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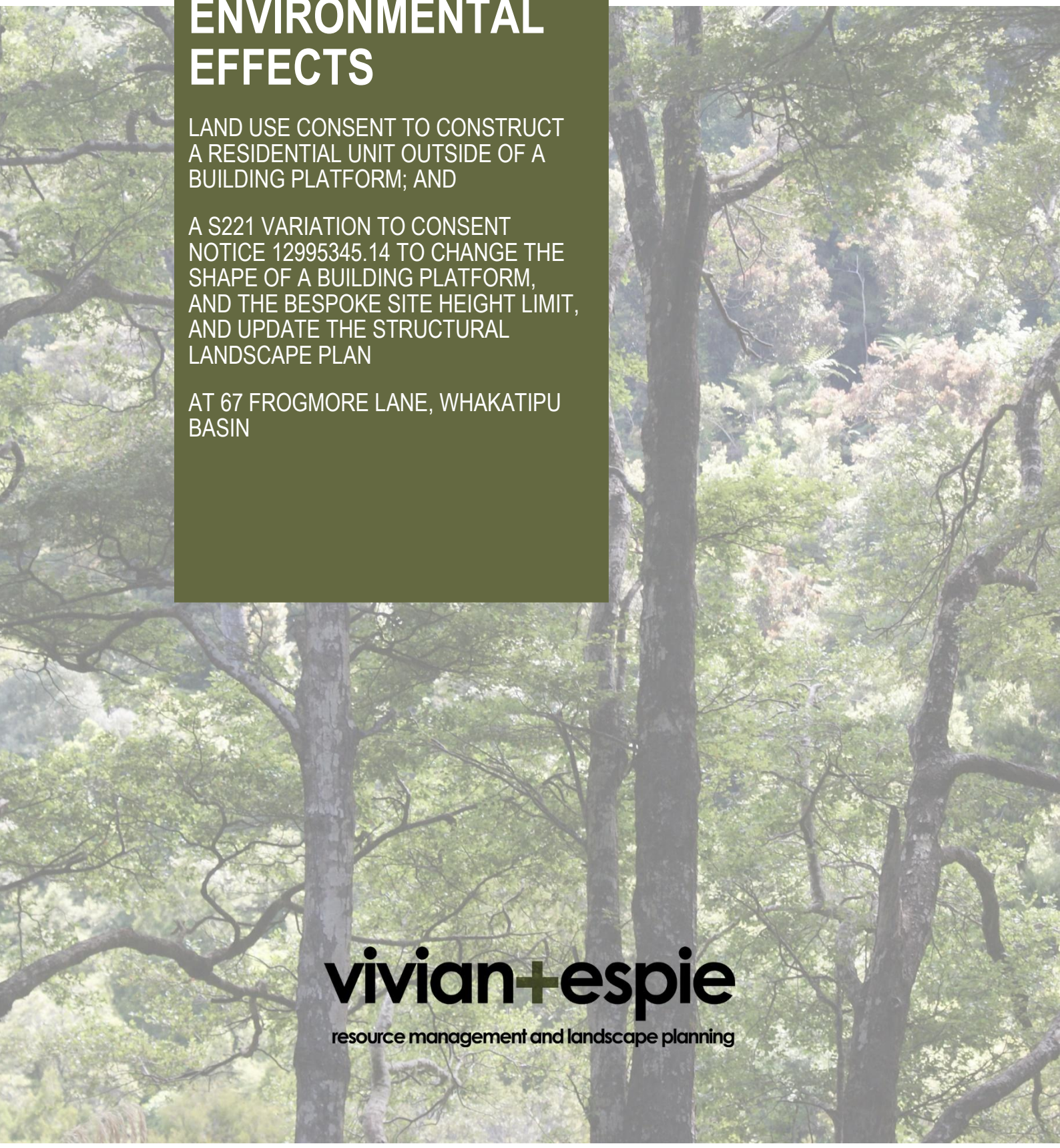
WOODLOT PROPERTIES LIMITED
3 JUNE 2026
J2276

ASSESSMENT OF ENVIRONMENTAL EFFECTS

LAND USE CONSENT TO CONSTRUCT A RESIDENTIAL UNIT OUTSIDE OF A BUILDING PLATFORM; AND

A S221 VARIATION TO CONSENT NOTICE 12995345.14 TO CHANGE THE SHAPE OF A BUILDING PLATFORM, AND THE BESPOKE SITE HEIGHT LIMIT, AND UPDATE THE STRUCTURAL LANDSCAPE PLAN

AT 67 FROGMORE LANE, WHAKATIPU BASIN



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Quality Assurance

Prepared By	Tom McIntyre	Senior Planner	25 March 2026

1. Key Information

Future Address	67 Frogmore Lane, Queenstown
Legal Description	Lot 2 DP 600882 held in Record of Title 1171344 The title is attached as **Attachment [B].**
Site Area	1.1156 hectares
Owners	Woodlot Properties Limited
Applicant	Woodlot Properties Limited
ODP Zoning	Rural General
Designations & Special Provisions	Visual Amenity Landscape
PDP Zoning	Wakatipu Basin Lifestyle Precinct (**WBLP**)
Designations & Special Provisions	LCU 3 – Shotover River Terrace
Proposed Activity	Land use consent to construct a residential unit outside of a building platform. A variation to consent notice 12995345.14 is also proposed to change the shape of a building platform, change the consent notice height limit, and update the structural landscape plan. Plans are appended as Attachment **[C]**.
Consents Required	**Proposed District Plan** The site is within the Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct Sub-zone) (WBLP) and the proposal requires resource consent under the following rules: • A **non-complying** activity resource consent under rule 24.4.7 for the construction of a building for residential activity outside of 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. **Resource Management Act 1991 (RMA)** • A **discretionary** activity under s221 of the RMA to change conditions (a) and (e) of consent notice 12995345.14, to change the shape of a building platform, change the consent notice height limit, and update the structural landscape plan. **Operative District Plan** The equivalent rules of the PDP for the WBLP are not under appeal following the issue of a Consent Order by the

	Environment Court and must now be treated as inoperative pursuant to section 86F of the RMA. Overall, the proposal is for a **non-complying** activity.
Written Approvals and Consultation	No persons other than the applicants are affected by the proposal.
Other consents/permits	Nil.

