Delta Planning

APPLICATION FOR A RESTRICTED DISCRETIONARY AND DISCRETIONARY RESOURCE CONSENT APPLICATION

FOR

CONSTRUCTION OF A DWELLING

AT

2 GRAND TERRACE SQUARE MILLBROOK



ANGELA CRANG
DELTA PLANNING LTD

April 2026

APPLICATION FOR LAND USE RESOURCE CONSENT
Pursuant to Section 88 of the
RESOURCE MANAGEMENT ACT 1991
ASSESSMENT OF ENVIRONMENTAL EFFECTS

1. THE APPLICANT AND PROPERTY DETAILS

To:	Queenstown Lakes District Council
Applicants Name:	The Crang Family Trust
Address for Service:	Angela Crang Delta Planning Ltd Mob: 027 3371395 Email: angela@deltaplanning.co.nz
Name and Address for Fees:	The Crang Family Trust C/- Joanne Crang PO Box 42-089 Orakei Auckland 1745
Site Address:	2 Grand Terrace Square, Millbrook, Arrowtown
Legal Description:	Lot 4 DP551317 held in RT 952377
Owners of Site:	Joanne and Vaughan Crang and Lockhart Trustee Services Limited
Site Area:	2134m^2
Proposed District Plan Proposed District Plan zoning: Activity Area: Specific controls:	Queenstown Lakes District Proposed Plan Millbrook Residential 16 Lake Hayes Catchment
Operative Plan: Operative Plan Zoning:	Queenstown Lakes District Operative Plan Rural General Zone

Locality diagram:



Source: QLDC QMaps, April 2026

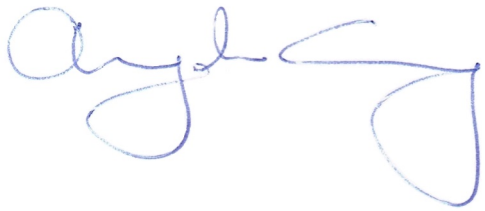
Subject Site

Brief description of proposal:	It is proposed to construct a residential unit at 2 Grand Terrace Square.
Summary of reasons for consent:	Application will require resource consent (land use) under Section 88 of the Resource Management Act 1991 for the following matters: - Construction of new buildings (house, terrace and retaining wall) with portions of the buildings located outside of the building platform. - Earthworks that exceed the permitted maximum volume. Plus, an application under Section 221 of the Resource Management Act to vary Condition (e) of Consent Notice 11910892.6 relating to building outside of an approved building platform.
Other types of consents required or obtained:	A building consent will be required for the proposal.

I attach, in accordance with the Fourth Schedule to the Resource Management Act 1991, an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of information attached:

- Certificate of Title
- Plans of proposed development



Signature of duly authorised agent

Angela Crang
Delta Planning Ltd

Date: 20 April 2026

2. EXECUTIVE SUMMARY

The Crang Family Trust ("the Applicant") are applying for resource consent to construct and establish a residential dwelling at 2 Grand Terrace Square, Millbrook, Queenstown ("the site"). The site measures 2,134m^2 in area and is currently vacant land.

The site is zoned Millbrook Resort under the under the Queenstown Lakes Proposed District Plan ("PDP"). Pursuant to the PDP, resource consent is required for the following reason:

- The construction of a building (residential unit) in the R16 Residential Activity Area of Millbrook Resort is a **Restricted Discretionary Activity** under Rule 43.4.11.
- Earthworks of 1,340m^3 which exceeds the permitted volume of 500m^3 and the maximum cut of 2.4m which is a **Restricted Discretionary activity** under Rule 25.4.2.

In addition, resource consent is required for a **Discretionary Activity** under Section 221(3)(a) of the RMA to vary Condition (e) of Consent Notice 11910892.6 relating to building outside of an approved building platform.

Overall, resource consent is required for a Restricted Discretionary and Discretionary Activity. In summary, this Assessment of Environmental Effects ("AEE") report considers the effects of the proposal and determines that the proposal will have less than minor adverse effects on the environment while providing a high-quality built form outcome that integrates well with the surrounding environment. The proposed development and activities will be entirely appropriate in the context of the receiving environment. The proposal aligns with the key objectives and policies of the PDP. The proposal achieves the purpose and principles of the RMA and accords with the definition of sustainable management under Part 2. The relevant application forms have been included as Attachment [A].

3. SITE AND CONTEXT DESCRIPTION

3.1 The Site

The subject site is located at 2 Grand Terrace Square (Road) within Millbrook. The site has an area of 2134m^2 and is legally described as Lot 4 Deposited Plan 551317 as held in Record of Title 952377 under the ownership Millbrook Country Club Limited. The Record of Title is enclosed as Attachment [B].

The site is rectangular in shape with the longer boundaries running east west. The topography of the site is a relatively flat terrace located centrally on the site which contains the building platform. The land on the eastern portion of the site, starting two metres inside of the building platform, drops approximately 2 metres steeply to the boundary. The western side of the property rises approximately 0.5m from the western edge of the building platform to the western boundary.

Photo 1: View from site towards the south east from the north eastern corner of the site.



Photo 2, 3 & 4: The site's building platform from north eastern corner (5metres into site) looking south(left), south west (right) and west (lower).





Photo 5: The site at the eastern end looking south, showing change in gradient. The wooden stake in the lower left corner of the photo marks the north eastern corner of the building platform.

