Assessment of Environmental Effects

Resource Consent Application to Construct a Residential Unit with Associated Earthworks & a Variation of Consent Notice Design Controls

Natural Developments (2005) Limited

3 Tikumu Terrace, Glenorchy

June 2026

SPG SOUTHERN PLANNING GROUP

southernplanning.co.nz

Contents

1 The Applicant and Property Details 4

2 Executive Summary 6

3 Site Description and Receiving Environment 7

3.2 Legal Documents 7

3.3 Receiving Environment 9

4 Resource Management Planning Background 11

5 Description of the Proposal 13

5.1 Overview 13

5.2 Proposed Residential Unit 13

5.2 Proposed Consent Notice Variations 14

5.4 Proposed Landscaping 15

5.5 Proposed Infrastructure Servicing and Geotechnical Investigations 15

5.6 NES Contaminated Soils 18

5.7 Affected Persons Approval(s) 18

6 Statutory Considerations 20

6.1 Operative District Plan 20

6.2 Proposed District Plan 20

6.3 Resource Management Act 1991 20

6.4 NES Contaminated Soils Regulations 20

6.5 Overall Status 21

7 Assessment of Effects 22

7.1 Alternative locations or methods 22

7.3 Assessment of the actual and potential effects 23

7.4 Hazardous substances 29

7.5 Discharge of contaminants 29

7.6 Mitigation measures 30

7.7 Identification of interested or affected persons. 30

7.8 Monitoring. 30

7.9 Customary rights 30

8 Notification 31

8.1 Section 95A: Public Notification 31
8.2 Section 95B: Limited Notification. 32
9 Statutory Assessment 34
9.1 Proposed District Plan 34
10 Section 104 of the Act 41
11 Purpose and Principles of the Act 42

1 The Applicant and Property Details

To:	Queenstown Lakes District Council
Applicant	Natural Developments (2005) Limited
Site Address	3 Tikumu Terrace, Glenorchy
Address for Service	C/- Southern Planning Group PO BOX 1081 Queenstown 9348 Attention: Sean Dent **sean@southernplanning.co.nz**
Legal Description:	Lot 10 DP 575814 as held in Record of Title 1057786.
Site Area:	1.0139Ha
Proposed District Plan Zone:	Rural Lifestyle Zone .
Brief Description of Proposal:	Resource consent is sought to establish a residential unit partly outside of an approved building platform. The proposal involves associated earthworks. A consequential variation to Consent Notice 13420162.4 is required for breaches of design controls. It is proposed to amend the Consent Notice as it relates to all Lots encumbered by it.
Summary of Reasons for Consent:	Resource consent is required as a Non-Complying Activity for buildings constructed outside the approved building platform and as a Restricted Discretionary Activity for non-compliance with the internal boundary setbacks and breaches of earthworks Standards. A Discretionary Activity Consent pursuant to Section 221(3) of the RMA 1991 to vary Consent Notice 13420162.4 as it relates to building within an approved building platform, roof pitch, and exterior cladding design controls.

Appendices

Appendix [A]	**Site Location Plan**
Appendix [B]1	**Record of Title**
Appendix [B]2	**Land Covenant**
Appendix [B]3	**Consent Notice 13420162.4**
Appendix [C]	**Fearon Hay Architectural Plans**
Appendix [D]	**Hewland Projects Limited EMP**
Appendix [E]	**Baxter Design Landscape Plans**
Appendix [F]	**Hadley Consultants Engineering Assessment**
Appendix [G]	**APA – 4 Tikumu Terrace**



.....

Sean Dent
BRS, ASSOC NZPI
DIRECTOR
SOUTHERN PLANNING GROUP

2 Executive Summary

The site subject to this resource consent application is located at 3 Tikumu Terrace, Glenorchy. The site is part of a 20 Lot Rural Lifestyle subdivision that has been developed (and recently titled) by the applicant. The subdivision is located on the downslope or western side of the Glenorchy-Paradise Road, approximately 2.5 kilometres northeast of the Glenorchy Township. A site location plan is attached in **Appendix [A]**.

The subject site is legally described as Lot 10 DP 575814 as held in Record of Title 1057786. A copy of the Record of Title is contained in **Appendix [B]**.

Land use consent is sought for construction of a residential unit on the subject site outside of the approved residential building platform and which breaches internal boundary setbacks and earthworks standards for maximum volume and maximum depth of fill.

Consent is also sought to vary the design control conditions of Consent Notice 13420162.4 with regard to building outside an approved building platform, roof pitch, and external materials. The proposed changes to roof pitch and external materials are to apply to the entire subdivision and not just the application site – Lot 10.

Overall, the proposal is assessed as a **Non-Complying Activity**.

This Assessment of Effects has been prepared in accordance with the requirements of Section 88 and Schedule 4 of the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought, and any actual or potential effects of the proposal may have on the environment.

The Assessment of Effects considers the effects of the proposal and determines that that the proposal will have less than minor adverse effects on the environment. Public notification is not requested, and nor are any persons considered to be adversely affected by the proposal.

The proposal is not contrary with the objectives and policies of the PDP.

Overall, the proposal is consistent with the purpose and principles of the Act and accords with the definition of sustainable management under Part 2 of the Act.

3 Site Description and Receiving Environment

3.1 Site Description

As identified above, the application site is located at 3 Tikumu Terrace, Glenorchy and is legally described as Lot 10 DP 575814 as held in Record of Title 1057786. A site location plan is contained in **Appendix [A]**, and a copy of the Record of Title is contained in **Appendix [B]1**.

The subject site is 1.0139Ha in area and is presently vacant of any built form. The site is moderately sloping in an east to west aspect descending from approximately 355m in the southeastern corner to 340m in the southwestern corner.

A distinct gully feature divides the northern and southern parts of the application site with the approved residential building platform and proposed residential development contained within the southern part of the site. The gully is also used as a drainage easement.

The subject site contains vegetative cover of pastoral grasses and scattered grey shrubland. Two large boulders exist within the subject site in the vicinity of the building platform, and the architectural and landscape design has been developed around these prominent features.

Access is gained to the subject site on its western boundary via Tikumu Terrace which is a private access.

3.2 Legal Documents

Parent Record of Title

The Record of Title 1057786 contains the following encumbrances:

Land Covenant in Covenant Instrument 13420162.12

This is a private Land Covenant which was imposed by the developer to benefit and burden all of the Lots within the subdivision development. The Council is not a party to this Covenant.

Accordingly, this Covenant is not a relevant consideration for the processing of this application. Notwithstanding, a copy of this Covenant is attached as **Appendix [B]2**.

Consent Notice13420162.4

This Consent Notice was imposed upon the Record of Title for the subject site (and every other allotment) as a result of the underlying subdivision consent RM120826.

The Consent Notice imposes a range of building and landscape design controls for future development as well as engineering conditions relating to the design of stormwater and wastewater disposal systems, water quality, firefighting, telecommunications servicing, and geotechnical investigations.

