APPLICATION FOR RESOURCE CONSENT

For the construction a new building
and associated earthworks at
Wiltshire Street / Arrow Lane

17 September 2026

BROWN&COMPANY
PLANNING GROUP

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

APPLICANT AND PROPERTY DETAILS

Applicant's name:	Jillian and Dickson Jardine, Simon Anderson
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Address for invoicing:	Jillian and Dick Jardine C/- Simon Anderson, Ross Dowling 50 Princes Street, Dunedin 9016 Simon.Anderson@rossdowling.co.nz
Site Address:	Corner of Wiltshire Street and Arrow Lane
Legal Description:	Lot 2 DP 19690
District Plan Zone:	Arrowtown Residential Historic Management Zone
Plan Designations, Limitations or Overlays:	Town Centre Transition Overlay Arrowtown Character Tree
Activity Status:	Non-Complying

Prepared for:	*Jillian & Dick Jardine*
Date:	*17 September 2026*
Prepared by:	*Morgan Shepherd*
Reviewed by:	*Jeff Brown*

Declaration

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being complete and accurate.

If signing as the Applicant, I/we hereby represent and warrant that I am/we are aware of all my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

If signing as agent of the Applicant, I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.



.....
for Brown & Company Planning Group
on behalf of

Jillian & Dick Jardine

17 September 2026

ATTACHMENTS

A	An assessment of effects on the environment in accordance with the Fourth Schedule to the Act.
B	Records of Title
C	Architectural Plans
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FOURTH SCHEDULE
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. A DESCRIPTION OF THE PROPOSAL

1.1. Scope of this Document

This Assessment of Effects on the Environment (**AEE**) is submitted in fulfilment of the applicant's duties under the Resource Management Act 1991 (**RMA**). The AEE addresses matters relating to this land use consent application to the Queenstown Lakes District Council (**QLDC** or **the Council**) for the proposal.

This AEE has been prepared in accordance with the requirements of Section 88 and the Fourth Schedule of the RMA and provides all information necessary for a full understanding of the proposal and the effects it will have on the environment. To this end, the AEE contains the following information:

- A description of the site and surrounding locality;
- Development and consent history;
- A description of the proposal;
- Relevant provisions of the QLDC's Proposed District Plan (**PDP**);
- An assessment of effects on the environment;
- Section 104D Assessment;
- Part 2 RMA considerations;
- Section 95A Assessment.

1.2. The site and locality

The site is located on the corner of Wiltshire Street and Arrow Lane. It is legally described as Lot 2 DP 19690 held in Record of Title OT12B/628,and is 921m² in area.

The site is sloping from the Wiltshire Street boundary at the south, northwards toward Arrow Lane and up until recently contained a two-storey building, which was located within the western portion of the site. Two concrete vehicle crossings and driveways extend from Arrow Lane providing access and parking.

There are large, mature trees scattered around the perimeter of the site and a hornbeam hedge along Arrow Lane.

The location and extent of the site is shown in **Figure 1** below.



Figure 1: Site location (outlined in turquoise)

The site currently contains unit titles, being Units A and B with respective Accessory Unit areas. A title plan is shown in **Figure 2** below, with a Records of Title provided in **Attachment A**.

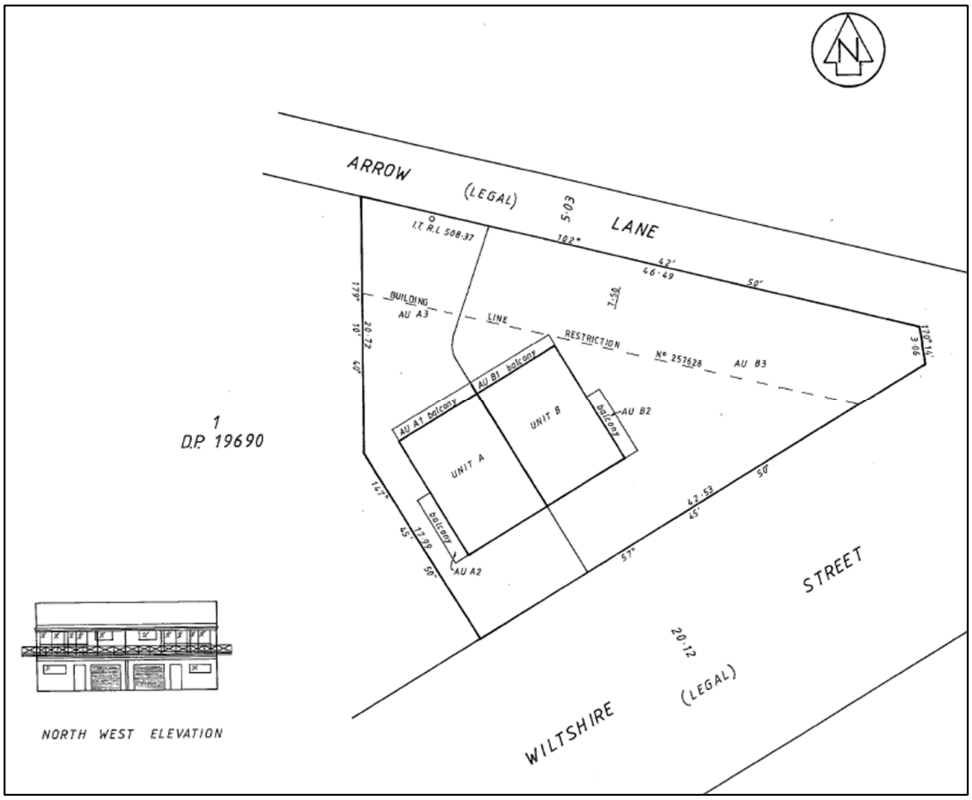


Figure 2. Title plan.

There is a historic Building Line Restriction that runs parallel to Arrow Lane as seen in **Figure 2** above, which has since been cancelled.

1.3. The proposal

The proposal is shown on the architectural plans prepared by Assembly Architects (**Attachment C**).

It is proposed to demolish the existing building and construct a new mixed-use building over three levels, to contain a residential unit, apartment[1], and two commercial spaces with associated plant room and bin storage. The proposed residential unit is located across the ground and first floor levels; and the apartment, one commercial space, bin store and plant room are all located at ground floor. The second floor contains the larger commercial space.