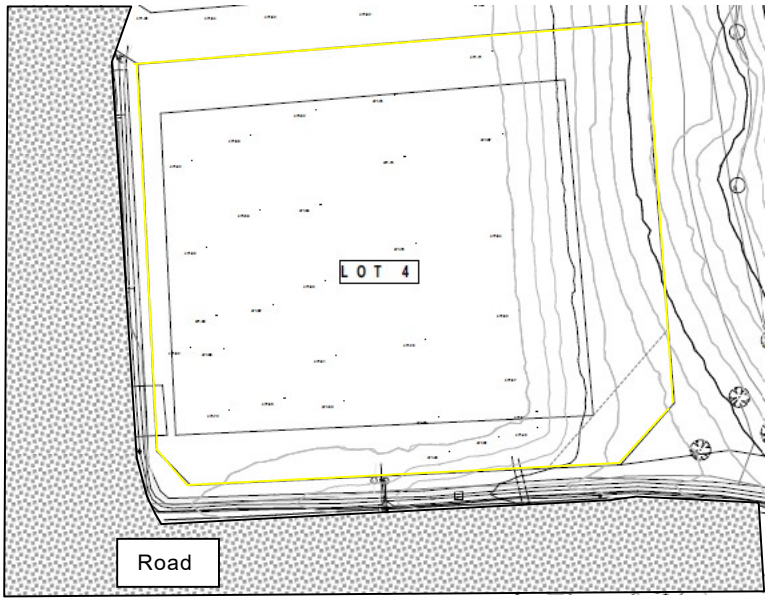


Photo 6 The southern boundary of the site from the south-eastern corner (stakes in central lower portion of the photo) looking west showing change on gradient of the Road.



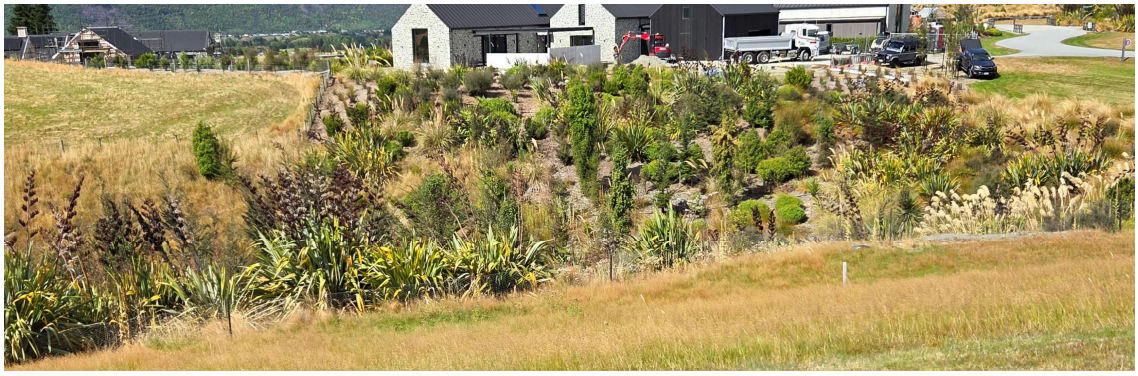
The site is located on a 90-degree corner of the road with the southern and western boundaries fronting the road. The east/west direction of Grand Terrace Square rises up hill from east to west and at the south eastern corner of the site the road level is approximately 1.5 metres lower than the building platform, while the road level at the south western corner of the site is approximately 0.5m higher than the building platform.

Fig 3.1.1: The topography of the site.



The north south portion of the road is relatively flat and remains approximately 0.5 metres higher than the building platform. The northern boundary is bounded by 4 Grand Terrace Square which at the time of the site visit was vacant and the eastern boundary is shared with Millbrook open space.

Photo 7 Open space to the east of the site.



The property is not listed as contaminated on the Otago Regional Council's ("ORC") Listed Land Use Register.

The application site is not identified on the QLDC GIS Hazards Register as being subject to any risk of natural hazards and no other overlay or activity area restrictions apply to the subject property.

The subject site is not of archaeological importance and does not contain any scheduled heritage items or areas.

3.2 Context

Grand Terrace Square is located at the end of Mill Farm Lane which winds up the hill from the valley floor. This area is located west of the main Millbrook complex and contains large scale residential buildings.

1 Grand Terrace Square has a completed residential unit, while the unit on 3 Grand Terrace Square was under construction at the time of the site visit (March 9, 2026). At the time of submission of this application there was no details of works occurring on 4 Grand Terrace Square.

Photo x: 1 Grand Terrace Square (right) and 3 Grand Terrace Square (under construction)



To the south of the site is 35 Mill Farm Lane which contains a single storey residential building.

Photo x: 35 Mill Farm Terrace.



3.3 Legal Instruments

Consent Notice 11910892.6 is relevant to this application and is detailed below and contained within Attachment [B].

This consent notice includes four conditions that apply to the subject site. These include restrictions relating to building height, dwellings to be constructed within the building platform, design/materials and car parking. The proposed development triggers a variation of condition (e) of Consent Notice 11910892.6 with respect to a small portion of building that will be located outside of the approved building platform, a small portion of the terrace east of the dwelling and the retaining wall to the south of the driveway (on the southern boundary).

The other consent notices and covenants are not relevant to the application. In summary the details of them are in Table 3.3.1 They are also contained within Attachment [B].

Table 3.3.1

Easement	5390598.4	Water & Electricity	Not on subject site
Covenant	10950328.1	Restricting to low density development.	The subdivision has created the site which allows for one residential unit to be constructed on the site
Covenant	11064084.17	Structure Plan	Covered by zoning rules
Covenant	11064084.18	Landscaping requirements for open space and golf course	
Consent Notice	11910892.16	Right of Way	Not on subject site.
Covenant	11910892.16	Civil Requirements between Millbrook Country Club Limited	Complied.

		and owners of house lots	

3.4 Relevant Site & Consent History

The following resource consents are relevant to the subject site and this proposal:

RM171491: Granted on 2 July 2018 for a staged subdivision, creating 42 residential lots, 5 access lots, and 11 open space lots. Consent was also granted for residential units on the 41 residential lots (provided these dwellings complied with all conditions), as well as the golf course, and associated landscaping, water storage ponds, bridges, streamworks, and earthworks.

RM200006: Granted on 18 June 2020 for a s127 variation of conditions of RM171491 to enable amendments to the approved subdivision design, residential building platforms, height, golf course, landscaping, fencing, retaining, earthworks and car parking.

As the proposed dwelling includes a small area of building outside the building platform and the amount of earthworks is beyond the permitted volume, resource consent is required.