The proposal results in non-compliance with the following specific conditions:

1(a) All buildings shall be located within the designated residential building platform areas marked AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO and AP on DP575814 (Building Platforms) approved pursuant to resource consent RM120826 (as varied by RM181033, RM191260, and RM210794.

The proposal will not comply as the proposed garage is to be constructed outside the building platform and the water tanks will also be located outside the building platform.

1(b) Exterior materials for all buildings shall be limited to:

(i) Cedar weatherboard;
(ii) Painted Weatherboard;
(iii) Natural stone endemic to the area;
(iv) Brick or masonry with painted plaster finish; and
(v) Factory painted corrugated Colour Steel.

The proposal will not comply as the exterior walls of the proposed residential unit are proposed to be comprised of concrete.

1(d) Exterior roof materials shall be limited to:

(i) Factory painted Colour Steel in the range of browns, dark greens or dark grey/blue greys with a light reflectivity of less than 36%;
(ii) Cedar shingles;
(iii) Slate; and
(iv) Copper (provided that a brown patina is applied prior to installation).
(v) The form and design of all roofs shall comply with the following:

- All roofs shall have a pitch of between 25 – 45 degrees;
- Flat roofs are permitted as connections between structures and shall not exceed 20% of the total floor area.

The proposal does not comply with the roof pitch requirements as the roof has a 3 degree pitch.

4(b) All buildings shall be contained within the building platform areas shown as Covenant Areas AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO and AP as shown on DP 575814.

The proposal will not comply as the proposed garage is to be constructed outside the building platform and the water tanks will also be located outside the building platform.

3.3 Receiving Environment

The receiving environment comprises a range of land uses. The land on the immediate periphery of the application site is all zoned Rural Lifestyle.

The land comprising the RM120826 subdivision development was and to a large degree still is open rural pastoral land on the lower slopes of a long glaciated knoll that slopes gently down to the broad river flats at the confluence of the Rees / Te Awa Whakatipu (Dart) Rivers. The location of the site is illustrated in the site location plan in **Appendix [A]**.

The RM120826 development site is back dropped by the Richardson Mountains to the east rising to some 2000m, the Pirirakatahi / Mt Earnslaw Massif to the North (2819m), and the Humboldt Mountains to the west (2348m).

The Glenorchy Township and the head of Lake Wakatipu are to the south some 3km distant. The Glenorchy / Paradise Road runs along the eastern border of the RM120826 development area cutting along the slope with the Lots created through RM120826 falling away to the west down to the river flats. The upper half of the RM120826 development area has a westerly aspect and has two natural drainage channels that cut down the slope but is otherwise relatively uniform in its gradient.

The lower half is river flat with a small meandering creek and wetland. There are a few exotic trees on the site of rural character, many of which border the main road. There are patches of scrub, with bracken fern, Manuka, and assorted exotic weeds. The majority of the site is however open pasture and some structural landscape planting (native) required through the development of the RM120826 subdivision.

An unformed legal road runs down the southern boundary of the site off the Glenorchy – Paradise Road down to the Rees River. Of note is that this unformed road directly adjoins the application sites western boundary.

Upslope of the RM120826 subdivision on the opposing side of the road are a number of smaller lots within the Rural Lifestyle Zone, many of which have access drives but as yet only a few buildings.

The slope is steeper and the road cutting and denser tree cover limits views upslope although a number of trees have been removed recently.

The Rural Lifestyle Zoning extends to the north of the site and below the Glenorchy-Paradise Road for a distance of approximately 950m. There is little built form in this area. Above the road the Rural Lifestyle Zone extends much farther to the north (approximately 5 kilometres) and includes a large number of properties that have been developed for rural living purposes.

The wider area to the west and north contains the expansive pastoral flats and the river deltas of the Dart and Rees Rivers. The geographic landforms of Mt Alfred and Mt Earnslaw exist a few kilometres north-west and north of the site respectively.

Overall, the receiving environment can be described as one of rural living opportunities on the eastern side of the Rees/Dart delta with a pastoral surrounding on the valley floor which is ultimately flanked by the Outstanding Natural Landscapes and Features of the Humboldt and Richardson Mountains and Mt Alfred and Mt Earnslaw.

4 Resource Management Planning Background

The relevant resource management history for the subject site is outlined below:

RM051169

Resource consent RM051169 was obtained to subdivide an area of Rural Lifestyle Zone land into 20 rural living allotments, and four balance allotments. This was approved by Independent Commissioner on 12 April 2006.

An objection to RM051169 was considered under Section 357 of the Act with a decision issued on 20 July 2007.

RM051169 Time Extension

An extension request was approved pursuant to Section 125 of the Act such that the lapse date of RM051169 was extended to 20 January 2013.

RM051169 lapsed without being given effect to.

RM120826

RM120826 was approved on 18th February 2013 and authorised a subdivision comprising 20 Rural Lifestyle allotments, each containing a Residential Building Platform and a balance allotment for open space.

EX120826 Time Extension

RM120826 was due to expire on 18 February 2018. As such, the applicant sought an extension of time pursuant to Section 125 of the Act to extend the lapse date by a period of two years.

The extension request was granted by the Council on 29 January 2018, and the lapse date of this consent was amended to 18 February 2020.

RM181033

RM181033 was a variation to RM120826 and was issued on 20 September 2018 and authorised changes to the subdivision layout, engineering conditions and introduced further landscape conditions.

RM191260 Variation to RM120826 and Further Time Extension

RM191260 was approved on 20 December 2019 and authorised changes to the approved subdivision design and allowed rainwater to be utilised as a supplementary water supply.

This decision also extended the lapse date of the consent until 18 February 2022.

RM210794

This was a further variation to RM120826 and was approved by Council on 14 February 2022. The variation authorised a change to condition 18 to amend the amalgamation conditions.

RM120826 as varied by RM181033, RM191260, and RM210794 has been given effect to, and titles have been issued for Lots 1-14 and 20 and balance Lots 100 and 200. Titles for Lots 15 – 19 will be created from Balance Lot 200 in the near future.

5 Description of the Proposal

5.1 Overview

Resource consent is sought from Queenstown Lakes District Council to construct a residential unit that will be partially outside of an approved building platform in the Rural Lifestyle Zone.

The proposed residential unit will also breach the internal boundary setback on the southern boundary.

Earthworks associated with the construction of the proposed residential unit will breach the permitted Standards for volume and maximum fill depth.

Finally, the proposed design of the residential unit will contravene conditions of Consent Notice 13420162.4 with respect to external materials and roof pitch.

The overall details of the proposal are addressed below.

5.2 Proposed Residential Unit

The proposed residential unit has been architecturally designed by Fearon Hay architects. A copy of the Fearon Hay architectural plans is contained in **Appendix [C]**.

