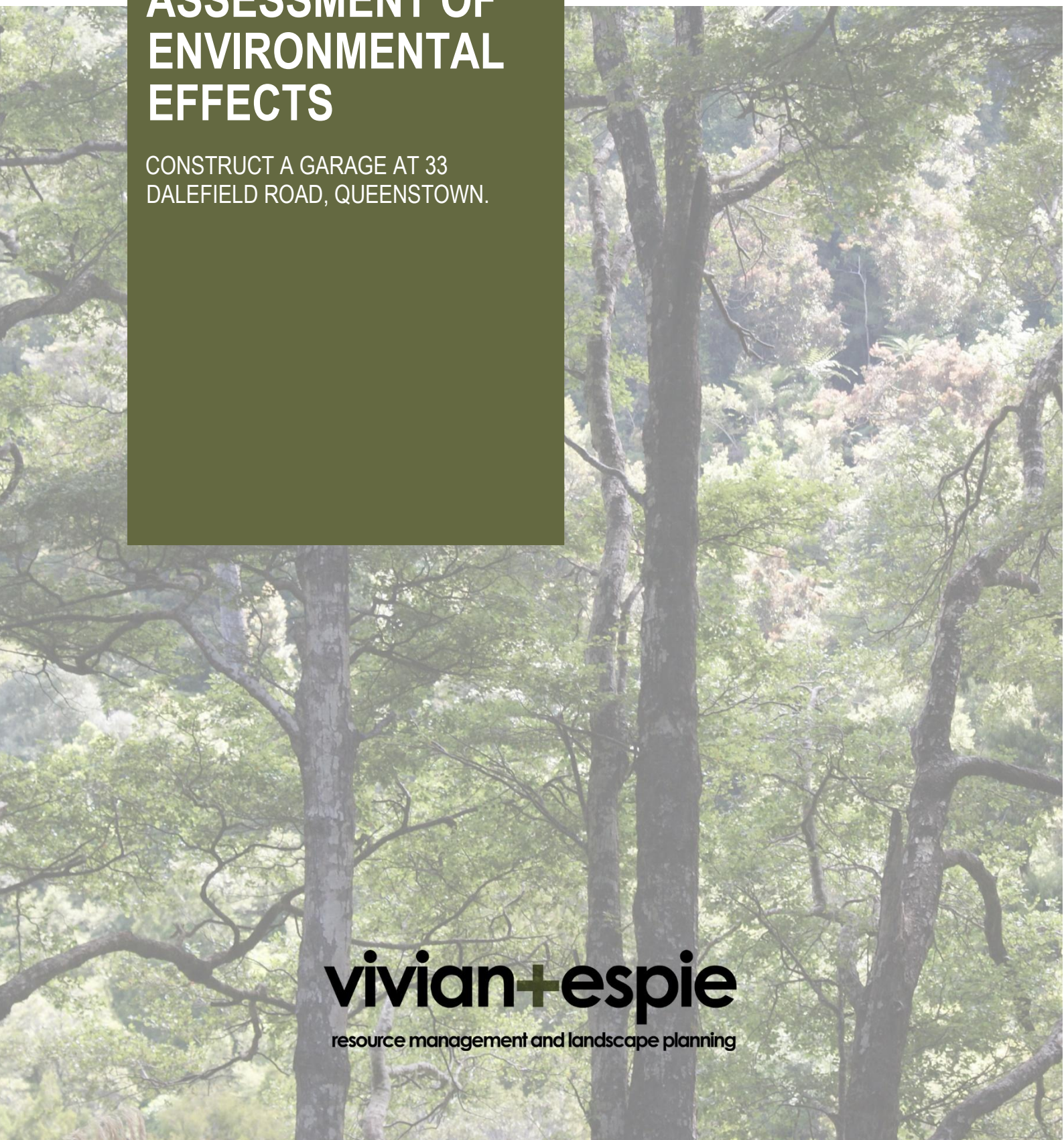
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PREPARED FOR TOTEM PROPERTY MANAGEMENT
MAY 2026
J2683

ASSESSMENT OF ENVIRONMENTAL EFFECTS

CONSTRUCT A GARAGE AT 33 DALEFIELD ROAD, QUEENSTOWN.



