

RESOURCE CONSENT APPLICATION

25 Runholder Rise, Jacks Point

APPLICATION REPORT AND ASSESSMENT OF EFFECTS

Construct a residential unit breaching building height

Steven Jackson & Olivia Kelly

21 September 2026

Form 9

Application for Resource Consent - Section 88, Resource Management Act 1991

To:	Queenstown Lakes District Council
Applicant:	Steven Jackson & O Kelly
Address for service:	25 Runholder Rise, Jacks Point, Queenstown

Invoice details:	Steven Jackson & O Kelly
Site address:	25 Runholder Rise, Jacks Point, Queenstown
Legal description:	Lot 9072 DP 584411
Owner of site:	Steven Jackson & O Kelly

Consent for:	Application under the Resource Management Act 1991 to construct a dwelling breaching height, with associated earthworks.
Enclosed:	Application and AEE Appendix 1 – Record of Title Appendix 2 – Development Plans Appendix 3 – RM210532 Landscape Plan Appendix 4 – EMP Appendix 5 – Geotechnical Report
Date:	21 September 2026

1 Introduction

Steven Jackson & O Kelly hereby apply for resource consent from Queenstown Lakes District Council (Council) to Construct a residential unit breaching building height under the Queenstown Lakes District Council Proposed District Plan (PDP). The site is located within the Jacks Point Special Zone and requires resource consent for the reasons outlined in Section 5 of this report.

The application includes plans of the proposal which are included as Appendix 2.

Site Name	25 Runholder Rise, Jacks Point, Queenstown
Parcels	Lot 9072 DP 584411
Titles	1104857
Site Area	4,089m²
Territorial Authority	Queenstown-Lakes District
Zones	Jacks Point Resort

