Assessment of Environmental Effects

Resource Consent Application to Establish Residential Activity with Associated Breaches Relating to Building Length & Earthworks Standards

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7 Derby Street, Arrowtown

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southernplanning.co.nz

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1 The Applicant and Property Details

To:	Queenstown Lakes District Council
Applicant:	Sarah Jane Pearson
Site Address:	7 Derby Street, Arrowtown
Address for Service:	Sarah Jane Pearson C/- Southern Planning Group PO Box 1081 Queenstown, 9348 **ruth@southernplanning.co.nz** Attention: Ruth Mackay
Legal Description:	Lot 2 Deposited Plan 19111, held in Record of Title OT10A/1388
Site Area:	605m^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 establish a residential unit on the site, with associated breaches relating to bulk and location (building length) and earthworks standards (retaining walls, depth of cut and volume).

Appendices

Appendix [A] Record of Title

Appendix [B] Architectural Plans

Appendix [C] Engineering Documents

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



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Ruth Mackay

19 February 2026

2 Executive Summary

The applicant applies for a land use consent in order to establish a residential unit on the site, with associated breaches relating to bulk and location (building length) and earthworks standards (retaining walls, depth of cut and volume) on the site identified as 7 Derby Street, 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 **restricted discretionary** activity.

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

The Assessment of Effects considers the effects of the proposal and determines that 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 7 Derby Street, Arrowtown. The site is located to the south-east of Derby Street. This portion of Derby Street is accessed via Stafford Street and is cul-de-sac like in nature, noting that Derby Street does not currently connect through to Berkshire Street to the west.

The 605m² site is legally described as Lot 2 DP 19111. The Record of Title is contained within **Appendix [A].**

The residential unit previously located on site has been removed such that the site is currently free of built form, allowing for the construction of the residential unit proposed by this application.

The site is indicated in the aerial photograph below:

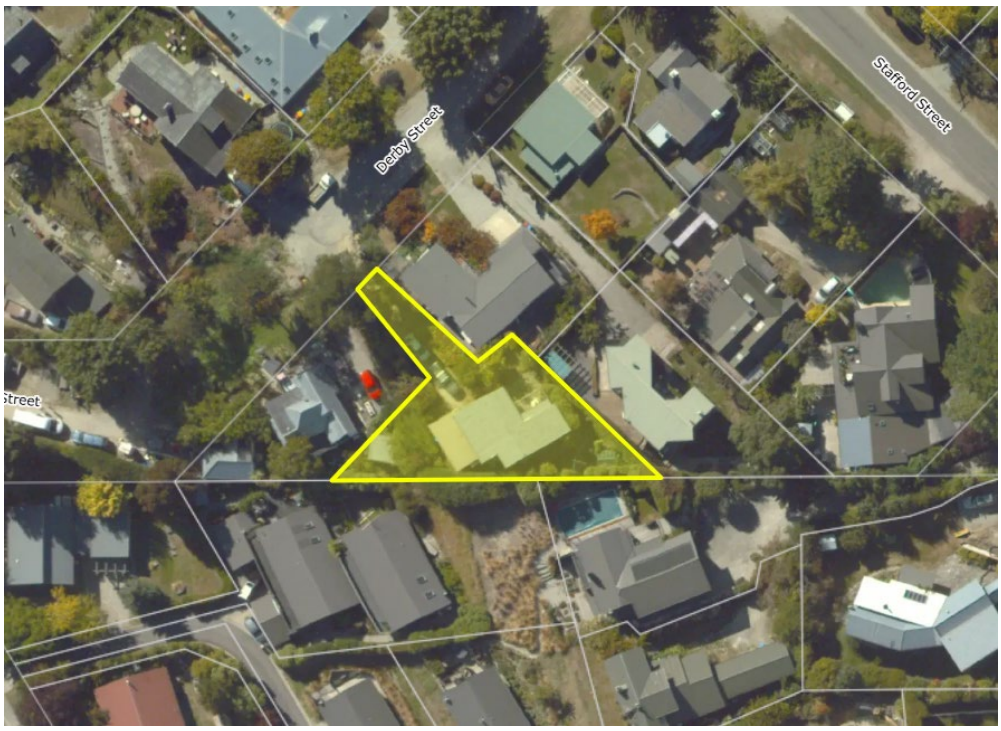


Figure 1: Subject site (highlighted in yellow). Source: GRIP.

3.2 Legal Documents

There are no legal instruments registered against the Record of Title.

3.3 Receiving Environment

The wider area comprises a mixture of a developed low density residential environment. The typical housing typology is a mixture of unit title development, 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

4.1 RM900015

RM900015 relates to the construction of a residential dwelling on the site. The current application seeks to replace this residential unit such that the underlying consent is not considered relevant to the proposal.

5 Description of the Proposal

5.1 Overview

Resource consent is sought to establish a residential unit on the site, with associated breaches relating to bulk and location (building length) and earthworks standards (retaining walls, depth of cut and volume) on the site located at 7 Derby Street, Arrowtown.

The overall details of the proposal are addressed below.