4. THE PROPOSAL

4.1 Land use

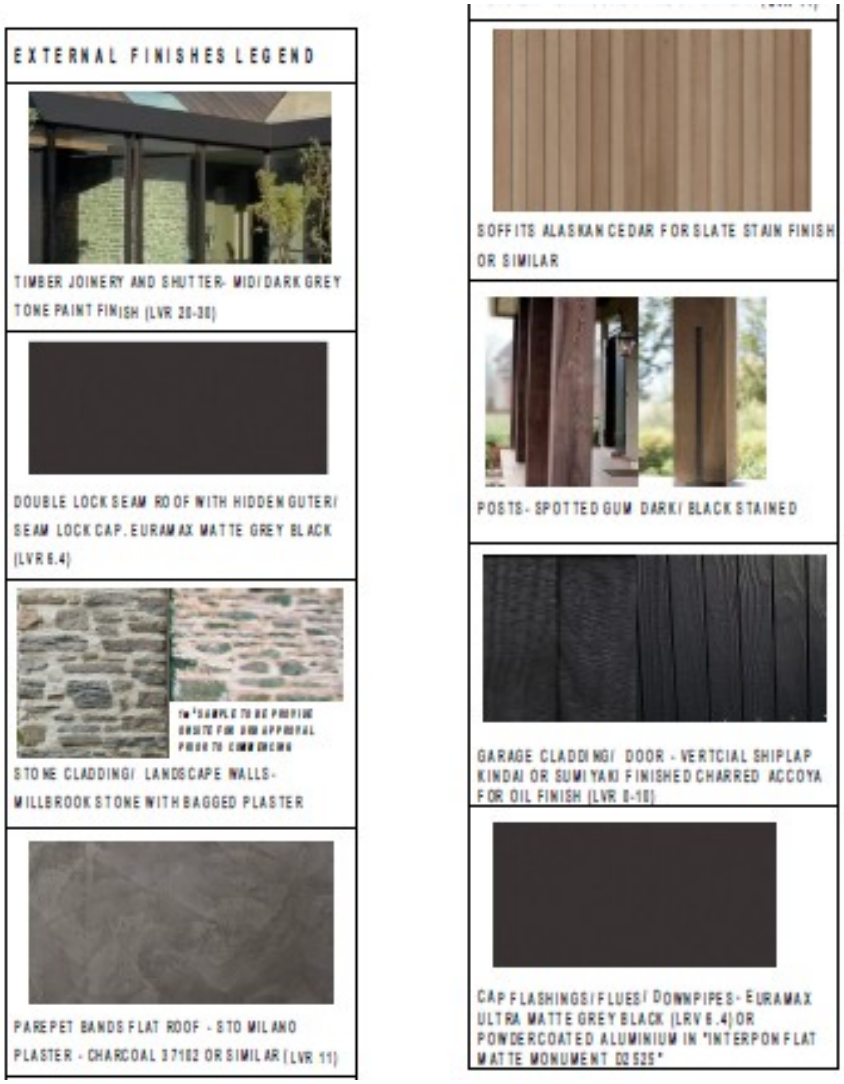
The applicant proposes to construct a main dwelling that is single storey except for a loft above the garage and a basement below the main bedroom. Attachment [C].

The footprint of the dwelling is T -shape with an additional wing off the northern side of the main stem. The main living wing (Top of the T – blue in Fig 4.1.1) runs north west to south east on the eastern end of the building platform. This wing contains(running north to south) the living room, dining room, kitchen and master bedroom on the main floor with two bedrooms located below the master bedroom. The stem of the T contains the main entry, garaging and a bunk room above the garage. The media/games (Green in Fig 4.1.1) room wing protrudes northwest opposite the garage. The design of the three wings are pavilions with gable ends, except for the area over the entry which is a flat roof that extends beyond the building to the north, over a patio (purple in Fig 4.1.1. The finish of the walls are Millbrook stone with bagged plaster and cedar. The windows including the skylights, will be wooden joinery with low reflectivity glass, Windows on the side of the building will have wooden shutters. The gable roofs will be finished in Grey Black Euro Tray. The north east corner of the house will protrude beyond the building platform by a maximum depth of 0.5m with an area of 0.3m^2. (Labelled A in Fig 4.1.1) . The house will have a total floor area of 617.1m^2.

Fig 4.4.1: Ground floor layout on the subject site.