2 Site description

2.1 Location and description

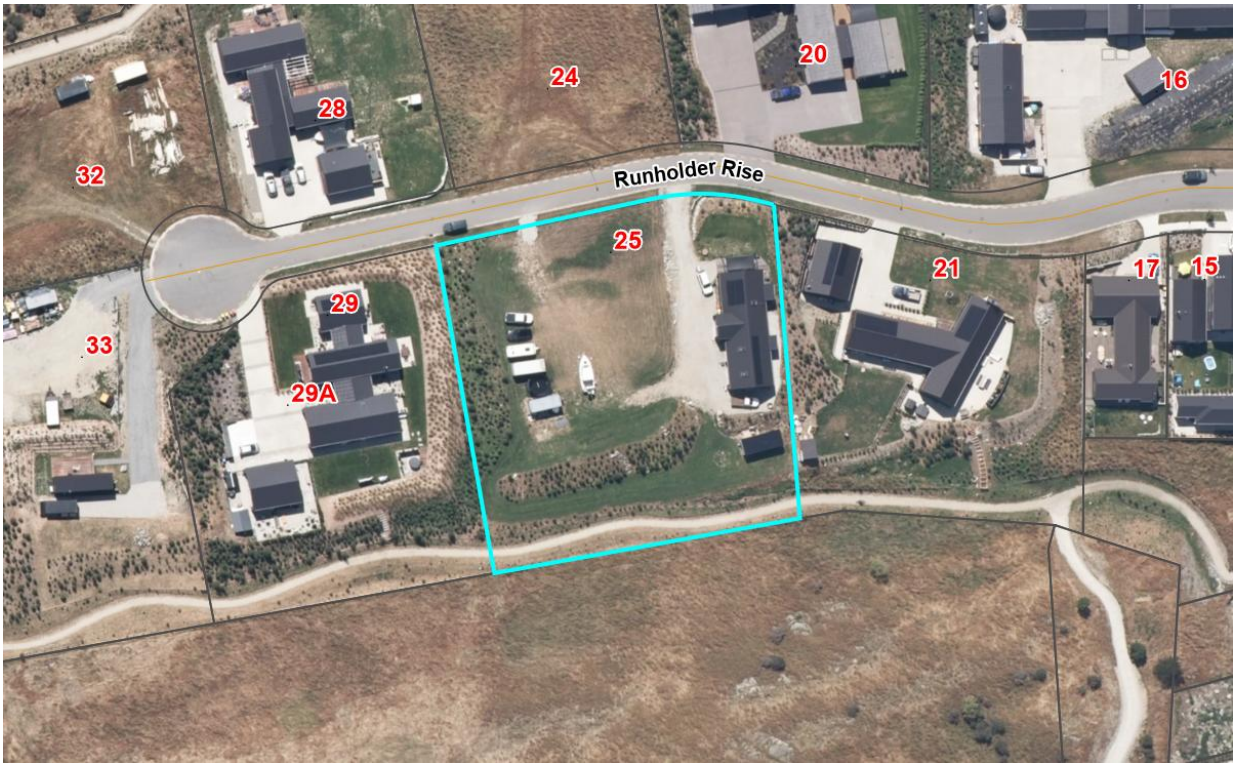


Figure 1: AERIAL IMAGE OF THE SITE (SOURCE: GRIP MAP)

The site is held within one Record of Title which has the following details:

Record of Title Details			
Identifier	***Legal Description***	***Area***	***Owner***
1104857	Lot 9072 DP 584411	4,089m²	Steven Jackson and Olivia Kelly

A copy of the Record of Title is attached as **Appendix 1**.

The site is subject to Consent Notice 12737555.12 registered on the title.

The site was created via subdivision consent RM210531, which was approved on 7 April 2022 (re-issued on 20 April 2022 and 3 April 2023). The consent approved a 78 lot residential subdivision with reserves, roads, and balance lots, known as Stage DP9 of Hanley's Farm. The application site is Lot 9072 of RM210531 and is a Rural Living lot 4081m2 in gross area, accessed from Runholder Rise.

The site is zoned Jacks Point Special Zone under the Proposed District Plan, located within the activity area Rural Living 3 (RL-3).

As per the QLDC GIS maps the site is subject to LIC 1 (P) - "Probably Low Risk" Liquefaction Susceptibility Expected to be low.

3 Background

Resource consent RM230974 was issued on 24 January 2024 authorising the construction of a residential unit which breached height. This resource consent was detailed as Stage 1 of 2. Stage 1 (RM230974) authorised the construction of a residential unit (future residential flat) attached to a 3 bay garage. Stage 2 (the subject of this application) seeks the construction of a primary residential unit, at which point the existing unit on site will become the residential flat.

4 Proposal

The site has been developed in 2 stages.

Stage 1 (RM230974) for the construction of a residential unit (now a residential flat) attached to a 3 bay garage has been authorised and built.

This application seeks consent for Stage 2 of the development; the construction of the primary residential unit.

The proposed residential unit has a total footprint of 297.92m^2. Together with the existing building on site, the total site coverage will be 491.62m^2 totalling 12.04%.

The built form will be single storey with primarily gable roofs. The maximum height of the building at the apex will be 5.533m (measure from FFL). As a result, the apex of the gable will protrude through the 5m height plane by 0.533m, as shown on the elevation plans contained within Appendix 2.

The building is located centrally on the site, setback 15.35m from the road boundary and 11.15m from the west boundary. The building will not extend into the no build area at the south of the site.

The development will be finished as follows:

Element	Material	Colour
Cladding	Vertical Timber Shiplap	LMA Smokey grey
	Corten Steel	Flaxpod
	Corrugate	
Roof	Corrugate iron roofing	Flaxpod

The earthworks will be minimal, estimated at 60m^3 cut removed and 40m^3 fill to form a suitable compacted base across an area of 220m^2 for the house pad. Height of cut and fill will be no more than 200-300mm. The garage will require approximately 80m^3 removed and 20m^3 to be backfilled behind block walls, across an area of 50m^2. Total volumes will not exceed the permitted earthworks standards for the zone.

