RESOURCE CONSENT

ASSESSMENT OF ENVIRONMENTAL EFFECTS



Resource consent under Section 221 of the RMA, to vary a land covenant condition to (retrospectively) enable a detached minor residential dwelling at 81 Slopehill Road, Queenstown

1. Site and Surrounding Environment

The site is located at 81 Slopehill Road, Queenstown. The subject site is separated over two parcels, being Lot 1 DP 22097 and Lot 2 DP 359586, held under the same title and under the same ownership.



Figure 1: Site (outlined in blue) and surrounding environment

Lot 1 DP contains an existing residential dwelling and attached garage and above ground flat. The topography of the site slopes up gently from Slopehill Road toward a terrace where the existing dwelling is located. Stands of mature trees are clustered within the site, with new planting being established.

Access to the main house is present along Lot 1 DP. A second vehicle crossing has been established along the site boundary of Lot 2 DP leading towards the detached minor residential dwelling, it is understood that this vehicle crossing complies with all standards under the PDP. This is further discussed in section 6.2 of this AEE.

2. Background

The applicant intends to utilise the property as a regenerative site, which includes vegetable gardens, picking flower gardens, bee hives and planting of native planting and trees. The purpose of the detached minor residential dwelling is to provide housing for the caretakers of the property who will be undertaking the regeneration of the site.

3. Site History

Resource consent RM050653 was approved 18 August 2005, to undertake a boundary adjustment involving existing Lot 2 DP 359586. An amalgamation condition was imposed under this resource consent allowing the transfer of Lot 2 to the owner of Lot 1 DP 2209, and to be issued under one certificate of title for both parcels.

Resource consent RM070746 was approved 7 January 2008, to demolish the existing building and replace with a new dwelling, and associated landscaping and earthworks. A 1000m^2 building platform was also established through this consent.

RM160883 was approved 17 March 2017, to demolish an old garage and establish a new garage.

RM181360 was approved 13 November 2018, to vary conditions 1, 13, 16 and 17 and to cancel condition 14 of Resource Consent RM070746.

Resource consent RM200025 was approved 2 April 2020, to undertake alterations to an existing residential unit outside of a building platform.

4. Consent Notices and Land Covenants

The Record of Title is appended as Attachment **[B1]** and contains the following instruments:

- Land Covenant 11344335.1 – in favour of the Queenstown Lakes District Council.
- Easement Instrument EI 6733893.2 – right to convey electricity

There is one land covenant listed on the title; Land Covenant 11344335.1, which the QLDC is party to. The proposal seeks to vary condition 6 of this land covenant to locate the detached minor residential dwelling outside of the building platform. This land covenant is appended as Attachment **[B2]**.

5. Proposal

5.1 Detached Minor Residential Dwelling

Retrospective resource consent is sought to vary a land covenant condition, to enable the construction of a 29m^2 detached minor residential dwelling (from hereon 'minor dwelling') on the subject site. The location of the minor dwelling is set out in the site plan appended as Attachment **[C1]**.

The minor dwelling is clad in Colorsteel Flaxpod (LRV 6%) and timber weatherboard with natural stain.

The existing residential dwelling measures approximately 347m^2. The combination of the two built forms (existing residential dwelling and the minor dwelling) will not result in a breach of building coverage Rule 24.5.6.

The minor dwelling measures 3.65m in height from floor to roof in height; not exceeding Rule 24.5.8.1 which requires a building height of 6.5m.

The minor dwelling is located 13m from the nearest internal boundary, therefore complying with Rule 24.5.7.1 pertaining to setbacks from internal boundary.

The minor dwelling complies with the standards of the National Environmental Standards for Detached Minor Residential Units (NES-DMRU). Compliance with the NES-DMRU is discussed in greater detail in section of this AEE.

