Assessment of Environmental Effects

Resource Consent Application to undertake physical works for a residential activity with associated breaches relating to building length, height and earthworks and transport standards

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19 Cotter Avenue, Arrowtown

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SPG SOUTHERN PLANNING GROUP

Contents

1 The Applicant and Property Details 4

2 Executive Summary 6

3 Site Description and Receiving Environment 6

3.1 Site Description 6

3.2 Legal Documents 7

3.3 Receiving Environment 7

4 Resource Management Planning Background 8

5 Description of the Proposal 8

5.1 Overview 8

5.2 Built Form 8

5.3 Earthworks 9

5.4 Transport 9

6 Statutory Considerations 9

6.1 Operative District Plan 9

6.2 Proposed District Plan 10

6.3 NES Contaminated Soils 11

6.4 Overall Status 11

7 Assessment of Effects 11

7.1 Permitted Baseline 11

7.2 Alternative locations or methods 12

7.3 Assessment of the actual and potential effects 12

7.4 Hazardous substances 19

7.5 Discharge of contaminants 19

7.6 Mitigation measures 19

7.7 Identification of interested or affected persons 19

7.8 Monitoring 21

7.9 Customary rights 21

8 Notification 21

8.1 Section 95A: Public Notification 21

8.2 Section 95B: Limited Notification 22

9 Statutory Assessment 23

9.1 Operative District Plan 23

9.2 Proposed District Plan 23

10 Section 104D Non-Complying Activities 30

11 Section 104 of the Act 30

12 Purpose and Principles of the Act 30

1 The Applicant and Property Details

To:	Queenstown Lakes District Council
Applicant:	Keith William Brown and Sarah Jane Brown
Site Address:	19 Cotter Avenue, Arrowtown
Address for Service:	Keith William Brown and Sarah Jane Brown C/- Southern Planning Group PO Box 1081 Queenstown, 9348 **alexa@southernplanning.co.nz** Attention: Alexa Harrington
Legal Description:	Lot 28 Deposited Plan 23672, held in Record of Title 23672
Site Area:	753^2 more or less
Operative District Plan Zone:	Low Density Residential Zone
Proposed District Plan Zone:	Lower Density Suburban Residential Zone
Brief Description of Proposal:	Resource Consent Application to alter and extend an existing residential unit, including associated breaches relating to bulk and location (building length and height), earthwork standards (depth of cut), a new garage and stairs encroaching into the 2m internal boundary setback, and transport breach to do with on-site manovering.

Appendices

Appendix [A] Record of Title

Appendix [B] Easement Instrument

Appendix [C] Architectural Plans

Appendix [D] Draft 'Low' Risk EMP & ESCP



Alexa Harrington

23 January 2026

2 Executive Summary

The Applicant applies for a land use consent in order to alter and extend an existing residential unit on the site, with associated breaches relating to bulk and location (building length and height), earthworks standards (depth of cut and retaining), transport breach to do with on-site reverse manovering, and a new garage and stairs encroaching the 2m boundary setback on the site located at 19 Cotter Avenue, Arrowtown.

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 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 19 Cotter Avenue, Arrowtown. It is an irregularly shaped site that slopes steeply downwards from the rear towards Cotter Avenue and is accessed via a shared right of way (ROW) driveway. The site currently has a two-storey residential unit with a garage.

The site has an area of 753m^2 and is legally described as Lot 28 DP 23672, held in Record of Title OT15D/537. A copy of the Record of Title is attached as **Appendix [A].**

Figure 1 below provides an aerial image of the subject site and surrounding area.



Figure 1: Subject site (highlighted in yellow). Source: GRIP

3.2 Legal Documents

A Deed 842304.5 is the only notice against the subject Record of Title, with such document being contained within **Appendix [B].**

The Deed is from 1993 that imposes private restrictions on the development, appearance, use and subdivision of the affected lots, binding all current and future landowners.

3.3 Receiving Environment

The receiving environment is an established residential area of Arrowtown characterised by a mixture of a developed low density residential environment. The typical housing typology is a mixture of single residential units and residential units with associated residential flats.

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

4 Resource Management Planning Background

There are no resource consents that relate to the site.