2. Introduction

This report is submitted as part of the application by Woodlot Properties Ltd ("the Applicant") for resource consent from Queenstown Lakes District Council ("QLDC" or "Council") for land use consent to construct a residential unit partially outside of an existing platform. The proposal will be in breach of conditions of the consent notice registered on the title, therefore consent is sought to change these conditions to allow for the proposal.

The completed Form 9 is appended as Attachment **[A]** and the Record of Title is appended as Attachment **[B]** ("the site"). The plans of the proposed house are appended as attachment **[C]**. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

3. Background

3.1 RM230062 (as varied by RM240836 and RM250133)

The subject site was created through **RM230062**, which was granted in August 2023 to subdivide the parent title, into six rural living lots and identify five building platforms (in addition to the existing platform on Lot 2 DP 475338). This is known by the applicant as the **Frogmore Subdivision**. The consent approval included services and access to each building platform as well as associated earthworks. Titles were granted under this subdivision in October 2025. Prior to s223 and s224c certification, RM230062 was varied twice, explained as follows.

- **Lot 1 Building Platform** - RM230062 was varied through **RM240836** on 22 November 2024. RM240836 authorised changes to the Lot 1 building platform as well as related changes to the landscape plan. These changes were to accommodate a proposed house design. RM240836 consent was a combined land use and s127 variation to the underlying subdivision.
- **Lot 3 Building Platform** - RM230062 was again varied through **RM250133**, to allow for changes to the Lot 3 building platform and landscaping. RM250133 was granted on 19 May 2025. RM250133 consent was also a combined land use and s127 variation to the underlying subdivision.

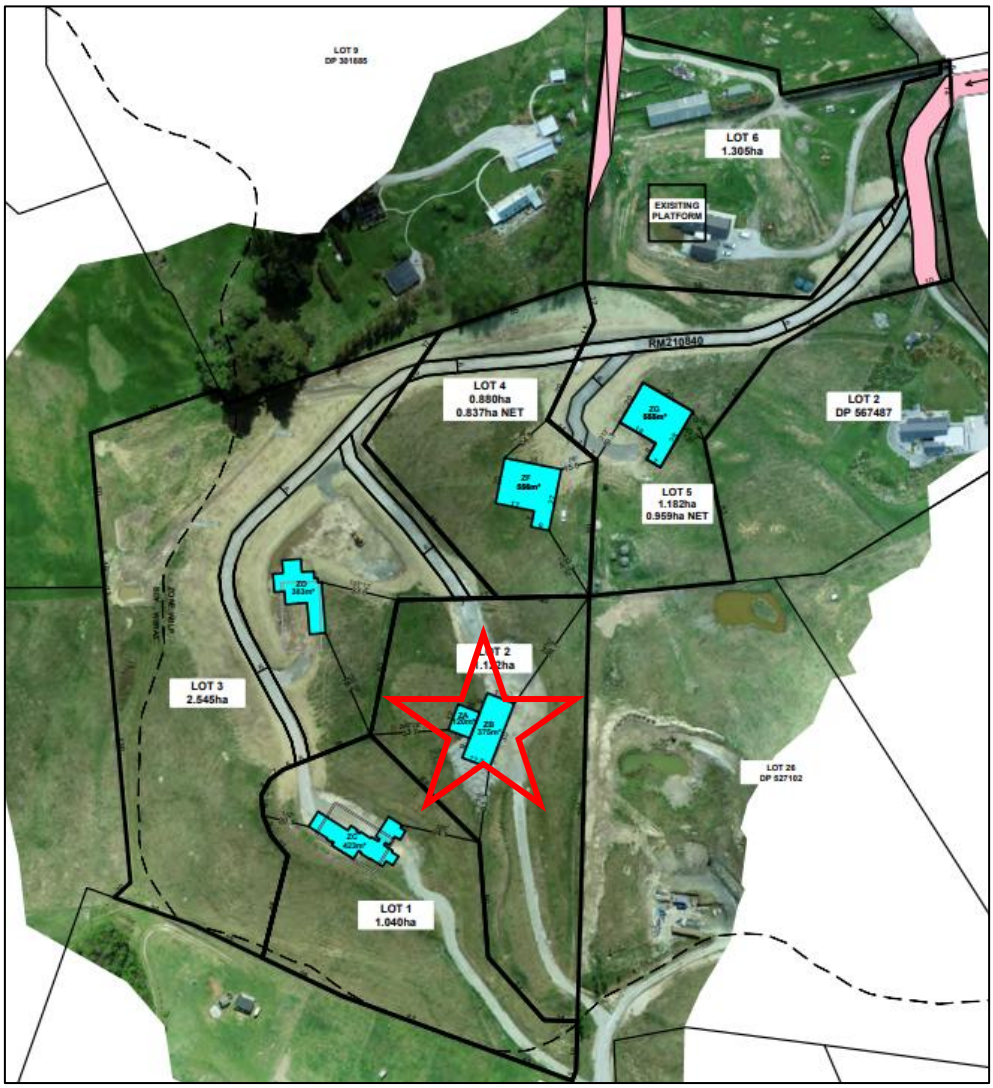


Figure 1: *Subdivision layout consented under RM230062 (as varied). Lot 4 is denoted by the red star. This plan shows the updated Lot 1 and 3 platforms, as consented through RM240836 and RM250133.*

