall, the bulk and location breaches of the proposed garage are de-minimus.

### 7.3.2 Effects of Proposed Building Coverage

The maximum permitted building coverage is 40% and the proposal seeks to breach this by 4%. The effects of doing so are less than minor.

There are several reasons for this. First, while there is a non-compliance, the extent of the breach is still below the maximum building coverage of the Medium Density Residential Zone thus ensuring there is still a differentiation between the two residential zones.

Secondly, the location of the site really precludes any visibility from beyond the site where a small increase in building coverage would be visible. This is due to their being no road boundary and while the site borders QLDC reserve land, there are no tracks or facilities due to its steep vegetated nature. Therefore, there is no public viewpoints of the site.

From the adjacent neighbouring properties, the extent of building coverage will be difficult to see as all the properties slope down towards Lake Wakatipu. This sloping topography coupled with the applicants stepped building design means that adjacent landowners will only ever see or comprehend part of the development and will for the most part, overlook the site and be more focused on the panoramic views of the Remarkables, Lake Wakatipu and the adjacent mountains.

The IGNITE architectural plans illustrate that the landscape permeable surface available on the site is 40% - this significantly exceeds the minimum landscape coverage of 30%.

Finally, the applicant has obtained a professional landscape plan to ensure that the built form is integrated well into the site and to ensure a softening and balance of the built form. Implementation of this landscape plan will therefore mitigate the minor building coverage breach and ensure the site exhibits a high amenity.

Overall, the effects of the building coverage breach are less than minor.

### 7.3.3 The Effects of Earthworks

As noted above, there is a considerable Permitted Baseline for the earthworks. The total volume proposed is 120m$^3$ below the trigger of consent for volume and is similarly 120m$^3$ less than maximum volume that can be transported by road.

There are no cuts in close proximity to site boundaries and no fill is proposed.

The only earthworks standard that is breached is the maximum cut height of 2.4m. As detailed above, there is one isolated point in the cut for the lower basement level that exceeds this height up to a maximum of 2.7m.

Given the isolated nature of the breach from site boundaries and that it will be immediately rectified and retained by the proposed built form, it is considered that this cut will not raise any issues of instability on or off the site.

Further, and notwithstanding that there is only one incredibly minor breach of earthworks standards, the applicant has engaged Enviroscope and received a professional EMP with erosion and sediment controls appropriate to the scale of development on the site.

Accordingly, it is considered that temporary effects of dust, erosion, and sedimentation will all be appropriately managed and contained on site such that the effects will be de-minimus.

### 7.3.4 QLDC Residential Design Guidelines

Rule 7.5A.1 requires consideration of the QLDC Residential Design Guidelines for any Restricted or fully Discretionary Activities sought under Rules 7.4 and 7.5. As noted in Section 6 of the application, this consideration is triggered.

The design guidelines for the Lower Density Suburban Residential Zone are found in Part 7 of the guidelines. Page 11 in particular contains a list of 11 "Good Design Elements". These eleven design elements are elaborated on further in the guidelines and the key ones for this development are considered to be:

03 Building Dominance and Sunlight Access

The guideline notes that recession planes are a tool to avoid loss of sunlight and/or privacy. Design considerations are listed as:

- Building design
- Roof form
- Building dominance
- Sunlight access to neighbouring properties and public spaces (including roads)
- Privacy for occupants and neighbours
- Effects on public views

As described in Section 7.3.1 the recession plane breaches are negligible in scale.

It was specifically chosen to place the garage in this corner of the site to make the best use of space for parking and access on the sites flat topography and avoid extensive earthworks and/or cantilevered garaging over the steep topography.

The site and surrounds were considered and given the ascending topography and lack of built form immediately adjacent to the northern and eastern boundaries, it was acknowledged that the garage would not breach privacy, nor result in adverse shading or dominance effects.

The applicants chose a flat roof design with a living roof to help soften the visual impacts of the garage when viewed from the properties above.

The proposal is therefore not contrary to the guidelines in respect of this matter.

09 Site Coverage and Low Impact Design

The design guidelines state that maximum site coverage limits ensure sufficient space is provided for different functional requirements of a development including management of stormwater run-off.

One of the design element checklist matters is providing for living roofs. In this case, the applicant has proposed living roofs – mainly for amenity reasons but also may be beneficial in attenuating rain fall run-off.

The proposal is consistent with this design consideration.

