Unity Planning
RESOURCE MANAGEMENT CONSULTANTS

Assessment of Effects on the Environment



Peter Andrew Saxton, Kelly-Ann Urututu Saxton and Saxmo Trustees Limited

8 Frogmore Lane, Dalefield, Queenstown

Land use resource consent under Section 88 (1) of the Resource Management Act 1991 for a dwelling and water tanks which encroach outside of an approved building platform and into a boundary setbacks, and which do not comply with external colour requirements. The proposal also includes associated earthworks, and

A change to consent notice conditions under Section 221(3) of the Resource Management Act 1991

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Resource consent application prepared for

Peter Andrew Saxton, Kelly-Ann Urututu Saxton and Saxmo Trustees Limited

Document date:	March 2026
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1.0 INTRODUCTION

1.1 This Assessment of Effects on the Environment (AEE) is provided in accordance with the requirements of Section 88 (2) of the Resource Management Act 1991 (the Act). It is prepared to enable the AEE to be adopted.

1.2 Peter Andrew Saxton, Kelly-Ann Urututu Saxton and Saxmo Trustees Limited, the "applicant", apply for the following resource consents under Section 88 (1) of the Act:

- Land use consent under Section 88 (1) of the Act to construct a dwelling and water tanks that encroach outside of an approved building platform (BP) and into boundary setbacks, and which do not comply with external colour requirements. The proposal also includes associated earthworks, and;

- Consent under Section 221(3) of the Act to change conditions of a consent notice relating to the building outside of the BP and to make changes to the certified landscape plan.

1.3 Section 88 of the Resource Management Act 1991 ('the Act') sets out the particular requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:

> "*an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment*".

1.4 Section 221 (3A) of the Act states that:

> "*Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection 221(3).*

1.5 The following assessment of environmental effects is made in accordance with these requirements.

2.0 APPLICATION SITE AND LOCALITY DETAILS

2.1 The site is located at 8 Frogmore Lane, Queenstown. It is legally described as Lot 1 Deposited Plan 616071, held in Record of Title (RT) 1232541. A copy of the RT is attached as **Appendix A**. The site has an area of 7978m^2 more or less.

2.2 Access to the site is via Frogmore Lane which is a private right of way constructed at the time of a previous subdivision. The Frogmore Lane right of way runs through the site along the northeastern internal boundary and is accessed off legal road, being Littles Road. Figure 1 provides an aerial view of the site.



Figure 1. Aerial view of site and surrounds (Note the aerial does not show that a dwelling has been constructed at 14 Littles Road as seen in Figure. 2 below)

2.3 An existing vehicle crossing from Frogmore Lane, constructed at the time of subdivision, is located at the northeast boundary of the site (Refer to Figure 2 below).



Figure 2. Existing vehicle crossing to site from Frogmore Lane

2.4 The site is mostly flat and level towards Frogmore Lane and Littles Road, with a hillslope rising up to the neighbouring property at 252 Littles Road along the western site boundary. 252 Littles Road is elevated several meters above the application site and contains a rural living development of one dwelling as seen in Figure 2 above. Similarly, a hillslope rises up to the neighbouring property, 28 Frogmore Lane, along the southeastern site boundary. 28 Frogmore Lane is also elevated several meters above the application site and contains a rural living development including a dwelling.

2.5 The approved BP is on a more or less level area of the southern end of the site, contained by the hillslopes and established structural landscaping along the southern and western boundaries and to the norther of the BP. Refer to Figure 3 below.



Figure 3. General location of building platform with structural planting in foreground and along boundary with 28 Frogmore Lane

2.6 The immediately adjacent neighbouring properties comprise rural living lots of the Little Stream residential development each with established BP's or dwellings which reflect the rural lifestyle nature of this area.

2.7 The site is zoned Rural General (Visual Amenity Landscape classification) under the Operative Queenstown Lakes District Plan (ODP) and is within the Wakatipu Basin Lifestyle Precinct (the Lifestyle Precinct) sub zone of the Wakatipu Basin Rural Amenity zone (WBRAZ) under the Proposed Queenstown Lakes District Plan (PDP). The site is located outside of the Lake Hayes Catchment overlay. Refer to Figure 4 below which shows the zoning of the site and surrounds.