The floor areas of each component of the building are as follows:

- Residential Unit = 300.63m² + 30.3m² of deck
- Apartment = 73.10²
- Commercial Space (ground floor) = 26m²
- Bin Store = 15.59m²
- Plant Room = 13.59m²
- Commercial Space (second floor) = 58.13m²

The proposed building is clad in a range of materials including timber weatherboard (mist green), corrugated corten, corrugated iron, plaster and stone. The roof material is timber shingles, corrugate corten, corrugated iron. The roof contains open air skylights and solar panels as detailed in the Architectural Plans (**Attachment C**). The window joinery will be aluminium and recessed or boarded by timber frames.

The proposal requires earthworks to facilitate the construction of the foundations and ground floor level of the building as detailed in the Earthworks Plans (**Attachment E**). The earthworks are summarised as follows:

- Volume: 260m³
- Area: 450m²
- Height of cut: 2.7m
- Depth of fill: 2.7m

The landscaping includes stone paths from Wiltshire Street to the building, gravel parking areas accessed from Arrow Lane, horn beam hedging and a combination of grass and shrub planting around the building. The existing trees near the Wiltshire Street boundary of the site (which are Arrowtown Character Trees), and near the western boundary will be retained.

The proposed building will be utilised for residential activity within the unit and apartment and commercial activity in the commercial spaces. The future commercial activity is not yet known however it is likely to be for office spaces[2].

[1] The apartment is 73m² and therefore does not meet the definition of Residential Flat.

[2] Consistent with the PDP definition of Commercial Activity (as discussed below).

2. RESOURCE MANAGEMENT MATTERS

The site is located within the Arrowtown Residential Historic Management Zone (**ARHMZ**) under the Proposed District Plan (**PDP**) and is subject to Town Centre Transition Overlay as shown in the **Figure 4** below.



Figure 4. *Proposed District Plan Map – pink colour indicates Arrowtown Residential Historic Management Zone, black hatching indicates the Town centre Transition Overlay, and the green outline indicates an Arrowtown Character Tree.*

The purpose of the ARHMZ is as follows:

> *To allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.*
>
> *In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.*
>
> *…*
>
> *The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.*

There are also listed Arrowtown Character Trees being Sycamore and Common Elm trees, of which are not located on the site, but the Tree Protection Zone extends within the site. These are noted as Reference No. 5, with the following description provided in Chapter 32 of the PDP:

Item	Address	Legal Description	Species	Contribution

5	9, 11, 12, 58 Wiltshire Street 10, 12, 14, 14a Merioneth Street 5, 7 Hertford Street 2 Arrow Lane	Lot 2 DP 19690 Lot 1 DP 19537 Sections 1-4 SO 14012 Block I Town of Arrowtown Section 6 Block I Town of Arrowtown Section 7 Block I Town of Arrowtown Lot 2 DP 19573	Sycamore (Pseudoplatanus) Common Elm (Ulmus procera)	Collectively significant grouping to character and amenity of lower Wiltshire St, Buckingham St and Library Green. Follows first terrace.

The proposed activity is assessed under the relevant activity rules and standards (in **Tables 1** and **2** below).

Table 1: *Activity Rules*

Rule	Activity	Activity status
Chapter 10 – Arrowtown Residential Historic Management Zone[3]		
Activities located in the Arrowtown Residential Historic Management Zone		
10.4.4	**Residential Unit[4]**	**Permitted**
10.4.6	**The Construction or external alteration of any buildings** This rule does not apply to Minor Alterations and Additions to a Building provided for by Rule 10.4.2.	**Restricted discretionary**
Activities within the Arrowtown Town Centre Transition Overlay of the Arrowtown Residential Historic Management Zone		
10.4.13	**Commercial activities[5]** (except where specified for retail activities)	**Permitted**
10.4.17	**Retail Activities** Retailing restricted to goods manufactured on site and ancillary products, and comprising no more than 10% of the gross floor area	**Discretionary**
10.4.18	**Any activity not listed**	**Non-complying**
Chapter 25 – Earthworks		
25.4.2	Earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2	**Restricted Discretionary**
Chapter 30 – Energy and Utilities		

[3] Note that the demolition of the existing buildings is a permitted activity

[4] Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

[5] Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, residential visitor accommodation and homestays.

30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings which is either: … b. Located in any of the following sensitive environments: i. Arrowtown Residential Historic Management Zone; ….	**Discretionary**
Chapter 32 – Protected Trees		
32.4.16	Significant trimming[6], removal, destruction or damage of a tree or hedgerow.	**Restricted Discretionary**
32.4.17	Minor trimming[7] of a tree or hedge	**Permitted**
32.4.18	Any works, including building, excavations or trenching for underground services within the root protection zone of a tree or hedgerow, whether on the same site or not.	**Restricted Discretionary**

The standards relevant to development are detailed in **Table 2** below.

Table 2: *Standards for development*

Rule	Standard	Activity status if breached	Consent required?
Chapter 10 – Arrowtown Residential Historic Management Zone			
10.5.1	**Building Height** A maximum height limit of 5 metres.	**Non-complying**	**Yes –** the proposed buildings exceed 5m.
10.5.2	**Density** Not more than one Residential Unit per 650 square metres of net site area.	**Non-complying**	**Yes –** the proposal includes two residential units on the site.
10.5.3	**Building Coverage** The maximum building coverage shall be 30% of the net site area.	**Non-complying**	**Yes –** the proposed building coverage is 33%.
10.5.4	**Combined Building Coverage and Impervious Surfaces** The total area covered by building coverage and impervious surfaces on any site shall not exceed 35% of the net site area.	**Non-complying**	**Yes –** the proposed impervious area is 42%
10.5.5	**Road Boundary Setbacks** Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other	**Restricted discretionary**	**Yes –** parts of the proposed building are located within the Wiltshire Street and Arrow Lane road boundaries.

[6]Means the removal or more than 10% of the live foliage from the canopy of the tree or structural scaffold branches.