5.2 Access and servicing

A vehicle crossing and access has been established which complies with Council's minimum standards for private driveways. CCC approval is appended as Attachment **[D]**

Reticulated potable water services are available to the site boundary via Council services. A composting toilet has been established for the minor dwelling, grey water will be disposed into the ground and re-used for irrigation. Stormwater will be disposed to an on-site into an already established soak pit. Two 22,500L concrete firefighting water tanks will be established on site, shown in plan appended as Attachment **[C1].**

5.3 Earthworks

Necessary earthworks involve the formation of the driveway, landscape mounds and to for the firefighting water tanks. Only site scrape related earthworks are required to locate the minor dwelling on the subject site. Earthworks quantities are as per the table below, complying with the PDP standards.

Total Volume	225m^3
Cut volume	0m^3
Fill volume	225m^3
Area of earthworks	320m^2
Maximum cut depth	2.4m
Maximum fill height	2m

5.4 Landscaping

Planting is proposed as per plan appended as Attachment **[C3]**, which includes planting of a section of the western boundary and the mound in native planting. The purpose of the planting is to screen the minor dwelling from public views. Native planting has been selected to contribute towards biodiversity and the regenerative intentions of the site.

6. National Environmental Standards

6.1 National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The Resource Management (National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("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-CS, as Council records, and no new records suggests that an activity on the HAIL has taken place on the piece of land subject to this application. As such, the proposal is considered to be a permitted activity under the NES-CS.

6.2 National Environmental Standard for Detached Minor Residential Units

The National Environmental Standards for Detached Minor Residential Units (NES-DMRU) came into force 15 January 2026.

The NES-DMRU sets out permitted activity rules and standards that allow for the building of a detached minor residential unit of up to 70m^2 without needing to apply for a resource consent if certain requirements are met.

Section 5(1) of the NES-DMRU sets out the District Plan zones in which one DMRU per site is a permitted activity. This includes a rural zone (Section 5(1)(d)). We have sought advice from the QLDC Policy Team as to whether the NES-DMRU applies to the QLDC Wakatipu Basin Zones, as under the PDP, the Wakatipu Basin Zones are categorised under the 'Rural Environment'. The QLDC Policy Team confirms that the Wakatipu Basin Zone qualifies as a 'rural zone' for the purpose of the NES-DMRU.

The proposed minor dwelling 'qualifies' under the NES-DMRU, as the minor dwelling is detached from the principal residential unit and fits under the definition of a 'minor residential unit' being:

> *A self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site*

It is noted that Section 5(1) only applies if the DMRU complies with the standards set out in regulation 6, and satisfies the requirements of regulations 7, 8, and 9. The below shows how the minor dwelling on the subject site complies with these regulations:

NES-DMRU Section	Commentary	Compliance
Section 6(a) The DMRU must have a floor area that is equal to or less than 70m^2	The minor dwelling measures 29m^2 in area	The proposal complies with Section 6(a) of the NES-DMRU
Section 6(b)(ii) Building Coverage for the site must comply with the district plan in the rural zone	QLDC PDP Chapter 24 Rule 24.5.6 requires building coverage to not exceed 15% of net site area or 500m^2 whichever the lesser. The site measures 1.47ha in area. In this case, 15% of net site area is 2205m^2. As such, 500m^2 will be the lesser area to be measured against. The existing residential dwelling on the site measures 347m^2 The proposed minor dwelling measures 29m^2 The total building coverage on the site measures 376m^2	The proposal complies with Section 6(b)(ii) of the NES-DMRU
Section 6(c) The DMRU must be set back no less than 2 metres from the principal residential unit	The minor dwelling is set back further than 2 metres from the principal residential unit (is detached from the principal residential unit).	The proposal complies with section 6(c) of the NES-DMRU
Section 6(d) the DMRU must be set back no less than 10m from the front boundary and 5 metres from the side and rear boundaries of the site in a rural zone	The minor dwelling is set back approximately 50m from the road boundary, and setback 10m from the side boundary.	The proposal complies with section 6(d) of the NES-DMRU
Section 7 the DMRU must comply with the rules and standards in a district plan that deal with the matters in subclause (2) of they are applicable to the DMRU Section 7(2) (a) subdivision of land (b) matters of national importance under section 6 of the Act (c) the use of the DMRU other than for residential activities (d) papakainga	(a) no subdivision of land is being undertaken (b) RMA Part 2 Section 6 Matters of National Importance: RMA 6(a) RMA does not apply as the site is not in the coastal environment RMA 6(b) does not apply as the site is not located within an outstanding natural feature or landscape RMA 6 (c)does not apply as there are no significant indigenous vegetation or significant habitats of indigenous fauna located on the site. In addition, the minor dwelling will not result in effects on these matters, the applicant proposes to plant the site in indigenous vegetation RMA 6(d) the proposal will not affect public access to or along coastal marine areas, lakes and rivers	The proposal complies with section 7(1) and 7(2) of the NES-DMRU