Figure 4.1.2: Exterior Cladding Materials Proposed



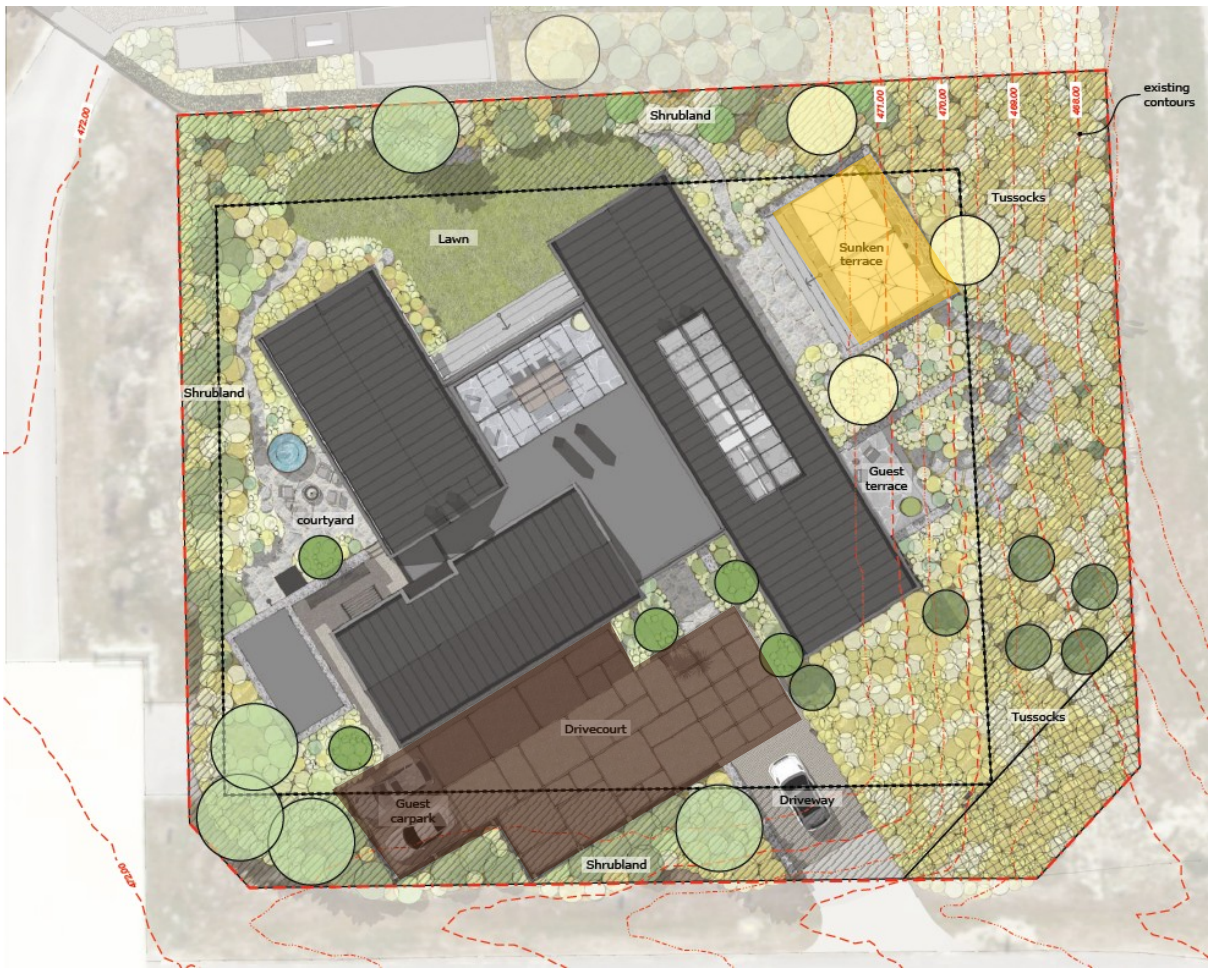
A landscaping plan (Attachment [D]) designed by Suzanne Turley has been developed for the site, taking into account the proposal and forms part of this application. The landscaping around the site will be in accordance with the Millbrook Design Guidelines. The surrounding land will be formed into a number of mounds in a natural flow with predominantly native plants.

Hard landscaping comprises of the cobbled drive court (brown in Fig 4.1.2) and the sucken terrace (orange in fig 4.1.1 & 4.1). The drive court is located on the southern side of the building with the vehicle entry located on the southern boundary. Due to the change of topography along the southern boundary a retaining wall (labelled B in fig 4.1.1) is required on the western side of the driveway. The retaining wall protrudes beyond the building platform for a maximum of 5.65 metres for an area of 9.6m^2.

The sucken terrace is located to the north east of the main living wing with an area of approximately 47m^2. The terrace will be formed by retaining walls on the northern, southern and eastern sides. The north east corner of the terrace protrudes beyond the

building platform (labelled C in figure 4.1.1) by approximately 1 metre for an area of 1.25m^2.

Fig 4.1.2 Landscaping plan for the site



Earthworks for the proposed dwelling and curtilage, will cover the entire building platform with a volume of approximately 1,340m^3 comprising of 686m^3 of cut material and 653m^3 of fill material. Less than 50m^3 of earth will need to be transported to the site. An EMP (Attachment [E])has been prepared and forms part of this application.

The proposal will connect to power, water and telecommunication connections which exist on site.

4.2 Vary consent notice.

The following changes are sought to Consent Notice 11910892.6 (added text shown in bold underline, deletion shown as strikethrough).:

e) ***Except as approved by resource consent RM26XXXX***[1]*, All dwellings are to be constructed within the building platform identified for each lot as shown on the Baxter Design Group plan entitled "Millbrook Dalgleish Farm – Neighbourhood Design Plan' (reference: 2423-SK113, dated 29 January 2020), stamped as*

[1] Note there are other s221 consents that have been approved to vary this condition however they have not been submitted to LINZ. Therefore, there may be additional consent references listed here.

approved under Condition 1 of RM171491 (as varied by RM200006) – Subdivision. 13 / 24 Project: Forrest | Reference: 3297-24 – AEE – 3 Grand Terrace Square – FINAL | 18 December 2024

The above changes recognise the proposed 11.15m^2 of built form that will be located outside of the approved building platform. All remaining conditions of Consent Notice 11910892.6 will remain.

Millbrook Design Review Panel (MDRP) has provided approval (Attachment [G]) for the proposed design.

5.0 REASONS FOR THE APPLICATION

As shown in Attachment [F], resource consent is required for the following reasons:

5.1 Queenstown Lakes Operative District Plan (ODP)

There are no relevant rules under the ODP as the relevant rules of Chapter 12 (Special zoned and Chapter 22 (Earthworks) are treated as inoperative given the relevant rules under PDP are treated as operative pursuant to section 86F of the RMA.

5.2 Queenstown Lakes Proposed District Plan (PDP)

5.2.1 District Land Use

The proposed residential development, associated landscaping and earthworks will require resource consent pursuant to the following Rules of the PDP:

- A **restricted discretionary** activity pursuant to Rule 43.4.11 for the construction of a building (residential unit) in the Residential Activity Area R16.
- A **restricted discretionary** activity pursuant to Rule 25.4.2 for not complying with standards:
    - 25.5.5 - which provides for 500m^3 of earthworks for sites within the Millbrook zone. The proposal includes 1,340m^3 of earthworks.
    - 25.5.15 the maximum cut for earthworks is 2.4m. The proposed maximum cut depth is 2.75m.

5.3 Resource Management Act

Pursuant to Section 87B in accordance with Section 221 a **discretionary activity** for a change or cancellation of a consent notice. It is proposed to change The proposed development triggers a variation of condition (e) of Consent Notice 11910892.6 with respect to a small portion (0.3m^2) of building that will be located outside of the approved building platform, a small portion(1.25m^2) of the terrace east of the dwelling and the retaining wall(9.6m^2) to the south of the driveway (on the southern boundary).