Earthworks will be sufficiently setback from the site boundary. A retaining wall is proposed extending from the garage but will be no more than 2m in height. Standards relating to erosion and sediment control measures, dust management, water bodies and cleanfill will be complied with.

Otago Regional Council consent for residential earthworks is not required.

Access will be from the existing formed vehicle crossing in accordance with the underlying subdivision.

Consent Notice Compliance

The proposal complies with the Consent Notice 12737555.12 conditions as follows:

- There shall be no more than one residential unit constructed on each lot. **Complies.** The proposal is for a principal residential unit, the existing residential unit on site is 63m^2 , complying with the gross floor area of a residential flat.
- Garages shall be set back a minimum of 5 metres from the road boundary, except where the garage door opening is perpendicular to the road boundary. **Complies.**
- No buildings shall be constructed within any no-build area shown as Areas AB – AI, AK – AS, CA, CC – CJ, CL – CM, CO and DA on DP 584411. Fencing in the no-build area shall be limited to post and wire (maximum 1.2 metres high) or black wire mesh fencing (maximum 1.2 metres high). **Complies.**

- All boundary fences along or adjoining any areas of reserve shall be no greater than 1.2 metres in height and shall be no less than 50% visually permeable. **All fencing will comply.**
- Lots 82, 9067 and 9071 – 9080 only:

All landscaping shown on the Landscaping Plan approved under RM210531 shall be retained and maintained in perpetuity by the owner of the lot. The proposed building has been situated such that it does not impede the underlying landscaping consented via RM21053. Additional landscaping will complement the planting required by RM210531 (plan attached at Appendix 3 for ease of reference). **Complies**

- Lots 9071 - 9079 only:

At the time a future dwelling is constructed on the lot, the owner for the time being shall install a vehicle crossing to/from the surrounding Council road network. This crossing shall be constructed in concrete and as per Diagram 6 (Section 29.14.6) of the Council Proposed District Plan. A complying crossing was form as part of the previous resource consent. **Complies**

- Lots 9023 – 9025 and 9071 – 9080 only:

'Good ground' in accordance with NZS3604 has not been confirmed on these Lots. In accordance with the recommendations of the Geotechnical Completion Report, DP9 – Stage 2, Hanley's Farm, Queenstown prepared by Geosolve Ltd dated March 2023, Revision 0 (Geosolve Ref: 210737) specific engineered design (SED) of the building foundations shall be undertaken unless site specific investigations can otherwise confirm the presence of 'good ground' including consideration of underlying alluvial and sedimentary deposits. In the event that 'good ground' can be established then standard NZS3604 building foundation solutions may be utilised instead of SED.

A site-specific Geotechnical Report will be submitted with building consent and necessary foundation design assessed at this time. This is typical for sites in Jacks Point with a similar consent notice condition, but not requiring a controlled resource consent for a residential unit. **Complies**