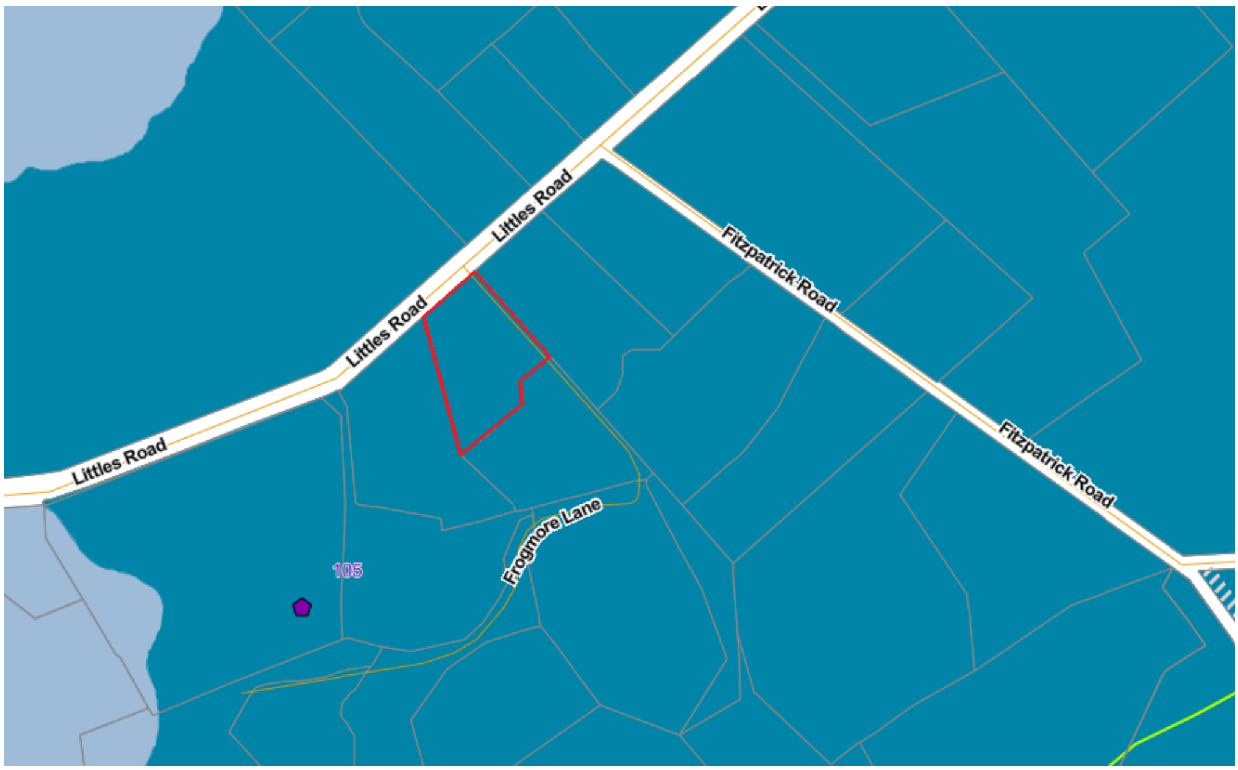


Figure 4. PDP zoning of application site (red outline) and surrounds – Dark Blue; WBLP; Light Blue; WBRAZ

Resource Management History

2.8 The site and BP were created through subdivision resource consent RM240163 which was approved on a non-notified basis on 14 November 2024 to subdivide Lot 21 DP 489082 of the Littles Stream subdivision into two lots. Lot 21 was a rural living lot with an approved BP. RM240163 then approved the subdivision of this lot with the creation of the application site, being Lot 1 of RM240163, and the BP on site. The original BP on Lot 21 was contained within Lot 2 of RM240163, now 28 Frogmore Lane.

2.9 Consent Notice (CN) 13381168.3 was registered in the RT of the site through RM240163. A copy of CN 13381168.3 is attached as **Appendix B**. A review of the proposal against the relevant conditions of CN 13381168.3 is attached as **Appendix C**.

2.10 There are also a number of land covenants registered on the RT. However, these are private covenants that the Council are not a party to. A copy of these documents is provided as **Appendix D to F**.

3.0 THE PROPOSAL

3.1 It is proposed to construct a single level residential dwelling comprising a 3-bedroom residential unit and a 2-bedroom residential flat with associated earthworks and access. The proposal also requires a change to conditions of CN13381168.3 as part of the building is located outside of the BP, three water tanks are located outside of the BP, and minor adjustments to the approved landscape plan are required. The application plans are attached as **Appendix G**.

Land Use Consent

Buildings

3.2 The dwelling is a single-story building comprising two attached wings, one containing the 3-bedroom residential unit and one containing the 2-bedroom residential float. The residential flat has a floor area of less than 150m^2 as required for residential flats in the zone.

3.3 The building will sit well under the 6.5m height limit (less than 4,5m in height) and is mostly contained with the approved BP. The building encroaches outside of the BP off the eastern side by between 5.05m and 6.9m for a length of 9.37m and off the northwestern side by between 1.95m and 5.90m for a length of 23.25m.

3.4 The external building materials for the dwelling are detailed on Sheet A501. The roof cladding, metal tray wall cladding, window and door joinery, doors, gutters, downpipes and facia will be coloured black. The cedar weatherboard wall cladding will be stained Drydens Wood Oil, 'Midnight'.

3.5 Three plastic water tanks are proposed on site which are not located within the BP. Two 25,000L tanks are proposed for the purpose of a static fire fighting water reserve. These tanks are located off the south side of the driveway to the dwelling. A 25,000L tank is required under the consent notice to capture and attenuate stormwater. This tank will be located by the firefighting water tanks. All tanks will be coloured Karaka green.

Boundary Setbacks

3.6 The site has a road boundary with Littles Road, where a 75m building setback applies, except in relation to buildings located within the BP. The 75m setback does not apply to the part of the building within the BP.

3.7 However, the setback applies to any part of the building that encroaches outside of the building platform. The northwestern boundary of the building platform is located 75m from the road boundary with Littles Road. Therefore, the parts of the building outside of the building platform on the northwestern side are setback less than 75m from Littles Road. A minimum setback of 69.1m is proposed.

3.8 Frogmore Lane is not defined as a road as it is a private right of way and therefore the 75m setback does not apply to Frogmore Lane.

3.9 The three water tanks will be located to the southwest of the vehicle maneuvering area adjacent to the dwelling. The three tanks are located within the 10m boundary setbacks from the southern boundary and the western boundary.

Provision of water supply, sewage treatment and disposal, electricity and telecommunication services

3.10 There are existing private services provided to the subdivision being reticulated water supply power and telecommunication services, which the development will connect to.

3.11 On-site wastewater disposal was deemed suitable for the site under the subdivision. Wastewater will be disposed of onsite and the details of the secondary treatment disposal system required will be provided as part of the building consent.

3.12 There is an existing effluent disposal field on site which previously had serviced the neighbouring residence on what is now 28 Frogmore Lane. A new effluent disposal system and disposal field to service 28 Frogmore Lane was established on that property in December 2025 by the applicant (who was the landowner at that time). As such, the disposal field on the application site is no longer used by 28 Frogmore Lane which enables the proposed dwelling to utilise the existing effluent disposal field on the application site.

3.13 As part of the engineering acceptance under subdivision RM240163 a stormwater disposal system was designed with a cut-off swale to divert stormwater away from the BP and the mitigation of any increase in post-development runoff. The swale was installed as part of the subdivision. A single 25,000L tank will collect runoff from the roof of the new house and will discharge it through a 20mm orifice outlet to the swale.

3.14 A static water storage of 45,000L in accordance with Rule 24.5.19 of the PDP will be provided in two 25,000L tanks for the purpose of a fire-fighting water supply.