5.4 Status of the applications

The proposal involves resource consents under the QLDC Operative District Plan and the Resource Management Act.

As the Land Use application is required to be approved prior to the Consent notice being updated, the application should be considered separately as a land use consent that is a **restricted discretionary activity** under the QLDC District Plan and the variation of the consent notice that is a **discretionary activity** under the Resource Management Act.

6 ASSESSMENT OF EFFECTS

In accordance with Section 88 and Schedule 4 of the RMA an assessment of any actual or potential effects on the environment that may arise from the proposal is required, with details of how any adverse effects may be avoided, remedied or mitigated. Accordingly, the below is an assessment of effects relative to the scale and significance of the proposed activity. This proposal offers a high-quality residential development that has been sensitively designed to ensure consistency with the Millbrook Design Guidelines and surrounding environment, as is anticipated by the Millbrook Resort zone.

The relevant matters of discretion to the proposed building activity within Activity Area R16 of the Millbrook Resort Zone are as follows:

(a) The appearance of the building.

(b) Associated landscaping controls; and

(c) The effects on visual and landscape amenity values of the area including coherence with the surrounding buildings.

In addition, the following matters pertaining to earthworks Clause 25.7.1 apply:

1) Soil erosion, generation and run-off of sediment.
2) Landscape and visual amenity values.
3) Effects on infrastructure, adjacent sites and public roads.
4) Land stability.
5) Effects on water bodies, ecosystem services and biodiversity.
6) Cultural, heritage and archaeological sites.
7) Nuisance effects.
8) Natural Hazards.
9) Functional aspects and positive effects.

It is considered the above matters provided a comprehensive basis in which to assess the effects of the proposed residential dwelling with regards to the Land Use application .

6.1 Effects Permitted by the Plan

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

The effects permitted by the Plan includes any lawful activities occurring on the site, any permitted hypothetical (although not fanciful) activities and any activities authorised by unimplemented resource consents. In this case, residential activities can occur on the site as of right however the construction of buildings in R16 of the

Millbrook Resort Zone require a restricted discretionary activity resource consent. In addition, up to 500m^3 of earth can be worked on the site and 300m^3 of earth can be transported over public road. Therefore, the effects associated with residential activity within the building platform and earthworks up to 500m^3 form those effects permitted by the Plan.

6.2 Receiving Environment

The surrounding environment is the state of the environment upon which a proposed activity might have effects on the site and surrounding area. It includes the legally establish existing environment, existing consents, existing use rights, and effects permitted by the Plan. Discussed in section 3.2 and 3.4 of this report is the existing environment which is considered to be legally established and relevant consents. This environment forms the receiving environment for this application.

6.3 Effects on Visual & Landscape Amenity

The Grand Terrace Square landscape at Mill Farm (Activity Areas R14–R16 of the Structure Plan) occupies a distinct landform that is both physically and visually separated from the wider Millbrook development. This distinction is acknowledged within the PDP provisions and reflected in the site-specific design controls. The proposed dwelling is consistent with the scale and character of existing dwellings within the Mill Farm Residential Activity Area and will not detract from the overall amenity of the surrounding environment.

The design and external elevations of the proposed residential unit align with the Millbrook Design Guidelines, with only a small portion of the building (less than 0.5m^2) extending beyond the approved building platform (A in fig 4.1.1.) The proposed materials and colour palette, together with the building's height, form and roof pitch, are consistent with the surrounding environment. The proposed development has been approved by MDRP. As a result, no adverse effects in relation to external appearance are anticipated.

The protrusion beyond the building platform with regards to the sucken terrace (C in fig 4.1.1) is also small in the extent. The terrace in the location of the breach is no higher than 0.5m above the ground level which in conjunction with the small area(1.25m^2) beyond the approved building platform mean that the effects associated with this area will be indiscernible beyond the effects permitted by the plan. The retaining wall adjacent to the vehicle crossing will have less than minor effects as it will only be visible when approaching the site from the east. In addition, the land west of the wall will be planted with natives, including a Mountain Beech tree, will soften the wall due to the landscaping being at a higher ground level than the top of the wall.

The proposal incorporates extensive landscaping, including mass planting and mounding in unformal layout to reflect the existing landscaping within Millbrook. This landscaping and the proposed residential unit will post construction cover the areas where earthworks occurred, visually mitigating the effects of the earthworks post construction.

Overall, the landscape design reinforces the rural homestead character promoted by the Millbrook Design Guidelines. The proposed siting and design of the buildings, earthworks and landscaping will ensure that any potential adverse effects are avoided or appropriately mitigated.

6.4 Effects from Earthworks on water bodies and ecosystems

There are no water bodies on the subject site, and the site is currently grass which is highly unlikely to be a habitat for endangered flora or fauna. With the implementation of the erosion and sediment controls there will be no sediment leaving the site avoiding effects on waterbodies or ecosystems.

6.5 Effects from Earthworks on erosion and land stability.

During construction the erosion and sediment controls will ensure that erosion is avoided, and all cuts are located an adequate distance to ensure land stability beyond the site is maintained. Post construction any areas where earthworks occurred will either be covered by buildings, retaining walls or battered into an appropriate slope to avoid erosion and land instability.

6.6 Effects from Earthworks on infrastructure, adjacent sites and public roads.

The proposed earthworks are located primarily on the building platform except in the location of the car court and the driveway on the southern portion of the site. This in conjunction with the implementation of the EMP means there will be no effects on infrastructure, adjacent sites and roads. In addition, Grand Terrace Square is in private ownership, as are all roads within Millbrook, meaning that the proposed earthworks will have no effects on public roads. Furthermore, the difference in earth associated with fill and cut is less than 300m^3, meaning that any effects associated with the transportation of earth are the same or similar to those permitted by the plan.

6.7 Effects from Earthworks on Cultural, heritage and archaeological sites.

There are no known cultural, heritage or archaeological sites on the subject site, meaning there will be no effects with regards to culture, heritage or archaeology.