3.2 Consent Notice 12995345.14

Consent Notice 12995345.14 was created through RM230062 and applies a range of servicing and building control standards to the lots in the Frogmore Subdivision. Of most relevance to the current proposal are conditions (a) and (e), which require future buildings to be within the building platforms, and also set the bespoke height limits for the subdivision:

a) All future buildings shall be contained within the building platforms (**Building Platforms**) shown as:

i. Covenant Area ZC on Lot 1 DP 600882.
ii. Covenant Areas ZA & ZB on Lot 2 DP 600882.
iii. Covenant Area ZD on Lot 3 DP 600882.
iv. Covenant Area ZF on Lot 4 DP 600882.
v. Covenant Area ZG on Lot 5 DP 600882.

e) All future buildings contained within the approved Building Platforms shall not exceed the following height restrictions:

Lot 1	ZC = 423m². Maximum building height 4.5m above RL: 417 masl.
Lot 2	ZA = 120m² and ZB = 375m² (495m² total). Maximum building height for ZA is 3m above RL 427 masl. Maximum building height for ZB is 4.5m above RL 427 masl.
Lot 3	ZD = 382.4m². Maximum building height 4.5m above RL 418.5 masl.
Lot 4	ZF = 556m². Maximum building height 4.5m above RL 438 masl.
Lot 5	ZG = 555m². Maximum building height 4.5m above RL 438 masl.
Lot 6	Existing.

Note, this is a split height limit across areas ZA and ZB. Effectively, built form in area ZA cannot pass through a plane of **430 masl**, and built form in area ZB cannot pass through a plane of **431.5 masl**.

3.3 RM250931

Following the issue of titles through RM230062, resource consent RM250931 was granted for the construction of a house within an internal boundary setback partially outside of the platform on Lot 4 of the Frogmore subdivision. RM250931 was similar in nature to the consents described above granted for development of Lots 1 and 3, however, the difference is that the Lot 4 development was consented following the issue of titles through RM230062 and therefore triggered Rule 24.4.7 for the construction of a house outside of the platform.

The current proposal is similar in nature to RM250931, being a resource consent granted in December 2025 for a house outside of the platform on Lot 4 of the Frogmore Subdivision. i.e. the proposed house design does not quite fit with the basic concept-level building platform shape that was consented through the underlying subdivision consent.

4. The Proposal

4.1 Overview

The proposed house will be located at approximately the same location as the consented building platform, albeit with a slightly different shape and orientation. It is proposed to change the shape of the platform to match the proposed house design, resulting in a size reduction of 95 m². For completeness, consent is also sought under Rule 24.4.7 for the construction of a house outside of a platform.

Additionally it is proposed to change conditions (a), (e), and (g) of consent notice 12995345.14 to change the shape of the registered building platform to fit the proposed house design, change the bespoke height limit for the site, and update the structural landscape plan for the site.

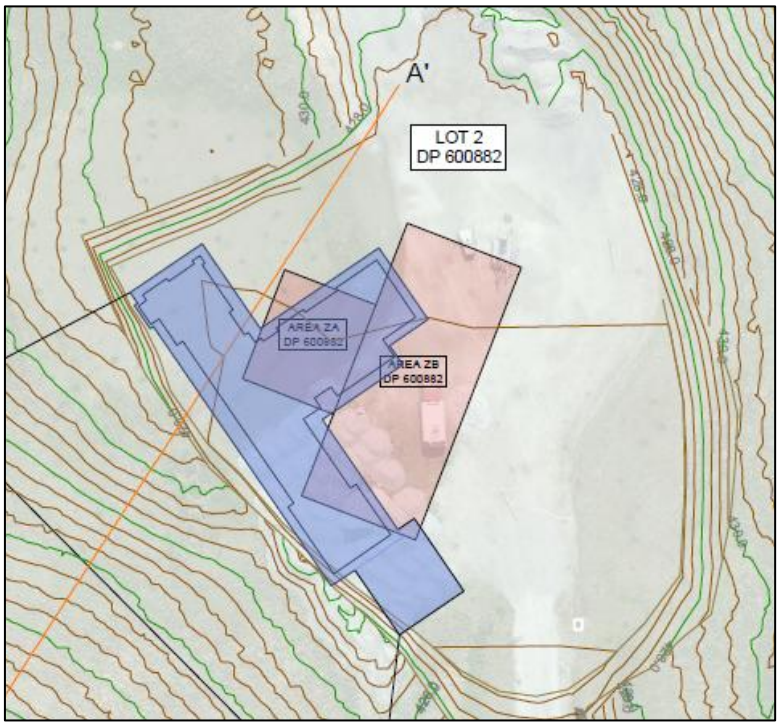


Figure 2: *Comparison of the registered building platform (red), and the proposed building platform (blue).*

4.2 Proposed House

The proposed house has four bedrooms and a footprint of ~301 m^2. The house has a hipped roof with a shallow pitch and a maximum height of **4.455 m**, which complies with the height limit for area ZB of the platform.

The cladding will be a combination of alpine tray coloursteel, vertical weatherboard, and schist veneer. The exterior colours will be kept within the range of browns, greens or greys, with <30% LRV for the walls and <20% LRV for the roof.

The house will be located slightly outside of the building platform, denoted as area ZA and ZB of the Record of Title. A change to condition (a) of CN 12995345.14 is sought to change the building platform shape to accommodation the proposed house.