Earthworks

3.15 The ground level over which development is proposed is relatively level, however some earthworks will be required to create a level buildable area for the dwelling foundations. Earthworks will also be required for the construction of the driveway.

3.16 A total earthworks volume of 520m^3 is proposed (260m^3 of fill and 260m^3 of cut) over an area of 1,400m^2. The maximum height of fill will be 1.1m and the maximum height of cut will be 0.7m.

3.17 An Earthworks Management Plan (EMP) has been provided as part of the application plans.

Access

3.18 Access to the site was established as part of the underlying subdivision. A gravel or chipseal driveway as required by the consent notice will be constructed from the vehicle crossing off Frogmore Lane, running in a northwesterly direction by the crescent shaped structural landscaping beds, then curving towards the building platform. The driveway will be positioned between landscaping and trees to avoid the removal of any existing landscaping. The driveway alignment has been chosen to avoid the hillside along the western boundary as well as landscaping implemented under the subdivision consent.

3.19 The new driveway will go through the existing stormwater swale but this can be reinstated along the western edge of the driveway when it is built. A condition of consent is volunteered to ensure this occurs.

> '*The stormwater swale shall be reinstated along the western edge of the driveway at the time the driveway is constructed and to the same specifications as originally constructed.*'

Landscaping

3.20 The structural landscaping under subdivision RM240163 was certified as completed as part of the subdivision. No change to the existing landscaping on site is proposed. However, the landscape plan is proposed to be slightly amended to remove reference to planting under previous application RM140712 and RM190018 which was never implemented and should not have been referenced on the RM240163 plan as existing. A copy of the current and revised landscape plans is attached as part of **Appendix H**.

3.21 Additional landscaping will be implemented, where required, to reduce visibility of the water tanks from outside of the lot as required by Condition 16 (r) of CN6121508.2. This condition requires the tanks to be either partly buried or landscaped to reduce visibility from outside the lot. A condition of consent is proposed to address this matter:

> '*Landscaping shall be implemented, where required, to reduce visibility from outside of the site of the three water tanks*.'

Change to Conditions of CN6121508.2

3.22 With reference to **Appendix C** (review of conditions of CN 13381168.3), it is proposed to change the following conditions of CN13381168.3 (added text bold underlined and deleted text struct-through) as they relate to Lot 1 DP 616071:

- **Condition 16**

  All buildings shall be contained within the Building Platform as shown as Covenant Area BA and BE as shown on Land Transfer Plan 616071~~.~~ ***with the exception of the buildings approved under RM26xxxx.***

  Reason: Refer to Appendix C.

- **Condition 16 i)**

  *All planting, existing trees and earth mounding shown on the Council certified subdivision landscape plan for resource consent RM240163 (Council certified landscape plan), must be maintained and irrigated in accordance with the plan****, except as varied by the revised Structural Landscape Plan approved under RM26xxxx****. If any plant or tree shall die, or become diseased, it shall be replaced within 12 months as per the plan. Any existing tree to be replaced and not identified in the plant schedule grades is to be replaced with a tree no less than 1.8m in height and 20mm calliper at time of planting, be only those species / cultivars / varieties of the trees listed on the planting plan and that are of a gree coloured foliage (allowing for changing autumn colours) and have a mature height exceeding 10m.*

  Reason: Refer to Appendix C.

3.23 All other conditions of CN13381168.3 will be complied with.

4.0 MATTERS REQUIRING RESOURCE CONSENT

Queenstown Lakes District Operative District Plan (ODP)

4.1 The application site is zoned Rural General (Visual Amenity Landscape classification) under the ODP.

4.2 The proposal does not require resource consent under the ODP as the appeals regarding the relevant rules of the ODP have been resolved. As such, the relevant provisions of the PDP are treated as operative and those of the ODP are treated as inoperative.

Queenstown Lakes District Proposed District Plan (PDP)

4.3 The application site is in the Lifestyle Precinct sub zone of the WBRAZ. The purpose of the zone is to maintain or enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities. The Lifestyle Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. These areas have a variety of existing lot sizes and patterns of development, with landscape character also varying across the Precinct. This includes existing vegetation, including shelterbelts, hedgerows and exotic amenity plantings, which characterise certain areas. Within the Precinct, sympathetically located and well-designed rural living development which achieves minimum and average lot sizes (and accords with any structure plan included in the Rural Amenity Zone), is anticipated, while still achieving the overall objectives of the Rural Amenity Zone.

4.4 Schedule 24.8 divides the Whakatipu Basin into 23 Landscape Character Units. Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design-leading response to those values. The application site is located within LCU02 - Fitzpatrick Basin.

4.5 The relevant provisions of the PDP that require consideration can be found in Chapters 3 (Strategic Directions), 24 (Wakatipu Basin), and 25 (Earthworks).

4.6 A PDP Rule Assessment Table is provided as **Appendix I**. Resource consent is required for the following reasons:

- A **controlled** activity under Rule 24.4.5.1 with respect to the construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent and registered on the applicable record of title. The proposed dwelling is largely within the approved BP.

  Control is reserved over:

  a. *Effects on landscape character associated with the bulk and external appearance of buildings;*
  b. *Access;*
  c. *Infrastructure;*
  d. *Landform modification, exterior lighting, landscaping and planting (existing and proposed).*

- A **non-complying** activity pursuant to Rule 24.4.7 with respect to the construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform. Parts of the dwelling and three water tanks will be located outside of the approved BP as outlined in the proposal details above.

- A **restricted discretionary** activity pursuant to Rule 24.5.2 building Material and Colours which requires that all exterior surfaces* must be coloured in the range of browns, greens or greys including;

  24.5.4.1 Pre-painted steel and all roofs must have a light reflectance value (LRV) not greater than 20%; and
  24.5.4.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.

  All materials will have an LRV of less than 20%. However, pre-painted steel and roofing will be coloured black, which is not in the range of greys, greens or browns as outlined in the proposal details above. In addition, the cedar weatherboards will be stained 'Midnight'. As this is a wood stain, the colour will come out with some grains of black while also reflecting the brown hue of the timber. As such the stain may not technically comply with this rule as Midnight is not within the range of greys, greens or browns.