6.8 Nuisance effects.

The proposed noise and vibrations associated with the earthworks will be consistent with those permitted by the plan as the maximum depth of cut is 2.75 metres, will be in earth, in the centre of the building platform. In addition, the period to undertake the earthworks will be less than a month which is considered acceptable for this type of development.

To prevent effects associated with dust in dry windy times exposed surfaces will either be dampened or covered to minimise dust leaving the site.

Furthermore, compliance with the EMP will also minimise any nuisance effects.

6.9 Effects on Natural Hazards.

There are no known natural hazards located on the site therefore there will be no effects on natural hazards.

6.10 Conclusion

In light of the matters discussed above, it is considered that no persons will be adversely affected by the construction of the proposed residential unit and curtilage. The proposed built form responds sensitively to the Grand Terrace environment while maintaining and reinforcing the established character of the Millbrook Resort Zone.

Any potential adverse effects arising from the proposal can be appropriately avoided, remedied or mitigated, and are assessed as being less than minor in the context of the receiving environment.

7.0 STATUTORY ASSESSMENT - SECTIONS 95A TO 95E

Section 95A gives a council discretion to decide whether to publicly notify an application or not. However, an application must be publicly notified if:

(a) the activity will have, or is likely to have, adverse effects on the environment that are more than minor;

(b) the applicant requests public notification of the application; or

(c) a rule or national environment standard requires public notification.

Section 95A(3) provides that an application must not be publicly notified if a rule or national environmental standard precludes public notification and the applicant has not requested public notification.

Despite the above, a council also has discretion to publicly notify an application if it decides there are special circumstances in relation to the application.

Section 95B provides that if an application is not publicly notified, a council must decide if there are any affected persons in relation to the activity. Limited notification of the application must be given to affected persons unless a rule or national environmental standard precludes limited notification.

7.1 Sections 95A and 95D – Public Notification

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor. In making this decision, a council:

- *must disregard any effects on persons who own or occupy:*
  - *the land in, on or over which the activity will occur; or*
  - *any land adjacent to that land;*
- *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (ie. council may consider the "effects permitted by the plan");*
- *must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion;*
- *must disregard trade competition and the effects of trade competition;*
- *must disregard any effect on a person who has given written approval to the application.*

As discussed in section 5.4. the land use component and s221 component will be considered separately in the following assessment.

7.1.2 Adverse Effects (Section 95A)

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), the proposal does not fall within any of the matters for which public notification is precluded.

Moving to Step (3), notification is not required by a rule in a Plan or a NES, therefore an assessment of the adverse effects are required to established whether the effect son the wider environment is likely to be more than minor. Section 95D details the following matters that can or cannot be considered when establishing the effects on the wider environment and are discussed below.

7.1.2.1 Effects that must be disregarded.

7.1.2.1.1 Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land.

This includes the following properties:

Address

Millbrook Country Club Ltd

Owners of 1, 3 and 4 Grand Terrace Court

Owners of 35 Mill Farm Lane

Fig 7.1.2.1 Location of adjacent land relative to the site (blue) and are excluded from the effects on the wider environment.



7.1.2.1.2 Any effect on a person who has given written approval to the application.

Written approval has not been sought by any persons.

7.1.3 Public Notification Assessment for Land Use application

This assessment also limits the matters that can be considered when making a decision. These matters are discussed in section 6.0 of this report. Based on the matters, and 7.1.2 in this report the adverse effects on the environment can be appropriately managed so that they are not likely to be more than minor.

7.1.4 Public Notification Assessment for Section 221 application

The additional wording to the consent notice provides for the development that is to be consented under the land use component of this application, meaning the land use becomes part of the receiving environment for this application. The changes to the wording of the consent notice do not create any effects beyond those that will be consented in the land use component meaning there will be no effects on the wider environment.

7.1.5 Special circumstances

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

7.1.6 Conclusion

Accordingly, I recommend that the two components of the application proceed without public notification.

7.2 Limited Notification Assessment - Section 95B,

If the application is not publicly notified the council must decide if there are any affected persons, or customary rights or title groups.

Any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2), nor is the proposed activity on or adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 in terms of Subclause (3).

In terms of Step (2), none of the circumstances in Subsection (5), that would preclude limited notification apply.

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties. Section 95E states that a person is affected if:

- the adverse effects of the activity on them are minor or more than minor (but are not less than minor).
- Adverse effects permitted by a rule in a plan may be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.

7.2.1 Requirements of a Rule or National Environmental Standard

There are no rules or national environmental standards which waiver or require notification.

7.2.2 Adversely Affected Persons Assessment – Land Use Component

The proposal will not generate any effects on any persons to a minor or more extent as discussed in section 6 of this report. In particularly, no person will be adversely affected by the proposal as:

- The proposed dwelling is predominantly constructed within the building platform except for a small portion of wall which will not generate effects beyond the effects permitted by the plan.
- the design and materials of the building is consistent with other buildings within the immediate vicinity.
- Erosion and sediment controls will be installed to avoid effects beyond the site in terms of sedimentation and erosion.
- Areas where earthworks are occurring will either be rehabilitated with the residential unit, or landscaping. The landscaping reflects existing landscaping in the surrounding area.

7.2.3 Adversely Affected Persons Assessment - Section 221 Component

The additional wording to the consent notice provides for the development that is to be consented under the land use consent, meaning the land use becomes part of the receiving environment for this application. The changes to the wording of the consent notice do not create any effects on persons beyond those that will be consented in the land use component meaning there will be no adverse effects on any persons.

7.2.4 Limited Notification Conclusion

Accordingly, I recommend that the two components of the application proceed on a non-notified basis.

7.3 Notification Recommendation - Non-Notification

For the above reasons, this application may be processed without public notification or limited notification.

8. SECTION 104 ASSESSMENT

8.1 Statutory Considerations – Land use component

As a restricted discretionary activity, a consent authority may grant or refuse consent providing the decision only takes into account the specified matters of discretion. The council must have regard to Part 2 of the RMA ("Purposes and Principles" – ss5 to 8), ss104, 104C & 108, of the RMA. The weighing up under s104 is subject to Part 2.