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Quality assurance

Prepared by	Kenny Macdonald	Senior Planner	29 May 2026
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1. Key Information

Address	33 Dalefield Road, Queenstown
Legal Description	Lot 1 DP 24476 held in Record of Title OT16B/1082
Site Area	9138 m^2
Owners	Richard Marshall
Occupiers	Richard Marshall
Applicant	Totem Property Management
Operative District Plan Zoning	Rural General Zone
Designations & Special Provisions	None
Proposed District Plan Zoning	Wakatipu Basin Rural Amenity Zone
Designations & Special Provisions	Lake Hayes Catchment
Proposed Activity	To construct a garage where no building platform exists and within the road boundary setback.
Consents Required	**Proposed District Plan** Wakatipu Rural Amenity Zone • A **restricted discretionary** activity resource consent pursuant to Rule 24.4.6 for the construction of a residential building which is not provided for by rules 24.4.5 or 24.4.7A as there is no building platform on the title. • A **restricted discretionary** activity pursuant to Rule 24.5.9.1 for an infringement of the 20 m road boundary setback.

	Overall, the application is a **restricted discretionary** activity.
Written Approvals and Consultation	No persons other than the applicants are affected by the proposal.
Other consents/permits	None

2. Introduction

This report is submitted as part of the application by Totem Property Management ("the Applicant") for resource consent from Queenstown-Lakes District Council (QLDC or "Council") for the construction of a garage in breach of road boundary setback requirements at 33 Dalefield Road, Queenstown. The completed Form 9 is appended as Attachment **[A]** and the Record of Title is appended as Attachment **[B]**. The proposed plans 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. Site and Background

The subject site is an irregular shaped site measuring 9138 m^2, located adjacent to the northern end of Dalefield Road. The site is predominantly steeply sloped downhill in a general southeast to northwest direction with a level area formed for the house, lawn and access. The site contains a single storey residential unit that was constructed under **RM020519** and **BC041527** and the site is mostly enclosed by vegetation on all boundaries, the area of the residential unit being particularly enclosed meaning it is only visible from a small number of distant locations outside the site. The site and immediately surrounding environment is zoned Wakatipu Basin Rural Amenity Zone (WBRAZ) and is located within the Malaghans Valley Landscape Character Unit. The surrounding environment comprises sites of varying shapes and sizes, most lots to the south of Malaghans Road being used for rural lifestyle purposes.



Figure 1: Subject site (in blue) and surrounding environment

3.1 Site history

The following resource consents are listed on eDocs:

- RM930637 (O & M L Genty-Nott) was granted on 20 December 1993, for a 2 Lot subdivision, which created the current application site.
- RM020519 (M Creemers) was granted in 24 December 2022, to identify a building platform of 1000m^3 and erect a dwelling within the building platform. This consent was utilised to construct the existing residential unit. The conditions of consent did not include a requirement to register the platform on the title.
- RM040806 (S Domergue & C Goff) was granted on 7 October 2004, for earthworks to facilitate the construction of the residential unit.

There are no other relevant consents are listed on eDocs.

3.2 Consent Notices and Land Covenants

There are no consent notices and land covenants listed on the Record of Title.

4. The Proposal

Consent is sought for the construction of a garage close to the southwestern corner of the residential unit. The garage will measure 6m by 8m with a maximum height of 3.33m. It will be constructed of macrocarpa timber and will be stained dark brown to match the existing house while the roof will be colorsteel to also match the house. It will be separated from the house by approximately 2.2m.