[7] Means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year.

	than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater. Discretion is restricted to the following with the Arrowtown Design guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion): a. streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street; b. building dominance on neighbouring properties and the street; c. landscaping; d. parking and manoeuvring.		
10.5.6	**Side and Rear Boundary Setbacks** 1. Side and rear boundary setbacks: 3.0m. 2. Exceptions to side and rear boundary setbacks: a. accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7.5m in length and comply with a recession plane of 2.5m vertical measured at the boundary, and a 35 degree plane inwards; b. gable end roofs may penetrate above the building recession plane by no more than one third of the gable height; c. recession planes do not apply to site boundaries fronting the street or a reserve. Note: Refer to the recession planes interpretive diagram in Chapter 2 Definitions. Discretion is restricted to the following with the Arrowtown Design guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion): a. effects on open space, privacy sunlight access and amenity values of neighbouring properties; b. building dominance.	**Restricted discretionary**	**Yes –** the proposal is located within 3m of the western internal boundary.
10.5.7	**Glare** a. all exterior lighting shall be directed downward and away from the adjacent sites and roads; b. no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	**Non-complying**	**No –** the proposal does not include any exterior lighting.

Chapter 25 – Earthworks			
25.5.1	Maximum volume = 100m³	**Restricted Discretionary**	**Yes –** the proposal requires 260m³ of earthworks.
25.5.15	Maximum depth of cut shall not exceed 2.4m	**Restricted Discretionary**	**Yes –** the proposal requires 2.7m of cut.
25.5.16	Maximum height of fill shall not exceed 2m	**Restricted Discretionary**	**Yes –** the proposal requires 2.7m of fill.
Chapter 29 – Transport			
29.5.1	**Location and Availability of Parking Spaces** a. Any parking space required by Table 29.4 or loading space shall be available for staff and visitors during the hours of operation and any staff parking required by this rule shall be marked as such. b. No parking space required by Table 29.4 shall be located on any access or outdoor living space required by the District Plan, such that each parking space required by Table 29.5 shall have unobstructed vehicular access to a road or service lane, except where tandem parking is specifically provided for by Rule 29.5.7. c. Parking spaces and loading spaces may be served by a common manoeuvring area (which may include the installation of vehicle turntables), which shall remain unobstructed. d. Some or all coach parking required by Table 29.4 in relation to visitor accommodation activity may be provided off-site.	**Restricted Discretionary**	
29.5.2	**Size of Required Parking Spaces and layout** a. All provided parking spaces and associated manoeuvring areas are to be designed and laid out in accordance with the Car Parking Layout requirements of Table 29.7 and Diagram 3 (car space layouts) of Schedule 29.2. b. This standard does not apply to parking, loading and associated access areas for Ski Area Activities in the Ski Area Subzone. c. The installation of a vehicle turntable for residential units and residential flats is an acceptable alternative to achieve the required turning manoeuvres of the swept path Diagram 4. **Advice note**: Refer to Rule 29.5.8 for additional design requirements of residential parking spaces.	**Restricted Discretionary**	

29.5.4	**Mobility Parking spaces** a. Other than in relation to residential units and visitor accommodation with less than 6 guests, mobility parking spaces shall be provided in accordance with the following minimum standards: b. Where tow or more activities are located on one site, the activity with the greater mobility parking requirement is the number of mobility parks provided. … 29.5.4.14 Office = 1 space for staff / guest c. Mobility parking spaces shall be: d. On a level surface; e. Clearly signposted; f. Located on the same site as the activity; g. As close as practicable to the building entrance; and h. Accessible to the building via routes that give direct access from the car park to the building.	**Restricted Discretionary**	**No** – there is sufficient space for one compliant mobility parking space within the western most parking area near the entrance to the apartment and commercial area.
29.5.6	Reverse manoeuvring, other than where regulated by 29.5.6a to 29.5.6c above d. … e. … f. On-site manoeuvring shall be provided for a B85 vehicle to ensure that no such vehicle is required to reverse either onto or off any local road where: i. ten or more parking spaces are to be services by a single accessway, or ii. five or more residential units share a single accessway, or iii. the activity is on a rear site.	**Restricted Discretionary**	**No –** the proposal does not require on-site manoeuvring.
29.5.7	**Residential Parking Space Design** a. The minimum width of the entrance to a single garage shall be no less than 2.4m. b. The minimum length of a garage shall be 5.5m. c. Where a car space is provided between a garage door and the road boundary, the minimum length of this car space shall be 5.5m. d. Where onsite manoeuvring is required, the minimum manoeuvring area between the road boundary and the garage entrance shall be designed to accommodate a B85 design vehicle. e. Where two parking spaces are provided for on a site containing only a single visitor accommodation unit or a single residential unit, which may also include a single	**Restricted Discretionary**	**No** – the car parking spaces comply.

	residential flat, the parking spaces may be provided in tandem.		
29.5.8	**Queuing** a. On-site queuing space shall be provided for all vehicles entering a parking or loading area in accordance with the following: 3 – 20 parking spaces = 6m minimum queuing length b. Where the parking area has more than one access the required queuing space may be divided between the accesses based on the expected traffic volume served at each access point. c. Queuing space length shall be measured from the road boundary at the vehicle crossing to the nearest vehicle control point.	**Restricted Discretionary**	**No –** 2 parking spaces are provided in each area and therefore queuing space is not required.
29.5.10	**Surface of Parking Spaces, Parking Areas and Loading Spaces** a. The surface of all parking, loading and associated access areas shall be formed, sealed, or otherwise maintained so as to avoid creating a dust or noise nuisance, to avoid water ponding on the surface, and to avoid run-off onto adjoining roads. b. The first 10m of such areas, as measured from the edge of the traffic lane, shall be formed and surfaced to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road or service lane.	**Restricted Discretionary**	**No –** the proposed parking area will be maintained to comply with this standard.
29.5.12	**Bicycle parking and the provision of lockers and showers** Bicycle parking, lockers, and showers shall be provided in accordance with the minimum requirements specified in Table 29.6 and the layout of short term bicycle parking, including aisle depth, shall have minimum dimensions presented in Diagram 5 (bicycle layouts) of Schedule 29.2.	**Restricted Discretionary**	**No –** there is sufficient area for 2 bicycle spaces as specified in Table 29.6.
29.5.13	**Access and Road Design** a. All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2018, including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.13b below. 1 – 6 units = 2.75 – 3m formed width and 4m minimum legal width b. … c. … d. …	**Restricted Discretionary**	**Yes –** consent is required as the vehicular accesses are 2.9m and 3.3m in width.