  Council's discretion is in respect to the effects on landscape character associated with the bulk and external appearance of buildings; and visual prominence from both public places and private locations.

- A **restricted discretionary** pursuant to Rule 24.5.7 with respect to three water tanks located within the 10m building setback from internal boundaries as outlined in the proposal details. Council's discretion is in respect to building location, character, scale and form; external appearance including materials and colours, and landscape modification/planting (existing and proposed).

- A **restricted discretionary** pursuant to Rule 24.5.9 with respect to the 75m building setback from road boundaries as outlined in the proposal details. Council's discretion is in respect to building location, character, scale and form; external appearance including materials and colours, and landscaping planting (existing and proposed).

- A **restricted discretionary** activity resource consent, pursuant to Rule 25.5.4 as the maximum permitted volume of 400m^3 per is exceeded. The maximum total volume of earthworks proposed is 520m^3.

  For the earthworks rule breaches identified above, Council's discretion is restricted to the following matters;

  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

Change to Consent Notice Conditions

4.6 The change to conditions of the CN13381168.3 is a **discretionary** activity pursuant to section 221(3) of the Act.

Summary of Application Status

4.7 Overall, the proposal is a **non-complying** land use activity under the PDP.

4.8 In addition, this application is for all matters requiring resource consent under both the ODP and PDP, rather than for the specific list of consent matters / non-compliances identified above. The Council has the discretion to grant consent to matters that are additional or alternative to those specified in this AEE.

5.0 STATUTORY CONSIDERATIONS

Resource Management Act 1991 - s95-95E, s104, 104B and 104D

5.1 The following matters are noted in consideration of sections 95A-95E of the:

i. Public notification is not requested by the applicant;

ii. There are no special circumstances necessitating public notification;

5.2 As a non-complying activity, the provisions in sections 104, 104B and 104D direct the substantive determination of applications. These provisions are addressed below.

Purpose and Principles of the Act

5.3 The purpose of the Act, set out in Section 5, is to promote the sustainable management of natural and physical resources. This is defined as:

"*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

5.4 The broader principles of the Act are set out in sections 6 to 8. With respect to Section 6, the proposal does not affect any Matters of National Importance.

5.5 Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are addressed in the assessment below.

5.6 Section 8 requires the consent authority to consider the principles of the Treaty of Waitangi. The proposal does not offend any Treaty of Waitangi Principals.

5.7 The proposed development meets the purpose and principles of the Act.

Section 104 Matters

5.8 Subject to Part 2 of the Act, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;
(ii) Other regulations;
(iii) a national policy statement
(iv) a New Zealand coastal policy statement
(v) a regional policy statement or proposed regional policy statement
(vi) a plan or proposed plan; and

c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

5.9 The ODP, the PDP, the Partially Operative Otago Regional Policy Statement 2019, the Proposed Otago Regional Policy Statement and the National Policy Statement for Natural Hazards 2025 are matters relevant to the assessment. There are no other relevant standards, regulations or statements that require consideration.

5.10 Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect, otherwise referred to as the permitted baseline.

5.11 Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

5.12 Section 108 empowers the consent authority to impose conditions on a resource consent.

6.0 CONSULTATION

6.1 No consultation has been undertaken as there are no affected parties.

7.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

7.1 As a non-complying activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Despite the overall non-complying status of the application, the relevant assessment matters being those that apply to the construction of buildings for residential activity within an approved BP (Assessment Matters 2.4.73 to 24.7.6) the matters of discretion for earthworks listed, and the matters of discretion regarding the road boundary setback encroachment provide guidance as to the effects to be assessed. In addition, Clause 7(1), Schedule 4 of the Act provides guidance as to the types of effects that must be assessed as part of a resource consent application. These are outlined as follows:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including any landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

The Permitted Baseline and the Receiving Environment

7.2 Sections 95D(b) and 95E(2)(a) allow the adverse effects of activities permitted by the District Plan or an NES to be disregarded (the "permitted baseline").

7.3 In this case, all buildings in the zone require resource consent. Therefore, there are no permitted activities with respect to buildings.

7.4 A total volume of earthworks not exceeding 400m^2 falls under the permitted baseline for the site (including where up to 300m^3 of fill is imported to or from the site) where the maximum height of cut does not exceed 2.4m and the maximum height of fill does not exceed 2m. The effects of undertaking such earthworks can be disregarded as forming part of the permitted baseline. As such, the residual earthworks over the permitted baseline comprise only a volume of 120m^3, which over the large area of the site, is insignificant.

7.5 With reference to the matters with that must be assessed through Clause 7(1), Schedule 4 of the Act, the applicable PDP assessment matters, (Matters 24.7.3 to 24.7.6 and 24.7.15 of the PDP), matters of discretion as listed above under resource consents required, and the permitted baseline, the proposal is considered to result in the following actual or potential effects on the environment:

i. Landscape Character and External Appearance
ii. Infrastructure and Access
iii. Earthworks and Natural Hazards

Landscape character including external appearance associated with the bulk of the building, access, landform modification, exterior lighting, landscaping and planting

7.6 As outlined above, the site is located within LCU02 - Fitzpatrick Basin. The land uses identified for LCU02 are rural lifestyle/hobby farming type uses with rural residential evident, and larger lots that appear to be relatively unproductive (e.g. extensive gorse etc. evident). The application site falls under the former.

7.7 LCU02 is listed as having a high potential to absorb additional development with respect to land below the 440m contour, which applies to the application site. The relevant focus for the LCU is on integration of buildings with landform and/or planting, maintaining the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin, and maintaining a sense of openness in views from Littles Road and the north western and eastern ends of Fitzpatrick Road (that are currently relatively open in character) to the surrounding ONL mountain context.