5 Description of the Proposal

5.1 Overview

Resource consent is required to alter and extend a residential unit on the site, with associated breaches relating to building length, building height, earthworks standards to do with depth of cut, transport breaches to do with on-site manovering, a new garage and stairs encroaching the 2m internal boundary setback on the site located at 19 Cotter Avenue, Arrowtown.

The architectural package illustrating the extent of the proposed works are illustrated in detail in **Appendix [C],** prepared by JCY Architects.

The overall details of the proposal are addressed below.

5.2 Built Form

Land use consent is sought to alter and extend an existing residential unit on the sloping site. The existing house is currently 110m² with a site coverage of 16%. The proposal contains a new garage, a lift, new roof, extended outdoor deck, an office, media room and extending the kitchen and living area. The new residential unit will be 246m², new garage and entry 63² and existing garage 27m² for a total site coverage 36%.

The four-bedroom, two garage residential unit will be constructed over two levels. The residential development and extension have been designed to largely comply with bulk and location requirements, however, does result in a non-compliance relating to the maximum building length above ground level. In this instance, the first-floor level will have a maximum building length of 21.24m.

The proposal will breach the heigh limit of 6m because of the height of the flue cannot be reduced. The proposed flue will breach the 6m height limit by 1550mm.

The proposal includes a new garage that will be 28.7m² and will encroach into the road boundary setback by 870mm. The location and dimensions of the new garage is shown in the attached plans in **Appendix [C].**

The proposed extensions on the residential unit comply with the maximum permitted building coverage and the minimum landscape coverage requirements.

5.3 Earthworks

Due to the terraced nature of the site, the proposal will require earthworks to establish a suitable area for the garage and house extension including retaining walls. The total volume will be 93m^3, with cut volumes of 46m^3 and 28m^3 of fill in the mound which will used within the site.

The maximum depth of cut proposed is 3.96m, and maximum fill proposed is 1.55m. The maximum total area exposed at any time will not exceed 46m^2.

The earthworks plans are contained within the Architectural Package, prepared by JCY Architects, contained within **Appendix [C]**.

A 'Low' Risk Environmental Management Plan (EMP) is considered to be appropriate in this instance and is contained in **Appendix [D]**, as although the site is considered a sloping site (where any elevation indicates a ground slope of greater than 6 degrees/greater than 1 in 9.5), the bulk of the earthworks will occur on areas of land with a slope of less than 15%/6.6 degrees, such that the proposal will meet the characteristics of a 'Low" risk site as per the QLDC Guidelines for Environmental Managements Plans, June 2019.

5.4 Transport

The proposal will breach the transport standards as the on-site vehicle manoeuvring arrangement does not fully comply with the relevant transport standards, in that vehicles are unable to complete a reverse manoeuvre in a single movement.

While the design provides sufficient on-site space for vehicles to manoeuvre safely and exit the site in a forward-facing manner, the need for a multi-point manoeuvre triggers the requirement for consent under the Proposed District Plan.

The example of the on-site maneuvering is contained with the Architectural Package, prepared by JCY Architects, contained within **Appendix [C].**

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 **restricted discretionary** activity resource consent pursuant to Rule 7.5.10 for the length of any building façade above ground floor level exceeding 16 metres. In this instance, the maximum length above ground floor level is approximately 21.24m.

  Council's discretion is restricted to the following matter:
  a. The external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
  b. In Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
- A **discretionary** activity resource consent pursuant to Rule 7.5.8.2 regarding the minimum boundary setback being 2 m. In this instance, the new garage goes into the boundary by 870mm.
- A **non-complying** activity resource consent pursuant to Rule 7.5.2.1 for the maximum height of 6m being breached. In this instance the maximum height is being breached by the fireplace flue by 1550mm.

6.2.2 Chapter 25 – Earthworks

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.15 which stipulates the maximum depth of any cut shall not exceed 2.4m. In this instance, the maximum depth of cut proposed is 3.96m.
- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.18.1 in regard to the requirement for earthworks to be setback at a distance greater than the height of the cut or fill. In this instance, a cut of 3.96m is proposed that goes into the road boundary.