	e. All vehicle access design shall comply with Schedule 29.2. f. …		
29.5.14	**Width and design of vehicle crossings – urban zones** a. The following vehicle crossing widths shall apply as measured at the property boundary: Residential: 3m – 6m Other: 4m – 9m b. Vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.15 shall comply with Diagram 2 and with either Diagram 6 or 7 in Schedule 29.2, depending on the activity served by the access, such that: i. The access crosses the property boundary at an angle of between 45 and 90 degrees; ii. The vehicle crossing intersects with the carriageway at an angle of 90 degrees plus or minus 15 degrees; iii. Roading drainage shall be continuous across the length of the crossing; iv. … c. For vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.15, the width of the vehicle crossings at the kerb shall be 1.0m wider than the width at the boundary. d. All vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.15 shall be located at least 500mm from any internal property boundary and from any other vehicle crossing on the same site.	**Restricted Discretionary**	**Yes –** consent is required as the vehicle crossing widths are 2.9m and 3.3m.
29.5.19	**Maximum Number of Vehicle Crossings** The following maximum number of crossings shall be complied with: 19 – 60m frontage length: 2 crossings	**Restricted Discretionary**	**No –** the proposal includes 2 crossings.
29.5.21	**Maximum distance of Vehicle Crossings from Intersections** a. No part of any vehicle crossing shall be located close to the intersection of any roads than the following minimum distances below and as shown in Diagram 12 of Schedule 29.2 b. Roads with a speed limit of less than 70 km/hr = 25m from intersecting road	**Restricted Discretionary**	**No** – the proposed crossings are located more than 25m from the Wiltshire Street intersection.
29.10.1	Minimum requirements for cycle parking, lockers and showers Office = 2 bicycle spaces	**Restricted Discretionary**	**No –** there is sufficient area for 2 bicycle spaces.

Chapter 30 – Energy & Utilities			
30.4.2.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must: 1. Not overhang the edge of any building. 2. Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels. 3. Be finished in same recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service. 4. Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply. 5. Not intrude through any recession planes applicable in the zone in which they are located. 6. Not protrude more than a maximum of 0.5m above the maximum height limit specified for the zone if solar panels on a sloping roof. 7. Not protrude a maximum of 1.0m above the maximum height limit specified for the zone, for a maximum aera of 5m² if solar panels on a flat roof. 8. Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating. 9. Not exceed 2m in height if free standing Solar Electricity Generation and Solar Water Heating. 10. Be located within an approved building platform where located in the Rural. Gibbston Character or Rural Lifestyle Zone. 11. Be attached to an existing building or structure when located within an identified wāhi tūpuna and outside of the urban environment.	**Discretionary**	**Yes –** the solar panels are located on parts of the gabled roof that protrude more than 0.5m above the 5m height plane.

2.1.1. Summary of consents required

In summary, the following consents are required for the proposal:

Under the PDP:

- **Restricted Discretionary** activity consent under Rule 10.4.6 for the construction of buildings;
- **Non-Complying** activity consent under Rule 10.5.1 to breach the 5m maximum height limit;

- **Non-Complying** activity consent under Rule 10.5.2 for two residential units on the site;
- **Non-Complying** activity consent under Rule 10.5.3 for 33% building coverage;
- **Non-Complying** activity consent under Rule 10.5.4 for 42% impervious area;
- **Restricted Discretionary** activity consent under Rule 10.5.5 for the proposed building location within Wiltshire Street and Arrow Lane road boundaries;
- **Restricted Discretionary** activity consent under Rule 10.5.6 for the proposed building location within 3m of the western internal boundary;
- **Restricted Discretionary** activity consent under Rule 25.5.1 as the earthworks volume exceeds 100m³;
- **Restricted Discretionary** activity consent under Rule 25.5.15 for a maximum cut that exceeds 2.4m;
- **Restricted Discretionary** activity consent under Rule 25.5.16 for a maximum fill height that exceeds 2m;
- **Restricted Discretionary** activity consent under Rule 29.5.13 for the width of vehicular accesses;
- **Restricted Discretionary** activity consent under Rule 29.5.14 for the width of the vehicle crossings;
- **Discretionary** activity consent under Rule 30.4.1.4 for solar panels within the Arrowtown Residential Historic Management Zone;
- **Discretionary** activity consent under Rule 30.4.2.1.6 for solar panels on a sloping roof that protrude more than 0.5m above the maximum height limit;
- **Restricted Discretionary** activity consent under Rule 32.4.18 for works, including building, excavations or trenching for underground services within the root protection zone of a protected tree.

Other consents:

- The applicant applies for any other consents necessary to enable the proposal.

Overall, resource consent is required for a **Non-Complying** activity.

3. WHERE IT IS LIKELY THAT AN ACTIVITY WILL RESULT IN ANY SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT, A DESCRIPTION OF ANY POSSIBLE ALTERNATIVE LOCATIONS OR METHODS FOR UNDERTAKING THE ACTIVITY:

As per section 168A(3)(b)(ii) of the Act, where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity shall be adequately considered.

No significant adverse effects on the environment will arise, and no other alternatives were considered.

4. AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:

4.1. Introduction

This assessment of effects on the environment addresses:

- The permitted baseline and existing environment;
- Effects of the proposed building;
- Effects relating to the solar panels;
- Effects of earthworks;
- Effects of works within tree protection zone;
- Transportation related effects; and
- Summary of effects on the environment.

4.2. Permitted baseline and existing environment

When determining the actual and potential effects of an application for resource consent, the permitted baseline allows a comparison of the potential adverse effects of the proposal against what is permitted as of right under the District Plan (the permitted baseline) and what could lawfully be undertaken on the land by way of any existing consents (the existing environment).

4.2.1. Permitted Baseline

Section 104(2) of the Resource Management Act states that when forming an opinion on whether there are adverse effects from an activity on the environment, the consent authority may disregard adverse effects if the plan explicitly permits that certain activity.

The construction of all buildings and any external alterations to existing budlings in the ARHMZ require a restricted discretionary activity consent and therefore there is no permitted baseline in relation to the proposal.

Council has confirmed that the demolition of buildings within the ARHMZ is a permitted activity.

