Information and Assessment of Effects on the Environment

Land Use Consent

Variation to Consent Notice Condition

45 Tailrace Rise, BullenRise, Arthurs Point

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July 2026

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1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

1.1 Site Description

The subject allotment is a small residential allotment located in the new subdivision of BullenRise, Arthurs Point, Queenstown. The site is located at 45 Tailrace Rise and is legally identified as Lot 52 DP 617729. It was approved under the 91 residential subdivision SH190001, with subsequent variations, the most recent being RM250876, see figure 1 below. Lot 52 has an area of 501m2 and has a rectangular shape, see figures 1 and 2 below. A copy of the title is contained in Appendix A.



Figure 1: Locality Plan

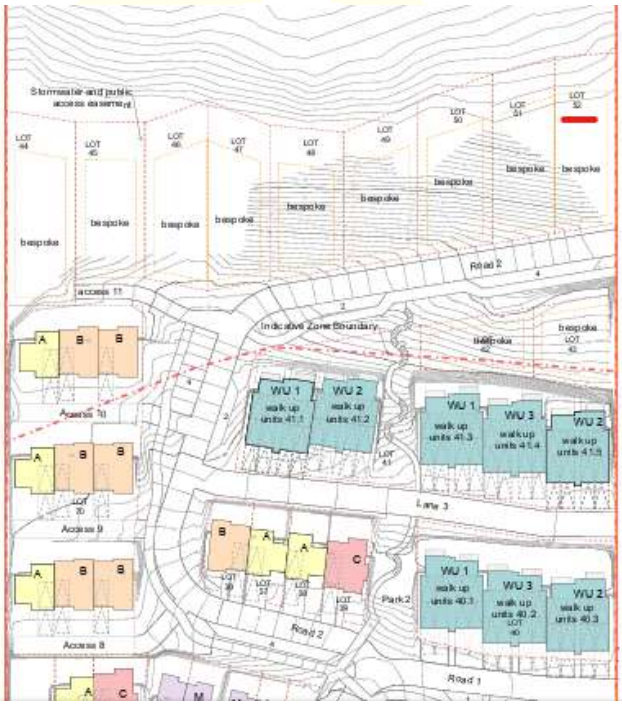


Figure 2: Subject Site –RM250876

The sites topography is steep rising approximately 14m in a south to north direction. It is devoid of any existing development or established vegetation.

The surrounding environment is made up of a mix of new residential development and vacant allotments. Both adjoining sites are vacant. Along the western boundary Lot 51 is the same shape and size to the subject site and is not subject to any development approvals to date. Along the eastern boundary the site adjoins a large balance allotment of over 1.9 ha area, zoned for rural purposes. No development has been approved for this allotment.

1.2 Planning History & Background

Consent	Description	Comment
SH190001	Approval under section 25 of the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) for land use consent to construct 91 residential units; and approval under section 25 of HASHAA for subdivision consent to subdivide the units to allow them to be held in their own Titles. Approval dated 6 May 2020.	
SH210006	Approval under section 25 of the HASHAA for land use consent relating to a shortfall in car parking associated with a proposed apartment building; and Approval under section 52 of the HASHAA to change Conditions 1, 22, and 32- 35 (Decision A), and Conditions 1 and 22 (Decision B) of SH190001 to enable an alternative layout of development for Stages 1 and 5 of approved consent SH190001 (Option B), including a second access to Arthur's Point Road. Approval dated 16 September 2021.	This SH consent amends the access arrangement to the configuration which has constructed on the site and is now part of the RM250876 subdivision completion process.
SH230001	Approval under section 127 of the Resource Management Act 1991 to change Conditions 1 of decision A and B, and conditions 22, 32, 34, and 35(s) of decision A of SH190001 as amended by SH210006 to create a new stage of the subdivision, collating many of the individual lots into groups of lots to enable the completion of all stages of the subdivision. Approval dated 21st December 2023.	This approval enabled a bulk title stage for the development.
SH240001	Approval under section 127 of the RMA to change Conditions of SH190001 as amended by SH210006 and SH230001 to allow for the option of subdivision of certain allotments at the bulk title stage of the subdivision, and to remove the requirement to provide a water booster pump. Approval under Section 88 of the RMA for allotments which do not meet the 450m² minimum size for the zone, and to enable the construction of residential buildings up to the boundary within the 2m internal boundary setback of the lots. Approval dated 20 December 2024.	This approval enabled the creation of certain final residential allotments prior to the construction of residential units.