(e) earthworks	RMA 6(e) the relationship of Maori and their cultural and traditions with their ancestral lands, water, sites, waahi tapu and other taonga will not be affected by this minor dwelling RMA 6(f) there are no items of historic heritage or archaeological importance noted on the site RMA 6(g) the proposal will not compromise the protection of customary rights RMA 6(h) the site is not located within an area of significant natural hazard risk (subject site in yellow dot)  *Figure 2: ORC Natural Hazards Database - indicating the site as yellow dot and no natural hazards exist* (c) the DMRU will be used for residential activity (d) no papakainga exists or is proposed (e) earthworks comply with the permitted standards of the PDP	
Section 7(3) a DMRU must comply with the rules and standards in a district plan that (a) apply to the DMRU's principal residential unit; and (b) manage effects relating to health and safety including those relating to i. any natural hazard risk not already taken into account under subclause (2)(b) ii. reverse sensitivity effects iii. site specific infrastructure requirements	It is understood that the intention of this Section is to ensure that the rules or standards that apply to the principal residential unit that manages effects relating to health and safety are considered when determining if a DMRU is permitted under the NES-DMRU. The matters pertaining to health and safety include: - Natural hazards not covered by section 6 of the RMA - Reverse sensitivity effects - Site specific infrastructure requirements - Regionally and nationally significant infrastructure - Noise from airports and ports - Contaminated land - Existing industrial activities, primary production activities and intensive indoor primary production activities	The proposal complies with section 7(3) of the NES-DMRU

	The proposal will not result in effects on any of the above matters and will not be affected by any of the above matters. In addition, the proposal is adequately serviced as follows: Drinking water: QLDC water supply Wastewater: Composting toilet / greywater to irrigation Stormwater: Soak pit Firefighting water supply: 2 x 22500L water tanks will be placed on site for the purpose of firefighting water reserve for the minor dwelling.	
Section 7(4) no other rules or standards in a district plan to a DMRU, including, to avoid doubt, rules or standards relating to: (a) amenity values (b) minimum requirements for i. individual outdoor open space, privacy or sunlight access ii. façade glazing or total area of glazing iii. parking	Not applicable. This section explains that no other rules or standards relating to those listed in Section 7(4), in a district plan applies to a DMRU.	N/A
Section 8 – A DMRU must comply with any rules in a regional plan that are applicable to the DMRU	There are no regional plan rules that are applicable to the DMRU	N/A
Section 9 – District Plan rules and standards may be more lenient	There are no district plan rules or standards that are more lenient	N/A
Section 10 DMRU must comply with other legislation	The DMRU complies with all other legislation. The DMRU does not require building consent under the Building Act 2004	The proposal complies with section 10 of the NES-DMRU

The proposal is therefore a permitted activity under Regulation 5 of the NES-DMRU.

7. Resource Consents Required

7.1 District Plan

Operative District Plan

The subject site is zoned Rural General Zone under the QLDC Operative District Plan. There are no appeals relating to the zone, and the PDP can be treated as operative under Section 88 of the Resource Management Act 1991.

Proposed District Plan

The subject site is zoned Wakatipu Basin Rural Amenity Zone under the QLDC PDP, as is classified as Landscape Character Unit (LCU) 11: Slope Hill 'Foothills'. The minor dwelling is considered as a permitted activity under the NES-DMRU, as such no resource consents under the PDP are required.