The proposed residential unit comprises a two-bedroom unit with an open plan kitchen, dining, and lounge. One bedroom will have an ensuite bathroom, and a second separate bathroom will be provided off the lounge. An arrival foyer and courtyard space with an opening roof is also proposed.

The residential unit will be constructed entirely within the approved residential building platform on the site and will have a maximum coverage of 211.6m^2 and a maximum building height of 6.580m.

The residential unit will have essentially a flat roof with a roof pitch of only 3 degrees. The roofing material will be profile metal roofing with a Mid Grey colour. The chimney flue will also be coloured Mid-Grey.

The exterior wall cladding will be comprised of concrete with a Mid Grey finish. Exterior joinery will be aluminium with a Mid Grey frame.

In addition to the residential unit, the applicant proposes to construct a garage. This garage will be located outside of the approved residential building platform and within the 10m internal boundary setback from the site's southern boundary.

This proposed garage will have a maximum coverage of 60m^2. Similarly to the proposed residential unit, it will have a profile metal roof coloured Mid Grey and with a 3 degree roof slope.

The exterior cladding will comprise corrugated metal cladding coloured Mid Grey and will be significantly below the 8m height for the Rural Lifestyle Zone.

5.2 Proposed Consent Notice Variations

As outlined in the executive summary, the proposal requires a variation to the design controls in the Consent Notice 13420162.4 as the cladding material and colours (concrete), roof pitch (less than 25 degrees), and the construction of the garage outside the residential building platform contravene the conditions of consent.

With the exception of the building outside of the residential building platform, the applicant proposes to change the design controls for colours and materials and roof pitch as they apply to all residential Lots in the RM120826 subdivision. The proposed changes are outlined below:

1(a) All buildings shall be located within the designated residential building platform areas marked AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO and AP on DP575814 (Building Platforms) approved pursuant to resource consent RM120826 (as varied by RM181033, RM191260, and RM210794 except for the building approved by RC260XXX on Lot 10 DP 575814.

1(b) Exterior materials for all buildings shall be limited to:

(vi) Cedar weatherboard;
(vii) Painted Weatherboard;
(viii) Natural stone endemic to the area;
(ix) Brick or masonry with painted plaster finish; ~~and~~
(x) Factory painted corrugated Colour Steel~~.; and~~
(xi) Concrete.

1(d) Exterior roof materials shall be limited to:

(vi) Factory painted Colour Steel in the range of browns, dark greens or dark grey/blue greys with a light reflectivity of less than 36%;
(vii) Cedar shingles;
(viii) Slate; and
(ix) Copper (provided that a brown patina is applied prior to installation).
(x) The form and design of all roofs shall comply with the following:

- ~~All roofs shall have a pitch of between 25 – 45 degrees;~~
- ~~Flat roofs are permitted as connections between structures and shall not exceed 20% of the total floor area.~~

4(b) All buildings shall be contained within the building platform areas shown as Covenant Areas AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO and AP as shown on DP 575814 except for the building approved by RC260XXX on Lot 10 DP 575814.

5.3 Proposed Earthworks

The proposed earthworks for the development are illustrated on Sheet PD(0)13 Revision A of the Fearon Hay architectural plans in **Appendix [C]**.

These earthworks comprise the following:

- Total area of cut and fill 900m^2.
- Total cut 200m^3
- Total fill 380m^3
- Total earthworks volume 580m^3
- Maximum cut depth 1.140m
- Maximum fill depth 2.290m

These earthworks exceed the maximum permitted volume (400m^3) by 180m^3. Additionally, the proposed earthworks exceed the maximum permitted depth of fill (2.0m) by 290mm.

Because of the earthworks non-compliances and the sloping nature of the application site, an EMP with erosion and sediment controls has been prepared by Hewland Projects Ltd. A copy of this EMP is attached as **Appendix [D]**.

5.4 Proposed Landscaping

Consent Notice 13420162.4 condition 3(a) requires that an individual site landscaping plan be submitted for approval prior to development commencing on the Lot.

The applicant has engaged Baxter Design Group to develop the site landscape plan and the detailed planting schedule for its implementation.

A copy of the Baxter plan and planting schedule is contained in **Appendix [E]**.

5.5 Proposed Infrastructure Servicing and Geotechnical Investigations

As noted above, Consent Notice 13420162.4 imposes several conditions regarding infrastructure servicing and geotechnical investigations at the time of development. Accordingly, Hadley Consultants have prepared an engineering feasibility assessment with a geotechnical report from Geosolve attached as an appendix. A copy of the Hadley Consultants report is attached as **Appendix [F]**.

The following summarises the infrastructure and geotechnical matters for the proposed development:

Potable Water

Water is supplied to the site boundary by the Waimana water supply that was developed as a part of the subdivision. This supplies a low-pressure, low flow supply to the subject site. On-site buffer storage supplemented by roof rainwater collection is required for the domestic water supply and due to the rural location of the dwelling.

In order to buffer the potable water supply during peak usage periods, a 22,500L buried concrete tank shall be installed adjacent the proposed vehicle manoeuvring area. A new DN20 HDPE PN12.5 lateral connection shall be made between the existing water connection and the buffer storage tank.

A pressure boosting pump and proprietary water treatment system consisting of cartridge filtration and ultraviolet disinfection will be required in order to treat potable water and deliver it to the proposed dwelling at an adequate flow rate and pressure.

Firefighting

Due to the rural location of the dwelling, firefighting will be catered for by the standard means of two partially buried, interconnected 25,000L tanks located in the upper, southwestern portion of the site. This will ensure a minimum 45,000L firefighting water supply is always available. The static firefighting reserve tanks shall be provided with reticulation from the communal supply with a ballcock valve or similar provided to ensure that the tanks are full at all times.

It is proposed that the location of static firefighting water supply is adjacent the upper portion of the driveway within the south-eastern corner of the site. Due to the proposed layout of the driveway and location of the dwelling and garage in proximity to the vehicle turning area it is proposed that the fire service connection point will be at the top of the driveway adjacent to Tikumu Terrace which will service as a hardstand for the fire appliance.

Wastewater

The proposed on-site wastewater treatment and disposal system will comprise of the following:

- An Innoflow AX20 wastewater treatment plant (or equivalent as approved by the Engineer) with a maximum total capacity of 9,000L.
- A P100552 submersible electric pump (or equivalent) and filter is to be installed in the final pump chamber to enable dose loading of the irrigation disposal area.
- DN32, PE100, PN12,5 treated effluent supply heater with air/vacuum release valve within a valve chamber installed at the high point of the dosing system.

- 320 lineal meters (min) of Netafim Bionet pressure compensating dripper line with 3L/hr drippers at 0.3m spacing to be buried minimum 300mm into in-situ soils with a maximum individual run length of 50 metres.

- Gravity reticulation connecting the building to the treatment plant (by others).

The layout of the proposed system is shown in the On-Site Infrastructure Site Plan drawings included as Appendix A in the Hadley Consultants Infrastructure Assessment.