SH250002	Approval under Section 127 of the RMA to change Conditions of SH190001, as amended by SH210006, SH230001 and SH240001, to defer the requirement for formation of the vehicle crossings and three internal access roads associated with Lot 70 until further residential subdivision or development of Lot 70 is undertaken.	Lot 70 is to be gifted to the Queenstown Lakes Community Housing Trust and the final layout and roading of Lot 70 is not known to the Trust. Therefore, the developer's requirement for constructing the roading internal to Lot 70 was removed.
RM250876	Approval to change Condition 1 and 38 of Decision A – Subdivision and Condition 1 of Decision B – Land Use of resource consent SH190001 (as varied by SH210006, SH230001, SH240001 and SH250002) to adjust the boundaries of Lots 14 and 151 to change the allocation of carparks. Approved 15th January 2026.	Parking for Lot 14 was not within Lot 14 and was to be maintained heron by other allotments. This consent amended Lot 14 to include the parking area.

1.3 The Proposal

This application seeks consent to establish a bespoke, two-bedroom, three level residential development on site. This will include a double garage on the ground level, a master bedroom, ensuite and office on the first level,, and a kitchen, living and dining and guest bedroom on the upper level.



Figure 3: Proposed Development

The building will have a maximum height of 7.9 at it highest.

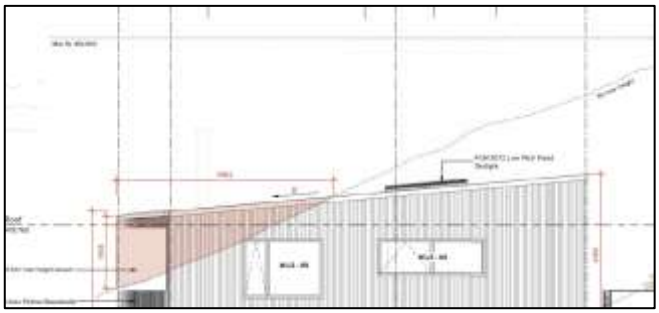


Figure 4: Eastern elevation

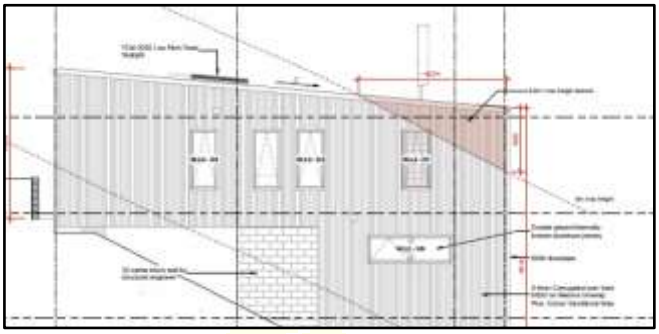


Figure 5: Western elevation

The height will not breach the 8m height limit in the Rural Zone. It will also be well under the maximum RL of 483.9 as imposed by Condition of consent notice as outlined below:

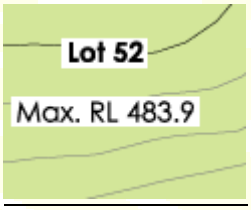


Figure 6: Page 88 RM250876

It will, however, breach the 6m height limit imposed under Condition (g) of this Consent Notice 13408696.12. A variation to this Consent Notice condition is sought as follows:

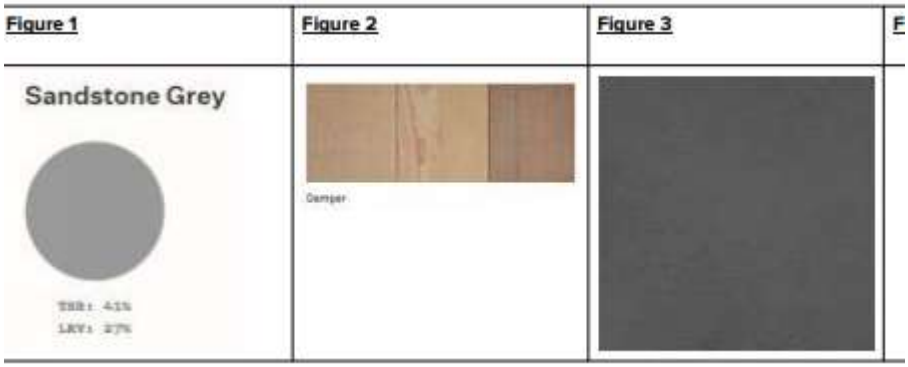
g) The maximum height of all buildings shall be 6 metres be no higher than the maximum RL as shown on plan reference Max RLS Plan prepared by SITE and stamped and approved by condition one of this consent- refer to page 88 of RM250876 Decision) or 6 metres from original ground level (whichever is the lesser) with the exception of development approved under RM

The lesser of the two is the 6m height restriction, refer Appendix B for detail.

The application also proposes a LRV of 27% for the roofing material and cladding, and LRV of 68% for the parts of the cladding. As a result, consent is also sought to amend Condition m) of 13408696.12 as follows:

m) All building external colours are natural shades within a Light Reflectance Value of not greater than 20% for roofs and no greater than 30% for all other surface finishes <u>with the exemption for development approved under RM…..</u>

The proposed development materials/colours include the following:



- Coloursteel roofing - Sandstone grey LRV 27%
- Vertical Shiplap cladding - 68% and coloursteel cladding – Sandstone 27%



Vertical Shiplap Cladding
Colour - Wood X Damper
Profile : Hermpac - HP55
Approx LRV: 68

- Joinery – Sandstone grey LRV 27%
- Blockwork – Dark Grey (TBC)

The proposal will include 50% of the front yard in landscaping, see Appendix B for detail.

The development will be located wholly within the building platform approved for this site under SH190001.

All additional conditions of the above Consent Notice will be complied with.

The development will be stepped into the site and will require earthworks up to 360m3 and cut and fill of 4.5m and 4m respectively, where the cut will be located within 4m off the site boundary. No

retaining walls are proposed with all cut located within the building foundations. Battering to the road boundary will provide for a useable access into the garage. All batters adjacent the site boundaries will either be less than .5m or located a distance more than their height from the boundary.

Given the site is zoned Rural, the development will breach several rural zone provisions in respect to front road and side yard setbacks. The current zoning, however, is an anomaly given the underlying subdivision of this area providing for a low-density residential environment.

1.4 Statutory requirements

1.4.1 Queenstown Lakes District Proposed Plan

The subject site is located within the Rural Zone of the Proposed District Plan (**PDP**). It is also located in the ONL under the PDP. The site contains no known protected items or areas of significant vegetation. Consent is required for the following reasons:

Land Use

a) A **restricted discretionary activity** pursuant to Rule 25.5.16 whereby the maximum proposed cut will measure 4.5m, being 2.1m above the 2.4m cut permitted under the District Plan.

b) A **restricted discretionary activity** pursuant to Rule 21.5.1 requiring a setback from internal site boundaries of 15m. The proposed development will be setback 2m from the site boundary.

c) A **restricted discretionary activity** pursuant to Rule 21.5.2 requiring a setback from the road boundary of 20m. The proposal will be located within approximately 5m off the road boundary.

d) A **restricted discretionary activity** pursuant to Rule 21.7.2.1 requiring all roofing material to have a LRV equal to or less than 20% The proposed coloursteel will have a LVR of 27%.

e) A **restricted discretionary activity** pursuant to Rule 21.7.2.2 requiring all other finishes to have a LRV of 30% of less. The proposed cladding will have a LRV of 68%.

The application is therefore considered a **restricted discretionary activity** under the Proposed District Plan.

