Assessment of Environmental Effects

Resource Consent Application For Earthworks

Tahuna Future Investments Limited

193 Fernhill Road, Fernhill, Queenstown

February 2026

SPG SOUTHERN PLANNING GROUP

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1 The Applicant and Property Details

To:	Queenstown Lakes District Council
Applicant:	Tahuna Future Investments Limited
Site Address:	193 Fernhill Road, Fernhill, Queenstown
Address for Service:	Tahuna Future Investments Limited C/- Southern Planning Group PO Box 1081 Queenstown, 9348 **sean@southernplanning.co.nz** Attention: Sean Dent
Legal Description:	Lot 34 Deposited Plan 11401, held in Record of Title OT2D/1489.
Site Area:	1,055m^2 (more or less)
Operative District Plan Zone:	Low Density Residential.
Proposed District Plan Zone:	Lower Density Suburban Residential
Proposed UIV Zone:	Suburban Residential Zone
Brief Description of Proposal:	Resource consent is sought to undertake earthworks that breach standards regarding maximum height of cut and height of retaining in proximity to the site boundaries.

Appendices

Appendix [A] Site Location Plan

Appendix [B] Record of Title

Appendix [C] Architectural and Earthworks Plans

Appendix [D] Geotechnical Advice

Appendix [E] Enviroscope EMP

Appendix [F]1 Affected Party Approval 191A Fernhill Road

Appendix [F]2 Affected Party Approval 191 Fernhill Road

Appendix [F]3 Affected Party Approval 181A Fernhill Road

Appendix [F]4 Affected Party Approval 181B Fernhill Road



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Sean Dent
DIRECTOR
SOUTHERN PLANNING GROUP

February 2026

2 Executive Summary

The applicant applies for land use consent to undertake earthworks to facilitate the construction of a residential flat on the site located at 193 Fernhill Road, Fernhill, Queenstown.

The proposed earthworks that require resource consent are associated with both the construction of the residential flat itself as well as the establishment of a parking and rubbish bin storage area for the flat and modifications of the existing parking area for the existing residential unit.

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**) and within the Suburban Residential Zone under the Urban Intensification Variation (**UIV**).

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 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 193 Fernhill Road, Fernhill, Queenstown. The subject site is generally rectangular in shape. The site is accessed off Fernhill Road via a leg in access lane and a ROW Easement.

The site is moderately sloping toward the south/southwest and contains an existing two storey residential unit.

The 1,055m^2 site obtains views over Lake Wakatipu to the Remarkables and Cecil and Walter Peaks.

The site is legally described as Lot 34 DP 114011 and is held in Record of Title OT2D/1489. A site location plan is contained at **Appendix [A],** and a copy of the Record of Title is contained within **Appendix [B]**.

3.2 Legal Documents

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

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

3.3 Receiving Environment

The wider area comprises a mixture of a developed low density residential environment and one vacant site immediately south (21 Richards Park Lane) which is yet to be built on. The housing typology is a mixture of multi-unit developments, duplex units, and single residential units with associated residential flats and accessory buildings.

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

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

4 Resource Management Planning Background

There is no relevant resource management planning background for the site. As discussed above, there is an existing residential unit on the site. This is understood to have been constructed in 1990's.

The applicant has sought building consent for the proposed residential flat that is at the crux of this resource consent application. The building consent application is referenced BC251593.

The building consent has been issued with a Section 37 Certificate as it is alleged that the building will breach PDP Rules 7.4.8 and 25.5.18. The earthworks rule trigger 25.5.18 is being addressed by this resource consent application.

The reason that Rule 7.4.8 is alleged to be breached is that the existing residential unit contains a kitchen in one of the rooms in the lower level. Accordingly, in its current configuration, the existing building is considered to be a Residential Unit and a Residential Flat. Accordingly, the building at the centre of this application would have to be defined as a second residential unit.

As the net area of the site (excluding the access and any strip of land less than 6m in width) would be less than 900m^2, a Restricted Discretionary Activity Consent would be required for a second residential unit (along with associated DCN's and rates increases).

The applicant purchased the existing residential unit in 2024 with the kitchen already installed within the lower level of the building.

It is not their intention to have both a residential flat and a second residential unit on the subject site. Accordingly, it is proposed that the second kitchen in the lower level of the residential unit will be removed prior to occupation of the new proposed residential building thus, this will be defined as a permitted residential flat.

This will be discussed in more detail below.

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

5 Description of the Proposal

5.1 Overview

As outlined above, the applicants propose to construct a new residential building on the subject site. Subject to the volunteered removal of the second kitchen in the lower level of the residential unit, this new building will be a permitted residential flat.