7.8 The dwelling incorporates the colour black and a black toned wood stain. However, the Dryden's Midnight woodstain on cedar will effectively appear as a very dark brown tone, rather than black. While black does not fall under the range of greens, greys or browns, the external materials and colours will maintain a low reflectivity and will be viewed as a suitably recessive residential building in this rural living environment, where visible from outside of the site. With the building combining a blend of schist stone cladding, stained weatherboards and metal cladding, it will appear appropriate in the context of the characteristics of the immediate rural residential environment and the visual amenity and rural character will be maintained.

7.9 With respect to the encroachments outside of the BP, which includes a 69.1m road setback, the dwelling will still retain a sufficient setback from Littles Road and is a low profile building well under the 6.5m height limit. Given a separation distance of 69.1m is still achieved from Littles Road, and the low profile of the building, an encroachment of up to 5.9m outside of the BP towards the road will not be readily discernible from outside of the site. Partial screening and softening of the built form will also be assisted by the existing crescent shaped landscaping beds and four trees recently established on site between the BP and Littles Road. In addition, the encroaching façade of the dwelling which faces Littles Road is the north elevation. Any potential dominance of the building will be further mitigated by the building design which incorporates steps in the façade, and the use of variable claddings which assist to break up the bulk of the building, minimizing any potential effect due to dominance. The encroachments towards Littles Road do not adversely affect any immediate neighbouring properties as any effects will be adequately mitigated by maintaining an appropriate separation distance and/or separation by topography.

7.10 The second encroachment out of the BP towards the eastern side of the platform comprises a smaller area of the building. This encroachments is in the vicinity of the boundary with 28 Frogmore Lane, but complies with the minimum 10m setback from the boundary. In addition, the length of the building that encroaches out of the platform is limited to only 6.59m, of a total boundary length with this neighbour of 115m. Most of the building is setback well beyond the 10m setback with this neighbour, and together with the low building height, the breaks in building facades, the recessive external appearance and the separating/partial screening function of topography and established trees, overall, the adverse effects on 28 Frogmore Lane will be mitigated to a less than minor degree.

7.11 When viewed from Frogmore Lane and properties beyond to the east, where the separation distance increases, the mitigating factors above (other than topography) will ensure that there are no adverse effects resulting from the proposal.

7.12 The three 25,000L water tanks within the internal boundary setbacks will be well contained by topography, landscaping and the construction of the dwelling, when completed. The use of

Karaka green will assist the structures to be recessive in the surrounding environment. A condition of consent is also proposed to provide landscaping for the tanks to reduce visual prominence. The above will ensure that visual effects of the water tanks are appropriately mitigated to a less than minor degree.

7.13 Overall, despite the encroachments outside of the BP, the development is designed and located such that it will not appear over-dominant in the context of anticipated development within the BP, particularly in consideration of an alternative design of a building 6.5m in height. Overall, the dwelling and water tanks will appear in keeping with the character and amenity values of the surrounding rural residential landscape unit, when viewed from outside of the site.

7.14 Due to the mitigating factors discussed above, the proposal will result in less than minor adverse effects on the environment and people with respect to landscape character and visual amenity.

7.15 There are no ONLs and ONFs in proximity to the site that would potentially be affected by development on the lot. As such any adverse effects on ONF's or ONL's will be adequately avoided.

7.16 Existing vegetation patterns will be maintained, with the *Open Space Area* (refer to landscape plan) on site being maintained as is. The alignment of the driveway has been designed to complement the arrangement of landscaping beds and trees established on site moving around the beds to avoid the removal of any existing plantings. While planting on the approved subdivision landscape plan has been removed as part of this proposal, these areas are referenced as existing plantings and approved under historic subdivisions with respect to prior subdivision and mitigation of the effects of a building platform on 28 Frogmore Lane. These plantings, some of which encroach into the approved BP were not in place at the time RM240163 and the structural landscape plan were approved/signed off. As such it is not known why they are still referenced on the plan.

7.17 As the areas of development within the site are relatively flat, modification of the landform will be very limited and within that anticipated to occur to facilitate anticipated development of the rural living property. All exposed earthworks will either be built upon or re-grassed to ensure that the visual effects of the modification of the landform will be adequately remedied or mitigated.

7.18 No external lighting is proposed as this stage in the development. Any external lighting will be that typically required for lighting of building entrances and outdoor living spaces and will comply with Condition 16 (m) of CN13381168.3 which appropriately addresses external lighting. If required, a condition of consent can be imposed to ensure that any external lighting is appropriate in the context of the rural living area and complies with the relevant consent notice condition.

7.19 The factors discussed above will ensure appropriate mitigation of any adverse effects of the proposal on visual amenity or the character of the LCU such that the effects on the environment and people will be less than minor.

Infrastructure and Access

7.20 The proposed development will provide adequate access, water supply, power and telecommunication connections, all of which were provided to the lot at the time of subdivision.

7.21 On-site wastewater and stormwater disposal was approved for the lot under RM240163. As such the design of the systems will be adequately addressed as part of the building consent process. The matter of stormwater management is further discussed under natural hazards below.

7.22 A static water supply of 45,000L for the purpose of firefighting will be provided in accordance with Rule 24.5.19 of the PDP. The firefighting water supply tanks will be located close to the vehicle maneuvering area adjacent to the dwelling so that access to a suitable connection point is available off the proposed driveway.

Earthworks and Natural Hazards

Soil erosion, generation and run-off of sediment:

7.23 The earthworks proposed over the permitted baseline are limited to a volume of 120m^3. All earthworks are well within maximum cut and fill heights permitted and sufficiently setback from neighbouring boundaries such that no land stability effects on neighbours will result due to excavations or fill. Any fill on which buildings will be founded will be required to be engineered certified fill, addressed through the building consent.

7.24 The proposed earthworks have a functional aspect providing for the construction of a residential dwelling and an associated driveway on a lot approved for residential development.

7.25 An EMP is provided which is adequate to ensure that the earthworks phase of the development is appropriately managed, including erosion and sediment control, and dust suppression.

7.26 There are no known sites of cultural or archaeological value on site. If required, the Council can impose a condition of consent to ensure accidental discovery protocol is adhered to in the unlikely event that any unknown sites or items are discovered.