Pursuant to Section 221 of the RMA consent is also required to amend Condition e) and m) of Consent Notice 13408696.12 as follows:

e) The maximum height of all buildings shall be 6 metres and be no higher than the maximum RL as shown on plan reference Max RLs Plan (prepared by SITE and stamped as approved by condition one of this consent – refer to page 88 of the RM250876 Decision) or 6 metres from original ground level (whichever is lesser) with the exception of the development on Lot 52 approved under RM……

m) All building external colours are natural shades within a Light Reflectance Value of not greater than 20% of roofs and no greater than 30% for all other surface finishes with the exception of the development on Lot 52 approved under RM…….

Consent is required for a **discretionary activity** pursuant to Section 221 of the RMA.

1.4.3 Computer Freehold Register

The title for Lot 52 DP 617729 is included in Appendix A. One Consent Notice is registered on the title as discussed above.

1.4.4 National Planning Instruments

*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (**NES-CS**).*

Previous decisions have considered NES-CS and determined that this NES does not apply to the subject site. The current application has no bearing on the assessment of this NES undertaken by previous decisions.

1.4.5 Resource Management Act 1991

2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT

2.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

2.2 An assessment of the actual or potential effect on the environment of the activity:

2.2.1 Permitted Baseline

Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. A number of activities are permitted on the site and therefore form part of the permitted baseline for the site:

- Residential buildings are a permitted activity in an approved building platform in the Rural Zone up to a maximum height of 8m above ground level.
- 1 residential unit is anticipated on the subject site.

2.2.2 Existing Environment

The 'Environment' is defined in section 2 of the RMA yet this definition has been modified by case law under section 104 to add to the concept of the receiving environment in consent applications by considering the environment not only as it exists at the time of considering an application, but also as it would exist in the future, taking into account permitted activities and any resource consents granted and likely to be implemented.

2.2.3 Assessment of Environment Effects

Dominance/ Shading/ Privacy Levels/ Visual Amenity/ Residential Character.

The proposal will breach several performance standards as they relate to the Rural Zone in respect to side yard and road boundary setbacks, refer Appendix B for detail as well as LRV. These non-compliances, however, are considered an anomaly given the recent comprehensive subdivision of this area into a low-density residential environment. The development will be located entirely within the building platform approved under this subdivision and will not adversely affect the residential amenity anticipated in this area.

The proposed breaches to the Consent Notice condition are restricted to the height, and LRV as outlined above. Of the 14 conditions relevant to the site under this Consent Notice, the development will comply in full with 12.

Development on steeply sloping sites usually necessitates multi levels and it is not uncommon for part of the building in these environments to breach height restrictions. This is evident in numerous developments on Queenstown Hill where height planes have been breached to varying degrees.

The underlying subdivision and the subsequent Consent Notice provides for height up to 6m. The maximum 1.9m breach, or 6m2 in area, will be located along the eastern façade that adjoins the rural site to the sites east. This site has an area of 1.9ha, is steep, devoid of any development and is not currently subject to any subdivision approvals. As such the proposed development and height breach will not dominate this adjoining site or compromise its rural amenity.

Located at the end of Tailrace Road the eastern boundary of the site is aligned with the end of the roading reserve. As a result, with the exception of Lot 43 located immediately opposite the site, there will be no through traffic passing the subject site. This roading reserve has a width of 15m that separates the subject site from Lot 43, with five perpendicular car park spaces located in the reserve opposite the site, refer below for detail.



Figure 7: Road reserve

A grassed road berm with landscaping also occupies this road reserve, see above.

The proposed development and height non-compliance will have less than minor adverse effects on the residential amenity of Lots 42 and 43. The 15m separation of these sites, lowered topography and orientation towards the views to the south, will together reduce any potential effects of visual dominance. The adjacent northern yards will be occupied by garages with outdoor living space anticipated to be kept to a minimum given the lack of space and views. The additional height will not compromise privacy levels over and above those effects that could be generated as of right, and the building will have less than minor adverse effects on the road and on these adjacent sites in respect to shading. As a result, it is considered that the adverse effects on residential amenity values, privacy levels and visual dominance on Lots 43 and 42 as a result of the development will be less than minor

Lot 51 is located along the western boundary of the site. The breach along this façade will be limited to 3.8m2 at a height of 1.8m reducing to a complying 6m over a length of 4.2m. The proposed development will not dominate this adjoining site as a result of this minor breach. It will have minimal effects on privacy given the deck will be completely screened from this direction. Overshading effects will be less than minor from that permitted, see shading diagrams in Appendix C for detail. When compared to a building form of 6m throughout the building platform, the building will have less dominance effects on this neighbour than what could be provided for on site as a permitted activity, refer permitted baseline diagram in Appendix C.