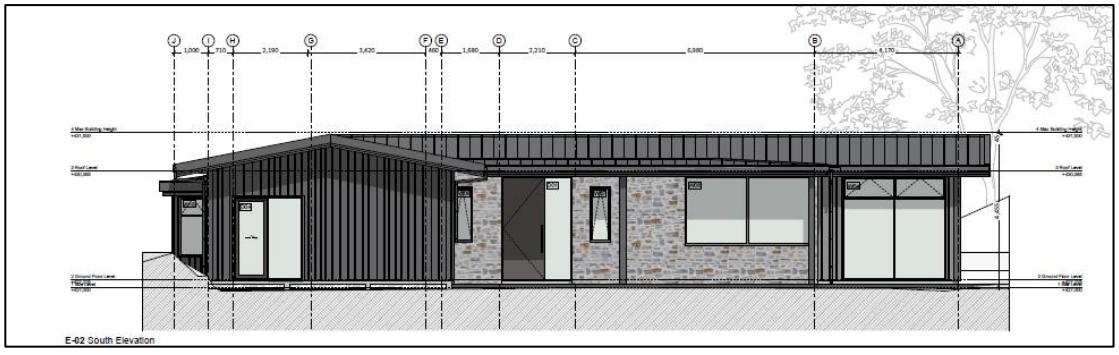


Figure 3: *South elevation of proposed building.*



Figure 4: *East elevation of proposed building.*

4.3 Height Limit Breach

As part of the proposal, the building footprint ground level will be levelled at 427 masl, meaning **the highest part of the building will reach 431.455 masl.** This complies with the height limit for area ZB of the existing platform, but exceeds the ZA limit by 1450 mm.

4.4 Change to Structural Landscape Plan

A structural landscape plan was consented as part of RM230062, to be implemented as part of the Frogmore Subdivision works. The landscape plan comprised strategic native planting, with the objective of integrating future built form into the receiving landscape. Conditions of RM230062 required the landscape plan planting to be in place prior to section 224c certification.

> ***To be completed before issue of the s224(c) certificate***
>
> 21. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
>
> q) All plantings as set out in the approved landscape plan entitled 'Structural Landscape Plan, Littles Stream - Wakatipu Basin', ref 1871.06, dated 17.07.2023



Figure 5: *Snip of structural landscape plan consented through RM230062. Condition 21(q) of RM230062 required that this plan be implemented prior to section 224(c) certification.*

Following the grant of RM230062, the consent holder carried out planting in *general accordance* with the approved structural landscape plan. This planting was inspected by Council's consultant landscape architects, Boffa Miskell, as part of the sign-off for section 224c certification. Boffa Miskell issued a memo on 15 July 2025 confirming that the planting satisfied Condition 21(q), thereby allowing the section 224c certificate to be issued as well as the titles for the Frogmore Subdivision. Ongoing maintenance/implementation of the landscape plan is required by Condition (g) of the consent notice registered on the title.

Figure 5 below shows a view of the site from Littles Road, with the areas of structural planting indicated. As is common with on-site landscaping, the implemented planting does not exactly accord with the approved structural landscape plan. While this planting does not exactly accord with the Structural Landscape Plan, it remains in general accordance and still achieves the overall objective of the plan, being the integration of the future development into the receiving hillside. This is confirmed in the Boffa Miskel memo which found that the landscaping satisfied condition 21(q).

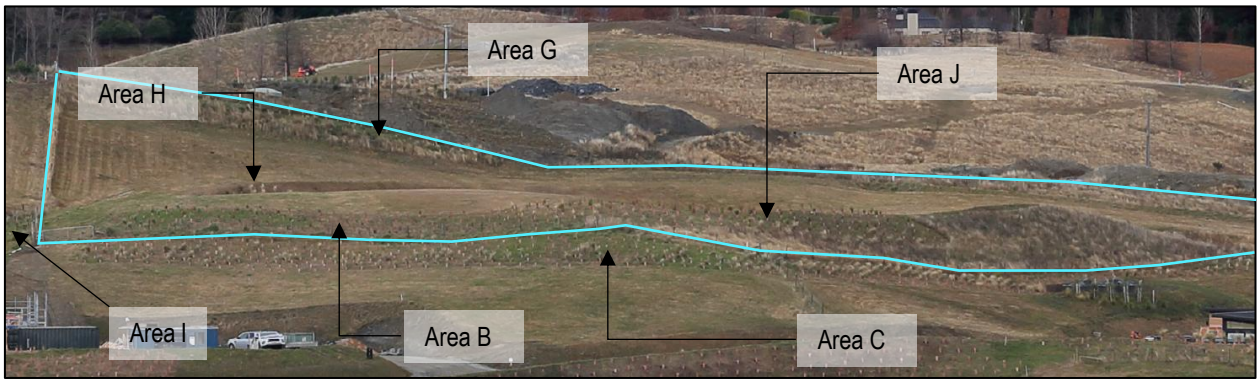


Figure 6: *Zoomed view of subject site from Littles Road. The areas of structural planting consented and implemented through RM230062 are indicated.*