4.2.2. Existing Environment

The existing environment the site containing a two-storey building and existing access and landscaping as detailed in Section 1.2 above. It is however noted that the existing environment may change throughout the processing of this application as the building is to be demolished soon.

4.3. Effects of the proposed building

Despite the overall activity status being non-complying, the matters of discretion listed under Rule 10.4.6 are useful in assessing proposed buildings in the ARHMZ. An assessment in this regard follows, and this includes specific assessment of the non-complying aspects.

How new or altered buildings make a positive contribution to the heritage character of the zone

The site does not contain any listed heritage items however is located within the older part of the residential settlement of Arrowtown. The proposal has been designed in consultation with the Arrowtown Planning Advisory Group (**APAG**). APAG has prepared a letter in support of the proposal, stating that the proposal has been designed with strong consideration to the Arrowtown Design Guidelines (which is the primary tool to be used in considering the merit of proposals) accepting the breaches to height and setbacks and acknowledging a good design response to the site, creating both

living and commercial spaces that align with the intent of the zone and the Arrowtown Design Guidelines.

Therefore, the proposal makes a positive contribution to the zone.

Building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch; exterior materials and colours.

The proposal has been designed utilising the 'cottage' and 'shed' cellular approach with gabled roof forms as directed by the Arrowtown Design Guidelines. The collection of 'cells' are clad in various materials that are derived from natural elements and evoke the simple, basic materials found in the surrounding neighbourhood. The APAG letter confirms the materials are sympathetic to the Arrowtown vernacular promoted within the Arrowtown Design Guidelines.

The proposed height breach is clearly illustrated within the Architectural Plans (**Attachment C**) and is generally confined to the upper portion of the second floor of the building due to the topography of the site. The height exceeds the 5m height limit by 4.8m at its highest point. The bulk of the building above the height plan is located along the western elevation and centrally within the site. Given the cellular form of the building and range of colours and materials, the proposed building does not appear dominant or out of character. The additional height does not interrupt any persons' views or sunlight access.

With respect to the boundary encroachments, the closest part of the western elevation is located just over 1m from the western boundary (with 4 Arrow Lane). There is approximately 8.6m² of built form located within the setback and the existing trees near this boundary will be retained. The proposed bulk of building within the setback is somewhat comparable to that enabled by the exceptions within Rule 10.5.6 (which includes accessory buildings not greater than 7.5m in length and 2.5m in height) and will not give rise to adverse effects on open space, privacy, sunlight access and amenity values of the neighbouring property, particularly when considering the built form orientation and activities (commercial activities include mortgage brokers and architect offices) located at 4 Arrow Lane.

The proposed building form, appearance, scale and layout, roof form and exterior materials and colours are appropriate, and the proposal will not appear dominant, rather a complementary collection of buildings within the ARHMZ.

Effects of landscaping and fencing

The Arrowtown Character Trees and mature trees along the western boundary will be retained on site. Horn beam hedging is proposed along Wiltshire Street and Arrow Lane boundaries. The remainder of the site will contain gravel carparking areas, stone pathways or a combination of grass and shrub planting to maintain open space around the proposed built form. The proposed landscaping is consistent with the Arrowtown Design Guidelines and will maintain the character of the zone.

Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:

- ***i. the nature and degree of risk the hazard(s) pose to people and property:***
- ***ii. whether the proposal will alter the risk to any site; and***
- ***iii. the extent to which such risk can be avoided or sufficiently mitigated.***

The site is not subject to natural hazards, nor will the proposal alter the risk to any site.

Overall, any potential adverse effects of the proposed buildings will be less than minor.

4.4. Effects relating to the solar panels

The proposal includes solar panels that are located on the northern facing gable roof, which are more than 0.5m above the 5m height plane. The solar panels are black in colour, fixed in location and angle and do not overhang from the edge of the roof. The effects associated with the location of the proposed panels and the associated height breach are assessed in Section 4.3 above.

The PDP (Chapter 30) seeks to encourage the use of renewable energy resources and promote the incorporation of Small and Community-Scale Distributed Electricity Generation to improve efficiency and reduce energy demands. The proposed solar panels will enable the application to generate renewable energy for their needs, therefore reducing their dependence and reliance on greenhouse gas emissions and imported fuels.

Overall, the proposed solar panels will not result in adverse effects, rather positive effects on the environment with respect to the ability to generate renewable energy.

4.5. Effects of earthworks

The proposed earthworks are relatively minor and are required to enable the construction of the new building given the sloping nature of the site.

An EMP has been prepared (see **Attachment E**) in accordance with the *Guidelines for Environmental Management Plans June 2019* and includes an Erosion and Sediment Control Plan (**ESCP**), strategies to manage environmental aspects and risk, based on best practice, provide for contingency planning, a framework for monitoring, reporting, review and continual improvement.

Overall, provided the earthworks are undertaken in accordance with the EMP and ESCP, any potential adverse effects will be less than minor.

4.6. Effects of works within tree protection zone

As detailed in the Architectural Plans (**Attachment C**) part of the proposed building and associated earthworks are within the tree protection zone of a protected sycamore tree on Wiltshire Street. NZ Tree Care Ltd has undertaken an assessment of the proposal (**Attachment G**) and confirms that approximately 35m² of excavations will encroach into the tree protection zone (equating to 8.5% and reduced to 4.1% following the construction of the building and reinstatement of the ground) compared to the existing building which currently occupies approximately 2% of the zone.

The assessment includes a number of tree protection methods and measures that are to be in place and implemented before, during and after earthworks. These are outlined below:

- ***Contractor briefing: All contractors accessing the site must be briefed on the importance of protecting trees both above ground and below ground, including their root systems.***
- ***Tree Protection Zone establishment: The on-site arborist and site contractor must establish the appropriate TPZ perimeter before any site work begins.***
- ***Protection fencing: The TPZ must be adequately protected and fenced off to prevent root damage and soil compaction within the TPZ.***
- ***Exposed roots: Tree roots within any excavation or encroachment area inside the TPZ must not be left exposed to sunlight or drying and must be covered immediately with shade cloth and kept damp.***
- ***Reinstatement: Final reinstatement of base-course material and topsoil within the TPZ must occur as soon as practicable, preferably on the same day.***

- ***Storage and access restrictions: During construction, the TPZ must not be used for storing materials, vehicles, or machinery to avoid further soil compaction; areas of high foot traffic must be covered with mulch and plywood.***

- ***Supplementary irrigation: Depending on the timing of the works, weather conditions, and season, the project team must consider supplementary irrigation for the trees during the following growing seasons.***

- ***Landscaping works: After construction, final landscaping treatments that may encroach within the TPZ must be carefully managed to avoid disturbing tree roots or excessively covering root systems with additional topsoil.***

The applicant is prepared to implement these measures and volunteer them as conditions of consent. This will ensure that the protected tree is not adversely affected and any potential adverse effects are less than minor as concluded in the assessment at **Attachment G**.