Overall, the proposed development will continue to retain the anticipated residential amenity and character of this surrounding environment. As viewed from the road the upper level will include the open deck which will have less effects on dominance when compared to a solid wall. Located at the end of the road with no through traffic, it is considered that any wider adverse effects on this environment will also be less than minor.

Furthermore, the higher LRV proposed will also continue to maintain the amenity of this new neighbourhood. The building will have an attractive external appearance and will not be visually dominant as a result of the proposed LRVs. The majority of the cladding will include the coloursteel cladding in Sandstone which has a LRV of 27%, only 7% greater than that anticipated. This minor increase will not increase the predominance of this building. The grey will be in keeping with colours expected in this residential environment, and only a small percentage of the external cladding will include the shiplap cedar that has the higher LRV. This will primarily be located inside the deck that is set back inside the building. The blockwork around the base of the building will be a dark grey and will comply with the LRV of 20%. The Applicant is happy to accept a condition of consent in this respect.

Overall, the proposed building will be an attractive addition to this new residential environment. It will continue to maintain the anticipated amenity values of surrounding sites and will have less than minor adverse effects on the residential character of this neighbourhood.

Earthworks

The volume of proposed earthworks is limited to 360m3 and includes cuts up to 4.5m in height, refer above and Appendix B for detail. Sediment and erosion controls will be put in place prior to works commencing to ensure there are no off-site effects as a result of these works. Prior to any weather events, any stock piling will be covered, silt fences checked and works will cease. Furthermore, on completion of works, all exposed areas will be grassed and stabilised as soon as possible. Standard earthworks conditions are anticipated and will be adhered to in full prior to, during and after earthworks on site. Compliance with all conditions of consent and the EMP will ensure that any effects on this receiving environment as a result of the proposed earthworks will be negligible.

Any adverse effects on the existing character of this landscape as a result of the earthworks will be minor. With the exception of the height of cut, all works are permitted under the District Plan and hence anticipated in this environment. The cut is required to form the building platform and will be indiscernible from outside the site. Any adverse visual amenity effects on the adjoining properties will be negligible.

The proposed development will not compromise any existing infrastructure. The proposed works will have negligible adverse effects on existing overland flows and stormwater disposal. The site is a small residential allotment that has been provided for as part of a larger residential development. All servicing and infrastructure requirements were considered and approved as part of this previous approval. The proposed earthworks will not compromise this. Overall, any adverse effects on any existing infrastructure or stormwater disposal in the subdivision will be negligible.

The proposed earthworks are minor and will not be located in an area that is identified as being susceptible to land instability. The proposed cut will be engineered and as such will be appropriately stabilised on completion. Appropriate sediment and erosion controls will be put in place to ensure no

sediment run off will leave the site during construction. Any adverse effects of the development in respect to land stability and off site effects will be negligible.

The site is not identified under the District Plan as having any cultural significance. It is anticipated a condition of consent will be imposed to ensure that any accidental discovery of archaeological items will follow correct protocol.

The proposed development is minor in scale and will be completed in less than two weeks. It is not anticipated that it will cause any nuisance effects as it will be constructed during standard construction operating hours and hence will not create any noise effects that will compromise surrounding amenity values.

The subject site is not identified as being susceptible to any natural hazards on the Council GIS maps. The earthworks are not out of character with what could be expected in this environment.

The earthworks are not required for any infrastructure need. They will provide for a functional building platform allowing the Applicant to utilise the site as permitted under the District Plan. The works will provide a positive and functional outcome for the owner of the site.

In conclusion for reasons outlined above the proposed development will have negligible adverse effects on this environment.

Further to the above, the application does not require consent under the NES and is not changing the existing land use on site.

2.2.4 Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

Based upon the assessment in part 2.2.3 above, the proposal is not considered to have any unacceptable adverse effects upon the wider environment, landscape and/or visual amenity.