10 Materials and Environmental Sustainability

This part of the guideline notes that the choice of building materials can have a considerable effect on how a development is perceived as well as on long-term maintenance requirements. Materials that require less maintenance with a longer design life are more suitable.

In this regard, the building has been architecturally designed by IGNITE and includes a combination of metal and timber cladding along with schist. This combination of materials along with the proposed green roof is considered to be low maintenance and durable and will also ensure that the built form is an aesthetically pleasing high amenity development.

11 Landscape Materials and Planting

The guideline notes that Landscape materials (surfacing, letterboxes, seats, fencing) and planting should be low maintenance but of a quality and style which enhance the amenity of a development. They should be designed to appear integrated with the building development / layout so that the use of the site is efficiency utilised.

In this regard, the applicant has obtained a professional landscape plan from Katie Deans that ensures low maintenance but which will enhance the amenity of the development and make the most of the 40% landscape permeable space and therefore mitigate the breach of building coverage.

Overall, the proposal is consistent with the guideline.

### 7.3.5 Assessment Summary

Overall, for the reasons stated above, it is considered that any adverse effects on the environment resulting from the proposed residential development and associated earthworks will be less than minor.

## 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

Aside from the imposition of standard conditions of consent for EMP's, and conditions requiring the development to undertaken in accordance with the proposed plans which contain mitigation (planting and green rooves in particular) it is considered that no further mitigation measures are required for the proposal.

## 7.7 Identification of interested or affected persons

For the reasons outlined in the assessment in Section 7.3 above, no persons are considered adversely affected by this proposal.

## 7.8 Monitoring

No monitoring is required other than standard conditions of consent, including implementation of the EMP, submitted with this consent application.

## 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 circumstances

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 are 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 provisions of the PDP are now treated as operative and therefore the proposal no longer requires consent under the provisions of the ODP, such that the objectives and policies of the ODP are disregarded, and an assessment against the PDP objectives and policies is provided below.

## 9.2 Proposed District Plan

Relevant Objectives and Policies from the PDP are contained in the following Chapters of the PDP:

- Chapter 7: Lower Density Suburban Residential
- Chapter 25: Earthworks

These Chapters are addressed below:

### 9.2.1 Chapter 7 – Lower Density Suburban Residential Zone

The relevant provisions of Chapter 7 are outlined below:

***7.2.1*** ***Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.***

*7.2.1.2* *Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.*

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

The proposed development will achieve the outcome sought by this Objective and will be consistent with the relevant Policies.

This is because the breaches of bulk and location standards are minor in nature and indiscernible from outside of the subject site. The setback and recession plane breaches do not result in dominance, shading, or privacy effects on the adjacent properties.

The building coverage non-compliance is mitigated by the stepped nature of the built form as it descends the sloping topography as well as the comprehensive landscape planting plan inclusive of green rooves.

The proposed planting (which exceeds the minimum landscape permeable area standards) will ensure that the built form is well balanced by planting and achieves a high amenity single residential outcome on this site.

The proposal is consistent with these provisions.

### 9.2.2 Chapter 25 – Earthworks

The relevant provisions of Chapter 25 are outlined below:

***25.2.1*** ***Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.***

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

25.2.1.2 *Manage the adverse effects of earthworks to avoid Inappropriate adverse effects and minimise other adverse effects, in a way that:*

a. *Protects the values of Outstanding Natural Features and Landscapes;*

b. *Maintains the amenity values of Rural Character Landscapes;*

c. *Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;*

d. *Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers; Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.*

e. *Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;*

f. *Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and*

g. *Maintains public access to and along lakes and rivers.*

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

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

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

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

*25.2.1.6* *Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.*

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

*25.2.1.8* *Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.*

*25.2.1.9* *Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.*

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

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

Overall, the PDP and the Objectives and Policies outlined above enable earthworks that are part of subdivision and development, if they are undertaken in a way that avoids, remedies, or mitigates adverse effects on communities and the natural environment.

As detailed in the AEE, the earthworks are particularly modest and largely within all Permitted Baseline thresholds excluding the minor gut height breach. Accordingly, and acknowledging the EMP from Enviroscope will be implemented and complied with, there will be no adverse effects beyond the site boundaries, or any internal instability and the proposal will be consistent with these Objectives and Policies.

# 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 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.

Section 6 relates to matters of national importance. There are no matters of national importance that are relevant to this application.

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.