Stormwater

All additional excess stormwater generated as a result of the proposed development must be disposed of on-site. The proposed method of disposal is via a soak pit located to the north-west of the proposed dwelling below the treated effluent land application area and towards the gully that runs through the north of the site.

The proposed system, in conjunction with the roof rainwater collection within the potable water buffer storage tank, will act as an attenuation device for additional runoff generated by the development. The soak pit will rely on temporary detention and slow dispersal to ground.

Where peak rainfall events exceed the soak pit capacity, an outflow chamber will allow additional discharge to flow overland towards the gully and wetland below the site.

Power and Telecommunications

A power supply was provided to the boundary of the site through the RM120826 subdivision and will be extended to the buildings in this application. Connections to the underground power supply will be addressed through the building consent process.

Telecommunications services have been identified in Consent Notice 13420162.4 condition (5) as being acceptable through wireless/satellite connection and this is what the applicant will do.

Geotechnical Requirements

Consent Notice 13420162.4 condition 1(f) requires that at the time a residential unit is proposed, a geotechnical assessment of the building platform is required for detailed design purposes. As noted above, GeoSolve have undertaken this assessment, and their report is contained in Appendix A of the Hadley Consultants report.

No geotechnical issues that prevent the proposed development from proceeding were identified during the assessment.

5.6 NES Contaminated Soils

All applications for resource consent need to be determined if they apply under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES").

It is noted that at the time that the underlying subdivision consent RM120826 was sought, the applicant provided a report from John McCartney of Hadley Consultants Limited, titled Natural Developments (2005) Limited, Proposed Grant Block Subdivision, Glenorchy – Paradise Road, Human Health Risk Assessment, Preliminary Site Investigation Report.

The report concluded that:

> *"In summary we consider that limited HAIL type activities are more likely than not to have historically occurred on site. These are expected to be related to infrequent, low rate application of pesticides and/or fertilisers to low intensity grazing land. HCL have identified the historic application of persistent pesticides and trace metals associated with the application of fertiliser as being possibly present on site;*
>
> *Given the expected nature of these possible activities, we consider that they are highly unlikely to have resulted in contaminants being present on site in concentrations that may affect human health."*

The report determines that on the basis of its findings, that there is no evidence of risk to human health due to the HAIL activities that may have been undertaken at the site.

The applicant is not aware of any HAIL activities occurring on the site since the previous reporting and RM120826 decision was issued. A search of both QLDC and ORC (Listed Land Use Register Mapping Resource searched 25.05.26) records do not identify any HAIL activities occurring on the site.

Accordingly, it is considered that the NES is not applicable to this proposal.

5.7 Affected Persons Approval(s)

As noted above, Titles for the RM120826 subdivision have only recently been issued (for Lots 1 – 14, 20, 100 and 200) with the remaining Titles due shortly. The applicant has advised that two parties have purchased and/or have a sale and purchase agreement for Lots in the subdivision as follows:

- Marko Eduard den Breems, JBL Trustee Limited, Helen Anne Oliver as the owners of 4 Tikumu Terrace legally described as Lot 9 DP 575814.

- Gran Harvey – who has a sale and purchase agreement for 351 Glenorchy-Paradise Road, legally described as Lot 20 DP 575814.

The applicant has been in consultation with both parties prior to preparation of the application. The affected party approval of 4 Tikumu Terrace has been obtained and is contained in **Appendix [G]**.

The applicant is presently consulting with the party who has a sale and purchase agreement for 351 Glenorchy-Paradise Road and will provide this approval to the Council as soon as it is received.

6 Statutory Considerations

6.1 Operative District Plan

The Rules under the ODP are deemed inoperative, and as such, the proposal does not trigger any additional consents under the ODP.

6.2 Proposed District Plan

Under the PDP the subject site is located in the Rural Lifestyle Zone and requires consent for the following reasons:

- A **Non-Complying Activity Consent** pursuant to Rule 22.4.13 for construction of residential buildings outside of an approved residential building platform that are not covered by any other Rule.

- A **Restricted Discretionary Activity Consent** pursuant to Standard 22.5.4 for a breach of the 10m internal boundary setback from 1 Tikumu Terrace (Lot 7 DP 575814).

- A **Restricted Discretionary Activity Consent** pursuant to Rule 25.4.2 for a breach of Standard 25.5.4 for earthworks that exceed 400m^3 in total volume. A total of 580m^3 (cut + fill) is proposed.

- A **Restricted Discretionary Activity Consent** pursuant to Standard 25.5.16 whereby the maximum depth of fill will exceed 2m. The maximum depth of fill will be 2.29m.

6.3 Resource Management Act 1991

- A Discretionary Activity Consent pursuant to Section 221(3) of the Resource Management Act 1991 for a variation of Consent Notice 13420162.4.

6.4 NES Contaminated Soils Regulations

All applications for resource consent need to be determined if they apply under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**).

As identified above, the subject site was assessed through RM120826 under the NES-CS and the subject site was created for residential purposes.

Since the site's creation for rural living purposes, there has been no HAIL activities undertaken on the allotment and the Council records available for review do not indicate that HAIL activity has occurred on the site.
Accordingly, the NES-CS is not considered to be applicable to the proposal.

6.5 Overall Status

The overall status of the proposal is that of a **Non-Complying Activity**.

7 Assessment of Effects

In accordance with Section 88 and Schedule 4 of the Act an assessment is made of any actual and potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied, or mitigated. Accordingly, below is an assessment of effects relative to the scale and significance of the proposed activity.

The assessment of effects has addressed the following categories:

- Permitted Baseline
- Effects of Proposed Built Form
- Effects of Proposed Earthworks
- Effects of Infrastructure Servicing
- Effects of Proposed Consent Notice Variation
- Cumulative Effects.
- Precedent Effects.
- Positive Effects.

7.1 Alternative locations or methods

The proposed activity will not result in any significant adverse effects on the environment. Accordingly, alternative locations are not necessary.

7.2 Permitted Baseline

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

In this case, the permitted baseline for earthworks includes:

- Earthworks up to 400m^3 in volume
- Earthworks with a maximum cut height of 2.4m
- Earthworks with a maximum fill depth of 2.0m
- Earthworks with no more than 300m^3 of clean fill transported by road
- Earthworks and retaining that are the same distance from the site boundary

In this case, the proposal will comply with all the above requirements with the exception of the maximum depth of fill whereby there will be an exceedance of 290mm and the maximum volume whereby there will be a total 580m^3 cut + fill – an exceedance of 180m^3.

The extent of non-compliance is relatively minor and therefore, the Permitted Baseline for earthworks is considered particularly relevant.

In terms of built form, it is a permitted activity to construct a residential unit and accessory buildings within the approved building platform on the subject site, subject to compliance with the PDP bulk and location standards. The main residential unit sits within the approved building platform, and it is only the garage that sits outside the platform extent.