  Council's discretion is restricted to the following matters (for all 2 rule breaches identified above):
  a. Soil erosion, generation and run-off of sediment.
  b. Landscape and visual amenity values.
  c. Effects on infrastructure, adjacent sites and public roads.
  d. Land stability.
  e. Effects on water bodies, ecosystem services and biodiversity.
  f. Cultural, heritage and archaeological sites.
  g. Nuisance effects.
  h. Natural Hazards.
  i. Functional aspects and positive effects.

6.2.3 Chapter 29 – Transport

- A **restricted discretionary** activity resource consent pursuant to Rule 29.5.6(g) which stipulates only one reverse manoeuvre. In this instance, it will take five manoeuvres for the B85 vehicle.

  Council's discretion is restricted to the following matters:
  a. Effects on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment, including any positive effects on the efficiency or amenity of the site.
  b. The design and location of required parking spaces, loading spaces, and on-site manoeuvring areas.

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 Building Scale, Form & Density
- Effects of Earthworks
- Effects of Transport

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.

Built Form

In this instance, the establishment of a residential activity where the density of development does not exceed one residential unit per 450m^2 net area is permitted in accordance with Rule 7.4.3, and this forms part of the permitted baseline.

The proposal will be increasing the building coverage, however at least 30% of the site will be permeable landscaped surface in accordance with Rule 7.5.6.

The proposal will be adding an additional garage on the sloping site, however, will comply with Rule 7.5.7.

Earthworks

In this case the permitted baseline for earthworks includes:

- Earthworks not exceeding a maximum total volume of 300m^3
- Earthworks over an area of 2,500^2 where the slope is 10° or greater and earthworks over an area of 10,000m^2 where the slope is less than 10°
- Maximum height of fill not exceeding 2 metres
- Cleanfill to be transported by road not exceeding a maximum volume of 300m^3

The above is considered to be of relevance to the application and forms part of the permitted baseline.

Transport

The existing vehicle crossing is not changing and therefore can comply with Rules 29.5.7 and 29.5.14.

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 Effects of Building Scale, Form & Density

When considering the effects of the proposal on site density and built form, it is relevant to assess the proposal against the QLDC Residential Zone Design Guidelines 2021, and the matters of discretion identified in Section 7 above. Both have been considered in the assessment below:

Building Length Effects

While the proposed extension to the residential unit exceeds the permitted maximum building façade of 16m by approximately 5m, the effects of this non-compliance are considered to be negligible, particularly as the principal residential unit is already established on site and the proposal primarily involves alterations and additions rather than a new standalone unit.

The extended façade length results from the integration of new building elements with the existing structure and it mitigated through changing in building plane, varied roof forms, and steeping of the building in response to the sloping site.

As a result, the development is not perceived as a single continuous façade. Given the existing built form on the site and the surrounding residential context where dwellings commonly extend along the contours of the land, the proposal will not result in any discernible increase in visual dominance or adverse effects on neighbouring amenity. Overall, effects are deemed less than minor.

Building Height Effects

The proposal includes a minor exceedance of the permitted building height of 6m associated with a flue extending above the roofline. The height of the flue cannot be reduced due to the functional requirements, as a required flue length of approximately 2210mm is needed to achieve adequate draw and ensure safe and effective operation. This results in the flue extending approximately 1550mm above the 6m maximum height limit.

The flue is a slender, functional element that is visually subordinate to the overall building form and does not materially increase the perceived bulk or scale of the development. The overall residential unit does not breach the 6m height limit.

The flue has a narrow profile and minimal potential for shading, overlooking, or visual dominance, the proposal will not result in adverse effects on the amenity of adjoining properties or the wider residential environment. Similar roof projections, such as chimneys and flues, are common within residential areas. Overall, the height breach does not undermine the intent of the building height control, and the resulting effects are considered to be less than minor.

Internal Setback Effects

The proposal includes an internal setback non-compliance of approximately 870mm associated with the new garage and stairs on the northeastern boundary. The garage

is a non-habitable accessory building, and the stairs are a minor ancillary element that does not contain habitable space or generate ongoing activity.

