CONSTRUCTION OF RESIDENTIAL UNIT AND FLAT

Lot 1197 Rowe Drive - Hanleys Farm DP11

Assessment of Environmental Effects

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1. INTRODUCTION

Consent is sought to construct and residential unit and flat at Lot 1197 Rowe Drive, Hanley's Farm which forms part of the wider DP11 development area of Hanley's Farm.

Consent is required due to an exceedance of district plan standards relating to the height and location of built form relative to the eastern boundary.

Lot 1197 is being created by Subdivision Consent RM240788, with all civil works completed for the future lot and titles anticipated to be issued by later in 2026.

Construction of the development proposed by this application would not commence until the titles are issued for the future lot.

2. RELEVANT SITE HISTORY

Resource consent RM240788 was granted 07 May 2025 for subdivision consent to undertake a boundary adjustment, and a subsequent subdivision to create 112 residential lots, with associated earthworks, and land use, in relation to the subject site, consent to enable residential development to breach density, site coverage; together with an consent under Section 221 of the RMA to cancel all conditions of Consent Notice 10991315.8.

This consent is being progressed with an application for s223 and s224 for the relevant stage lodged with Council in February 2026. Titles are anticipated to be issued later this year.

RM240788 has been granted with a number of on-going consent conditions that are expected to be registered on the title as a Consent Notice. These on-going conditions/consent notice conditions will be complied with.

3. DESCRIPTION OF SITE AND SURROUNDING ENVIRONMENT

As outlined above the subject site, Lot 1197 Rowe Drive, Hanley's Farm is being created by Subdivision consent RM240788 which forms part of DP11 of Hanely's Farm.

Once created, the site will be a regular rectangle shape, with a site area of 400m^2. The site is to be neighboured to the east and west by similarly sized and shaped residential sites capable accommodating single residential unit. To the north, the site is bordered by a larger irregular shape rear lot. To the south, the subject site is fronts onto Rowe Drive (to be vested in Council as Road) and faces towards a local purpose reserve, which is also to be vested in Council.

A review of Council's Edocs system at the time of lodgement indicates that no Building Consents or Resource Consents have been lodged for any of the immediately adjoining neighbouring future lots.

4. PROPOSAL

Resource consent is sought to enable the construction of a single residential unit (inclusive of residential flat).

The residential unit would consist of three bedrooms, a single garage split over two storeys, with an attached one bedroom flat at the ground floor level which would have a separate access. The house has been designed using a mix of coloursteel, stonework and cedar cladding with pitched roof design in response to alpine character of the area.

With the exception of the height in relation to boundary standards along part of the eastern elevation the proposed residential unit and flat meet all of the PDP standards as well as all of the on-going consent condition/consent notice conditions imposed via RM240788 referred to in Section 3 above. This breach to distance to boundary standards is confined to the second storey element of the residential unit, in the south/eastern portion of the site, as outlined in figure 1 below.

A condition of consent is also volunteered to the effect of, that works will not commence until the s224c has been approved for the relevant stage and titles for the future lot have been issued.