8.1.1 Actual and Potential Effects on the Environment (section 104(1)(a))

Section 104(1)(a) of the RMA requires Council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and potential adverse effects on the environment of allowing the activity.

The actual and potential effects of the proposal were discussed in section 6 of this report. The effects from the proposal are considered to be consistent with the effects permitted by the plan or avoided.

8.1.2 Relevant Statutory Instruments

The Resource Management Act has a hierarchy of planning documents which are broad in scope at the higher level becoming more prescriptive and dealing with local issues the lower down the hierarchy of documents.

Due to the scale of the proposal and the effects from the proposal only being in the immediate environment, the issues are local and relevant at a District Plan level. Therefore, the matters raised in the higher level resource management documents (national environmental standards, other regulations, policy statements (national or regional including proposed regional policy statements)) are considered to be of a broader scale than the proposal. Therefore, the assessment of the statutory documents below is considered to be at the relevant level for this proposal.

8.1.2.1 <u>Queenstown Lakes Proposed District Plan</u>

The overall activity status of the application is restricted discretionary therefore meaning the assessment against the objectives and policies of Chapter 43 - Millbrook zone and Chapter 25 - Earthworks are restricted to those matters identified in section 6.1 of this report.

8.1.2.1.1 <u>Chapter 41 - Millbrook</u>

The proposal is assessed against the relevant objectives and policies of the chapter with regards to the matters of discretion as follows:

> *Objective 43.2.1 - Visitor, residential and recreation activities developed in an integrated manner with particular regard for landscape, heritage, ecological and water quality values.*
>
> *Policies (of relevance):*
>
> *43.2.1.1 Require development and activities to be located in accordance with a Structure Plan so as to promote orderly and integrated development and prevent the inappropriate development of sensitive parts of the site.*

The proposed activity is anticipated within the Millbrook Resort Zone and is consistent with the relevant Structure Plan provisions.

> *43.2.1.2 Require buildings and associated landscaping to have regard to landscape and heritage values.*

The proposed building and associated landscaping are well aligned with the Millbrook Design Guidelines and comply with all applicable zone and site standards of the PDP in relation to bulk and location. The proposal reflects the established style and quality of development within the Millbrook Resort and will make a positive contribution to the overall amenity of the zone. Both the building and landscape design have been prepared in accordance with the Council-approved Millbrook Design Guidelines and have been reviewed and approved by the Millbrook Design Review Panel.

> *43.2.1.3 Protect valuable ecological remnants and promote the enhancement of ecological values where reasonably practical.*

This matter was previously addressed through the subdivision design process; however, the current proposal further enhances ecological values by incorporating predominantly native trees, shrubs and grasses across the site.

> *43.2.1.5 Require an integrated landscape management plan for the South Dalgliesh part of the zone.*

This matter was addressed as part of the subdivision design process, through which comprehensive landscape plans were approved by Council and subsequently implemented. The current application builds on this framework by further enhancing these areas through the introduction of compatible native planting within the application site.

8.1.2.1.2 Chapter 25 - Earthworks

The proposal is assessed against the relevant objectives and policies of the chapter with regards to the matters of discretion as follows:

> *Objective 25.2.1 – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.*
>
> *Policies (of relevance):*
>
> *25.2.1.1 - Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.*

The attached EMP plan will be implemented to avoid off-site discharge and sediment generation. There will be no instability issues off-site arising from the earthworks as all earthworks are located substantially away from the boundary except the car court and driveway which front on to the road where the cut is less than 200mm. Post construction, areas where earthworks has been undertaken will be covered by the building, landscaping including retaining walls, or the sunken terrace.

> *25.2.1.2 - Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:*
>
> *e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;*

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

There are no known cultural, heritage or archaeological sites on the subject site and there is no Landscape overlay.

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

The site is located centrally on the plateau at the top of a hill, away from the prominent slope and ridgeline.

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

The site is not located in land zoned rural or urban area. Aside from this the extent of earthworks is considered to be appropriate considering the topography of the site and by cutting the building into the site the visual effects are minimised.

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

The building has been designed to nestle into the hillside, with the associated earthworks involving a balanced cut-and-fill approach. In addition, the earthworks proposed as part of the landscaping are intended to further integrate the building into the surrounding environment, ensuring it sits comfortably within the existing landform.

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

As discussed above the proposed earthworks will not affect infrastructure, buildings or the stability of adjacent sites due to the earthworks being located centrally within the site, those earthworks close to boundaries are cuts that are less then 200mm and the design ensures that no expose earth will be visible upon completion of construction.

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

The earthworks will occur all at the same time as the total construction timeframe is approximately 12 - 18 months. With the implementation of the EMP, nuisance effects and effects on waterbodies will be minimised. The traffic movements associated with the earthworks are considered to be consistent with those permitted by the Plan.

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

There are no known cultural, heritage or archaeological sites on the subject site and there is no Landscape overlay. In addition, the mauri of waterbodies in the vicinity of the site will be maintained as the implementation of the EMP will ensure sedimentation does not cross the boundary of the site avoiding effects on water quality of local waterbodies.

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

It is highly unlikely that accidentally discovered material will occur on the site as the area was substantially earthworked as part of the subdivision consent to establish the site.

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

As discuss previously the traffic movements associated with the earthworks are considered to be consistent with those permitted by the Plan.

Taking into account the above assessment the proposal considered to be consistent with the relevant objectives and policies of the Queenstown Lakes District Plan.

8.1.2.2 Queenstown Lakes District Operative District Plan

While the rules of the ODP are no longer operative, the objectives and policies of the ODP remain relevant and continue to have effect until the PDP becomes Operative. Accordingly, the application must be assessed against those provisions, having regard to the matters over which discretion has been restricted.

The relevant operative objectives and policies are contained within Section 5 (Rural Areas) and Section 22 (Earthworks) of the ODP.