The garage structure is limited in height, minimal openings, and no associated residential activity. The garage is integrated into the overall building form and is steeped with the sloping site, which reduces its perceived bulk and dominance when viewed from adjoining properties.

The stairs are visually lightweight and subordinate to the overall building form, and its location does not result in a material increase in bulk or dominance on the boundary. The infringement occurs in the context of an existing development and sloping topography. The breach does not give rise to any adverse effects on neighbouring privacy, outlook, or access to daylight.

Overall, the extent of the setback non-compliance is limited, and the proposal will not result in any adverse effects on neighbouring amenity and therefore effects are deemed less than minor.

Arrowtown Design Guidelines

The Arrowtown Design Guidelines provide guidance on development and redevelopment in Arrowtown in order to retain the special qualities and historic character of Arrowtown.

In terms of historic character, it is noted that the subject site is located in excess of approximately 430m from the Arrowtown Residential Historic Management Zone (ARHMZ) at its closest point on the corner of Kent Street and Caernarvon Street. Given that the site is located entirely within the LDSR Zone and its separation distance to the ARHMZ, it is not considered that the proposal will compromise the historic character of the ARHMZ or adjacent properties. The proposal will continue to preserve the sense of spaciousness and apparent low density residential activity within the area.

The wider surrounding environment within the ARHMZ contains a number of historic heritage buildings and protected or character trees. The proposed development will be viewed as a continuation of the wider residential environment. The site already contains a residential unit which is to be altered and extended by this development, such that the density of the activity remains unchanged. The proposal has been designed to complement the surrounding areas, such that it is not considered to detract from any heritage values.

Furthermore, given that the built form largely complies with the bulk and location standards excluding the minor non-compliance on building height breach to do with the fireplace flue, the proposal will not adversely affect solar access or view from neighbouring properties. The proposal incudes the use of lunawood timber cladding, schist, metal cladding in Colorsteel Maxam and KingSpan installed panel system which is considered to align with the Arrowtown Design Guidelines and will incorporate elements which contribute to the character of the ARHMZ.

The proposed alternations and additions adopt a stepped and articulated building form that responds directly to the sloping site and the existing residential unit. This breaks down the overall mass and avoids the appearance of a single, continuous building. The use of distinct building elements, mono pitched roof with solar panels are consistent with the intent of the Arrowtown Design Guidelines to discourage monolithic development.

The guidelines encourage street activation where practicable, the subject site functions as arear site access via a ROW and shared driveway, and as such offers limited opportunity for meaningful engagement with the streetscape.

The proposal maintains a scale and form appropriate to the LDSRZ, with the alterations and extension integrating cohesively with the existing residential unit.

The natural materials, retaining structures, and landscaping are selected to complement the Arrowtown character and respond appropriately to the site's topography.

Overall, the proposal is considered to be consistent with the intent and outcomes sought by the Arrowtown Design Guidelines 2016 as they relate to alterations and additions within the zone.

QLDC Residential Zone Design Guidelines

In accordance with Standard 7.5A1, the Residential Zone Design Guidelines 2021 have been considered, as follows:

1. Entrances and Detailing	The entrance to the site is accessed via a ROW shared with 21 Cotter Avenue, such that this matter is not particularly relevant to the site and the proposed development. Notwithstanding this, the entrance is located on Cotter Avenue, such that it will be clearly visible for any person entering the site.
2. Building Height and Roof Form	The building is designed with a simple mono-pitched roof and slightly breaches the building height standards from the fireplace flue being 1550mm above 6m.
3. Sunlight and Recession Planes	The garage complies with the recession planes and the remaining site is sloping.
4. Site Coverage and Low Impact Design	The development has been designed to comply with the site coverage (both building coverage and landscape permeable coverage) and will be connected to the Council reticulated services.
5. Connections to Open Space	N/A to this application.
6. Outdoor Living Area	The proposal provides for outdoor living areas via decks and courtyards which are accessible from the main living areas.