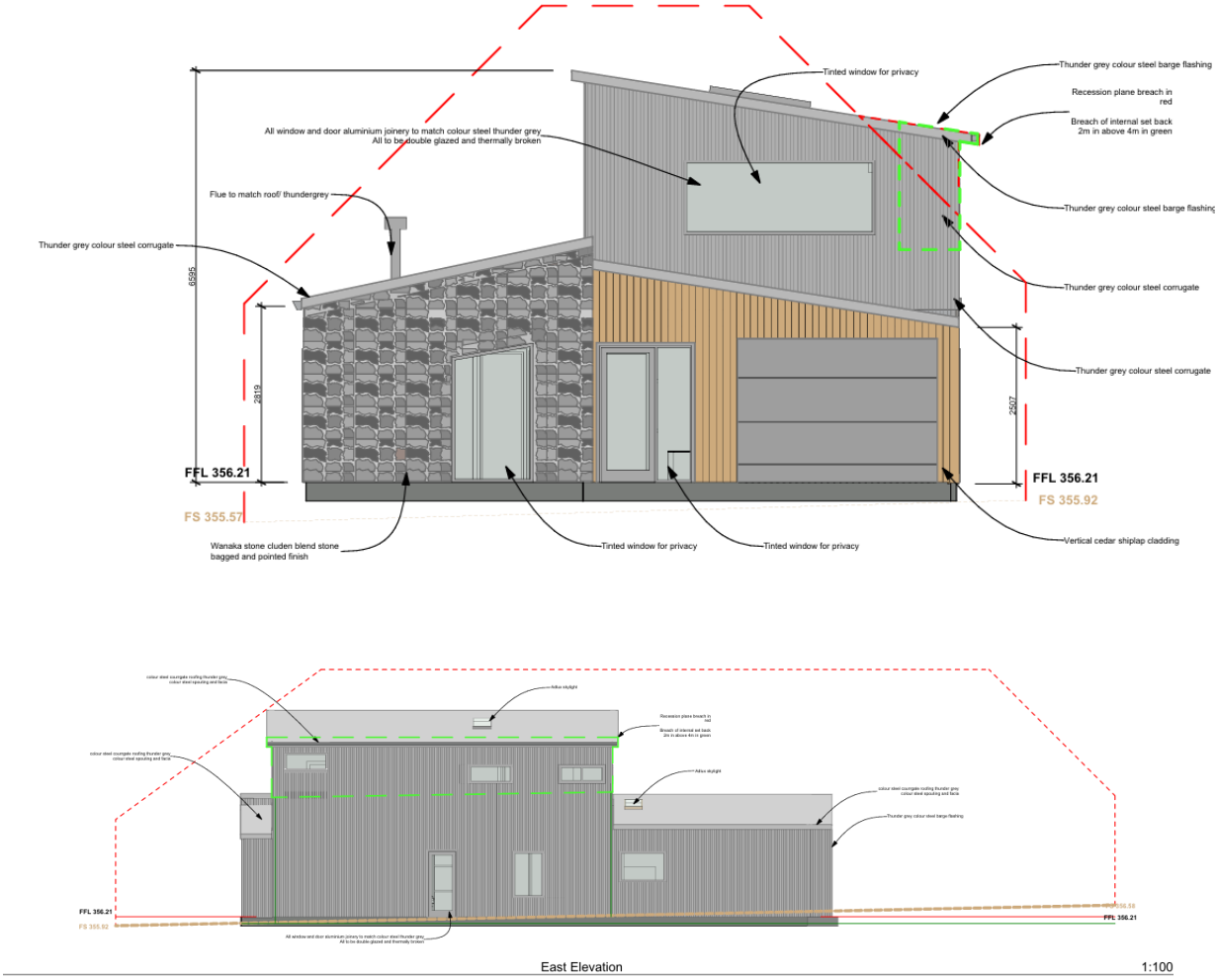


Figure 1: Snip from proposed plans outlining extent of proposed district plan breach

5. ZONING AND ACTIVITY STATUS

The subject site is zoned Jacks Point and is located within the Residential Hanley Downs State Highway R(HD-SH) activity area of the Jacks Point Structure Plan. There are no outstanding appeals to the zoning of this site or any of the relevant rules of the QLDC Proposed District Plan (PDP). As such the relevant rules of the PDP are treated as operative, and corresponding rules of the Operative District Plan (ODP are treated as inoperative, pursuant to s86F of the Resource Management Act (RMA).

The proposed activity required resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 45.5.1.4 subclause a. in regard to the 45 degree eastern recession plane. The second storey of the residential unit would extend through the recession plane as detailed within the plans. Furthermore consent is required under subclause b. of the same rule in regard to the 4m maximum height within 2m of an internal boundary. The proposed residential unit would have a maximum height of approximately 7m within 2m of the eastern boundary.

Council's discretion is restricted to:

a. privacy effects;
b. access to sunlight and the impacts of shading;
c. effects upon access to views of significance;
d. visual dominance and external appearance.

5.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 ("NES")

Based on a review of Council records, the piece of land to which this application relates is not a Hazardous Activities and Industries List (HAIL) site, and therefore the NES does not apply.

5.4 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be a **restricted discretionary** activity. However, pursuant to s104(5) Council has the ability to grant consent on the different activity status regardless of the activity status that has been applied for.

6. SECTION 95A PUBLIC NOTIFICATION

6.1 Step 1 – Mandatory public notification

- The applicant does not request public notification of the application (s95A(3)(a)).
- Subject to the request, the applicant is unlikely to refuse to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).
- The application does not involve an exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

6.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

However, the proposal is a boundary activity as defined by section 87AAB that is a restricted discretionary activity.

Therefore, public notification is precluded by Step 2 (s95A(5)(b)).

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

Notification is precluded under Step 2, therefore Step 3 does not apply.

6.4 Step 4 – Public Notification in Special Circumstances

It is considered that there are no special circumstances in relation to this application that would require the application to be publicly notified.

7. SECTION 95B LIMITED NOTIFICATION

7.1 Step 1

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; **therefore limited notification is not required**.

Limited notification is not required under Step 1 as the proposal is not on or adjacent to or may affect land subject to a statutory acknowledgement under Schedule 11.v(s95B(3)).