4.7. Transportation related effects

The proposed vehicular accesses and crossings do not comply with the required widths.

Arrow Lane is a narrow, low speed one way road, with similar informal and varying width accesses and crossing points along the length of it. The traffic volume is limited and there are relatively few parking spaces along the road. The proposed widths are appropriate and not likely to result in any adverse traffic or road safety concerns.

Overall, the proposal does not result in adverse transportation related effects.

4.8. Summary of effects on the environment

Overall, any potential adverse effects of the proposal will be less than minor.

5. ASSESSMENT UNDER THE RELEVANT OBJECTIVES AND POLICIES

5.1. Proposed District Plan

The relevant objectives and policies are contained within Chapter 10, 25 and 32 of the PDP.

The relevant provisions are provided and assessed below:

Table 3: PDP provisions

Provision	Detail	Assessment
Chapter 10 – Arrowtown Residential Historic Management Zone		
10.2.1	**Objective – Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger sites, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.**	Given the assessment in Section 4 above, and the supporting letter from the APAG the proposal enhances the site's amenity and contribution to the zones character and amenity values. The proposal achieves this objective.
10.2.1.1	Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.	While the proposal breaches the development controls the built form has been carefully designed in consideration of the Arrowtown Design Guidelines and will

Provision	Detail	Assessment
		enhance the special character of the area. The proposal achieves this policy.
10.2.1.2	Encourage buildings to be located and designed in a manner that complements the character of the area guided by the Arrowtown Design Guidelines 2016.	The proposal applies the 'cottage' and 'shed' design directive of the Arrowtown Design Guidelines and complements the character of the area. The proposal achieves this policy.
10.2.3	**Objective – Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks**	The proposal is able to be efficiently serviced. The parking and access have been designed in accordance with the Arrowtown Design Guidelines to ensure it is sympathetic with the character of the area. Stormwater will be managed on site. The proposal achieves this objective and the related policies.
10.2.3.1	Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.	
10.2.3.2	Encourage low impact approaches to stormwater management.	
Chapter 25 – Earthworks		
25.2.1	**Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.**	There will not be any adverse effects on the environment, people or communities as a result of the proposed earthworks given the earthworks are minor in nature and scale and will be undertaken in accordance with an EMP and ESCP. The proposal achieves this objective and policy.
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; e. Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004. f. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori; g. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and h. Maintains public access to and along lakes and rivers.	The earthworks will not adversely affect any ONL or ONF, will maintain landscape values, and will not result in any adverse environmental, cultural or social impacts given the small scale and extent of those proposed. The proposal achieves this policy

Provision	Detail	Assessment
25.2.1.3	Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.	The earthworks are not located on a visually prominent slope, natural landform or ridgeline. The proposal achieves this policy.
25.2.1.4	Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.	The proposed earthworks are small scale and will maintain the amenity values of the urban area. The proposal achieves this policy.
25.2.1.5	Design earthworks to recognise the constraints and opportunities of the site and environment.	The earthworks are required for the establishment of building foundations. The proposal achieves this 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.	The proposed earthworks will not adversely affect infrastructure, buildings or any neighbouring site given it will be of a minimal scale required to established foundations. The proposal achieves this 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.	The area and volume of earthworks will be minimal and relatively limited. The earthworks will be undertaken in accordance with the EMP and ESCP to minimise adverse effects. The proposal achieves this policy.
25.2.2	**The social, cultural and economic wellbeing of people and communities benefits from earthworks.**	The earthworks will provide for the development of the site where the land use is existing and will be enhanced through this proposal. The proposal achieves this objective.
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 earthworks will provide for the wellbeing of the applicant, and will allow for the development and more efficient use of the site. The proposal achieves this policy.
Chapter 29 – Transport		

Provision	Detail	Assessment
29.2.1	**An integrated, safe and efficient transport network that:** **a. provides for all transport modes and the transportation of freight;** **b. provides for future growth needs and facilitates continued economic development;** **c. reduces dependency on private motor vehicles and promotes the use of shared, public, and active transport;** **d. contributes towards addressing the effects on climate change;** **e. reduces the dominance and congestion of vehicles, particularly in the Town Centre zones; and** **f. Enables the significant benefits arising from public walking and cycling trails.**	The proposal does not impact on the integrated, safe and efficient transport network around Arrowtown. To the extent relevant, the proposal achieves this objective and relevant policies.
29.2.2	**Parking, loading, access and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes towards:** **a. providing a safe and efficient transport network;** **b. compact urban growth;** **c. economic development;** **d. facilitating an increase in walking and cycling and the use of public transport; and** **e. achieving the level of residential amenity and quality of urban design anticipated in the zone.**	The proposed parking and access is consistent with the character and scale of existing accesses along Arrow Lane and the wider Arrowtown environment. It does not adversely affect the safe and efficient transport network and will achieve quality residential amenity and urban design outcomes as set out in the Arrowtown Design Guidelines. The proposal achieves this objective and the relevant policies.
Chapter 30 – Energy and Utilities		
30.2.1	**The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.**	The proposal involves solar panels and therefore a renewable energy source for the building. The proposal promotes the sustainable management of renewable energy resource. The proposal achieves this objective and the relevant policies.
30.2.1.1	Recognise the national, regional and local benefits of the District's renewable and non-renewable electricity generation activities.	
30.2.1.2	Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.	
30.2.2	**The use and development of renewable energy resources achieves the following:** **a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;** **b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;** **c. It assists in meeting international climate change obligations;** **d. It reduces reliance on imported fuels for the purpose of generating electricity;**	The proposal involves the development of a renewable energy resource for residential purposes. It will assist in reducing greenhouse gas emissions and reliance on imported fuels for the purposes of residential and commercial activity on the site. The proposal achieves this objective and the relevant policies.