7. Accessibility	On site parking is provided for by the proposed garages, and the parking areas achieve compliance with the relevant PDP transport standards. The manoeuvring on site breaches the PDP transport standards, however the Applicant could reverse down the ROW onto Cotter Avenue as an alternative to the five-point manoeuvre.
8. Waste and Service Areas	The development incorporates two garage area which offers ample opportunity for screening waste and service areas from both public and private viewpoints.
9. Creating Private and Safe Places	As has been demonstrated above, the proposed development has been designed to largely comply with bulk and location requirements. Additionally, the building will have ample glazing to allow for passive surveillance.
10. Materials and Environmental Sustainability	The proposed building materials are considered to be weather tight, durable and will ensure longevity of the low maintenance materials proposed.
11. Landscape	The proposed development will maintain a minimum of 30% landscape permeable surface area, allowing for landscape plantings at the owner's discretion, and as such achieves compliance with the PDP.

7.3.3 Effects of Earthworks

The effects of the proposed earthworks non-compliances have been assessed against the relevant matters of discretion contained within Rule 25.5.18 of the PDP:

Soil erosion, generation, and run-off of sediment

In this instance it is anticipated that the earthworks will be able to take place with minimal effects on soil erosion and generation. The proposed works will occur over a short duration and mainly occur on an existing flat area. 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 Plans.

It is considered that adherence with the EMP and standard conditions of consent based on QLDC Guidelines for Environmental Management Plans will result in less than minor adverse effects with respect to soil erosion, generation, and run-off sediment.

Landscape and visual amenity values

The site is not a rural site and does not have significant landscape or visual amenity values. The proposed earthworks will be undertaken entirely within the confines of the site and are required to create a suitable buildable area for the residential unit

extension and outdoor deck. Given the topography of the site and surrounds, earthworks of this nature are not out of character in the wider residential environment.

The proposed earthworks are not considered to be visually obtrusive or detract from landscape or visual amenity values. As such, it is considered the potential adverse effects relating to these matters are less than minor.

Effects on infrastructure, adjacent sites, and public roads

No effects on infrastructure or public roads are anticipated as a result of the proposed earthworks above those which are anticipated by standard development of the site, and it is therefore considered that any potential adverse effects relating to these matters are less than minor. 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 will be less than minor.

Land stability

The site is not identified as being susceptible to land instability. All earthworks will be carried out in such a way as to avoid any future instability issues. Measures will also be put in place to ensure the development will not compromise the stability of any adjoining site during construction. Conditions of consent relating to QLDC's EMP conditions for 'Low' risk sites are anticipated in this respect. Given this and the low risk of land instability, any potential adverse effects are considered to be less than minor.

Effects on water bodies, ecosystem services and biodiversity

There are no waterbodies in close proximity to the subject site, and as such, it is considered that potential adverse effects relating to this matter are less than minor. All necessary sediment and erosion controls required as conditions of consent will be put in place during the proposed works to ensure that earthworks are appropriately retained on site and will not discharge into the roading drainage system, such that any potential adverse effects are considered to be less than minor.

Cultural, heritage and archaeological sites

There are no known heritage or archaeological factors relevant to this application, however Council's standard conditions of consent to ensure that appropriate protocols are followed in the unlikely event that any archaeological sites/finds are discovered during the works is anticipated. For these reasons it is considered that the potential adverse effects relating to these matters are less than minor.

Nuisance effects

The proposed earthworks are to be undertaken entirely within the confines of the site and will be undertaken in accordance with the EMP, recommendations of the Geotech Report and anticipated conditions of consent. It is therefore considered that any nuisance effects, including those relating to dust, noise or vibration will be less

than minor in scale and effect, and can be mitigated through the inclusion of QLDC's EMP conditions for 'Medium' risk sites.

Natural Hazards

A review of the QLDC hazard mapping database identified liquefaction susceptibility to be low risk (LIC 1(P) and did not identify any other hazards relating to the subject sites, such that the proposal is not considered to exacerbate natural hazard risk. As such, it is considered that the potential adverse effects relating to this matter are less than minor.

Functional aspects and positive effects

The proposed earthworks are associated with the establishment of residential activity on the site.