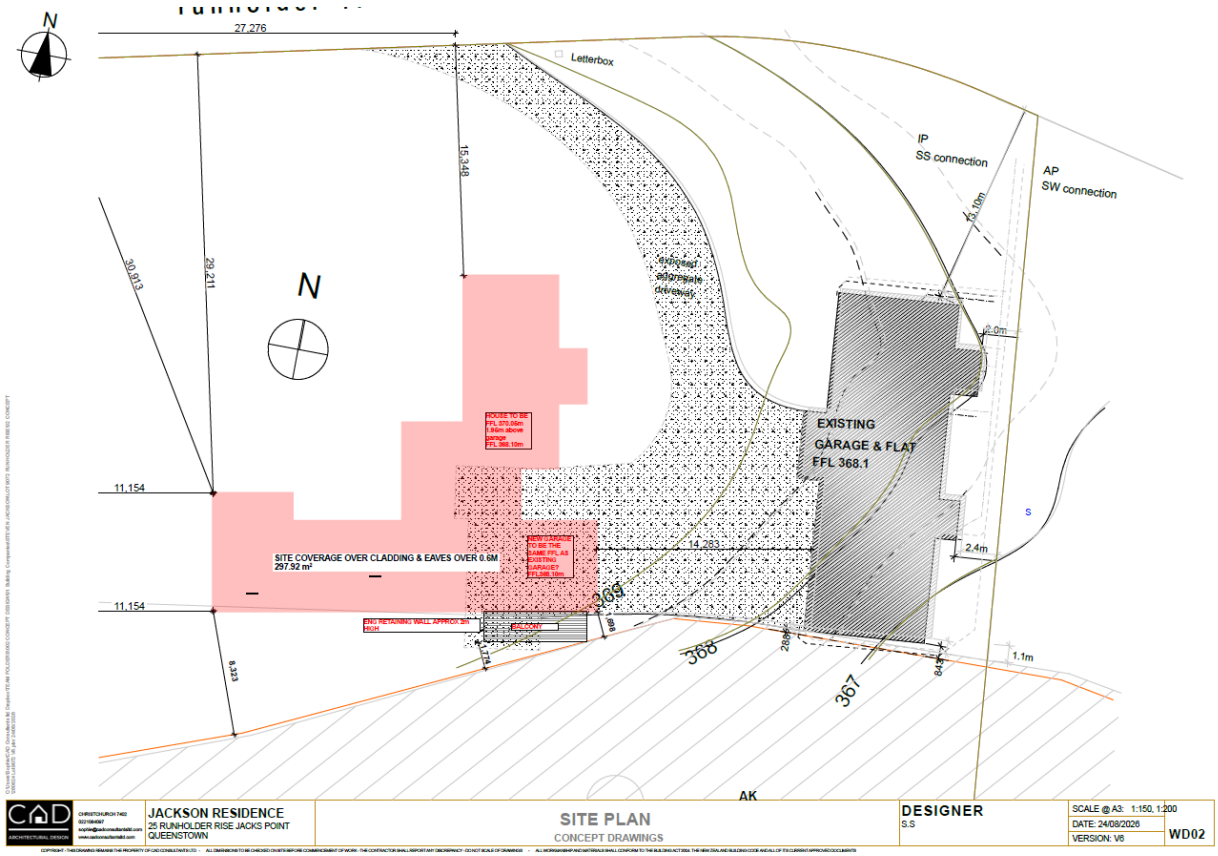


Figure 2: SITE PLAN (SOURCE: APPENDIX 2)

5 Statutory Framework

5.1 QLDC Proposed District Plan

The application site is located within the Jacks point Special Zone of the PDP. Consent is required for the following activity and built form standard non-compliance.

- A **controlled activity** pursuant to Rule 41.4.1.3 for Residential activities within the Rural Living (RL) Activity Area.

41.4 Rules – Activities
Activities Located in the Jacks Point Zone
41.4.1 Residential Activity (R)Areas and the Rural Living Activity Area
Rural Living (RL) Activity Area
41.4.1.3 Residential activities.
Control is reserved to:

a. *the external appearance of buildings with respect to the effect on visual and landscape values of the area;*
b. *the adequacy of infrastructure and servicing;*
c. *the effects of associated earthworks and landscaping;*
d. *access and parking provision;*
e. *the bulk and location of buildings;*
f. *the effects of exterior lighting.*

- A **non-complying** activity consent pursuant to Rule 41.5.1.2 for a breach to the 5m height plane.

41.5 Rules - Activity Standards
Standards for activities located in the Jacks Point Zone - Residential Activity Areas
41.5.1 Residential Activity Area
Density
41.5.1.2 Building Height
The maximum height of buildings shall be:
a. Residential (R) Activity Areas 8m
b. Rural Living Activity Areas 5m
c. All other buildings and structures 4m

As such, the proposal requires consent as a **non-complying Activity**.