In order to be a permitted activity, the built form must also comply with the Consent Notice on the Record of Title and its design controls. Similarly to the PDP, the Consent Notice requires that all buildings are located in the approved building platform and that buildings achieve the design controls for building form, colour, and materiality. The proposal results in breaches of these controls.

Accordingly, there is a limited permitted baseline in regard to residential development that is relevant to the consideration of this proposal.

7.3 Assessment of the actual and potential effects

The following areas of consideration apply in terms of assessing the actual and potential effects on the environment.

- Effects of Proposed Built Form
- Effects of Proposed Earthworks
- Effects of Infrastructure Servicing
- Effects of Proposed Consent Notice Variation
- Cumulative Effects.
- Precedent Effects.
- Positive Effects.

7.3.1 Effects of Proposed Built Form

The effects of the proposed built form are considered to be less than minor. As identified above, there is a relevant permitted baseline whereby a residential unit could be constructed in the residential building platform with a maximum ground floor area of 500m^2 and a height of 8m subject to compliance with the colours / materials Standard.

In this case, the proposal seeks to establish a residential unit in the building platform with a building coverage of 211.6m^2 and a maximum height of 6.58m. The proposed exterior colours will comply with Standard 22.5.1. This component of the proposed built form is substantially less than the extent of residential development anticipated by the PDP.

The proposed garage will be located outside of the building platform and therefore falls outside of the permitted baseline. However, the garage will only occupy a

building footprint of 60m^2 and will be clad in exterior materials and colours that also comply with Standard 22.5.11.

Collectively, the total footprint of built form is still 228.4m^2 less than what could be constructed on the site as a permitted activity under the PDP.

It is noted that the garage infringes the setback from the southeastern boundary with 1 Tikumu Terrace – Lot 7 DP 575814. This Lot is also owned by the applicant Natural Developments (2005) Limited and as such, approval is implied and effects on this Lot can be disregarded.

In addition to the above, it is noted that the applicant proposes establishment of two 25,000l water tanks buried 1m into the ground near the southeastern corner of the application site and outside of the approved building platform. A third 22,500l water tank for potable water and roof rainwater storage is proposed near the southwestern boundary of the site and also outside of the building platform.

Technically, these features will be considered buildings and must be assessed as such. In this case, the tanks will be relatively minor features of built form and inconspicuous from public places being located amongst existing scatters shrubland.

The built form has also been developed in conjunction with a landscape plan prepared by Baxter Design. The landscape plan helps to set the built form into the landscape through both vegetative planting and use/retention of the feature boulders on site.

Accordingly, in terms of the overall scale of the built form and its location outside of the approved building platform, it is considered that the effects are less than minor and appropriately mitigated by scale and comprehensive landscaping.

7.3.2 Effects of Proposed Earthworks

The effects of the proposed earthworks will be less than minor.

From a geotechnical perspective, the proposal has been assessed by the experts at GeoSolve (as required by the Consent Notice 13420162.4.) and they have concluded that there are no geotechnical issues that will prevent the proposed development from proceeding.

Standard conditions of consent can be imposed to ensure that the recommendations for excavations, retaining and site inspections etc. are undertaken as per the recommendations of this report.

The retaining proposed in proximity to the sites southeastern boundary has been identified as complying with PDP Standard requirement for retaining walls to be located an equal height of the retaining wall from the site boundary (see Sheet PD(0)13A in **Appendix [C]**. In addition, the applicant owns the adjoining property, and

it is implied that they have given affected party approval in regard to any potential effects on their property.

In regard to the potential nuisance and environmental effects arising from dust, erosion and sedimentation, the applicant has engaged Hewland Projects Ltd for development of a professional EMP a copy of which is contained in **Appendix [D].**

With standard QLDC earthworks conditions and hold points for implementation of the EMP and its prescribed erosion and sedimentation controls, the effects of earthworks on the receiving environment will be less than minor.

7.3.3 Effects of Infrastructure Servicing

As outlined in Section 5 of this application, Hadley Consultants have provided a comprehensive infrastructure feasibility report.

Their report confirms that all infrastructure services have been made available during the underlying subdivision consent RM120826 (i.e. power, water) or that they can be implemented on site (wastewater, stormwater, potable & firefighting storage, and wireless telecommunications).

The effects of the visibility of this infrastructure (namely the water tanks) have been addressed in the previous section and considered to be less than minor.

Relying on the expert advice from Hadley Consultants, the proposed infrastructure servicing will achieve the required engineering standards. Accordingly, subject to the imposition of standard engineering consent conditions, the effects of infrastructure servicing arising from this proposal will be less than minor.

7.3.4 Effects of Proposed Consent Notice Variation

The proposed changes to the Consent Notice variation are:

- To allow the proposed garage on the application site and the water tanks x3 to be located outside of the approved residential building platform.

- To add concrete as an approved exterior cladding material across all Lots in the RM120826 subdivision.

- To remove the roof pitch design control so as to enable development of monopitch and flat roof buildings across all Lots in the RM120826 subdivision.

It is important to note that other than the requirement for buildings to be located in the approved building platform, the PDP does not include design controls for the Rural Lifestyle Zone that are so specific as to include details on roof pitch and cladding materials (other than to achieve colours that are in the range of browns, greens or greys and with an LRV of 20% - 30%.).

The design controls that have been included in Consent Notice13420162.4 were volunteered by the applicant. Specifically, the design controls formed Appendix [F] of the RM120826 application. Importantly, imposition of these design controls was not listed as a key reason for acceptability of the RM120826 proposal nor a recommended condition within the Council's landscape assessment on that application.

In the fourteen years since the granting of RM120826 the applicant has given effect to the subdivision and begun development of their own residential unit (that which is sought in this application) using a highly reputable architectural firm – Fearon Hay.

In working with Fearon Hay and developing a concept design, it has been identified that the Consent Notice design controls do inhibit modern but still appropriately sensitive, architectural design.

Specifically, the roof pitch design effectively prohibits the consideration of monopitch or flat roof building designs which can sit lower in the landscape and be less conspicuous than a traditional gable roofed form – particularly when it comes to overall building height.

This has been identified as an inhibiting design control both for the applicant's own site, but by others who have brought and/or entered into sale and purchase agreements.

Given that the design control was not a Council requirement of approving the RM120826 subdivision, that the Lots in the subdivision sit below the Glenorchy-Paradise Road, and that there are no publicly accessible view points down slope of the RM120826 subdivision area in close proximity that would have significant views upwards of the future residential development it is considered that the design control offers little to mitigate the effects of residential development.

Specifically, the Rural Lifestyle Zone anticipates the development of residential buildings on each Lot. The effects of residential development are more appropriately controlled through maintenance of minimum allotment sizes to maintain the character and quality of the zone and its open space and landscape values, than the slope of the roof. Essentially, the Lots in the RM120826 subdivision will wear a cloak or residential activity and built form and regardless of whether the rooves of buildings are flat or pitched, they will be evident in the landscape.