Provision	Detail	Assessment
	e. It helps with community resilience through development of local energy resources and networks.	
30.2.2.1	Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that: a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available; b. recognises logistical and technical practicalities associated with renewable electricity generation activities; c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.	
30.2.3	**Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.**	The proposal includes solar panels which are considered small distributed electricity generation structures. The proposal will improve energy efficiency and reduce the energy demands on the network. The proposal achieves this objective and policy.
30.2.3.1	Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.	
30.2.4	**Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.**	The proposal has been designed with sustainability principals at the core and therefore the proposal takes into consideration energy efficiency and conservation practices. The proposal achieves this objective and the relevant policies.
30.2.4.1	Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.	
30.2.4.2	Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.	
30.2.4.3	Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.	
30.2.4.4	Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.	
30.2.4.6	Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.	
Chapter 32 – Protected Trees		
32.2.3	**The management and protection of character trees and groups of trees within the Arrowtown Residential Historic Management Zone to ensure the amenity and heritage values of the zone are maintained.**	The proposal does not involve the removal or trimming of, or damage to the protected trees. As discussed in the assessment undertaken by NZ Tree Care Ltd, the proposed works within the tree
32.2.3.2	Protect or enhance Arrowtown's unique character and amenity by recognising the contribution trees and groups of	

Provision	Detail	Assessment
	trees make to Arrowtown's landscape, cultural identity and historic heritage values.	protection zone will not result in minor or more than minor adverse effects to the protected tree. The protected trees will continue to be recognised and contribute to the Arrowtown landscape, cultural identity and heritage value. The proposal does not result in the loss of any trees or groups of trees. The proposal achieves this objective and the related policies.
32.2.3.3	Acknowledge the important role trees and groups of trees have in contributing to the character and historic heritage of Arrowtown, despite that on an individual basis a tree or group of trees may not be significant in stature.	
32.2.3.4	Have regard to the reasonable and efficient use of land anticipated in the Arrowtown Residential Historic Management zone, while ensuring the removal or modification of trees or groups of trees does not lead to the cumulative loss of Arrowtown's heritage character and amenity values.	

5.1.1. Conclusion – Objectives and Policies of the PDP

The proposal is consistent with the relevant objectives and policies from Chapters 10, 25, 30 and 32 of the PDP.

6. REGIONAL POLICY STATEMENT, REGIONAL PLANS, AND OTHER PLANNING INSTRUMENTS

The Otago Regional Policy Statement (RPS) sets the direction for future management and promotion of the sustainable management of the region's natural and physical resources, as well as providing the policy context for regional plans and establishing the framework for district plans.

The Operative Otago Regional Policy Statement 2021 (**PRPS2021**) is the relevant RPS.

The ORPS2021 identifies twelve significant resource management issues for the region and explains how national direction will be applied in the Otago context. The twelve issues can be broken down into natural asset-based issues, place-based issues, and those issues relating to resource use, economic and domestic pressures, cumulative impacts and resilience.

The proposed development has been considered against the objectives and policies of the RPS and is generally consistent with the broad policy direction particularly as the proposal is for a residential and commercial development within the ARHMZ.

6.1. National Environmental Standard for Assessing and Managing Contaminants in the Soil

In accordance with the National Standard for Assessing and Managing Contaminants in the Soil (NES-CS), all applications for resource consent need to be determined if they apply under the NES-CS.

The regulations apply if any of the following activities are undertaken:

(a) remove or replace an underground fuel storage system or any of its parts

(b) sample the soil to determine contamination

(c) disturb the soil (earthworks)

(d) subdivide the land

(e) change the use of the land.

The subject site does not have a history of hazardous activities, and none have been identified on Council (QLDC or ORC) records. Therefore, the proposal does not require assessment against the NES.

6.2. National Policy Statement on Urban Development

The National Policy Statement on Urban Development (**NPS-UD**) came into effect in August 2020. It requires all councils that have all or part of an urban environment within their district or region to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. The NPS-UD is a directive document. It includes objectives and policies that councils must give effect to in their resource management decisions. Some policies only apply to tier 1 or tier 2 councils.

QLDC is classified as a tier 2 local authority and is therefore subject to all eight objectives as well as the following policies:

- ***Policy 1 – well-functioning urban environments;***
- ***Policy 2 – sufficient development capacity;***
- ***Policy 5 – intensification;***
- ***Policy 6 – decision-making;***
- ***Policy 7 – housing bottom lines;***
- ***Policy 8 – unanticipated or out-of-sequence development;***
- ***Policy 9 – Te Tiriti o Waitangi principles;***
- ***Policy 10 – engagement; and***
- ***Policy 11 – car parking.***

A number of the objectives and policies require Council to undertake action, such as plan changes or variations to amend planning documents and monitoring and preparation of development strategies in order to comply with the requirements of the NPS-UD. The Council undertook a plan variation to give effect to the intensification requirements under Policy 5.

For the purposes of this proposal, the most relevant provisions of the NPS-UD are Objective 4, Policy 1 and 6 in that the proposal allows for meeting the needs of different households and contribute to well-functioning urban environments and integration with the existing character.

6.3. National Policy Statement – Natural Hazards

The National Policy Statement for Natural Hazards (**NPS-NH**) came into effect in December 2025 as part of the Governments phased approach to the reform of the resource management system.

The NPS-NH requires the management of natural hazard risk to people, and property associated with subdivision, use and development using a risk-based proportionate approach.

The land subject to this application is not subject to any specific natural hazard risk.

The proposal does not present any natural hazard risk.

7. SECTION 104 & 104A ASSESSMENT

Section 104(1)(a), (b) and (c) states:

> ***When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to –***
>
> ***(a) any actual and potential effects on the environment of allowing the activity***

The actual and potential effects of the activity on the environment are assessed in Section 4 above.

(b) any relevant provisions of –

(i) a national environmental standard

(vi) a plan or proposed plan

The relevant provisions are assessed in Section 6 above. The PDP is assessed in Section 3 (rules and standards) and 5 (objectives and policies) above.