7.2 Resource Management Act 1991

A discretionary activity resource consent pursuant to Section 221 of the Resource Management Act, to vary condition 6 of Land Covenant 11344335.1 which states the following:

> *6) Any future buildings shall be contained within the approved building platform (shown as area 'A' on Deposited Plan 532925 in Annexure Schedule 3.*

It is proposed to vary this land covenant as follows:

> *6) Any future building shall be contained within the approved building platform (shown as area 'A' on Deposited Plan 532925 in Annexure Schedule 3, except for the minor dwelling approved by RM260XXX.*

Overall, the application can be assessed as a **discretionary activity**.

7.3 Section 104B – Discretionary Activities

Under section 104B, a consent authority processing an application for a discretionary activity may grant or refuse a resource consent application, and if it grants the application, may impose conditions under section 108.

8. Assessment of Environmental Effects

8.1 Permitted Baseline and Receiving Environment

The construction of residential activity located outside of a building platform on this site requires a variation to a land covenant condition, the permitted baseline does not apply in this case. However, it is important to consider that the proposal complies with the following standards:

- The minor dwelling is a permitted activity as per regulation 5 of the National Environmental Standards for Detached Minor Residential Units 2025.
- Earthworks comply with Chapter 25 earthworks and form part of the permitted baseline.
- The existing residential dwelling measures approximately 347m^2. The combination of the two built forms (existing residential dwelling and the minor dwelling) will not result in a breach of building coverage Rule 24.5.6.
- The minor dwelling measures 4.75m in height; not exceeding Rule 24.5.8.1 which requires a building height of 6.5m.
- The minor dwelling is located 13m from the nearest internal boundary, therefore complying with Rule 24.5.7.1 setback from internal boundary.
- The minor dwelling is located 48m from the road boundary, therefore complying with Rule 24.5.9.1 which requires a setback of 20m in the Rural Amenity Zone.
- 2 x 22,500L water tanks will be located on-site to service the minor dwelling, and as such the proposal will comply with Rule 24.5.19.
- The proposed building will be clad with Aluminium Composite Panels and Colour Steel Tray in a shade of dark grey, and timber weatherboard with natural stain.
- NES-DMRU permitted activity to place a detached minor residential unit on the site

8.2 Effects of variation to land covenant condition

8.2.1 Landscape and visual amenity effects

The subject site is located within Landscape Character Unit (LCU) 11, which states it has low capacity to absorb additional development. The proposed minor dwelling is located in a discreet and visually recessive position on the site, screened by the mound and will be further softened through the establishment of native planting, as shown in the Landscape Plan appended as Attachment **[C3]**. Overtime, the proposed planting will provide additional screening and integration of the minor dwelling, and mound will eventually become grassed to blend into the surrounding landscape, reducing visibility from both public and neighbouring private viewpoints.

The minor dwelling has been designed and positioned to minimise visual prominence. The building utilises recessive colours and materials which will visually blend with the surrounding environment. In addition, the dwelling is oriented so that the narrowest elevation faces Slopehill Road, thereby reducing the bulk and scale of the structure when viewed from the road corridor. The minor dwelling is adequately set back from the road and the neighbouring internal boundary.

Given the modest scale of the proposed minor dwelling, the mound screening and the proposed landscape mitigation, the visual effects associated with locating the dwelling outside of the designated building platform are considered to be less than minor, and will not introduce a level of development inconsistent with the established rural lifestyle character of the area.

Adequate separation distances to neighbouring properties are maintained and will not result in privacy or outlook effects. The scale and appearance of the minor dwelling are such that it will remain visually subordinate within the wider site context. Overall, the proposal will not result in adverse landscape or visual amenity effects that are minor or more than minor.

8.2.2 Effects of the variation to land covenant

The purpose of the land covenant and associated building platform is understood to be, to manage the location and visual prominence of development on the subject site, in order to maintain landscape character and visual amenity values.

The minor dwelling will not result in an inappropriate spread of domestication across the subject site, as the extent of the domestic activity and built form associated with the minor dwelling remains modest in scale and contained to a discrete area of the property.