7.27 With respect to natural hazards, the lot and building platform were created through subdivision RM240163 under which the effects of natural hazard risk were assessed subject to Section 106 of the Act. Under the subdivision the provision of stormwater management and secondary flow paths to contain overland flows in the critical 1% AEP storm event was required and provided. As part of this, a minimum floor level for buildings was imposed and subject to a consent notice condition. The building complies with the required minimum floor level. In addition, a pre-development overland flow path through the building platform was required to be diverted via a constructed stormwater diversion swale. Roof stormwater will be captured to be directed to a 25,000L water storage tank (located close to the static fire fighting reserve tanks) which will discharge into the stormwater diversion swale (required by Condition 16 (c) (Page 6) of CN13381168.3.

7.28 No other natural hazards of significance were identified on site, subject to the design of the building foundation solution. Condition 16 (a)(Page 6) of CN13381168.3 require the foundations of the buildings to be subject to engineer design, which is a matter that is required to be addressed through the building consent process.

7.29 With reference to the above, adverse effects related to earthworks and natural hazards can be adequately avoided, remedied or mitigation to a less than minor degree.

Summary of Adverse Effects on the Environment and Persons

7.30 Given the above, any adverse effects on the environment and persons will be less than minor. Where the adverse effects on a person/party are less than minor, those persons/parties are not considered an affected party. Therefore, there are no affected parties with respect to this application.

8.0 SECTION 95 NOTIFICATION

Public Notification

8.1 Pursuant to s95A(1), a consent authority must follow the steps set out in s95A to determine whether to publicly notify an application.

8.2 In terms of s95A(3), the applicant does not request the application be publicly notified, public notification is not required pursuant to s95C and the application is not made jointly with an application to exchange recreation reserve land.

8.3 In terms of s95A(8), the assessment above concludes that the proposal will not have more than minor adverse effects on the environment.

8.4 There are no rules or national environmental standard that requires public notification.

8.5 The proposal is not considered to have "special circumstances".

8.6 Overall, it is concluded that the potential adverse effects of the proposal on the environment are not more than minor and therefore public notification is not required.

Limited Notification

8.7 Pursuant to s95B(1), a consent authority must follow the steps set out in s95B to determine whether to limited notify an application.

8.8 Adverse effects on persons can be appropriately avoided, remedied or mitigated to a less than minor degree. Therefore, limited notification is not required in this case.

8.9 Section 95B(2) to 95B(7) is not applicable to this application.

9.0 OBJECTIVES AND POLICIES – SECTION 104(1)(B)

Relevant District Plans

9.1 In accordance with section 104(1)(b) of the Act, the application has been assessed against the relevant objectives and policies of the ODP and PDP.

Operative District Plan

9.2 The relevant objectives and policies are contained within Section 4 (District Wide Issues) and Section 5 (Rural) the ODP. The relevant provisions of the PDP are now treated as operative and previous ODP provides are treated as inoperative. The proposal no longer requires consent under the provisions of the ODP. As such, the objectives and policies of the ODP hold little weight. However, for the purposes of the assessment, a brief assessment of the relevant objectives and policies of the ODP is provided below.

9.3 The relevant objectives and policies contained within Section 4 (District-wide Issues) and Section 5 (Rural Areas) are generally aligned in that they seek to ensure land use and development is undertaken in a manner which avoids, remedies, or mitigates adverse effects on landscape and visual amenity values.

9.4 With reference to the assessment of effect above, the proposal is considered appropriate and will not undermine landscape and visual amenity values, and is considered to be consistent with, and therefore not contrary to, the relevant objectives and policies of Sections 4 and 5.

Summary of ODP Provisions

9.5 In conclusion, the proposal is not contrary to the relevant objectives and policies of the ODP.

Proposed District Plan

9.5 The relevant objectives and policies of the PDP are contained in Chapter 3 (Strategic Directions), Chapter 24 (Wakatipu Basin) and Chapter 25 (Earthworks).

Chapter 3 – Strategic Direction

9.6 Chapter 3 sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities. The principal role of Chapter 3 is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. The proposal is consistent with, and therefore not contrary to, the relevant landscape-based objectives and policies of Chapter 3, with specific regard to maintaining the landscape characteristics and visual amenity values of the subject landscape character unit and the Wakatipu Basin as a whole.

9.7 With respect to Strategic Objective 3.2.1, 3.2.1.9 and 3.2.9.1, the proposal will contribute to the development of a prosperous, resilient and equitable economy in the District. The proposal will not impact the ability for diversification of land use in rural areas beyond traditional activities, and will ensure that there will be no impact on any Outstanding Natural Landscape or Feature, significant nature conservation values or Ngāi Tahu values. The infrastructure to meet the need of with the proposed development will be implemented in accordance with Council standards (Strategic Objective 3.2.9.1) as anticipated by the underlying subdivision.

9.8 With respect to Strategic Objectives 3.2.4 and 3.2.4.1-3.2.4.5, and associated strategic policies, the development will sustain the life supporting capacity of air, water, soil and ecosystems. Biodiversity and water quality will be maintained.

Chapter 24 – Wakatipu Basin

9.9 This chapter applies to the WBRAZ and its sub-zone, Lifestyle Precinct. As addressed previously, the development proposed is within the part of the site which is within LCU02 (Fitzpatrick Basin).

Objective 24.2.1 – Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.

9.10 The site is located LCU02 which is identified as having a high capability to absorb additional development at elevations below 440m, which the site falls within. It is recognised that the unit is predominantly made up of a mix of rural lifestyle/hobby farming type uses, with rural residential evidence and larger lots that appear relatively unproductive. Policies 24.2.1.2 to 24.2.1.5 do not apply to the site as LCU02 is not listed in these provisions, and it has a high capacity to absorb change. The relevant policies are addressed below.

24.2.1.6 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.

9.11 As outlined in the assessment of effects on the environment, the proposed development very limited modification of the landform to a level that would be considered appropriate to enable anticipated development on the lot. Inappropriate modification of the natural landform is avoided as no development is proposed into the hillsides of the site which more or less mark the periphery of the site to the south and to the west.