The proposal is consistent with the relevant objectives and policies by providing a residential dwelling that is appropriately sited and designed to maintain the visual coherence of the surrounding landscape (Objective 5.2.1 and in particularly Policy 1.7). The main residential dwelling is centrally located on the site and is situated within the approved building platform, with the exception of a very small wall element (less than 0.3m²) that extends beyond the platform (Objective 5.2.3 and in particularly Policy 3.5). Other elements that meet the definition of building and are located outside the building platform relate to the terrace and the driveway retaining wall. These elements are appropriately interpreted as part of the residential curtilage and landscaping, where they remain subordinate in scale and integrate harmoniously without visually dominating the site.

In terms of earthworks the implementation of the EMP will minimise effects associated with sediment and erosion and post construction areas where earthworks is undertaken will either be rehabilitated with building, landscaping or the driveway/car court. The mounding that forms part of the landscaping reflects the existing landscaping and the hilly environment that the site is located within (Objectives 22.2.1 & 22.2.2).

Therefore, the proposal is consistent with the relevant objectives and policies of the Proposed Queenstown District Plan.

8.1.3 Summary

Taking these two policy documents into the account the proposed dwelling, landscaping and earthworks will not compromise either of these planning documents. As the application achieves the same result under the two plans it is not necessary to undertake a weighting assessment.

8.2 Statutory Considerations – Section 221 component

As a discretionary activity, a consent authority may grant or refuse consent. The council must have regard to Part 2 of the RMA ("Purposes and Principles" – ss5 to 8), ss104, 104B, 108, of the RMA. The weighing up under s104 is subject to Part 2.

8.2.1 Actual and Potential Effects on the Environment (section 104(1)(a))

The additional wording to the consent notice provides for the development that is to be consented under the land use consent, meaning the land use becomes part of the receiving environment for this application. The changes to the wording of the consent notice do not create any effects beyond those that will be consented in the land use component meaning there will be no actual or potential effects.

8.2.2 Relevant Statutory Instruments

Although this is not a specified requirement of the RMA, the decision of the High Court in Brial vs QLDC (2021 NZHC3609) provides direction to Council that relies on previous high court cases including Ballantyne Barker vs QLDC (2019 NZHC 2844) which states when considering a proposal to change or cancel a consent notice condition, "good planning practice should require an examination of the purpose of the consent notice and an enquiry into whether some change of circumstances has rendered the consent notice of no further value" (para 44).

Brial v QLDC goes further with regards to considerations that should be undertaken when considering a variation or cancellation to a consent notice. These considerations are:

a. The original purpose of the consent notice.
b. Whether there has been a material change in circumstances.
c. Does the consent notice still provide planning value.
d. Will removing or varying the condition undermine public or neighbour expectations.
e. Alignment with the District Plan Objectives and Policies.
f. Effects on the Environment.
g. Obstruct or Advance Sustainable Management.
h. Whether the consent notice becomes unworkable, redundant or inconsistent.

The above direction recommends applying a high degree of caution in considering amendments to consent notice conditions. As detailed in sections 6 and 7 of this report, it is accepted that the consent notice condition will maintain its value in achieving the purposes of the RMA as the proposed development maintains the character and landscape values of the site. The proposed variation will not undermine the purpose of the consent notice condition or impact any other parties, or the public at large.

8.3 Part 2 Assessment

In assessing an application for resource consent, the consent authority is required to determine whether the proposal is consistent with the purpose and principles of the Act

(Part 2), having had regard to the matters set out in Section 104, the Fourth Schedule, and any other statutory consideration.

Section 5 of the Act sets out the purpose and principles as being:

> *(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
> *(2) In this Act, —sustainable management‖ means 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.*

The above assessment has taken into consideration the relevant provisions, and it can be summarised that the proposed dwelling and curtilage promotes the sustainable management of the physical land resource in a manner which enables people and the community to provide for their social wellbeing and mitigating adverse effects on the environment. With regard to this purpose, the effects of the proposal are mitigated by landscaping and mounding and is consistent with the envisaged character of the area that has been approved through the subdivision consent which established Mill Farm Development within Millbrook.

There are no matters of National Importance in Section 6 of the Act which are relevant to the proposal.

With regards to Section 7, the following provisions are relevant:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*
> *(b) The efficient use and development of natural and physical resources:*
> *(c) The maintenance and enhancement of amenity values:*
> *(f) Maintenance and enhancement of the quality of the environment.*

From the list of other matters (Section 7), it is considered that the proposal will make effective and efficient use of the resources represented by the site, will not compromise the amenity values attributable to the area, and will not detract from the quality of the surrounding environment.

The proposed development of the site is an efficient use and development of the physical land resource which has been consented to provide for, and has the capacity to accommodate, the proposed development in a manner which has no corresponding adverse effect on natural resources.

There are no specific Treaty of Waitangi matters requiring consideration in accordance with Section 8 of the Act in respect of this resource consent application.

In summary, having considered the Part 2 matters set out in Section 5 of the RMA, the proposal is either consistent with the principles in Sections 6 to 8, or they are not

relevant to the application. Overall, the application is considered to meet the relevant provisions of Part 2 of the Act as the proposal achieves the purpose of the Act being sustainable management of natural and physical resources.

There are no other RMA sections that are relevant to this application.

9. CONCLUSION

Overall, in terms of the Land Use component the proposal is consistent with the relevant objectives and policies of the Queenstown Lakes District Plan. It is also considered that the proposal will generate effects that will be consistent within the existing environment and those permitted by the plan and consent should be granted.

In terms of the section 221 component the purpose of the consent notice is maintained by maintaining a low density environment with space between building meaning consent should be granted for the proposed change to condition (e) of Consent Notice 11910892.6.

10. RECOMMENDATION

10.1 Land Use

Under Sections 104, 104C, 108 and 221 of the RMA, I consider that, for the reasons stated in this report (and subject to the conditions recommended), this non-notified restricted discretionary should be granted consent.

10.2 Section 221

Under Sections 104, 104B, 108 and 221 of the RMA, I consider that, for the reasons stated in this report (and subject to the conditions recommended), this non-notified restricted discretionary should be granted consent for the proposed change to condition (e) of Consent Notice 11910892.6.

10.3 Conditions of Consent

The proposed development shall be carried out in accordance with the plans and all information submitted with the application.