5.2 Proposed Residential Unit

Land use consent is sought to establish a replacement residential unit the site. The three-bedroom residential unit will be constructed over two levels. The ground floor level will contain two bedrooms as well as separate office and media rooms, while the first floor level will contain the master bedroom and kitchen/dining/living areas. A deck is also proposed at first floor level with access via the master bedroom and living areas.

The residential development has been designed to largely comply with bulk and location requirements, however, does result in a minor non-compliance relating to maximum building length above ground level. In this instance, the first floor level will have a maximum building length of 16.373m.

The Architectural Package that illustrates the proposed development has been prepared by Cornerstone Design, and is contained within **Appendix [B]**.

5.3 Proposed Earthworks

Due to the sloping nature of the site, the proposal will require earthworks to establish a suitable buildable area. The total disturbed ground will be over a maximum 325.66m^2, with cut volumes of 474m^3 which will be transported off site. The maximum depth of cut proposed is 2.726 metres, and no fill is required.

Additionally, the following retaining walls are proposed:

- Northern boundary (and leg in access) – stepped timber retaining walls with heights varying from 1.0m to 2.0m. The retaining walls are associated with the leg in access and associated driveway and will be located 427mm from the internal boundary adjoining 5 Derby Street at its closest point.

- Eastern boundary – stepped timber retaining walls with heights varying from 400mm to 2.0m. The retaining walls will be setback from the adjoining boundary

at least a distance equal to the height of the retaining walls, such that these retaining elements can be undertaken as a permitted activity and are not subject to consent.

- Southern boundary – stepped timber retaining walls with heights varying from 400mm to 1.0m. The retaining walls will be setback from the adjoining boundary at least a distance equal to the height of the retaining walls, such that these retaining elements can be undertaken as a permitted activity and are not subject to consent.

- Western boundary – N/A.

The earthworks plans are contained within the Architectural Package, prepared by Cornerstone Design, contained within **Appendix [B]**.

Kirk Roberts Consulting has prepared the Engineering Drawings and PS1 documents associated with the proposed retaining, and are contained within **Appendix [C]**.

A draft Environmental Management Plan (EMP) is attached as **Appendix [D]** and is supported by a draft Erosion and Sediment Control Plan (ESCP).

A 'Low' risk EMP is considered to be appropriate in this instance, 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)[1], the bulk of the earthworks will occur on areas of land with a slope of less than 15% / 6.6 degrees,[2] such that the proposal will meet the characteristics of a 'Low' risk site as per the QLDC Guidelines for Environmental Management Plans, June 2019.

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.

1 QLDC PDP, Chapter 2 – Definitions.
2 QLDC Guidelines for Environmental Management Plans, June 2019, EMP Categories, page 5.

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 (being the first floor level) is approximately 16.373 metres.

  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.

6.2.2 Chapter 25 – Earthworks

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2. Table 25.2 stipulates that maximum total volume of earthworks in the LDSR Zone is 300m^3. In this instance, a total volume of 695m^3 is proposed.

- 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 2.726m.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.18 in regard to the requirement for earthworks to be setback at a distance greater than the height of the cut or fill. While some of the retaining achieves compliance with this standard, the retaining along the access/northern boundary will be located closer to the adjoining internal boundary than the height of the retaining.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.21 which stipulates that no more than 300m^3 of clean fill shall be transported to or from an area subject to earthworks. In this instance, all earthworks (695m^3) will be transported off the site.

  Council's discretion is restricted to the following matters (for all 4 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.

6.3 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 **restricted discretionary** activity.

7 Assessment of Effects

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

The assessment of effects has addressed the following categories:

- Permitted Baseline
- Effects of Building Scale, Form & Density
- Effects of 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.

Built Form

In this instance, the establishment of a residential activity where the density of development does not exceed one residential unit per 250m^2 net area is permitted, and this forms part of the permitted baseline.

The construction of a residential unit (including residential flat) is a permitted activity on the site, subject to compliance with the built form controls and Consent Notice requirements.

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 depth of cut not exceeding 2.4 metres
- Maximum height of fill not exceeding 2 metres
- Earthworks greater than 0.5 metres to be setback either: a distance at least equal to the maximum height of the fill (for unretained works); or a distance at least equal to the height of the retaining wall (for retaining works)
- Clean fill 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.

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

The effects of the proposed building length non-compliance have been assessed against the relevant matters of discretion contained within Rule 7.5.10 of the PDP. Consideration must also be given to the QLDC Residential Zone Design Guidelines 2021. These matters are assessed below:

Building Length

In this instance, the maximum length above ground floor level is approximately 16.373m, where 16.0m would be permitted. This 373mm breach is directly comparable to the permitted baseline and the small deviation from the permitted standards will be indiscernible from viewpoints external to the site, including both public and private viewpoints. Given that the breach is comparable in nature and scale to that of the permitted baseline, there will be no adverse effects on the wider environment, or any persons, as a result of this negligible breach.

The built form is broken up with varying heights and a stepped design, such that the breach is not associated with the continuous length of the built form. These elements, as well as the separation distances to boundaries, glazing and proposed building materials, will assist in softening any visual dominance and will ensure that effects in relation to privacy and overlooking are less than minor and comparable to that of a complying development.