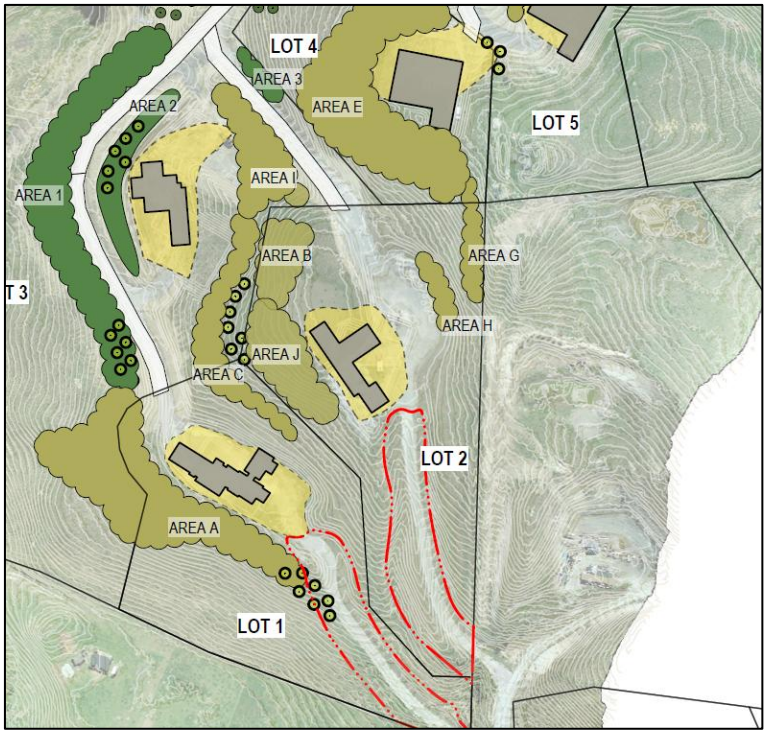


Figure 7: *Snip of updated landscape plan, with planting Areas B and J updated for accuracy on Lot 2. The proposed platform shape is also shown.*

Figure 6 above shows a more accurate representation of the current on-site planting for Lot 2, being the planting that was inspected and accepted by Boffa Miskell as part of the s224c process; a complete version landscape plan is attached as **[C2]**. The new building platform shape and position can be sited without changing any of this existing planting. Therefore, for ongoing clarity, it is proposed to change condition (g) of CN 12995345.14 to refer to the new plan appended as **[C2]**.

4.5 Changes to consent notice 12995345.14

To enable the changes to the building platform and height limit, as well as update the structural landscape plan, it is proposed to change conditions (a), (e), and (g) of consent notice 12995345.14. Similar outcomes were provided for, through RM240836, RM250133, and RM250931.

The changes proposed under this consent are shown in **bold underline** and ~~strikethrough~~:

a) *All future buildings shall be contained within the building platforms (Building Platforms) shown as:*

i. *Covenant Area ZC on Lot 1 DP 600882;*

ii. ***New Platform shown on the Clarke Fortune McDonald drawing titled 'Proposed Building Location on Lot 2 DP 600882', Rev C, dated 02.02.26*** *~~Covenant Areas ZA & ZB on Lot 2 DP 600882~~*

iii. *Covenant Area ZD on Lot 3 DP 600882;*

iv. *Covenant Area ZF on Lot 4 DP 600882;*

v. *Covenant Area ZG on Lot 5 DP 600882;*

e) *All future buildings contained within the approved building platforms shall not exceed the following height restrictions:*

Lot 1	*ZC = 423 m2. Maximum building height 4.5m above RL: 417 masl.*
Lot 2	***New Footprint 547 m².*** *~~ZA = 120m2 and ZB = 375m2 (495m2 total). Maximum building height for ZA is 3m above RL 427masl.~~ Maximum building height ~~for ZB~~ is 4.5m above RL 427masl.*
Lot 3	*ZD = 382.4 m2. Maximum building height 4.5m above RL: 418.5 masl.*
Lot 4	*ZF = 556m2. Maximum building height 4.5m above RL: 438 masl.*
Lot 5	*ZG = 555m2. Maximum building height 4.5m above RL: 438 masl.*
Lot 6	*Existing.*

g) *All landscaping shown on the Structural Landscaping Plan prepared by Vivian+Espie ~~(Ref:1871.036) dated 17.07.2023 and stamped approved by Council on 23 August 2023 (refer to pages 125-126 of RM230062 Decision)~~* ***(Ref:2271.01) dated 25.03.2026 and stamped approved by Council in DATE (refer to pages x & y of RM26**** Decision*** *(Approved Structural Landscape Plan), shall be retained and maintained in accordance with that plan in perpetuity by the owner of the Lot. Any plant that dies or becomes diseased is to be replaced in the next available planting season.*

4.6 Access and Servicing

The house will be serviced in accordance with the subdivision servicing arrangement for Lot 2 of RM230062. A servicing report is appended as Attachment **[D]**.

5. Matters Requiring Consent

5.1 Operative District Plan

The proposed house is within the WBLP. No appeals relate to the application of the Precinct sub-zoning over the subject property, and a Consent Order has been issued for the Precinct provisions, meaning the PDP rules must be treated as operative. The proposal does not trigger any rules or standards under the ODP.

5.2 Resource Management Act 1991

- A **discretionary** activity under s221 of the RMA to change conditions (a) and (e) of consent notice 12995345.14, to change the shape and height limit of the Lot 2 building platform.

5.3 Proposed District Plan

The subject site is zoned Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct Subzone) in the PDP and the proposal requires resource consent for the following matters:

- A **non-complying** activity resource consent under rule 24.4.7 for the construction of a building for residential activity outside of 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.

The proposal is, overall, a **non-complying** activity under the PDP.

5.4 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified above. If the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this application. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("Act") to process the application regardless of the type of activity that the application was expressed to be for.

6. Statutory Considerations

6.1 Section 104 – Matters for Assessment

Of relevance to this application, Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act:

> *(a) any actual and potential effects on the environment of allowing the activity; and*
> *(b) any relevant provisions of –*
> *(i) a national environmental standard:*
> *(iii) a national policy statement:*
> *(v) a regional policy statement or proposed regional policy statement:*
> *(vi) a plan or proposed plan; and*
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

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.