7.3.4 Effects on transport

Effects on the safety, efficiency, and amenity of the site and of the transport network, including pedestrian and cycling environment, including any positive effects on the efficiency or amenity of the site

The proposed access and vehicle manoeuvring arrangements have been assessed in terms of safety, efficiency, and amenity effects on both the site and the wider transport network, including the pedestrian and cycling environment. While vehicles are unable to complete a reverse manoeuvre in a single movement, swept path analysis confirms that all manoeuvring can occur entirely within the subject site, without encroachment onto Cotter Avenue or adjoining properties. Vehicles are able to enter and exit the site in a forward-facing direction, which is consistent with the intent of the transport provisions and ensures safe interaction with the public road.

The shared driveway serves a low-intensity residential activity and experiences low vehicle speeds and low traffic volumes, such that the need for occasional multi-point manoeuvres does not result in any material safety or efficiency concerns. Pedestrian and cyclist movements on Cotter Avenue are not adversely affected, as vehicle movements occur at the private access point and do not require reversing onto the public road. In addition, the internal manoeuvring arrangement provides sufficient visibility and space to allow vehicles to operate safely within the site.

Overall, the proposal maintains safe and efficient access appropriate to the scale of residential use, avoids adverse effects on the operation of the local road network, and supports a safe pedestrian and cycling environment. The transport effects arising from the manoeuvring arrangement are therefore considered to be less than minor, with no adverse impact on site or network amenity.

The design and location of required parking spaces, loading spaces and on-site manoeuvring areas

The proposal provides on-site parking and manoeuvring areas that are appropriately designed and located to service the residential activity without giving rise to adverse effects on safety or amenity. Parking spaces are accommodated within the garages and are accessed via the existing shared driveway down the ROW, which operates at low speeds and serves a limited number of residential units. The location of the parking spaces enables vehicles to enter and exit the site in a forward-facing manner, consistent with the intent of the transport provisions.

Although vehicles are unable to complete a reverse manoeuvre in a single movement, swept path analysis confirms that all manoeuvring can occur entirely within the subject site, without encroachment onto the public road or adjoining properties. The manoeuvring areas are of sufficient size to allow vehicles to reposition safely and efficiently, and the need for occasional multi-point manoeuvres is not uncommon in residential environments with constrained sites.

No dedicated loading spaces are required given the residential nature of the activity, and any service or delivery vehicles can be accommodated within the site or serviced from the driveway without adversely affecting the operation of the transport network.

Overall, the design and location of the parking and manoeuvring areas are considered appropriate to the scale and intensity of the development, and the associated effects are less than minor.

Assessment Summary

Overall, it is considered that any adverse effects on the environment resulting from the proposed 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, it is considered that no further mitigation measures are required for the proposal.

7.7 Identification of interested or affected persons

In considering the adverse effects on persons via Section 95E(2), the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

No consultation has been undertaken as part of this resource consent application, nor is it considered necessary, for the following reasons:

The proposal provides for a density of development that is anticipated by the District Plan, being one residential unit per site that complies with relevant standards. In this instance, the proposal will result in establishing residential activity in the form of a residential unit, which is anticipated for the site.

With the exception of marginal non-compliances relating to minor non-compliance in height breach, building length and boundary setbacks, the proposed development complies with all other zoning standards, including building coverage and landscape coverage, and is considered to integrate appropriately with the surrounding residential environment.

Specifically, the building height breach of 1550m from the flue and building façade exceeds the permitted standard, which is considered minor in scale and comparable to that of a permitted activity. While the proposal also does not comply with the internal boundary setback requirements, the extent of these infringements is limited.

The residential unit has been designed with a variety of exterior materials and architectural detailing to break up the built form and minimise visual bulk. Given the minor nature of the non-compliances and the design response, any potential effects on the character and amenity of the surrounding area are considered to be less than minor from both public and private viewpoints.

In line with the above assessment and having considered the matters listed in the QLDC Residential Zone Design Guidelines 2021 and the Arrowtown Design Guidelines 2016, it is considered that the effects of the proposal will be less than minor on the owners and occupiers of the adjoining sites.

The proposed earthworks will be undertaken within the confines of the application site and will not result in instability to neighbouring sites. Further, the earthworks will be monitored by the 'Low' risk EMP and associated conditions of consent, such that effects on the owners and occupiers of the adjoining land will be less than minor in this regard.