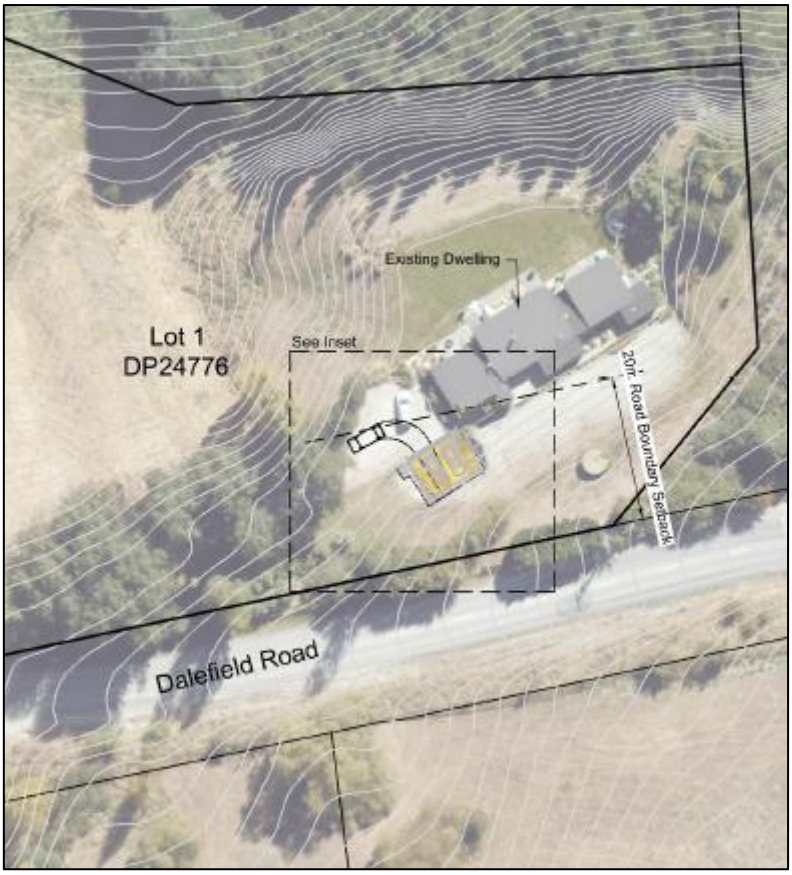


Figure 5: Snip of proposed site plan.

A building platform was approved as part of RM020519 but was not required to be registered on the title. None of the documents showing the building platform that are available on eDocs have been stamped but the platform was included in the description of the proposal that was granted consent. The platform is shown in Figure 6 below:

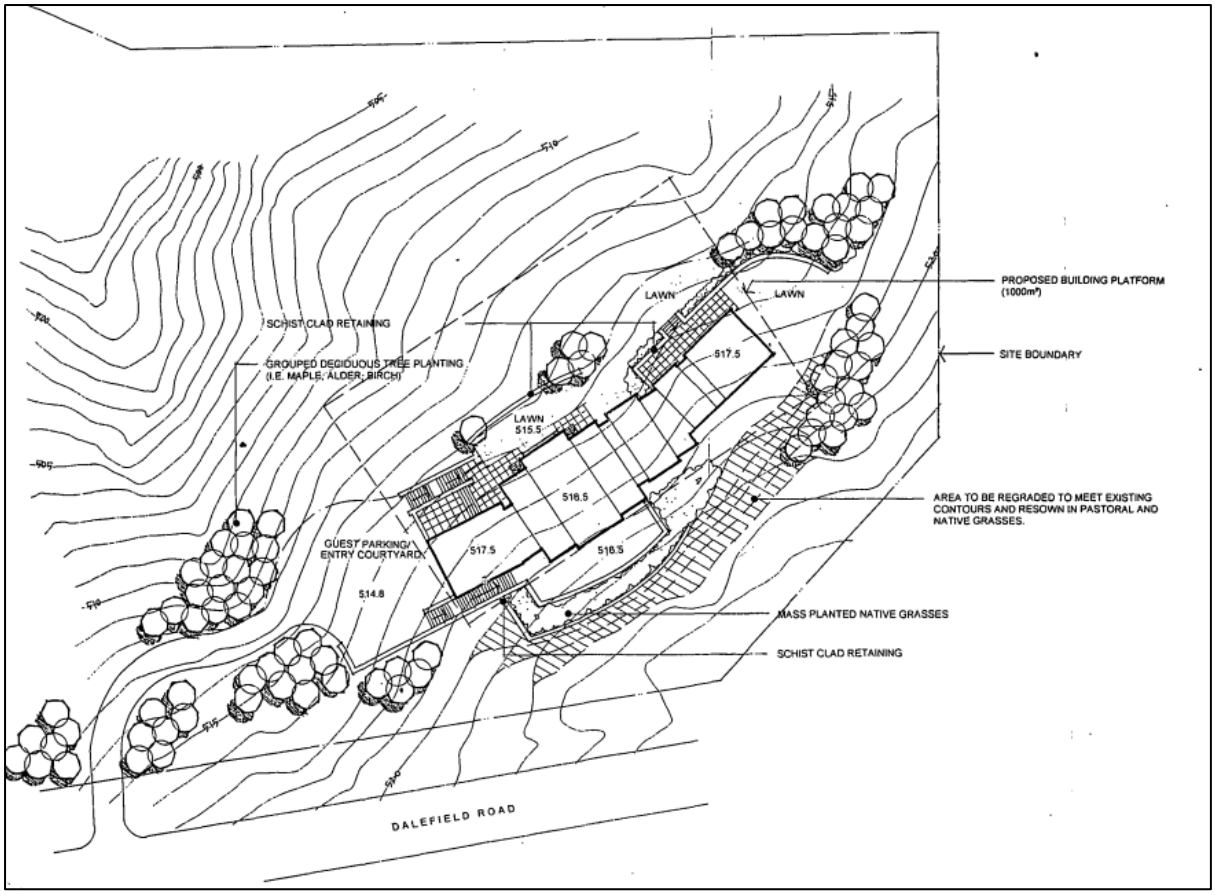


Figure 6: Snip of platform most likely approved under RM020519.

The construction of the proposed garage will require only a small scrape to provide the footings and a small area of further excavation to create the bin storage area. These earthworks will meet the permitted requirements of Chapter 25 of the PDP.

5. Matters Requiring Consent

5.1 National Environmental Standards

The Resource Management (National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 201 1 ("the NES") came into effect from 1 January 2012 and applies to all subdivision or other activity that will change the use of the land. The NES requires an applicant to demonstrate to the Council that it is highly unlikely that there will be a risk to human health from any activity on the HAIL list.

The application does not require consent under the NES since there has been no known HAIL activities that have taken place on the site. No new records suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application having regard to the information held by the Queenstown Lakes District Council and the Otago Regional Council. As such, the proposal is therefore considered to be a permitted activity under the NES.

5.2 Operative District Plan

The subject site is zoned Rural General under the Operative District Plan (ODP). As there are no appeals to the equivalent rules in the PDP, the relevant ODP rules must be treated as inoperative pursuant to section 86F(1)(a) of the RMA.

5.3 Proposed District Plan

The subject site is zoned Wakatipu Basin Rural Amenity Zone under the Proposed District Plan (PDP). The proposal requires consent under the PDP for the following matters:

- A **restricted discretionary** activity resource consent pursuant to Rule 24.4.6 for the construction of a residential building which is not provided for by rules 24.4.5 or 24.4.7A as, although a platform was approved under RM020519, it was not required to be registered on the title. Therefore, there is no platform registered on the title. Council's matters of discretion are restricted to:

    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.

    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.

- A **restricted discretionary** activity pursuant to Rule 24.5.9.1 for an infringement of the 20 m road boundary setback.

    a. Building location, character, scale and form;

    b. External appearance including materials and colours;

    c. Landscaping/planting (existing and proposed).

    d. 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.

    e. Within Lot 2 DP 392663, Part Lot 7 DP 392663, and Part Lot 2 DP 501981 (or subsequent title/s) and Part Section 1 SO 23541 (or subsequent title/s), avoiding the potential effects of a linear pattern of built development when viewed from McDonnell Road or distant public

elevated viewpoints in Arrowtown, on Tobin's Track, and Feeley Hill, that may contribute to a perception of urban sprawl along McDonnell Road taking into account building form, location setback and mitigation proposed.

5.4 Overall activity status

The proposal can be assessed as a **restricted discretionary** activity under the Proposed District Plan.

5.5 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified by the author. 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 AEE. 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

Council's decision on the proposal must give effect to the purpose and principles of the Act, as set out in Part 2 of the Act, and have regard to the relevant matters in sections 104 to 108 of the Act.

6.1 Resource Management Act – Part 2

The purpose of the Act, set out in Section 5, is to promote the sustainable management of natural and physical resources. The broader principles of the Act are set out in sections 6 to 8 of the Act.

Section 6 identifies a number of matters of national importance. None of these matters are particularly relevant to this application. Section 7 sets out a number of "other matters" to which the Council is required to have regard to. These matters include (relevantly):

(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:*

(g) *Any finite characteristics of natural and physical resources:*

The proposal will enable the social and economic wellbeing of the applicant, whilst managing the use and development of natural and physical resources. The existing amenity values associated with this rural area, and the quality of the environment will be maintained and enhanced.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. The property is not identified in Council's GIS web mapping application with a wāhi tūpuna overlay. The proposal will not compromise the values of iwi, and is considered to be consistent with the principles of the Treaty of Waitangi.