24.2.1.7 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.

9.12 The development is proposed within LCU02. For the reasons detailed in the assessment of effects on the environment, the proposal is considered to maintain the landscape character and visual amenity values of LCU02.

24.2.1.8 Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:

a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements.

9.13 With reference to the assessment of effects on the environment, the low building height, recessive external building materials and colours, and the form and location of the development is appropriate and at a density anticipated by the PDP, such that the development will maintain the landscape character and visual amenity values in LCU02 and the wider Wakatipu Basin.

24.2.1.9 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.

9.14 As outlined in the assessment of effects on the environment, the building will maintain landscape and visual amenity values due to the containment of built form by topography, appropriate design and external appearance and the maintenance of landscaping to provide some screening. The development is not adjacent to or in the foreground of views of any ONL or ONF.

24.2.1.13 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.

9.15 Earthworks will consist of some minor cut and some fill to create a level buildable area. No vegetation clearance is required. As addressed in the assessment of effects, landscaping and visual amenity values will be maintained.

24.2.1.14 Enable residential activity within approved and registered building platforms subject to achieving appropriate standards.

9.16 The proposed dwelling is located within the approved BP and is considered to achieve appropriate standards with respect to outcomes for residential development on the lot. The dwelling is therefore enabled under this policy.

24.2.1.15 Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.

9.17 The dwelling is a modestly sized building in the context of the area of the site and the approved BP and will be viewed as distinct residential activity on site. Despite the encroachments outside of the BP, and into the road boundary setback the building is still sufficiently contained within the BP, the with mitigated factors minimising the adverse effects of the encroachment as discussed above, such that a sense of spaciousness over the balance of the lot is achieved and the building will remain subservient to the natural landscape elements.

24.2.1.16 Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.

9.18 The proposed development is well separated from any adjacent properties, roads and public places to ensure that any required outdoor lighting will not cause adverse glare. Any lighting required will comply with the consent notice required for external light and will be limited to that typically required for residential use and as such will not degrade views of the night sky.

24.2.1.18 Ensure subdivision and development maintains a defensible edge between areas of rural living in the Precinct and the balance of the Rural Amenity Zone.

9.19 The proposed site is well within the *Precinct* and does not border the balance of the Rural Amenity Zone. The development is proposed within an area that has a rural residential character and has a high capacity to absorb the additional development without impacting the edge between the sub zone and the zone.

24.2.1.19 Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist, including by:

a. Implementing road setback standards; and
b. Ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from the views to Outstanding Natural Features or Outstanding Natural Landscapes; while
c. Recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the size and dimensions, or the application of other setback requirements to the site.

9.20 The proposed development does not sit within any views from roads to an ONL or ONF.

9.21 With reference to the assessment above, the proposed development is consistent with and is not contrary to the Objective 24.2.1 and associated polices.

24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure

Policies

24.2.4.1 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

9.22 The proposal does not represent an overdevelopment of the site. It is residential development comprising a dwelling at a scale anticipated for future development of the rural living lot and will ensure adverse cumulative impacts on ecosystem services and nature conservation values are avoided.

24.2.4.2 Restrict the subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal.

9.23 The site is not located within the Lake Hayes Catchment. As such this policy is not relevant.

24.2.4.4 Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.

9.24 Access is to be provided to the proposed development which will provide adequate access for emergency vehicles. Firefighting water is to be provided in accordance with the current PDP rule.

24.2.4.5 Ensure development has regard to servicing and infrastructure costs that are not met by the developer.

9.25 The proposed development will have regard to servicing and infrastructure costs that have not been met by the developer.

9.26 With reference to the assessment above, the proposed development is consistent with and is not contrary to the Objective 24.2.4 and associated polices.

Chapter 25– Earthworks

9.27 The relevant objectives and policies seek to enable earthworks that are part of subdivision, development, or access, provided that they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment (Objective 1) and to ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding (Objective 3).

9.28 As outlined in the AEE above, the earthworks can be undertaken, subject to standard earthworks specific conditions of consent, to ensure adverse effects are avoided, remedied or mitigated.

Summary of PDP Provisions

9.29 In conclusion, overall, the proposal is not contrary to the relevant objectives and policies of the PDP.

Summary Overall

9.30 In summary, for the reasons set out above, and otherwise having regard to the assessment of effects, the proposal is generally aligned with and therefore is not contrary to the relevant objectives and policies of the ODP and the PDP.

10.0 OTAGO REGIONAL POLICY STATEMENT

10.1 The Partially Operative Regional Policy Statement for Otago 2019 (RPS) and the Proposed Otago Regional Policy Statement 2021 (pORPS - notified in June 2021) set the direction for future management of Otago's natural and physical resources. They provide the foundation for the development of regional plans and district plans. Most appeals on the RPS have now been resolved. The pORPS was notified in June 2021 and decisions notified in March 2024. The appeals period has closed and the appeal process is in progress, although most freshwater provisions have been resolved through the appeal process to date.

10.2 The objectives and policies of the RPS and pORPS are covered by relevant objectives and policies in the ODP. Further, the PDP has been drafted with regard to the RPS. As the proposal is aligned with the objectives and policies of both the district plans, the proposal can also be considered to be aligned with the relevant matters of the RPS and pORPS with respect to the sustainable use and development of natural and physical resources. Overall, the proposed land use proposal is aligned with high level direction with respect to rural form and development.

11.0 NATIONAL POLICY STATEMENT FOR NATURAL HAZARDS 2025

11.1 As a non-complying activity the National Policy Statement for Natural Hazards 2025 (NPS-NH) enables the Council to assess natural hazard risk as directed by the NPS-NH with respect to the following natural hazards:

(a) flooding;
(b) landslips;
(c) coastal erosion;
(d) coastal inundation;
(e) active faults;
(f) liquefaction; and
(g) tsunami.

11.2 NPS-NH requires natural hazard risk to people and property associated with subdivision, use, and development to be managed using a risk-based proportionate approach based on the best information available.