7.2 Step 2

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan nor is it subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

7.3 Step 3

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal **is a boundary activity** where the owner of the infringed boundary has not provided their approval.

As the owner of the infringed eastern boundary has not provided written approval, an **assessment of effects upon the owners/occupiers of the site sharing the infringed boundary** is required in accordance with section 95E.

As outlined in section 8 below, In terms of section 95E of the RMA, no persons are considered to be affected by the proposed development. Therefore, limited notification is not required under Step 3.

7.4 Step 4

It is considered that no special circumstances exist that require limited notification of the application.

7.5 Overall Notification Determination

Therefore, on the basis of the above, the application can be determined on a non-notified basis.

8. ASSESSMENT OF EFFECTS ON ENVIRONMENT AND PEOPLE (S95(e)) AND S104)

8.1 Effects Permitted by the Plan (s95E(2)(a) and (s104(2))

When considering assessing adverse effects on the environment and people under s95E and s104 the consent authority may disregard effects of the activity on the person or environment where a rule permits an activity with that effect, commonly referred to as the *permitted baseline.*

In this case the *permitted baseline* includes the construction of a residential unit (inclusive of a residential flat) that complies with relevant standards, including:

- A maximum height 8m or of 4m within 2m of an internal boundary
- Within a recission plane of 45 degrees at the eastern boundary, commencing at 3.5m up to 12m from the rear boundary and then commencing at 2.5m within 12m of the rear boundary
- Internal boundary setbacks of 1m and one of 3m
- Road boundary setback of 5m

These effects from this activity permitted by the plan described above are relevant and it is considered that there is no reason why the consent authority should not disregard these effects in its assessment of the proposed activity.

8.1 Existing Environment

In addition to the permitted baseline outlined above, the Consent Authority is also required to consider the environment as it could be changed through the implementation of granted resource consents.

In this case, the underlying resource consent RM240788 that approved the creation of the subject future lot, also included land use consent to enable building coverage of up to 60% of the net area.

8.2 Matters of discretion (s95E(2)(b) and (s104C)

The consent authority must disregard an adverse effect of the activity on the person or environment if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion. In this case, council's discretion is restricted to the following:

a. privacy effects;
b. access to sunlight and the impacts of shading;
c. effects upon access to views of significance;
d. visual dominance and external appearance.

8.3 Assessment: Effects on Persons and the Environment

Taking into account the exclusions in sections 5.1 and 5.2 above, the following outlines an assessment of the effects upon the persons and the environment.

Privacy effects

The proposed residential unit complies with all built form standards aside from its height in relation to the eastern boundaries. As such it is not anticipated to give rise to any privacy effects that are over and above what could be constructed as of right on the site.

In specific relation to the effects upon the owners and occupiers of the infringed eastern boundary, whilst there will be additional built form at a second story level towards the shared boundary, this bulk of the built form is located towards the front of the site, away from any future outdoor living areas. Furthermore, all windows on the upper floor of the proposed eastern elevation are located above 1.4m from second floor height, ensuring no direct views of the neighbouring property can be achieved, avoiding any potential privacy concerns.

As such, any privacy effects from the proposed development upon the owners and future occupiers of Lot 1196 and the winder environment are considered less than minor and therefore acceptable.

Access to sunlight and the impacts of shading

Considering the location of the proposed breach at the southern portion of the eastern boundary, together with the shape and orientation of both the subject site and adjoining properties, the development is expected to have a negligible effect on shading and access to sunlight for neighbouring sites. Any additional shading resulting from the built form would occur during the late afternoon and evening, primarily affecting the frontage of Lot 1196 to the south/west of this lot. This would not adversely impact the amenity of outdoor living areas, which are most likely oriented to the north to maximise views and sunlight.

Any primary habitable room windows of the future development on Lot 1196 are anticipated to be oriented to the north or south to maximise access to natural sunlight, supported by the greater setbacks. Furthermore, the level of late afternoon and evening shading generated by the proposed development is likely to be comparable to that of a taller, compliant 8m building.

As such, the effects of the proposed development on shading and access to sunlight for the owners and future occupiers of Lot 1196, as well as the wider environment, are unlikely to be noticeable and are therefore considered to be less than minor.

Effects upon views of Significance

The proposed development is not anticipated to restrict any public or private view of significance. Therefore, any effects relating to this upon the environment and all surrounding neighbours will be less than minor.

Visual dominance and external appearance

The location of the additional built form on the eastern elevation of the building effectively confines any effects relating to visual dominance and external appearance to the eastern boundary, where it will be most apparent to the owner and future occupiers of Lot 1196.