The proposed transport breach is negligible, as all vehicles manoeuvring can occur entirely within the site at low speeds, vehicles are able to enter and exit the site in fa forward-facing manner, and the low traffic volumes associated wit ha single residential unit mean there will be no adverse safety or amenity effects on neighbouring properties. The ROW is shared with 21 Cotter Avenue, which can manoeuvre on-site, therefore effects will be less than minor in this regard.

Overall, adverse effects on the owners and occupiers of the adjacent sites, and all other persons, are considered to be less than minor, and there are no persons considered adversely affected by this proposal.

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 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 Zone
- Chapter 25 – Earthworks
- Chapter 29– Transport

These Chapters are addressed below:

9.2.1 Chapter 7 – Lower Density Suburban Residential Zone

7.2.1 ***Objective - 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.***

Policies

7.2.1.1 *Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.*

7.2.1.2 *Encourage an intensity of development that maximises the efficient use of land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including being 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 maintain the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.*

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

7.2.4 ***Objective – Residential development in Arrowtown compatible with the town's existing character***

Policies

7.2.4.1 *Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, guided by the Arrowtown Design Guidelines 2016, with particular regard given to:*
a. building design and form;
b. scale, layout and relationship of building to the street frontage(s):
c. materials and landscape response(s).

7.2.4.2 *Avoid flat roofed dwellings in Arrowtown.*

7.2.6 ***Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.***

Policies

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

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

7.2.6.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

The proposal provides for a density of development that is anticipated by the District Plan, being one residential unit per site which complies with the required standards.

The development has been designed to largely comply with the bulk and location provisions of the PDP and will integrate well with the surrounding residential environment without being dominant, blocking sunlight access or decreasing privacy for adjacent neighbours.

The residential unit has been designed to offer a high standard of amenity for future occupants, with sensible building orientation. The slight exceedance of the permitted building height is considered negligible, as it will not compromise any views from the flue or residential amenity of the surrounding area given the breach is associated with the chimney flue. As well, the length of the building above ground will not impact on the spaciousness or the residential amenity of the surrounding area.

Accordingly, the proposal will maintain the suburban-intensity character of the zone, and the amenity values enjoyed by users of neighbouring properties privacy and access to sunlight.

Policies 7.2.4.1 and 7.2.1.5 are particularly important and requires consideration of the relevant design elements identified in the QLDC Residential Zone Design Guidelines 2021 and Arrowtown Design Guidelines 2016. This AEE has addressed the relevant urban design guidelines and ultimately concludes that the proposal is consistent with the intent of the guidelines. Additionally, policy 7.2.4.2 seeks to avoid flat rooved residential units. In this instance, the building is designed with simple and uncomplex mono-pitched rooves, which are considered appropriate by both the Arrowtown Design Guidelines 2016 and the QLDC Residential Zone Design Guidelines 2021.

The development will efficiently utilise existing infrastructure, and the proposed access and on-site vehicle parking will ensure that there are no adverse effects on the operation and safety of the roading network, including both vehicle and pedestrian movements.

Overall, the proposal is considered to be consistent with, and therefore not contrary to, the objectives and policies of Chapter 7.

9.2.2 Chapter 25 – Earthworks

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

Policies

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

25.2.1.2 *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, Wanaka 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 tupuna 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.*

25.2.1.4 *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 tupuna 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.*

25.2.2 Objective – The social, cultural and economic wellbeing of people and communities benefits from earthworks

Policies

25.2.2.1 *Enable earthworks that are necessary to provide for people and communities wellbeing, having regard to the importance of:*

(a) Nationally and Regionally Significant Infrastructure;
(b) tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;
(c) minimising the risk of natural hazards;
(d) enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
(e) the use and enjoyment of land for recreation, including public walkways and trails.
(f) maintaining or enhancing the operational efficiency of existing infrastructure.

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.

The proposed earthworks are required to enable residential development to occur on a steeply sloping site, that requires extensive cutting on the flat portion of the site for the new garage and will be appropriately undertaken and managed while they are being carried out in accordance with QLDC's consent conditions requiring a 'Low' risk EMP to be adhered to which will govern the management of all earthworks.