Overall, the proposal is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

6.2 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.

7. Assessment of Environmental Effects

7.1 Permitted Baseline/Receiving Environment

Section 104(2) of the Act states that, in considering the effects of allowing an activity, a consent authority may disregard an adverse effect if the plan permits an activity with that effect. In this case, rule 24.4.4 permits the alteration of any lawfully established building used for residential activity, while standard 24.5.3 permits such alterations to increase the ground floor area of the residential building by up to 30% in any ten year period. The existing residential unit has a floor area of approximately 240m^2 and therefore an extension to the building could be constructed with a floor area of approximately 72m^2 with a maximum height of 6.5m.

There is no consent notice on the title that controls development and it is therefore also permitted to construct a Detached Minor Residential Unit (DMRU) under the National Environmental Standards for Detached Minor Residential Units (NES-DMRU). This NES allows for the construction of a DMRU that is detached, has a maximum floor area of 70m^2, complies with the building coverage rule for the zone, set back no less than 2m from the

principal residential unit, and set back no less than 10m from the front boundary. A DMRU could be constructed in an identical location to the proposed garage as a permitted activity.

Earthworks of up to 400 m^3 in volume are also permitted in the WBRAZ, subject to compliance with standards. The proposal complies with these earthwork standards.

These permitted effects are particularly relevant to the proposal and have been considered in the assessment of effects which follows.

7.2 Matters of discretion not addressed

The matters of discretion from the two rules breaches are relatively limited with several of them not relevant to the proposal. Minimal or no assessment has been undertaken against the following matters:

- *Access*

  No changes to access or manoeuvring are proposed and the proposal will not result in an increase in traffic.

- *Infrastructure*

  The garage will not increase demand on any of the existing services.

- *Natural hazards*

  The site is noted as having a low to nil risk of liquefaction and no other natural hazards affect the site.

- *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*

  There is no electricity transmission infrastructure near the site.

- *Within Lot 2 DP 392663, Part Lot 7 DP 392663, and Part Lot 2 DP 501981 (or subsequent title/s) and Part Section 1 SO 23541 (or subsequent title/s), avoiding the potential effects of a linear pattern of built development when viewed from McDonnell Road or distant public elevated viewpoints in Arrowtown, on Tobin's Track, and Feeley Hill, that may contribute to a perception of urban sprawl along McDonnell Road taking into account building form, location setback and mitigation proposed*

  Does not relate to the application site.

7.3 Potential adverse effects

Potential adverse effects in relation to the other matters of discretion are addressed below:

- Effects on landscape character associated with the bulk and external appearance of buildings;
- Building location, character, scale and form;
- External appearance including materials and colours;
- Landscaping/planting (existing and proposed).

The garage will be small in scale in the context of the existing built form and, at 48m^2 and 3.3m in height, will be smaller and less obtrusive than other feasible permitted developments (e.g. a DMRU of 70m^2 or a permitted extension to the house of 72m^2. It will sit well below the level of Dalefield Road, behind existing vegetation and, if at all visible from outside the site, will appear as a subsidiary and discreet element of the existing built form. Effects on landscape character and effects arising from the built form and landscaping will be less than those generated by a non-fanciful permitted development and will be less than minor.

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

The proposal does not involve any landscape modification. The shallow scrape required to construct the garage will not create any modification of the landform and no further landscaping is proposed beyond what the owners have already planted themselves. No additional lighting is proposed at present and any that might be added would be downward facing so as to ensure no upward light spill and would be sufficiently screened by existing vegetation, landform, and the dwelling. Any effects in this regard will be less than those generate by a permitted development and will be less than minor.

- 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.

While the site is located with the Lake Hayes Catchment, the proposal is inconsequential in scale and will create less impervious area than a non-fanciful permitted development while it is located a considerable distance from Lake Hayes. In addition, a significant amount of planting has already been established on site which has already contributed towards an improvement in water quality within the Lake Hayes catchment and this existing planting is considered to be commensurate with the nature, scale and location of the activity. Effects in this regard are less than minor and less than those associated with a permitted development.

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.

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 listed statutory persons or groups are affected by the proposal.

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

- There is no rule or NES that precludes limited notification.
- The application is not for a controlled activity.

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

- As set out in the earlier assessment, 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.