The proposed earthworks to construct this new residential flat result in breaches of the maximum height of cut and the maximum height for retaining walls adjacent to the property boundaries.

Full details of the proposal are described below:

5.2 Proposed Built Form

The proposed building works that will occur on the subject site are as follows:

Existing Residential Unit

The applicants propose an 18m^2 deck extension on the northwestern corner of the existing residential unit. The deck extension does not trigger any resource consents under the PDP.

As outlined above, the applicant purchased the property with the existing residential unit containing a second kitchen. In their ownership, this area has never been used as a residential flat. Rather, it has been used as a convenient drinks preparation area when using the spa pool outside.

Regardless of the applicant's legitimate use of the second kitchen as part and parcel of a single residential activity, they have volunteered the complete removal of this second kitchen to avoid any debate/conflict over the status of the new residential building being a residential flat.

Accordingly, the removal of the second kitchen from the existing residential unit is identified on the DK Architecture Plans in **Appendix [C]**.

Proposed Residential Building

As identified above, the applicant is volunteering the removal of the second kitchen in the residential unit prior to occupation of the new residential building. As such, this new residential building will be defined as a residential flat and is hereinafter in this application referred to as such.

The proposed residential flat will have an area of 69.8m^2. A 29m^2 deck is also proposed off the eastern elevation of the proposed flat. As the proposed deck is less than 1m above ground level (940mm maximum height[1]) it is not defined as a building and does not count toward the total floor area calculation for a residential flat.

The proposed residential flat has a maximum height above original ground level of 4.1m measured on the northeast elevation.

Exterior cladding will comprise double glazed aluminium window/door joinery, vertical cedar weatherboards, 5 RIB vertical coloursteel cladding, and the north and western wall will comprise a block retaining wall. The roof will comprise 5 RIB coloursteel and coloursteel box spouting and fascia.

Internally, the proposed residential flat will contain a double bedroom with a walk-in wardrobe and ensuite bathroom with laundry, open plan kitchen and dining and a separate office space.

All proposed building works are illustrated on the architectural plans contained in **Appendix [C]**.

Total Building Coverage and Permeable Landscape Coverage

DK Architecture has assessed the sites total building coverage taking into consideration the new building elements and confirms that the total building coverage will be 34% and thus easily complies with the maximum of 40% allowed for by the zoning.

In terms of permeable landscape coverage, taking into account the new built form, the proposal results in a permeable area of 49% and thus easily exceeds the minimum 30% area required by the zoning.

5.3 Proposed Earthworks

The proposed earthworks are illustrated in the architectural plan package in **Appendix [C]**. Specifically, the following earthworks are proposed:

- Cut volume = 150m^3
- Fill volume = 40m^3
- Total earthworks volume = 190m^3

- Maximum depth of fill = 0.8m
- Maximum height of cut = 2.5m

[1] E-mail from Mitchell Wilson, Architectural Technician, DK Architecture Limited, 14.01.2026

The earthworks calculated by DK Architecture demonstrate that there will be compliance with the PDP Standards for total volume (300m^3), maximum depth of fill (2.4m), and volume of material to be trucked on or off site by road (300m^3).

However, the proposal breaches the Standard for maximum height of cut (2.4m) by 100mm with a maximum cut height of 2.5m. This maximum cut height will be located at the rear of the proposed residential unit and almost centrally within the site.

In addition to the works outlined above, the construction of the retaining walls to facilitate development of the proposed carparking and manoeuvring area with associated bin storage, pedestrian steps, and improvement of the existing car park will result in retaining walls along the sites northern and eastern boundaries that are greater than 0.5m in height and which are not setback from the boundary the same distance as their height.

A geotechnical assessment of the site and proposed earthworks has been undertaken by Geotago. Cuts for the residential flat are expected to be in schist bedrock but excavations up to 2m in depth are anticipated to be achievable with a standard 5t tracked excavator[2] and minimal rock breaking at the lowest level possibly being required.

Geotago's report also comments on the retaining wall requirements in Section 7.10 and these have been incorporated into the retaining wall designs in the DK Architecture Plans.

A full copy of the Geotago Geotechnical Assessment Report is contained in **Appendix [D]**.

5.4 Proposed Erosion and Sediment Controls

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

The applicant has engaged Enviroscope to prepare an EMP. This document is contained in **Appendix [E]**. The erosion and sediment controls are illustrated in plan form on page 45 of the EMP.