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.

An assessment of the effects of the proposal on the environment is provided in section 7 of this report. Assessments against the relevant statutory documents are provided in section 9 below.

6.2 Section 104D Non-Complying Activities

Under section 104D, a consent authority processing an application for a non-complying activity may grant a resource consent only if it is satisfied that either:

- The adverse effects of the activity on the environment will be minor; or
- The activity will not be contrary to the objective and policies of the plan or proposed plan

7. Effects on the Environment

Section 104D provides that consent may only be granted for a non-complying activity if the Court is satisfied that one of the gateway tests are met. This section of the application considers whether or not the adverse effects on the environment will be minor. It is understood that "minor" suggests adverse effects that are less than major, but more than simply minute or slight, and are determined after having regard to any mitigation that may be achieved by imposing conditions.

7.1 Receiving Environment and Permitted Baseline

The Quality Planning website defines the receiving environment as follows:

> *The environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:*
>
> - *the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities*
> - *the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*
>
> *but not*
>
> - *the environment as it might be modified by implementing future resource consent applications (because these are too speculative)* [1] *(underlining added).*

In considering the effects of the proposal, the consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In terms of the future state of the environment, there is no relevant permitted baseline to apply, however RM230062 (as varied) is highly relevant to the proposal. All of the physical works (including access, levelling of platforms, landscaping etc.) approved under RM230062 has been implemented. These works were inspected and accepted by Council officers as part of the s224c sign-off of the underlying subdivision, RM230062. These works therefore provide context for the proposed house, particularly with regard to landscape and servicing matters.

Consents RM240836, RM250133, and RM250931 also provide important context, as they have provided for similar outcomes on Lots 1, 3, and 4 of the same underlying subdivision.

7.2 Effects of Proposed Residential Unit

Although the proposal triggers a **non-complying** activity status, the matters of restricted discretion from PDP rule 24.4.6, provide the most useful set of assessment criteria, as these also address the same matter as the matters of discretion from Rule 24.5.7.

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);
e. Natural hazards;

[1] https://qualityplanning.org.nz/node/850

f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.;
g. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.

7.2.1 Effects on landscape character associated with the bulk and external appearance of buildings;

The WBLP deliberately provides for rural living activity, and rural living can be absorbed by the corresponding LCU's without their character being degraded. The relevant objectives and policies do not seek that the character of the site itself remains unchanged, but they do seek that the character of the landscape character unit (as set out in Schedule 24.8) is maintained or enhanced.

The proposed house falls within the Landscape Character Unit 3 (LCU3) of Schedule 24.8 of the PDP, which is recorded as having a **moderate-high** capability to absorb additional development, excluding the steep banks and ridge sides within the western part of the unit, which are to be kept free of development.

Council's consideration of the landscape effects of RM230062 relied on the expert assessment of Ms Mellsop. Ms Mellsop's assessment found that while the platform still extended partly into a knoll within the lot, the curtilage area was largely confined to the constructed gully rather than extending across the crest of the knoll. An area of native planting was consented on the knoll, which as it matured, would screen a future Lot 2 dwelling from public and private viewpoints to the west. As discussed, planting to this effect was implemented by the consent holder, and subsequently reviewed and accepted by Council's consultant landscape architects through the subdivision process for RM230062. In addition to the landscaping, the Lot 2 building platform was supported with a bespoke height limit of 4.5 m above RL 427 masl for the majority of the platform, with a lower 3.0 m limit for the western portion.

The current application seeks to change the shape, resulting in a slight increase in size from 495 m^2 to 547 m^2. While the size has increased, the platform remains comparable to the other platforms consented under RM230062, which range from 382 – 556 m^2. The position of the platform would be shifted slightly west, though there is still a large overlap between the existing and proposed platforms. Finally, it is also proposed to partially breach the bespoke height limit that has been set above 427 masl: the 3.0 m plane will be breached, but not the 4.5 m plane.

It is considered that the proposed building in the new platform will be indiscernible when compared to a compliant building within the existing platform. While the new platform is marginally larger by 52 m^2 the proposed building itself has a footprint of only 478 m^2, which is smaller than the existing platform. Additionally, the current maximum limit of *4.5 m above 427 masl* is maintained. In effect, a building with greater perceived bulk could be built while remaining compliant with the current platform boundary. In this case, the proposed

building is 4.45 m, being slightly beneath the height limit by 45 mm. The building is recessively clad and coloured, and it will be very difficult to perceive any relevant difference between the proposed situation and a hypothetical compliant dwelling contained within the building platform.

The proposed platform size remains within the range of consented platform sizes within the Frogmore subdivision, thus contributing to the maintenance of the landscape character values of this receiving landscape. The new platform positioning, being slightly west of the existing platform, hugs more tightly to the structural landscaping in Areas B and J. By being hard against this planting, the screening offered by the vegetation is more effective.

A uniform height limit is proposed over the new platform, rather than the split height limits over Areas ZA and ZB of the current platform. Importantly, the proposed maximum height plane remains consistent with the existing 4.5 m height limit on area ZB. Additionally, the top of the proposed building sits 45 mm below the 4.5 m maximum building height. For these reasons, on balance, the likely outcomes of the proposed Lot 2 height limit are expected to be no different to the existing height limit in terms of the effects of built form on landscape character and visual amenity values.

Any effects of the proposed house/platform on landscape character and visual amenity values will be appropriate and as anticipated through RM230062.

7.2.2 Access;

The house will utilise the existing formed access established through the subdivision process. This is a well-formed access with a suitable crossing onto Littles Road, with no upgrades be necessary. No adverse effects are expected with regard to access.