With the exception of the building length non-compliance, the proposed residential unit complies with all other zoning standards including setbacks, coverage and building height, such that the proposal is considered to have less than minor adverse effects on the wider environment in relation to external appearance, bulk and location, visual dominance and amenity values as viewed from both private and public places.

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 85m from the Arrowtown Residential Historic Management Zone (ARHMZ) at its closest point on the corner of Denbeigh Street and Kent 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 replaced by this development, such that the density of residential 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 bulk and location standards including building height, the proposal will not adversely affect solar access or views from neighbouring properties. The proposal includes the use of corrugated cladding, lunawood weatherboard cladding and corrugated roofing which is considered to align with the Arrowtown Design Guidelines and will incorporate elements which contribute to the character of the ARHMZ.

The building includes a stepped design and visually distinct forms such that is provides visual interest and more articulation of the building elements, as opposed to being one large building under a single roof, and is consistent with the design guidelines.

The design guidelines also seek to encourage street activation, however given that the site is akin to a rear site and is accessed via a leg-in access and driveway, the site does not lend itself to provide for any increased interaction with the streetscape.

While single storey buildings are preferred, the guidelines recognise that the bulk and location requirements of the LDSR Zone allow for two storey buildings to be constructed. The guidelines seek to avoid buildings with floor areas in excess of 300m^2. In this instance, the total floor area proposed is approximately 206m^2 (with the ground floor being 95m^2 and the first floor being 111m^2) and is consistent with the guidelines.

In addition to the built form, the guidelines also provide guidance relating to appropriate types and materials for retaining walls and paving, including the use of timber retaining walls and exposed aggregate concrete. The development will incorporate these elements such that the proposal will align with the direction of the Arrowtown Design Guidelines.

Having considered the above matters, it is determined that the proposal is consistent with the Arrowtown Design Guidelines 2016, as it relates to new development within the LDSR Zone.

QLDC Residential Zone Design Guidelines

In accordance with Standard 7.5A.1, the Residential Zone Design Guidelines 2021 have been considered, as follows:

1. Entrances and Detailing	The site is akin to a rear site and is accessed via a leg-in access and driveway, such that this matter is not particularly relevant to the site and proposed development. Notwithstanding this, the entrance is located on the façade facing Derby Street, such that it will be clearly visible for any person entering the site.
2. Building Height and Roof Form	The building is designed with simple mono-pitched rooves.
3. Sunlight and Recession Planes	N/A to sloping sites.

4. Site Coverage and Low Impact Design	The development has been designed to comply with 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 and the parking areas achieve compliance with the relevant PDP transport standards.
8. Waste and Service Areas	The development includes a storage area under the deck 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.

Having considered the above matters, it is determined that the proposal is consistent with the Residential Zone Design Guidelines 2021.

7.3.2 Effects of Earthworks

The effects of the proposed earthworks non-compliances have been assessed against the relevant matters of discretion contained within Rule 25.7.1 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. 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. 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. The retaining walls are to be engineer designed and 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 the 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

The subject site is not known to contain any elements of particular cultural significance and is not located within a Wāhi Tūpuna area. Additionally, there are no known heritage or archaeological factors relevant to this application, however Council's

standard condition 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. As such, 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 best practice measures and the 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 'Low' risk sites.

Natural Hazards

A review of Council's GIS map indicates that the site is located within a LIC 1 hazard area with a probable low risk. The earthworks proposed by this application are not considered to exacerbate the natural hazard. As such, it is considered 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 future residential activity on the site.

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.

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 the marginal building length non-compliance, the proposed development complies with all other zoning standards including boundary setbacks, site coverage and building height, and will integrate well with the surrounding residential environment.

With regards specifically to the building length, the breach is minimal in nature and scale, being 373mm longer than permitted. This is approximately 2.35% greater than the permitted baseline, such that the breach will be comparable to that of a permitted activity. The location of the residential unit complies with boundary setbacks and the built form will be both stepped and finished in various materials in order to break up the physical form and appearance. For these reasons, any potential adverse effects in relation to building dominance will 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 be engineer designed such that adverse effects in terms of land stability will be less than minor. 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.

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

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 buildings 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 provide a high quality of amenity for future residents with sensible building orientation. It is also considered that the length of the building, including the marginal infringement of the building length above ground floor level, will not impact on the spaciousness or residential amenity of the surrounding area.

The development and compliance (largely) with bulk and location standards ensures it is compatible with the surrounding residential character as required by the above policies. 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 Arrowtown Design Guidelines 2016 and the QLDC Residential Zone Design Guidelines 2021. This AEE has addressed the relevant design guidelines and ultimately concludes that the proposal is generally 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 effectively utilise existing infrastructure and the proposed access and 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 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 and will be appropriately undertaken and managed while they are being carried out in accordance with QLDC's consent conditions requiring a 'Low' risk Environmental Management Plan 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.

Overall, the proposal is considered to be consistent with the objectives and policies of Chapter 25.

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

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

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