2.2.5 Any effect on ecosystems, including on plants or animals and any physical disturbance of habitats in the vicinity

The site has already been modified from its natural state due to the earthworks undertaken in accordance with the underlying subdivision consent, therefore if any habitats were to be disturbed it would have already occurred.

2.2.6 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations:

The subject sites are not recognised as a site containing any significant aesthetic, recreational, scientific, historical, spiritual or cultural values.

Based upon the above, no adverse effects upon natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural value, or other special value, for present or future generations are anticipated.

2.2.7 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.

The proposal does not include the discharge of contaminants.

2.2.8 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

The risk of the subject sites through natural hazards or the use of hazardous substances or hazardous installations has been assessed as part of previous consents and conditions have been imposed. As such, it is considered that the proposal will not result in any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:

Please see section 2.2.7 above.

2.4 If the activity includes the discharge of any contaminant, a description of...

(a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(b) any possible alternative methods of discharge, including into any other receiving environment

Please refer to section 2.2.6

2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.

Actual and potential adverse effects of the proposal have been considered in Part 2.2. Aside of the volunteered conditions, no further mitigation measures are considered necessary.

2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

No persons are considered affected by the activity.

2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

It is not expected that any monitoring will be required as part of this application.

2.8 If the activity will or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

There are no known customary rights that the site is subject to therefore this is not applicable to this application.

3.0 DISTRICT PLAN: OBJECTIVES AND POLCIES ASSESSMENT

Rural Zone

Objective- A range of land uses including farming and establised activities are enabled while protecting maintaining and enhancing landscape ecosystem services nature conservation and rural amenity values.

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character visual amenity outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

Comment

The underlying subdivision has enabled the site to be utilitised for residential purposes. As as result the lot does not support rural characteristics or activities.

Objective 21.2.2 The life supporting capactiy of soils is sustained.

Policies 21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner

21.2.2.2. Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practicies and activities that benefit soil and vegetation cover.

212.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetaion clearance and prohibit the planting and estbliashment of identified wilding exotic trees with the potential to spread and naturalise.

Comment

The subject site does not support fertile soils suitable for rural activities as outlined above.

For these reasons, the proposal is considered inconsistent with the rural objective and policies outlined above given the change in land use pattern in this environment.

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.

Policy 25-2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development.

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

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

Policy 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.

Policy 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

Comment

The proposed earthworks will not compromise the stability of the subject site or any adjoining site. Appropriate sediment and erosion controls will be put in place during construction to ensure all effects are internalised within the site. It is anticipated that proposed earthworks will be carried out over a two-week period and during construction hours. As such any nuisance effects including those from noise levels during construction will be temporary in nature and minor in scale.

Overall, the proposal is considered to be in accordance with the relevant objectives and policies of the Proposed District Plan.

4.0 RESOURCE MANAGEMENT ACT 1991 (RMA 91): PART 2

The proposal does not align with the Rural Objectives and Policies of the Zone given the change in land use consented in this environment. The current zoning is an anomaly. However, future development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy, and mitigate adverse effects of activities on the environment.

Overall, the current application is in keeping with the purpose and principles of the RMA.

5.0 CONCLUSION

Overall, the current application is made as a restricted discretionary activity. Subject to Part 2 of the RMA, s.104 sets out those matters to be considered by the consent authority when considering a discretionary resource consent application:

(a) Any actual and potential effects on the environment of allowing the activity; and

(ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) Any relevant provisions of:

- *(i) A national environmental standard;*
- *(ii) other regulations;*
- *(iii) a national policy statement;*
- *(iv) a New Zealand coastal policy statement;*
- *(v) a regional policy statement or proposed regional policy statement;*
- *(vi) a plan or proposed plan; and*

(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

An actual and potential effects-based assessment on the environment has been undertaken in accordance with section 104(1)(a) of the RMA in part 2 of this application document where the proposal is not considered to result in any unacceptable adverse effects.

Part 2 of the RMA has been considered above where the current application is considered to be in keeping with the purpose and principles of the RMA.

Based upon the above, there are no reasons as to why the current application should not be granted consent subject to conditions of consent.

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