In this instance, the proposed location has been selected in response to the existing site's topography and landscape characteristics. The dwelling is situated in a naturally recessive potion adjacent to existing eucalyptus trees and the mound, which provides immediate physical screening from Slopehill Road and neighbouring properties. The proposal also incorporates additional native planting, which will further integrate the development into the surrounding landscape overtime, and reduce the visibility of built form within the wider rural environment.

While the proposal does not strictly comply with the location of the prescribed building platform location, the proposed minor dwelling is modest in scale and remains ancillary to the principal dwelling on the site. The minor dwelling is a permitted activity under the NES-DMRU; a higher order planning document which sets out the national direction for detached minor residential units.

Overall, the minor dwelling will not result in adverse effects that are minor or more than minor on the outcomes anticipated by the land covenant.

8.2.3 Cumulative effects

The proposal is not anticipated to result in adverse cumulative effects on the character or amenity of the wider area. The application relates specifically to a single detached minor dwelling, permitted under the NES-DMRU, on an existing rural property and does not establish a pattern of development that would lead to widespread intensification or urbanisation of the rural environment.

While the proposal sits outside the original building platform, the effects of that development are confined to the subject site. The site remains subject to the existing amalgamation condition, which limits the potential for future subdivision or fragmentation of land ownership.

The minor dwelling is modest in scale and intensity, and is consistent with the general outcomes anticipated by the NES-DMRU, which recognises small-scale secondary detached residential accommodation as an anticipated form of development, provided it meets the standards listed. Overall, the minor dwelling will not result in cumulative effects on the wider environment.

9. Effects on neighbouring properties

78 Slopehill Road (Lot 1 DP 26605)

The dwelling at 78 Slopehill Road is located approximately 270m away from the minor dwelling. The mounding and native planting on the subject site provides effective height for screening and softening of the minor dwelling, reducing visibility from 78 Slopehill Road. In addition to the landscape mitigation and separation distance, the minor dwelling is recessive in colour, modest in scale, and positioned in such a way that limits visibility of windows and outdoor living areas from this private viewpoint. Having regard to the degree of separation, screening and limited visual prominence of the minor dwelling, adverse effects of the minor dwelling on 78 Slopehill Road are considered to be less than minor.

Part Lot 2 DP 26174

This site contains an approved subdivision consent to identify two allotments and residential building platforms on each allotment. RM181560 requires landscaping to be planted to the north of the domestic curtilage area, which will screen these residential dwellings from view from Slopehill Road; and views towards the applicant's minor dwelling.

53 Slopehill Road

The dwelling at 53 Slopehill Road is located approximately 110m away from the minor dwelling. The principal outlook from this dwelling is not oriented east toward the location of the minor dwelling. The separation distance between the properties, together with differing outlook and existing mature tree planting along the western boundary of 81 Slopehill Road, maintains the sense of spaciousness and rural living character anticipated by the zone. It is noted that the dwelling at 53 Slopehill Road is not visible from the location of the minor dwelling; with only the water tanks and solar panels visible from this area. Additional planting, including a Portuguese Laurel hedge and three (3) Kowhai trees has been established to further screen the minor dwelling from 53 Slopehill Road. Once established, the planting will further reduce views toward and from the minor dwelling. Overall, adverse effects of the minor dwelling on 53 Slopehill Road are considered to be less than minor.

10. Resource Management Act 1991

10.1 Part 2 Resource Management Act

The proposal is consistent with the purpose and principles of the RMA, as outlined in Section 5. The proposal overall is consistent with the intentions of the Highlands Innovation and Technology Park, and will have less than minor effect on the environment and people. Adverse effects are avoided and/or mitigated. There are no matters of national importance under Section 6 of the RMA that will be affected by the proposal. The proposal is also consistent with the requirements of Section 7 of the RMA, with particular regard given to the efficient use and development of natural and physical resources. The site is not, and not near to a site of significance to iwi, and the proposal is generally consistent with Section 8 of the RMA. Overall, the proposed activity is considered to be consistent with Part 2 of the RMA.