Further, it is noted that the Rural Lifestyle Zone extends much further north than the RM120826 subdivision area and there are no District Plan controls on roof pitch. Accordingly, having such a control in this small part of the zone in inconsistent and will not protect any significant landscape values of concern that are specific to this site.

Accordingly, removing the roof pitch design control is considered to have a less than minor adverse effect on maintaining the quality and character of the Rural Lifestyle Zone.

In terms of the amendment to the exterior materials, again this was a design control that was originally volunteered by the applicant in the application for RM120826.

The proposal to add concrete as a material for external cladding will not have any material effect on landscape values. While it is proposed to allow this material to be used, it is noted that no change is proposed to condition 1(c) of the Consent Notice which requires that all cladding materials must have a LRV of less than 36% - and in fact to comply with the PDP standards a more stringent LRV of 30% must be achieved.

Accordingly, even if concrete is used, it will still be appropriately dark and recessive (potentially requiring tinting) such that this material can be absorbed into the receiving environment.

In regard to the proposed change to allow the applicant to construct their garage outside of the approved building platform, it is important to note that this particular variation is limited to the proposed built form in this application – it is not intended to approve a blanket removal of this control from Consent Notice 13420162.4 as it applies to all Lots in the RM120826 subdivision.

Consideration of the effects of non-compliance of this requirement have been undertaken in Section 7.3.1 above with specific regard to the applicants proposed built form and landscaping and the effects have been found to be less than minor.

Given the above, the proposed changes to the Consent Notice conditions are considered to have a less than minor effect on the landscape and amenity values of the Rural Lifestyle Zone and the area containing the wider RM120826 subdivision.

Importantly, the applicant still owns all Lots in the RM120826 subdivision with the exception of Lot 9 DP 575814 and Lot 20 DP 575814 which have been brought or are subject to a sales and purchase agreement. Both parties have been consulted with and the written approval of the owners of Lot 9 is attached as **Appendix [G]**.

The party with a sales and purchase agreement for Lot 20 is being consulted with and their affected party approval will be provided to Council as soon as it is received.

Upon receipt of the second affected party approval, all effects on these parties may be disregarded.

7.3.5 Cumulative Effects.

It is noted that a cumulative effect is a gradual build-up of consequences over a period of time and includes a combination of effects from other activities to create an overall effect on the environment that will occur through the implementation of a proposed development.

In this case, the proposal seeks to construct a small residential accessory building and three water tanks outside of the approved residential building platform. The extent of

built form on the subject site is still considerably less than what could be constructed as a permitted activity under the PDP.

While the built form is slightly more spread out than if it where all contained in the building platform, its low height, compliance with colours and LRV's, positioning amongst existing shrubland and comprehensive site landscape plan ensures that the development can be absorbed into the environment with less than minor effects on the quality and amenity of the landscape.

Similarly, the changes to the Consent Notice to enable the use of concrete as an exterior material and building designs that incorporate flat or monopitch rooves will still ensure that built development is not prominent, particularly given that no changes are proposed to the colours and LRV of the exterior materials. These controls are not required in other parts of the Rural Lifestyle Zone and therefore removing them from the Lots in the RM120826 subdivision will not result in a significant change in building design/materiality/colours that is not already enabled in the rest of the Zone.

Overall, the cumulative effects are considered to be less than minor.

7.3.6 Precedent Effects.

Section 104(1)(a) of the RMA requires consideration of "any actual and potential effects on the environment. 'Precedent effects' is an argument that approving one application may influence the Council's decision making on future applications and hence, result in future adverse effects on the environment.

In other words, the predominant concern regarding precedent effects is that future similar applications must be treated 'like for like' so if one proposal such as this building platform is granted, this may be considered to 'open the gate' for a proliferation of similar applications to be sought and subsequently approved.

As such, precedent effects should only necessitate the declining of a proposal where there is an irreconcilable clash with important provisions of the District Plan and where there is a clear proposition that there will be materially indistinguishable and equally clashing resource consent applications to follow that there will be potential for loss of District Plan integrity.

In this case, the assessment of effects has determined that the potential adverse effects on the environment of allowing the built form and proposed Consent Notice variations will have less than minor effects on the environment.

As will be seen in the assessment of objectives and policies below, the proposal is consistent with these provisions.

In terms of the potential for a proliferation of similar proposals occurring as a result of this application, it is noted that applications for breaches of design controls and for residential units that fall outside of building platforms are not in themselves unusual or

uncommon. Council regularly receives applications of this nature and has done so for many years prior to this application.

What is important to note in terms of any potential precedent effects is that each proposal must be assessed on its merits and what is distinguishable about this proposal is that:

- An assessment of the effects has determined that the proposal will have less than minor effects on the quality and amenity of the receiving environment. This is achieved through excellent architectural building design and landscape design and integration of built form.

- All parties who are subject to the Consent Notice other than the applicant, i.e. those who have purchased or who hold a sale and purchase agreement for Lots in the RM120826 subdivision have (or will) provide their written approval to the proposal. As such, no party is prejudiced by the changes to the Consent Notice.

Further, any future development proposals of a similar like on other sites would need to be assessed on its own merits and include comprehensive architectural/landscape design input and would also need to be tested against the Objectives and Policies of the District Plan.

Accordingly, approving the proposal as sought in this application does not guarantee that a proposal for the same activity on other landholding(s) would be found suitable and subsequently be approved.

Accordingly, approving this proposal would not generate a significant precedent effect.

7.4 Hazardous substances

The proposed land use consent does not involve the use of hazardous substances and installations.

7.5 Discharge of contaminants

The proposal does not include the discharge of any contaminant other than sediment which may be a by-product of the necessary earthworks for construction.

These effects can be adequately controlled and internalised within the site boundaries via the EMP prepared by Hewland Projects Ltd and will ensure that no soils migrate beyond the site which could adversely affect environmental receptors.

7.6 Mitigation measures

Standard Council conditions of consent are anticipated on the decision document and will adequately mitigate any effects of the proposal.

7.7 Identification of interested or affected persons.

In considering the adverse effects on persons via Section 95E (2), the current owner of Lot 9 DP 575814 and the party holding a sale and purchase agreement to Lot 20 DP 575814 have been deemed affected parties.

These affected party approval of the owner of Lot 9 has been obtained and is attached as **Appendix [G]**. The approval of the holder of the sales and purchase agreement for Lot 20 is currently being obtained and will be provided to Council as soon as it is received.

7.8 Monitoring.

No monitoring is required other than as required by Council's standard conditions of consent.

7.9 Customary rights

The proposed activity will have no effect on any customary rights.

8 Notification

Public and limited notification matters of consideration are detailed below.

8.1 Section 95A: Public Notification

In terms of Section 95A (1), a consent authority must follow the steps set out in Section 95A, in the order given, to determine whether to publicly notify an application for a resource consent. The four steps within Section 95A (1) are addressed below.