11.3 The NPS-NH outlines under Clause 3.2 that:

(1) Natural hazard risk associated with subdivision, use or development must be assessed using:

(a) the likelihood of a natural hazard event occurring, in accordance with table 1, appendix 1; and
(b) the consequence of a natural hazard event for life and property, in accordance with table 2, appendix 1.

to determine whether the level of natural hazard risk is low, medium, high or very high, in accordance with the risk matrix.

(2) When assessing natural hazard risk, decision-makers must consider:

(a) existing and proposed mitigation measures; and
(b) residual risk that arises when design thresholds of any existing and proposed mitigation measures are exceeded.

11.3 The site is not subject to any natural hazard on the Council's Natural Hazards and HAIL Data maps of the Councils Spatial Data Hub.

11.4 Natural hazards were assessed through the relatively recent subdivision application RM240163. Geosolve Limited provided a site-specific assessment of natural hazards and identified the original site (being both Lots 1 and 2 of RM240163) as being exposed to seismic, liquefaction and slope stability hazards. Council's reporting engineer provided the following assessment of these hazards:

> ***'Seismic**: – The Queenstown Lakes District is exposed to a severe seismic hazard and Geosolve advise that appropriate allowance should be made for seismic loading, during detailed design of buildings, foundations and retaining walls. I accept this assessment and am satisfied that further assessment can be undertaken as part of the Building Consent Process.*
>
> ***Liquefaction**: – The site has been identified as being located within a Domain A (GNS 2019) liquefaction zone due to the ground being underlain by firm sediments and rock. Additionally, the OPUS 2005 assessment details that liquefaction is "possibly susceptible". The Geosolve assessment concludes that overall the risk is negligible due to the depth of groundwater being (10m plus) and the composition of dense glacial outwash materials and shallow bedrock underlying the site. Based on this information no liquefaction mitigation is recommended. I accept this assessment and make no further comment in regard to liquefaction.*
>
> ***Slope stability**: – was also assessed but was it was concluded that there was no risk to the subject site. I accept this assessment and make no recommendations in this regard.'*

11.5 A secondary flow path across the site was also assessed by Geosolve Limited, which is related to a potential flood hazard. Email comment was provided by Geosolve Ltd on this matter within an RFI response dated 12 August 2024 which stated:

> *"The flow path is a minor feature and present to the SW of the platform. The defined flow path ceases to exist around the SW corner of the platform at which point the surface just becomes an open paddock. There is no recognised channel in the platform location. Any flows would be minor and for the current topography will spread out and dissipate at the platform location. In this respect the site behaves similar to any hillside location, or development close to sloping ground. The situation is low risk and certainly doesn't preclude*

development. A precautionary approach and consideration by a future owner is recommended, relatively minor landscaping/sculpting of the ground surface will be sufficient."

11.6 With respect to hazard risk level, based on the engineer's conclusions above, the risk level for the seismic hazard could be considered to be in the range between possible and likely, the liquefaction risk level could be considered possible, the slope stability hazard could be considered unlikely and the flood hazard resulting from the overland flow path could be considered likely.

11.7 Through the assessment of the subdivision and the engineering acceptance process, mitigation, where required, was proposed and accepted by Council as sufficient to ensure that the risk of any of the natural hazards referenced above was considered as tolerable. As such, the mitigation agreed on is relevant to the consequence of the hazard.

11.8 Also relevant to the consequence of the hazard is the fact that a residential building platform is established on site which anticipates the construction and occupation of a residential dwelling on site. The exposure to the risk has therefore been established by the grant of subdivision consent RM240163. As such the proposal to establish the dwelling on site does not increase any risk, subject to the building obtaining building consent, and subject to implementation of the mitigation measures imposed by the subdivision (which will be achieved) meaning the consequence is negligible and the overall risk low.

11.9 Using a proportionate approach to the level of natural hazard risk as directed by Policy 2 of the NPS-NH, taking into account the subdivision hazard mitigation to be implemented as part of the construction of the dwelling, as well as the Building Consent process which will further address risk relating to the building, the natural hazard risk will be sufficiently managed.

12.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

12.1 In considering an application for resource consent, pre-eminence must be given to Part 2, the purpose and principles of the Act. The purpose of the Act is to promote sustainable management of natural and physical resources. Section 5 imposes a duty on consent authorities to promote sustainable management while avoiding, remedying, or mitigating adverse effects of activities on the environment.

12.2 In this respect, the proposal is consistent with the enabling provision of section 5 in that the proposal will provide for the efficient and sustainable use of the site and for the social, economic, and cultural wellbeing of the community, providing benefits of rural living opportunities on a lot created for such purpose. The activity will not result in any adverse effects that would conflict with section 5(2)(a) – (c).

12.3 Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are:

(b) the efficient use and development of natural and physical resources:
(c) The maintenance and enhancement of amenity values;
(d) intrinsic values of ecosystems
(f) maintenance and enhancement of the quality of the environment

12.4 In terms of subsection (b), the proposal is an efficient use and development of the physical land resource, being a residential development of a lot created for the scale and nature of development provided. In respect of subsection (c), based on the assessment of effects provided earlier in this assessment, the proposal will maintain amenity values in the rural living area.

12.5 In summary, the proposal is in keeping with Part 2 of the Act.

13.0 CONCLUSION

13.1 In conclusion, the proposal is consistent with the purpose and principles of the Act in that it will enable the applicant to provide for their economic, social and cultural well-being, adding a further rural residential development to the Queenstown housing stock whilst maintaining and enhancing the quality and amenity of the local environment, and avoiding, remedying, or mitigating unacceptable adverse effects.

13.2 In terms of section 104, including Section 104D (applicable to non-complying activities) the proposal is not contrary to the relevant provisions of either the ODP or PDP and will have actual or potential effects on the environment which are less than minor and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.

13.3 Accordingly, it is concluded that the Council should grant consent to the activity on a non-notified basis in accordance with sections 104, 104B, 104D and Part 2 of the Act, subject to appropriate conditions of consent that can be imposed under section 108 of the Act.