10.2 RMA - Section 104

10.2.1 National Environmental Standards for Detached Minor Residential Units 2025

The National Environmental Standards for Detached Minor Residential Units (NES-DMRU) came into force 15 January 2026.

The NES-DMRU sets out permitted activity rules and standards that allow for the building of a detached minor residential unit of up to 70m^2 without needing to apply for a resource consent if certain requirements are met. As assessed in section 6.2 of this AEE, the proposal is a permitted activity under the NES-DMRU, as such the NES-DMRU can be applied to this application.

10.2.2 Proposed and Operative Otago Regional Policy Statements

The Operative Regional Policy Statement 1998 (ORPS) was revoked on 15 March 2021.

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024.

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

The Proposed and Operative Regional Policy Statements does not provide direct guidance of applications of this scale. At a high level, the proposal is consistent with the relevant objectives and policies of the Otago Proposed and Operative Regional Policy Statements.

10.2.3 QLDC District Plan

10.2.3.1 Operative District Plan

The following objectives and policies of the QLDC Operative District Plan are contained within Section 4 – District Wide Issues and Section 5 – Rural Areas.

The relevant objectives and policies contained within Section 4 – District Wide Issues and Section 5 – Rural Areas, relate to landscape and visual amenity. The minor dwelling is well screened from public and private views, through the native planted mound which will eventually become grassed, and planting will grow and mature to soften the minor dwelling even more. The minor dwelling is small in scale, contained in nature, and will not result in the compromise of rural character, landscape values or visual amenity. The ODP generally does not provide for minor dwellings, however, the NES-DMRU provides a statutory pathway in which the minor dwelling can be considered as a permitted activity under a higher order legislative document. The rural character and landscape values of the vicinity will be maintained, and the proposal is consistent with the Objective 1 and Objective 3 of Section 5 – Rural Areas.

Overall, the proposal is consistent with the objectives and policies of the ODP.

10.2.3.2 Proposed District Plan

The following objectives and policies of the QLDC Proposed District Plan are contained within Chapter 3 – Strategic Direction and Chapter 24 – Wakatipu Basin.

Whilst the LCU11 where the subject site is situated has low capacity to absorb additional development, the minor dwelling is screened by the mound and native planting, which overtime will soften the minor dwelling.

Given the nature and scale of the minor dwelling and the mitigation measures proposed, the minor dwelling is able to be absorbed into the landscape, and the landscape

character and visual amenity values of the LCU will be maintained, consistent with Strategic Objective 3.2.5.8 of Chapter 3 Strategic Direction, and Objective 24.2.1 (and relevant policies) of Chapter 24 Wakatipu Basin.

The statutory direction of the NES-DMRU which enables a minor dwelling as a permitted activity, will also enable

In addition, it is important to consider the overall intentions of the applicant for the site, and the purpose of the minor dwelling. The applicant intends to convert the subject site into a regenerative site, which includes the planting of indigenous vegetation, which will therefore encourage biodiversity values. The purpose of the minor dwelling in this location, is to provide housing for the applicant's grounds manager / landscaper, to undertake this regenerative work. The native planting on the site, both on the mound and the overall regenerative intention across the wider site proposed by the applicant will enhance the LCU's vegetation patterns, and as such the LCU will be enhanced. This is consistent with Objective 24.2.4 of Chapter 24 Wakatipu Basin, particularly Policy 24.2.4.9.

Overall, the proposal is consistent with the objectives and policies of the PDP.

10.3 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. Conclusion

The proposed minor dwelling is for the purpose of housing the grounds manager / landscaper as the landowner resides out of town for most of the year. The applicant's intent is to treat the site as a regenerative project by plant native planting on the subject site, to increase biodiversity. The minor dwelling is recessive, screened by mounding and native planting and able to be serviced adequately. The minor dwelling is permitted under regulation 5 of the NES-DMRU, and the overall adverse effects are less than minor.

12. Attachments

[A] Form 9

[B1] Record of Title

[B2] Land Covenant 11344335.1

[C1] Site Plan

[C2] Minor dwelling Plans

[C3] Landscape Plan

[D] CCC Vehicle Crossing Approval