Step 1: Mandatory public notification in certain circumstances.

The following matters are noted:

- The applicant is not requesting public notification of the proposal (Section 94A(3)(a)).

- Provided a further information request is reasonable, the applicant is unlikely to refuse to provide information or refuse the commissioning of a report under Section 92(2)(b) of the Act (Section 95A(3)(b)).

- The application does not seek to exchange recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c)).

Based on the above, mandatory public notification of the application is not required.

Step 2: Public notification precluded in certain circumstance.

The following matters are noted:

- Public notification is not precluded by any rule or national environmental standard (Section 95A(5)(a)).

- The proposal is not a controlled activity, a restricted discretionary/discretionary subdivision or a residential activity, a boundary activity, or a prescribed activity (Section 95A(5)(b)(i)(ii)(iii)(iv)).

Based on the above, public notification of the application is not precluded.

Step 3: If not precluded by Step 2, public notification is required in certain circumstances.

The following matters are noted:

- Public notification of the proposal is not specifically required by a rule or a national environmental standard (Section 95A(8)(a)).

- The consent authority decides, in accordance with Section 95D, that the proposal will have or is likely to have adverse effects on the environment that a more than minor (Section 95A(8)(b)). The assessment included in this application concludes that the effects will be no more than minor.

Step 4: Public notification in special circumstances.

The following is noted:

- It is considered that there are no special circumstances that warrant the proposal being publicly notified (Section 95A (9)). Consideration as to whether limited notification should occur is addressed below.

8.2 Section 95B: Limited Notification.

Section 95B (1) requires a decision on whether there are any affected persons under Section 95E. The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under Section 95A.

Step 1: Certain affected groups and affected persons must be notified.

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups, nor is it on, adjacent to or may affect land subject to a statutory acknowledgement (Section 95B (2)-(4)).

Step 2: If not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2, as:

- The proposal is not subject to a rule in the District Plan or national environmental standard that precludes limited notification (Section 95B(6)(a)).
- The proposal is not a controlled activity or a prescribed activity (Section 95B(6)(b).

Step 3: If not precluded by step 2, certain other affected persons must be notified.

Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of the infringed boundary has provided their approval, nor is the proposal a prescribed activity (Section 95B (7)).

Limited notification is not precluded under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal are assessed in the application.

The assessment in this application takes into consideration the exclusions of Section 95E (2) and (3), when assessing whether the proposal will have or is likely to have adverse effects on persons that are minor or more than minor (but not less than minor).

Step 4: Further limited notification in special circumstances.

It is considered that there are no special circumstances that apply to the application which warrants limited notification.

9 Statutory Assessment

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement.
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement.
- A plan or proposed plan

9.1 Proposed District Plan

The relevant objectives and policies of the PDP are contained in Chapter 22 – Rural Residential and Rural Lifestyle and Chapter 25 – Earthworks. An assessment of these provisions is provided below:

Chapter 22 – Rural Residential & Rural Lifestyle

22.2.1 ***Objective - Rural living opportunities are enabled in areas that can absorb development, on the basis that the density, scale and form of the development:***

a. Protects the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes;
b. Maintains the landscape character and maintains or enhances the visual amenity values of the District's Rural Character Landscapes.

Policies

22.2.1.1 *Ensure the visual prominence of buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines.*

22.2.1.2 *Set density and building coverage standards in order to maintain rural living character and amenity values and the open space and rural qualities of the District's landscapes.*

22.2.1.3 *Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character and amenity values of the zone and the District's landscapes.*

22.2.1.4 *Manage anticipated activities that are located in proximity to Outstanding Natural Features or Outstanding Natural Landscapes*

so that they do not compromise the landscape values of that Feature or Landscape.

22.2.1.5 *Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

22.2.1.6 *Lights be located and directed so as to avoid glare to other properties, roads, and other public places and to avoid degradation of views of the night sky.*

22.2.1.7 *Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.*

22.2.1.8 *Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*

The proposal is consistent with Objective 22.2.1 and associated policies insofar as it enables rural living development within an established Rural Lifestyle subdivision while maintaining the broader landscape character and amenity values of the area. The AEE identifies that the principal dwelling remains within the approved building platform, has a modest footprint (211.6m²) and height (6.58m), and utilises recessive mid-grey colours and materials intended to visually integrate with the surrounding landscape. The proposal is also supported by a comprehensive landscape plan and retention of existing landscape features, including boulders and shrubland, which assists in maintaining the open and rural character anticipated within the zone.

In relation to Policies 22.2.1.1, 22.2.1.4 and 22.2.1.5, the proposed built form and associated earthworks are not located on prominent ridgelines or skylines and are described as being visually recessive when viewed from public locations. While the garage and water tanks are located outside the approved building platform, their scale is limited and the AEE concludes that landscaping and the existing topography will mitigate visual prominence. The proposal also maintains compliance with PDP colour standards and low reflectivity requirements despite the requested consent notice variation to permit concrete cladding and flat/monopitch roof forms. Earthworks exceed permitted thresholds only moderately and are supported by geotechnical assessment and an EMP addressing erosion and sediment control.

The proposal is also broadly consistent with Policies 22.2.1.2, 22.2.1.3, 22.2.1.6, 22.2.1.7 and 22.2.1.8. The underlying subdivision pattern and lot density remain unchanged, preserving the anticipated Rural Lifestyle character and open space qualities of the zone. The proposal reflects a design-led architectural response, with the applicant arguing that the amended roof pitch controls enable lower-profile contemporary forms better integrated into the landscape. Infrastructure servicing, firefighting water supply, and emergency vehicle access have been comprehensively addressed through the Hadley Consultants assessment, including provision of 45,000L firefighting storage and compliant access arrangements. While the AEE does not specifically

assess exterior lighting effects under Policy 22.2.1.6, no significant adverse lighting effects are anticipated given the scale and residential nature of the development.

22.2.2 Objective - The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.

Policies

22.2.2.1 Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.

22.2.2.2 Any development, located on the periphery of residential and settlement areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries by complying with relevant density requirements.

22.2.2.3 Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities that would diminish amenity values and the quality and character of the rural living environment.

22.2.2.4 The bulk, scale and intensity of buildings used for visitor accommodation, residential visitor accommodation and homestay activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22.2.2.5 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale, intensity and frequency of these activities.

The proposal is consistent with Objective 22.2.2 as it provides for a residential activity within an established Rural Lifestyle subdivision where rural living is the anticipated and predominant land use. The application relates solely to the construction of a residential unit and accessory garage, together with associated infrastructure and landscaping, on a 1.0139ha Rural Lifestyle allotment created through RM120826. The proposal does not introduce commercial, industrial, visitor accommodation or other non-residential activities that would alter the established rural-residential character of the area.