Furthermore, the bulk form of the building will sit within the area of works ensuring the change in landform will not adversely affect the amenity values of the surrounding area.

Standard accidental discovery protocol conditions can be imposed on the decision to ensure that in the highly unlikely event that cultural or archaeological material is found, this can be treated appropriately.

Given the above, the proposal is consistent with, and therefore not contrary to, the relevant objectives and policies of Chapter 25.

9.2.2 Chapter 29 – Transport

29.2.2 Objective - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:

- ***a. providing a safe and efficient transport network;***
- ***b. compact urban growth;***
- ***c. economic development;***
- ***d. facilitating an increase in walking and cycling and the use of public transport; and***
- ***e. achieving the level of residential amenity and quality of urban design anticipated in the zone.***

The proposal provides parking, access, and on-site manoeuvring arrangements that are consistent with the character, scale, intensity, and residential location of the zone. Vehicle access is accommodated via an existing shared driveway serving a low-intensity residential activity, and all vehicle manoeuvring can be undertaken safely within the site, ensuring vehicles are able to enter and exit the site in a forward-facing manner. This approach supports a safe and efficient transport network by avoiding reversing movements onto Cotter Avenue and minimising potential conflicts with pedestrians and cyclists.

The design of the access and parking arrangements makes efficient use of the site without requiring additional land take or roadway upgrades, thereby supporting compact urban growth and enabling the continued use and enhancement of existing residential development. The proposal does not generate traffic beyond what is typical for a single dwelling and therefore does not adversely affect the operation or efficiency of the local transport network or surrounding road hierarchy, ensuring

that economic activity associated with residential use can occur without transport-related constraints.

The low traffic volumes, forward-facing access, and contained on-site manoeuvring ensure that pedestrian and cyclist safety is maintained, while the site's residential location and proximity to Arrowtown amenities continue to support alternative transport modes. The parking and access arrangements are integrated into the overall site layout and building design, maintaining a high level of residential amenity and urban design quality consistent with expectations for development within the zone. Overall, the proposal is considered to be consistent with the intent and outcomes sought by Objective 29.2.2.

Policies

29.2.2.11 *Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.*

The proposal appropriately mitigates effects on safety and efficiency arising from the location and design of vehicle access, while not unreasonably constraining residential development. Access to the site is provided via an existing shared driveway, located away from intersections and not adjoining a State Highway, and is designed to operate at low vehicle speeds consistent with its residential context. The width and configuration of the access are appropriate for the scale and intensity of the activity and enable vehicles to enter and exit the site in a forward-facing manner, thereby avoiding reversing movements onto the public road.

Although on-site manoeuvring requires multiple points manoeuvring, all manoeuvring occurs entirely within the site and does not compromise the safety or efficiency of the surrounding transport network. The access arrangement balances functional vehicle operation with residential amenity and represents a practical response to site constraints, ensuring that development and intensification are not unreasonably prevented.

Overall, the proposal achieves the intent of the policy by maintaining safe and efficient access while accommodating appropriate residential development.

Given the above, the proposal is consistent with, and therefore not contrary to, the relevant objectives and policies of Chapter 29.

10 Section 104D Non-Complying Activities

Section 104D of the Act requires that a consent authority may grant a resource consent for a non-complying activity only if it satisfied that either:

a) The adverse effects of the activity on the environment will be minor; or

b) The application is for an activity that will not be contrary to the objectives and policies of the District Plan.

The assessment contained within this application confirms that the adverse effects on the environment will be less minor, and that the proposal will not be contrary to the relevant objectives and policies of the District Plan.

The application satisfies both limbs of Section 104D of the Act and can be considered under the overall discretion available within Section 104 of the Act.

11 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.

12 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 of the Act relates to matters of national importance. The matters of relevance to this application are considered to be:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

There are no matters of national importance that need to be recognised and provided for in terms of the proposed activity. The proposal is therefore consistent with Section 6.

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. The matters of relevance to this application are considered to be:

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

(c) the maintenance and enhancement of amenity values:
(f) maintenance and enhancement of the quality of the environment:

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 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.