7.2.3 Infrastructure;

As discussed, the proposed servicing is addressed in the report prepared by Civilised Limited, appended as Attachment **[D]**. The proposed servicing arrangement is consistent with the outcomes consented under RM230062.

Water Supply

The house will utilise the existing water supply connection at the platform. Water is to be supplied from Little Stream Water Company Ltd. No adverse effects are expected in this regard.

Wastewater

In accordance with condition (p) of consent notice 12995345.14, the applicant has engaged a suitably qualified person (John McCartney – Civilised Limited) to design a wastewater disposal system for the proposed house. The Civilised report confirms that ground conditions are suitable for OSWWD, and includes a design that will cater for the proposed house. The report is appended as Attachment **[D]**. This design forms part of the proposal. No adverse effects are expected in this regard.

Firefighting Supply

The proposed firefighting water supply complies with condition (c) of consent notice 12995345.14, and the relevant requirements of the PDP. No adverse effects are expected in this regard.

Stormwater

Storm water disposal has been addressed in the Civilised report. Stormwater from the impervious driveway areas will be collected in new swales that will drain to the existing overland flow features on site.

Stormwater runoff from the house will be disposed of in a soakpit located southeast of the building platform. The Civilised report confirms that ground conditions are suitable for a soak pit. No adverse effects are expected in this regard.

Power Supply & Telecommunications

The platform has existing connections to power and telecommunications. No adverse effects are expected in this regard.

7.2.4 Landform modification, exterior lighting, landscaping and planting (existing and proposed);

The building location is flat as a result of earthworks undertaken through RM230062, meaning only a site scrape and a small excavation into the bank at the west of the building platform is required to prepare for the foundations of the proposed house. A small amount of earthworks will be required to install the firefighting tanks. All of these works will be within the Permitted earthworks parameters and thus no adverse effects are expected.

As discussed, no changes are proposed to the vegetation implemented through the RM230062 subdivision process. This will be retained in perpetuity. No exterior lighting is proposed.

7.2.5 Natural Hazards

The site is not known to be affected by any natural or other hazards. Specifically, the Council's online GIS Hazard Map does not identify the site as being prevalent. No section 106 matters are considered applicable to the proposal.

7.2.6 Lake Hayes Catchment

N/A

7.2.7 Electricity Infrastructure

This matter of discretion is not relevant to the application as there are no changes proposed to electricity distribution infrastructure.

7.3 Conclusion on effects

Overall, it is concluded the effects on the environment will be no more than minor, and the first section 104 threshold is passed.

8. Notification Assessment

8.1 Public Notification

Step 1 – Mandatory notification in certain circumstances (s95A(1)(3):

- The applicant has not requested that the application be publicly notified.
- The applicant has not refused to provide information or agree to the Commissioning of a report.
- The application does not involve exchange of recreation reserve land.

Step 2 – Public notification precluded in certain circumstances (s95(5))

- The proposal is not subject to a rule or NES that precludes public notification
- The proposal is not for a controlled activity or a boundary activity.

Notification is therefore not precluded under Step 2.

Step 3 – (s95(8))

- There are no rules or NES that require public notification.
- The proposal will not have adverse effects that are more than minor.

Step 4 – Special circumstances (s95(9))

- No special circumstances exist in relation to this application.

The application is therefore not precluded from public notification.

8.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified (s95B(3))

- No persons or groups are affected by the proposal.

Step 2 – Limited notification precluded in certain circumstances (s95B(6))

- The proposal is not subject to a rule or NES that precludes notification
- The application is not for a controlled activity.

Limited notification is therefore not precluded under Step 2.

Step 3 – Certain Affected Persons Must be Notified (s95B(7))

- There are no persons who are considered to be directly affected by the proposal, or with regard to the public generally.

Step 4 – Special circumstances (s95B(10))

- No special circumstances exist in relation to this proposal.

The application is not precluded from limited notification.

It is requested that the application be processed on a non-notified basis, as the proposal is in accordance with the outcomes provided for by the Lifestyle Precinct zoning.

9. Policy Framework

The second test requires considering the relevant objectives and policies of the Operative District Plan (**ODP**) and PDP to determine whether the Proposal is "contrary" in the sense of "being opposed to in nature; different or opposite" or "repugnant and antagonistic".

It is understood that an application may be considered to be in conflict with certain policies but that does not make it contrary. It is also understood that the accepted practice of the Courts has been that if a proposal is to be stopped at the second gateway it must be contrary to the objectives and policies as a whole.

However, first, some higher order documents are considered.

9.1 National Policy Statement for Highly Productive Land 2022

The Environment Court have issued a decision which confirms that the WBRAZ is not a rural or rural production zone in terms of the NPS-HPL. As such, the NPS-HPL is of no consequence to the proposal, as the site does not meet the definition of highly productive land.

9.2 Operative Regional Policy Statement - 1998

Section 104(1)(b)(v) requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. The Operative Regional Policy Statement 1998 (ORPS) has now been revoked:

9.3 Operative Regional Policy Statement - 2019

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. At a high level, the proposal is consistent with the objectives and policies of the ORPS 2019.

9.4 Proposed Regional Policy Statement - 2021

The PORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, following a determination by the High Court in 2021. The Otago Regional Council notified its decisions on submissions on the Proposed Otago Regional Policy Statement (2021) PORPS on 30 March 2024. The following provisions are of some relevance:

UFD-O4 -Development in rural areas

Development in Otago's rural areas occurs in a way that:

1) *Avoids impacts on significant values and features identified in this RPS,*
2) *Avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,*
3) *Only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and*
4) *Outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.*

The site is not on nor adjacent to an ONL, ONF or any other significant feature identified in the RPS. The site does not meet the definition of highly productive land, as the site is located within the Lifestyle Precinct of the Wakatipu Basin Rural Amenity zone, which is not a rural production zone. The Lifestyle precinct provides for rural residential development such as is proposed.