This application can be limited notified or publicly notified. It is requested that the application be processed on a non-notified basis, as the proposal is small in nature and scale and any adverse effects on the environment or on persons will be less than minor.

9. Policy Framework

9.1 Operative Regional Policy Statement (2019) – ORPS

Section 104(1)(b)(v) requires a consent authority to have regard to any regional policy statement or proposed regional policy statement.

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. All of the objectives and policies within the ORPS are covered by and implemented through the relevant Objectives and Policies in the PDP. Nevertheless, a brief assessment follows. The following objectives and policies are of relevance:

Objective 1.1 Economic wellbeing	The enabling of the proposal will provide for the economic and social wellbeing of the applicant, by enabling reasonable residential

Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	development in close proximity to an existing consented residential unit.
Objective 2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management process and decisions And associated policies 2.1.1 – 2.1.2 **Objective 2.2 Kai Tahu values, interests and customary resources are recognised and provided for** And associated policies 2.2.12 - 2.2.3	The proposal is not located within an area identified as Wāhi Tūpuna. The proposal is a residential activity located adjacent to an existing consented residential unit. The building and the setback infringement will not result in adverse effects on the values of Kai Tahu.
Objective 5.3 Sufficient land is managed and protected for economic production	The site is not feasibly productive and has already been lawfully established for residential use. The proposal will not result in any loss of significant soils and does not represent an activity which is incompatible with other rural activities.

The proposal is consistent with the objectives and policies of the ORPS.

9.2 Proposed Regional Policy Statement (2021) – P-ORPS

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. As the scale of this application is relatively small, the PORPS does not provide direct guidance to these types of applications. However, the following policies are of relevance:

> ***Objective NFL-O2 – Highly valued natural features and landscapes*** *- The identified values of any highly valued natural features and landscapes are maintained or enhanced.*
>
> ***Policy NFL-P3 – Management of activities within highly valued natural features and landscapes –*** *Manage adverse effects of subdivision, use and development within any identified highly valued natural features and landscapes having particular regard to the maintenance or enhancement of the values of those areas.*

The proposal is small scale and something that would be reasonably anticipated to occur alongside existing residential development. The garage takes advantage of the existing building, topography and vegetation to ensure there are no adverse effects on the surrounding natural features and landscapes. The proposal is consistent with the P-ORPS.

9.3 Operative District Plan

The objectives and policies of the ODP are no longer considered relevant as there are no rules triggered by which to implement the objectives and policies.

9.4 Proposed District Plan

9.4.1 Wakatipu Basin (Chapter 4)

Objective 24.2.1 Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced. **Policy 24.2.1.2** Subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that: a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced by ensuring that the landscape capacity is not exceeded. i. protect the District's rural landscapes from sporadic and sprawling urban development ii. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in iii. contain a high quality network of open spaces and community facilities; and iv. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure. **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. **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. **Policy 24.2.1.13** Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values. **Policy 24.2.1.15** Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements. **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.**	As demonstrated in the effects assessment above, the proposal is small in scale and the type of structure that would be anticipated in close proximity to a residential unit. It is smaller than similar permitted developments that could be undertaken and will not be noticeable from outside the site. Any viewpoints from which the building will be visible are likely to be at considerable distance where the garage will blend in and be indecipherable from the existing residential unit. The proposal involves negligible and permitted modification of the landform. The above aspects ensure that landscape character and visual amenity values will be maintained. The proposal is consistent with objectives 24.2.1, 24.2.4, and 24.2.5 and their related policies. The proposal is of a nature and scale that will result in less impervious areas being added to the site than would be the case with feasible permitted developments and, when considered alongside the substantial planting which has already been undertaken on the site, is considered to be commensurate with the nature and scale of the proposal and therefore consistent with Policy 24.2.4.2.

Policy 24.2.4.1 Avoid adverse cumulative impacts on ecosystem services and nature conservation values. **Policy 24.2.4.2** Restrict the subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal. **Objective 24.2.5 Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.** **Policy 24.2.5.1** Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units. **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.	

10. Other Matters

Section 104(1)(c) of the Act permits Council to have regard to "any other matter the consent authority considers relevant and reasonably necessary to determine the application". No other matters are considered relevant to this proposal.

11. Consultation

No consultation has been undertaken or considered necessary.

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 [C]: Garage Plans