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

The Arrowtown Design Guidelines 2016 is relevant to any proposal within the ARHMZ. The proposal has been designed with consideration to these guidelines, as discussed in the APAG letter and is generally consistent with them.

8. NON-COMPLYING ACTIVITY – SECTION 104D ASSESSMENT

Pursuant to section104D of the Act if a proposal is a Non-Complying activity then it must pass at least one of the tests of either section 104D(1)(a) or section 104D(1)(b) before an application can be assessed to make a decision under section 104B of the Act. If the application fails both tests of section 104D then the application must be declined.

8.1. Section 104D(1)(a) – Adverse effects on the environment will be minor

Section 104D(1)(a) of the Act requires that the Council have regard to any adverse effects on the environment of allowing the activity.

Pursuant to section 104(2), when forming an opinion for the purposes of section 104D(1)(a), a council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect.

The effects of the proposal are assessed in Section4 above. The conclusion from that is that the adverse effects on the environment of allowing the activity for which resource consent is sought will result in less than minor effects.

Therefore the adverse effects on the environment will be no more than minor, and the test of s104D(1)(a) is satisfied.

8.2. Section 104D(1)(b) – Proposal will not be contrary to the objectives and policies

The relevant objectives and policies for the proposal are assessed in Section 5 above. It concludes that the proposal is consistent with the objectives and policies of the PDP, therefore the proposal is not contrary to the objectives and policies.

Accordingly, the proposal passes both of the tests in section 104D of the Act, and consent can be granted.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

9.1. Section 5 – Purpose

The purpose of the Act is “to promote the sustainable management of natural and physical resources”. Section 5(2) of the Act defines “sustainable management” as:

… managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

(a) Sustaining the potential of natural and physical resources … to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal addresses the matters in section 5(2)(a)-(c) of the Act. The applicant has taken care to avoid or mitigate any potential adverse effects of the proposal on the environment through the design of the proposal.

The proposal achieves the purpose of the act through the promotion of sustainable management of the land resource that is zoned for residential and commercial uses.

9.2. Section 6 – Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for matters of national importance.

There are no matters of relevance to the proposal.

9.3. Section 7 – Other matters

The relevant matters of Section 7 of the Act that should be considered as follows:

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:

f. maintenance and enhancement of the quality of the environment:

i. the effects of climate change:

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

The proposal provides for efficient use and development of the land resource. The proposal includes solar panels which will provide for the use of renewable energy and general energy efficiencies. The building is of high-quality design that complements the ARHMZ and aligns with the Arrowtown Design Guidelines, enhancing the amenity and quality of the environment of the site and the wider neighbourhood.

10. WHERE THE ACTIVITY INCLUDES THE USE OF HAZARDOUS SUBSTANCES AND INSTALLATIONS, AN ASSESSMENT OF ANY RISKS TO THE ENVIRONMENT WHICH ARE LIKELY TO ARISE FROM SUCH USE:

Not applicable.

11. A DESCRIPTION OF THE MITIGATION MEASURES (SAFEGUARDS AND CONTINGENCY PLANS WHERE RELEVANT) TO BE UNDERTAKEN TO HELP PREVENT OR REDUCE THE ACTUAL AND POTENTIAL EFFECT:

No mitigation measures are necessary.

12. SECTION 95A ASSESSMENT AND IDENTIFICATION OF AFFECTED PERSONS

Section 95A of the RMA requires a decision on whether or not to publicly notify an application.

The steps set out below, in the order given, are used to determine whether to publicly notify an application for a resource consent.

Step 1 – Mandatory public notification

The applicant is not requesting public notification of the application (s95A(3)(a)).

Public notification is not mandatory as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

Step 2 – Public notification precluded

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

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Public notification is not precluded (s95A(5)(b)(i)-(iii)). Therefore, public notification is not precluded by Step 2.

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

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Effects that must be disregarded (s95D(a)) include effects on the owners or occupiers of land on which the activity will occur and on adjacent land. Effects that may be disregarded include:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b));
- Trade competition and the effects of trade competition (s95D(d)); and
- Effects on persons who have provided their written approval.

On the basis of the assessment set out in Section 3 above, the proposed activities will not have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – public notification in special circumstances

There are no special circumstances in relation to this application.

13. LIMITED NOTIFICATION (S95B)

Section 95B requires a decision on whether there are any affected persons.

There are no affected groups or persons under section 95B(2) or 95B(3), and limited notification is not precluded as it is not subject to a rule or standards precluding notification and it is not a controlled activity (s95B(6)).

Therefore, the assessment of affected persons must be undertaken in accordance with section 95E.

3, 5, 7 Arrow Lane

These properties are located to the north of the site on the opposite side of Arrow Lane. The buildings contain offices, restaurants and other commercial activities and typically have a northern orientation, with parking and bin storage to the rear of the buildings along Arrow Lane.

The proposed building is an improvement to the existing building and majority of the bulk of the building is located outside of the 6m setback from Arrow Lane, meaning that it will not appear dominant when viewed from these properties, nor will it create significant shading.

The proposal will not result in any adverse effects on 3, 5 or 7 Arrow Lane that are minor or more than minor.

14 Wiltshire Street

This property is located to the west of the site and contains a number of buildings that are utilised for office purposes. The three existing mature trees along this boundary will be retained.

The proposed building will be located within the 3m boundary setback; however, the encroachments are small scale (three areas of 0.6m² - 6.5m²) along the western elevation. The gable roof form which runs east to west will also breach the 5m height plan in proximity to the western boundary, however the modulation, cottage scale and use of a range of external materials mitigate any perceived dominance of built form when viewed from 14 Wiltshire Street.

The proposed height breach does not create any adverse shading or privacy effects on this property, particularly given the location of and use of the buildings at 14 Wiltshire Street.

Overall, any effects from the proposal on surrounding properties are less than minor and limited notification is therefore not required.

14. WHERE THE SCALE OR SIGNIFICANCE OF THE ACTIVITY'S EFFECT ARE SUCH THAT MONITORING IS REQUIRED, A DESCRIPTION OF HOW, ONCE THE PROPOSAL IS APPROVED, EFFECTS WILL BE MONITORED AND BY WHOM.

No monitoring is required apart from that normally undertaken by a Council in monitoring consent conditions.