Overall, proposal is consistent with the relevant provisions of the PORPS.

9.5 Operative District Plan

The relevant objectives and policies are contained within Sections 4 and 5 of the ODP. Although all of the rules that are relevant to the proposal are now treated as inoperative under Section 86F.

9.6 Proposed District Plan

The relevant objectives and policies are contained in Chapter 24 *Wakatipu Basin* of the PDP.

9.6.1 Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct) (Chapter 24)

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 Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. The following is an assessment of the proposal against the most relevant objectives and policies.

> ***Objective 24.2.1 -*** *Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.*
>
> ***Policy 24.2.1.4*** *Within those areas identified as having a landscape capacity rating of Moderate, do not allow any new residential development and subdivision for residential activity that is not located and designed so as to:*
>
> *a) Avoid sprawl along roads;*
> *b) maintain a defensible edge to and not encroach into any area identified as having Moderate-low, Low or Very Low landscape capacity rating;*
> *c) minimise incremental changes to landform and vegetation patterns associated with mitigation such as screen planting and earthworks which adversely affect important views of the landform and vegetation character identified for the relevant Landscape Character Units in Schedule 24.8; and*
> *d) not degrade openness when viewed from public places if that is identified in Schedule 24.8 as an important part of the landscape character of the relevant area, including as a result of any planting or screening along roads or boundaries.*

Schedule 24.8 assigns a moderate-high development capability to LCU-3. The proposal will maintain openness values and does not encroach into any area with lower landscape capacity ratings. The house also benefits from the recently implemented Structural Landscape Plan to ensure that the effects of the proposal are consistent with the outcomes sought for LCU-3. The proposal is consistent with this policy.

> ***Policy 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.*

The site has been developed in accordance with (and as consented under) RM230062, including the formation of accesses, the levelling of building platforms, and installation of services. Landform modifications required for the current proposal are limited to a site scrape and a small amount of cut at the bank on the

western side of the house, which are within the 400 m^3 permitted maximum. No further modifications to the landform are required under this application. The proposal is consistent with this policy.

Policy 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.*

The proposed building location benefits from the mitigation offered by the Structural Landscape Plan implemented under RM230062. The proposed platform size remains within the range of sizes consented across the Frogmore subdivision, and the existing maximum height limit from Area ZB is adopted for the new platform. The proposed building will have recessive external materials and as per the assessment of effects above, the proposal will maintain the existing landscape character and visual amenity values of LCU-3 as described in Schedule 24.8. The proposal is consistent with this policy.

Policy 24.2.1.8 – *Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:*

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

The house will be located on the approved building platform on site and will accord with relevant standards for external colours and materials. The form and scale of the building is commensurate with existing residential development in this locality. The height and platform departures and will be indiscernible from outside of the site. The landscape plan has simply between updated for accuracy, and will result in no changes to the existing landscaping on site that was implemented through RM230062. The proposal is consistent with the outcomes sought for LCU-3. The proposal is consistent with this policy.

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

The house has a low, flat roof and is located at an approved platform location. The house remains subservient to surrounding natural landscape element. The proposal is consistent with this policy.

Policy 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.*

The house location is entirely within WBLP, within an area of LCU-3 that is identified as being able to accommodate development. The house is located at a consented platform location and is well separated from the nearest area of WBRAZ, thus a defensible edge between these subzones will be maintained. The proposal is consistent with this policy.

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

The house will utilise the consented arrangements for water supply, power and telecommunications. In accordance with RM230062, the proposal includes an on-site wastewater disposal system designed by a qualified person. Stormwater will be disposed of via a soak-pit, to be designed at building consent stage. Water and ecological quality, and recreation values, will be maintained. The proposal is consistent with this objective.

> ***Objective 24.2.5*** *- Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.*

The proposal enables an ongoing rural living opportunity within the Precinct. As per the above assessment, the proposal represents good design, and is of a density that is compliant and compatible with the WBLP. The landscape character of LCU-3 and the wider receiving environment will therefore be maintained. The proposal is consistent with this objective.

> ***Policy 24.2.5.2*** *– Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.*

As discussed, the current proposal is essentially part of giving effect to the WBLP zoning of the site. The proposal has been designed in a sympathetic manner, utilising the recently implemented Structural Landscape Plan to integrate the house into the landform in order to maintain and enhance the landscape and visual amenity values of LCU-3.

9.6.2 Conclusion

Overall, the proposal is considered to be consistent with (and not contrary to) the objectives and policies of the ODP and the PDP. As such, the second section 104D threshold test is also passed.

10. Other Matters

No other matters are considered relevant to this proposal.

11. Consultation

No consultation has been undertaken as the proposal is consistent with, and gives effect to, the WBLP zoning.

12. Conclusion

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans, "subject to Part 2". The Council is also required to have regard to the effects of the proposal on the environment.

The proposed development will achieve the purpose of sustainable management under s 5 of the Act, including by reference to the other principles in Part 2 of the Act by enabling the Applicant to provide for their economic and social well-being, while at the same time avoiding any adverse environmental effects.

Attachments

Attachment **[A]**: Form 9

Attachment **[B]**: Record of Title

Attachment **[C1]**: Architectural Plans

Attachment **[C2]**: Proposed Building Platform

Attachment **[C3]**: Updated Structural Landscape Plan

Attachment **[D]**: Civilised Servicing Report

Attachment **[E]**: Geotechnical Report