5.5 Affected Persons

Due to the location of the retaining walls proposed along the northeastern and northern boundaries of the site, the applicant has consulted with and obtained affected party approval from:

[2] Geotago Geotechnical Assessment Report Section 7.5, paragraph 5, page 11, dated 30 May 2025

- 191A Fernhill Road – Kate Danaher, Ruaidhri Marcus de Faoite and Jeremy Salt;

  and

- 181A Fernhill Road – Peter Old, Hilary, and Robert Romauch.

Copies of these affected party approvals are contained in **Appendix [F]1** to **[F]4**.

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 25 – Earthworks

- A **Restricted Discretionary** Activity Consent pursuant to Standard 25.5.15 whereby the proposed earthworks will exceed the maximum cut height of 2.4m. The maximum height of cut will be 2.5m.

- A **Restricted Discretionary Activity Consent** pursuant to Standard 25.5.18.2 whereby the earthworks supported by retaining walls which are greater than 0.5m in height, are not setback from the internal boundaries a distance equal to the height of the proposed retaining walls.

6.3 Urban Intensification Variation

No Rules that have legal effect under the Council's UIV are considered to be triggered by this proposal.

6.4 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.

6.5 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 Proposed Earthworks and Retaining on Stability
- Effects of Proposed Earthworks in terms of Erosion and Sediment Controls

7.1 Permitted Baseline

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

In this case, the permitted baseline for earthworks includes:

- Earthworks up to 300m^3 in volume
- Earthworks with a maximum cut height of 2.4m
- Earthworks with a maximum fill depth of 2.0m
- Earthworks with no more than 300m^3 of clean fill transported by road
- Earthworks and retaining that are the same distance from the site boundary as the maximum height of cut or fill (or retaining) other than cut and fill up to 0.5m

In this case, the proposed earthworks are considerably less than the maximum permitted volume at only 190m^3. Similarly, the amount of clean fill transported by road will be 110m^3 and well below the 300m^3 permitted volume.

The maximum depth of fill is 0.8m so again, substantially below the 2.0m permitted fill depth allowed in the PDP.

The maximum depth of cut is 2.4m and the applicant proposes to breach this by 100mm for a maximum cut height of 2.5m. This is considered a negligible difference from the Permitted Baseline.

The only area where the Permitted Baseline is significantly exceeded is regarding the proposed retaining walls. The retaining walls along the internal boundaries will exceed 0.5m in height.

The retaining walls for the driveway/parking area (referenced RD1 and RD2) will have heights of 1.6m to 2.4m on the boundary. The retaining walls for the pedestrian steps (referenced RL1 and RL2) will be 2.0m – 2.2m and 1.322m from the eastern boundary.

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

7.2 Alternative locations or methods

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

7.3 Assessment of the actual and potential effects

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

- Effects of Proposed Earthworks and Retaining on Stability
- Effects of Proposed Earthworks in terms of Erosion and Sediment Controls

7.3.1 Effects of the Proposed Earthworks on Stability

The proposed earthworks and site conditions have been assessed by Geotago. Geotago provide a general conclusion that:

> *"Based on our ground model developed for the site, we are of the opinion that the site is generally suitable for the proposed scheme as described in Section 1.2"*

The Geotechnical Assessment report which is contained in **Appendix [D]** does not raise any concerns regarding site instability nor exacerbation of such as a result of the proposed earthworks and development.

No natural hazards, including liquefaction or water have been identified as potential issues on the site.

The report notes that retaining walls greater than 1.5m in height or which support surcharged loads including sloping ground or structure/traffic loads or where there is potential for wall failure to affect stability of neighbouring structures, retaining walls will need to be engineered.

Conditions of consent are anticipated requiring the provision of engineering design certificates for the retaining walls to meet these requirements.

Importantly, the Geotago report was submitted with the Building Consent application and has been accepted with the Building Consent BC251593 having been issued by QLDC.

Further, a Producer Statement – PS1 Design was submitted with the building consent application prepared by Structural design Solutions Limited for the new building and retaining walls.

Based on the expert advice of the geotechnical and structural engineers, it is considered that the potential adverse effects of the earthworks and retaining on stability both on and adjacent to the subject site will be less than minor.

7.3.3 The Effects of Earthworks on Erosion and Sedimentation

As noted above, there is a considerable Permitted Baseline for the earthworks. The total volume proposed is 110m^3 below the trigger of consent for volume in the PDP and is similarly 190m^3 less than maximum volume that can be transported by road.

Notwithstanding that there are only two minor breaches of earthworks standards that relate to cut and retaining heights (stability considerations), the applicant has engaged Enviroscope and received a professional EMP with erosion and sediment controls appropriate to the scale of development on the site.