However, the proposed residential unit has been carefully designed to ensure that the extent of additional built form along the shared boundary is limited to approximately 10m at the southern end of the 32m eastern boundary. This approach directs any potential adverse effects away from the more sensitive northern portion of Lot 1196, which is likely to accommodate primary outdoor living and amenity areas. These areas are expected to achieve a higher level of amenity due to their access to views, all-day sunlight, and separation from the road.

By concentrating the bulk of the building toward the northern part of the site, while maintaining a single-storey form along the northern boundary interface, the proposal reduces the visual dominance and mitigates effects on adjoining properties. As a result, the effects on the owners and occupiers of Lot 1196 are considered to be less than minor, particularly when assessed against the permitted baseline.

On this basis, the adverse effects relating to visual dominance and external appearance on the surrounding environment and neighbouring properties are considered to be less than minor.

8.4 Assessment: Natural Hazard Risk s106A

A consent authority may refuse to grant a land use consent, or may grant a consent subject to conditions, if it considers that the land is or is likely to be subject to a significant risk from natural hazards.

In this case, the QLDC Hazard Maps show that the subject is located on identified alluvial fan, however the risk of liquefaction is stated to be ‘low’. Furthermore, the risk of natural hazard for the was recently assessed during the processing of the underlying subdivision (RM240788) where no specific foundation design was deemed necessary. The proposed development will not exacerbate and risk from natural hazard beyond what was assessed and deemed acceptable under RM240788 and as such there is no reason not to grant consent under s106A of the RMA.

9. OBJECTIVES AND POLICIES S104

Operative District Plan (ODP)

As outlined in section 5, the zoning of the proposed site has been through the district plan review and the zoning and relevant rules are not subject to appeal and are beyond challenge. However, the PDP is yet to be made fully operative and as such the provisions of the ODP are still a relevant consideration under s104b, however are generally given limited weight given the advanced stage of the PDP. The brevity of the following assessment is reflective of this.

The relevant operative objectives and policies are contained within Section 12 Special zone – Resort Zones of the ODP.

The relevant provisions of 12 of the ODP seek to enable an integrated community of residential, visitor accommodation, small scale commercial and recreational activities that require development to be in

accordance with the structure plan and do not compromise the views and amenity values of the surrounding landscape and entrance into Queenstown.

The proposed development gives effect to these provisions as it is accordance with the structure plan and maintains the level of amenity anticipated for the area.

Therefore, the proposal is consistent with chapter 12 and the ODP as a whole.

Proposed District Plan

The relevant objectives and policies are contained within Chapters 41 of the PDP. The relevant provisions of Chapter 41 include but are not limited to:

41.2.1.8 b. Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

41.2.1.12 Recognise the (Hanley Downs) Residential Activity Areas (R(HD)) as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

41.2.1.13 Apply residential development controls to protect privacy and amenity, provide access to sunlight, to achieve design cohesion, and to provide appropriate opportunities outdoor living, consistent with the residential density anticipated in that Activity Area.

The proposed development continues to contribute to medium density residential activity as anticipated by zone and in accordance with the structure plan. As assessed above, the proposed residential development would continue to allow for a high standard of design and residential amenity for the surrounding neighbours by carefully locating built form that responds to privacy, orientation and anticipated outdoor living areas of neighbouring sites.

On this basis, the proposed development is considered to be consistent with the relevant objectives and policies of Chapter 41 and the PDP as a whole.

9. NATIONAL AND REGIONAL POLICY STATEMENTS

National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards (NPS-NH) requires that natural hazard risk associated with subdivision, use, or development is assessed using a risk-based approach, including consideration of both the likelihood of a natural hazard event occurring and the consequence of that event for life and property.

The underlying subdivision RM240788 assessed the relevant natural hazards affecting the site. Relying on these previous hazard assessments as the best information available at time of lodgement against the risk matrix of NPS-NH the risk is considered low, having regard to the likelihood and consequence of the identified hazard events.

As such, the proposal would be consistent with the NPS-NH.

10. PART 2 OF THE RESOURCE MANAGEMENT ACT

The purpose of the RMA is to promote the sustainable management of natural and physical resources. There are no matters of national importance relevant to the proposal as outlined in Section 6. With regard to section 7, the proposal will maintain the existing character, quality and amenity values of the surrounding environment. The application aligns with the principles of the Treaty of Waitangi under Section 8. Overall, the proposal is considered to meet the purpose and principles of the RMA.

11. CONCLUSION

Consent is sought to construct a residential unit and flat on Lot 1197 Rowe Drive, Hanley's Farm.

The proposal is a restricted discretionary activity.

As outlined above, the proposal is expected to result in potential adverse effects upon the environment and people that are less than minor.

The proposal has also been assessed as being consistent with the relevant objectives and policies of the ODP and PDP.

Overall, it is sought that consent is granted as proposed.