The proposal is also consistent with Policies 22.2.2.1 and 22.2.2.2 as the scale and nature of the development aligns with the anticipated density and character of the Rural Lifestyle Zone. The residential unit and garage remain modest in scale relative to the permitted baseline, with a combined footprint substantially below what could otherwise be established as a permitted activity. The subdivision pattern, allotment configuration and residential density approved under RM120826 remain unchanged,

ensuring the integrity of the rural-residential environment and avoiding any erosion of the urban-rural edge or settlement boundaries.

Policies 22.2.2.3 through 22.2.2.5 are not materially engaged by the proposal, as no visitor accommodation, homestay, commercial or community activities are proposed. Nevertheless, the proposal remains supportive of these policies because the development maintains the amenity values and rural living character anticipated within the zone through low-scale built form, recessive colours and materials, and comprehensive landscaping. The AEE concludes that the effects on landscape quality, amenity and character will be less than minor, with the proposal remaining clearly residential in nature and compatible with surrounding Rural Lifestyle activities.

22.2.3 Objective - New development does not exceed available capacities for servicing and infrastructure.

Policies

22.2.3.1 Discourage new development that requires servicing and infrastructure at a cost to the community.

22.2.3.2 Ensure traffic generated by new development does not compromise road safety or efficiency.

The proposal is consistent with Objective 22.2.3 as the development can be adequately serviced without exceeding available infrastructure capacity or creating adverse effects on the wider community. The AEE confirms that key infrastructure services, including potable water supply, firefighting water storage, wastewater disposal, stormwater management, power and telecommunications, were either established through the underlying RM120826 subdivision consent or can be appropriately accommodated on-site. Supporting engineering and geotechnical assessments prepared by Hadley Consultants and GeoSolve conclude that the site is suitable for development and that all servicing requirements can be achieved to the appropriate engineering standards.

The proposal is also consistent with Policy 22.2.3.1 as it does not require additional public infrastructure upgrades or servicing at cost to the community. The development relies predominantly on self-sufficient on-site infrastructure systems, including private potable water storage, on-site wastewater treatment and disposal, on-site stormwater attenuation and disposal, and private firefighting water storage. Existing subdivision infrastructure established under RM120826 provides the necessary reticulated connections to the site, meaning no significant expansion of public infrastructure networks is required.

The proposal is similarly consistent with Policy 22.2.3.2 as no adverse traffic safety or efficiency effects are anticipated. Vehicle access is obtained from Tikumu Terrace, being an established private access formed through the subdivision consent, and the proposal relates to a single residential unit and accessory garage generating typical low-volume residential traffic movements. There is no indication within the AEE that

the proposal would compromise the safety or efficiency of the surrounding roading network, and the proposed firefighting hardstand and manoeuvring arrangements further demonstrate that adequate on-site vehicle access can be achieved.

Chapter 25 – Earthworks

25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.

Policies

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.

25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:

a. Protects the values of Outstanding Natural Features and Landscapes;
b. Maintains the amenity values of Rural Character Landscapes;
c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;
d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;

Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.

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; and
g. Maintains public access to and along lakes and rivers.

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

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

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

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.*

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.*

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.*

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.*

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.*

25.2.1.11 *Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.*

25.2.2 Objective – The social, cultural and economic wellbeing of people and communities benefits from earthworks

Policies

25.2.2.1 *Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:*

a. *Nationally and Regionally Significant Infrastructure;*
b. *tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;*
c. *minimising the risk of natural hazards;*
d. *enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and*

e. *the use and enjoyment of land for recreation, including public walkways and trails; and*
f. *maintaining or enhancing the operational efficiency of existing infrastructure.*

The proposal is consistent with Objective 25.2.1 as the scale and design of the proposed earthworks appropriately minimises adverse environmental effects while enabling residential development anticipated within the Rural Lifestyle Zone. The proposed earthworks comprise a total volume of 580m³ with a maximum fill depth of 2.29m, representing only moderate exceedances of the permitted standards. The AEE confirms that the works have been informed by detailed engineering and geotechnical assessments prepared by Hadley Consultants and GeoSolve, both of which conclude that there are no geotechnical constraints preventing development, subject to standard engineering controls and site inspections. An Erosion and Sediment Management Plan prepared by Hewland Projects Ltd further addresses erosion, sediment generation and discharge effects in accordance with Policies 25.2.1.1, 25.2.1.5, 25.2.1.6 and 25.2.1.11.

The proposal is also consistent with Policies 25.2.1.2 through 25.2.1.10 as the earthworks are modest in scale, integrated with the site's natural topography and associated with a comprehensively landscaped residential development. The AEE identifies that the works are not located on visually prominent ridgelines or skylines and that the built form and associated earthworks will be absorbed into the landscape through low building heights, recessive colours, existing shrubland and additional planting. No Significant Natural Areas, heritage features, public access routes or identified cultural heritage sites are affected by the proposal, and the site's infrastructure servicing and access arrangements have been designed to avoid adverse effects on adjoining properties or public infrastructure. Potential nuisance effects associated with construction activities, including dust, sediment, and traffic, are proposed to be managed through the EMP and standard consent conditions.

The proposal is similarly consistent with Objective 25.2.2 and Policy 25.2.2.1 as the earthworks are necessary to facilitate a residential development anticipated by the Rural Lifestyle Zone and to provide for the social and economic wellbeing of landowners within the approved subdivision. The earthworks support the establishment of residential infrastructure, including access, potable water storage, firefighting supply, wastewater disposal, and stormwater management systems, all of which are required to safely and efficiently develop the site. The proposal also incorporates engineering and geotechnical measures that minimise natural hazard risk and ensure the ongoing safe use and enjoyment of the land.

10 Section 104 of the Act

Section 104 of the Act states when considering an application, the consent authority must, subject to Part 2 of the Act, have regard to:

- Any actual and potential effects on the environment of allowing the activity.
- Any relevant provisions of a plan or proposed plan.
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

As outlined in the application, the proposed development will not result in any adverse effects on the environment that are more than minor, any potential effects have been avoided, remedied, or mitigated to an extent that such are less than minor.

Further, the proposed activity is not contrary to the relevant Objectives and Policies of the Operative District Plan, and finally, there are no other matters relevant to the assessment of the application.

11 Purpose and Principles of the Act

The purpose of Act is to promote the sustainable management of natural and physical resources. Sections 6, 7 and 8 also require consideration.

In terms of Section 6, there are no matters of national importance that are relevant to this proposal.

Section 7 of the Act states that achieving the purpose of the 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:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The proposal will, with the anticipated conditions of consent, achieve the relevant matters that particular regard shall be given to in terms of Section 7 of the Act.

There are no matters under Section 8 of the Act that require consideration with respect to the proposed activity.

For the reasons outlined in the application, the proposed activity is consistent with the purpose and principles of the Act and the associated matters under Part 2 of the Act.

The proposed development will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment.

Overall, it is considered that the proposal is consistent with the purpose and principles of the Act and therefore accords with the definition of sustainable management.