Accordingly, it is considered that temporary effects of dust, erosion, and sedimentation will all be appropriately managed and contained on site such and in accordance with QLDC standard EMP conditions that the effects will be de-minimus.

7.3.5 Assessment Summary

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

7.4 Hazardous substances

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

7.5 Discharge of contaminants

The proposal does not include the discharge of any contaminant.

7.6 Mitigation measures

Aside from the imposition of standard conditions of consent for EMP's, and conditions requiring the design and construction of the retaining walls in accordance with Geotago report and engineering producer statements it is considered that no further mitigation measures are required for the proposal.

7.7 Identification of interested or affected persons

As outlined in Section 5.5 of the AEE, affected party approval has been obtained from the following parties:

- 191A Fernhill Road – Kate Danaher, Ruaidhri Marcus de Faoite and Jeremy Salt;

  and

- 181A Fernhill Road – Peter Old, Hilary, and Robert Romauch.

Copies of these affected party approvals are contained in **Appendix [F]1** to **[F]4**.

Any potential effects on these parties can therefore be fully disregarded.

7.8 Monitoring

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

7.9 Customary rights

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

8 Notification

Public and limited notification matters of consideration are detailed below.

8.1 Section 95A: Public Notification

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

Step 1: Mandatory public notification in certain circumstances

The following matters are noted:

- The applicant is not requesting public notification of the proposal (Section 94A(3)(a)).

- Provided a further information is reasonable, the applicant is unlikely to refuse to provide information or refuse the commissioning of a report under Section 92(2)(b) of the Act (Section 95A(3)(b)).

- The application does not seek to exchange recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c)).

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

Step 2: Public notification precluded in certain circumstances

The following matters are noted:

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

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

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

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

The following matters are noted:

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

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

Step 4: Public notification in special circumstances

The following is noted:

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

8.2 Section 95B: Limited Notification

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

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

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

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

Limited notification is not precluded under Step 2, as:

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

- The proposal is not a controlled activity or a prescribed activity (Section 95B(6)(b).

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

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

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

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

Step 4: Further limited notification in special circumstances

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

9 Statutory Assessment

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

9.1 Operative District Plan

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

9.2 Proposed District Plan

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

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

These Chapters are addressed below:

9.2.1 Chapter 7 – Lower Density Suburban Residential Zone

The relevant provisions of Chapter 7 are outlined below:

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

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

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

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

This is because the proposed built form is compliant with the bulk and location and density standards of the PDP. As discussed above, subject to the volunteered removal of the second kitchen in the existing residential unit, the proposal will result in a built outcome of one residential unit and one residential flat which is anticipated by the zoning of the site and the PDP rules by virtue of the Permitted Activity status.

As noted above, neither the deck extensions to the existing residential unit or the proposed residential flat breach any building bulk and location standards and as a result there are no adverse effects regarding dominance, shading, or privacy effects on the adjacent properties that are not otherwise anticipated by the PDP.

The proposal is consistent with these provisions.

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

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 is consistent with these provisions and particularly Policy 7.2.6.1. Specifically, the bulk of the reasons for earthworks consent being triggered relate to the proposed earthworks and retaining on site to provide a secondary vehicle parking and manoeuvring area for the proposed residential unit and improve the parking and manoeuvring area for the two existing car parks for the residential unit.

These modifications ensure that a total of three carparks are provided on site when none are technically required and that manoeuvring space exists so that all parked vehicles can enter and exit the site via the ROW and vehicle crossing to Fernhill Road in a forward manner.

This ensures that the proposal optimises safety and efficiency of the road network and minimises impacts on on-street vehicle parking by providing for an appropriate number of on-site parks.

The proposal will connect to reticulated services, and this will be addressed through the building consent process. The proposed development does not exceed the anticipated density for this site and therefore services capacity is not considered to be an issue.

9.2.2 Chapter 25 – Earthworks

The relevant provisions of Chapter 25 are outlined below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As detailed in the AEE, the earthworks are particularly modest in terms of overall volume and area and largely within all Permitted Baseline thresholds excluding the minor cut height breach and the retaining on the boundary.

The earthworks have been assessed by a Geotechnical professional and affected party approvals from the adjacent neighbours affected by the boundary retaining have been provided.

Further, and acknowledging the EMP prepared by Enviroscope will be implemented and complied with, there will be no adverse effects beyond the site boundaries, or any internal or external instability and the proposal will be consistent with these Objectives and Policies.

10 Section 104 of the Act

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

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a plan or proposed plan;
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

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

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

11 Purpose and Principles of the Act

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

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

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

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

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

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

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

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

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

(i) the effects of climate change:

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

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

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

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

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

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