5.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Project Human Health Regulations 2011 (NESCS)

The NESCS 2011 applies to land that currently has, or historically had, an activity or industry undertaken on it that is included in the Hazardous Activities and Industries List (HAIL).

The NES was addressed by RM210531 and does not apply to this application.

5.3 Activity Status

As demonstrated in Section 5.2 above, the proposal requires resource consent for a controlled activity and a non-complying activity. In this instance, it is appropriate to bundle the activities together and consider the application as a whole as a **non-complying** under the PDP.

5.4 Scope of Application

This application seeks to construct a residential unit breaching building height.

If Council is of the view that resource consent is required for alternative or additional matters to those identified in Sections 5.2 and 5.3 of this report, it has the discretion to grant consent to those matters as well as, or in lieu of those identified in this AEE.

Additionally, if Council is of the view that the activity status of any of the matters requiring consent is different to that described in Sections 5.2 and 5.3 of this report, Council has the ability under Section 104(5) of the Act to process the application, regardless of the type of activity that the application was expressed to be for.

6 Assessment of Environmental Effects

In accordance with section 88(2)(b) of the Act and Clause 1(d) of Schedule 4 to the Act, this assessment of environmental effects of the proposed activity has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment.

6.1 Permitted Baseline

In forming the opinion for the purposes of s95 and s104(1)(a), adverse effects on the environment can be disregarded if the Plan permits an activity with that effect.

Under the Proposed District Plan (PDP), the following permitted earthworks standards are of relevance to the proposal:

- The maximum permitted volume is 500m³
- The maximum permitted cut height is 2.4m
- The maximum permitted fill height is 2m
- Cut and fill supported by retaining walls must be setback a distance at least equal to the height of the retaining wall.

In relation to the residential unit, under the Proposed District Plan (PDP), all residential activities within the Rural Living Activity Areas require resource consent, therefore there is no permitted baseline in this regard.

In undertaking the effects assessment below, reference has been made and actual and potential affects compared to that of this permitted baseline development in relation to earthworks.

6.2 Existing Environment

The existing environment includes the resource consent approved in 2024 for the three bay garage and (now) residential flat.

6.3 Effects on the Environment Assessment

a. the external appearance of buildings with respect to the effect on visual and landscape values of the area;

The underlying subdivision created ten rural living lots accessed via Runholder Rise. A residential unit is anticipated on each lot. The underlying subdivision consent includes planting to mitigate visual effects of the activity and maintain the landscape value of the area.

The proposed dwelling has a contemporary alpine character consistent with the Jacks Point design palette. The elevations demonstrate a material suite of vertical timber shiplap, selected Corten steel, and True Oak corrugate cladding, all of which are recessive, natural-toned materials that sit comfortably within the wider landscape. These materials reduce reflectivity and integrate the building into the surrounding landform.

The height breach is limited to the apex of the building roofline, such that it will be relatively inconceivable when viewed as a whole. Because the exceedance occurs at the ridge rather than the wall height, it does not materially increase perceived bulk or create dominance effects. The gabled roof form also tapers away from the apex, further reducing any potential impact on outlook or amenity. The varying roof forms further reduces bulk and avoids dominance. The no build area provides an adequate setback such that visual effects the height breach will be mitigated. The built form is single storey and therefore in keeping with the character of the area

within an already developed residential context, meaning landscape effects are contained and localised.

The site is also subject to the RM210531 landscape plan, which requires retention of native planting. The proposed dwelling does not encroach into these areas, and the existing mass native planting along the “No Build Zone” (AI–AM) provides a vegetated backdrop that further softens visual effects.

Overall, the external appearance results in less than minor visual and landscape effects, with the design aligning with Jacks Point’s architectural and maintaining the natural character values of the area.

b. the adequacy of infrastructure and servicing;

The site is fully serviced as part of the underlying subdivision. The site plan confirms existing SS (sewer) and SW (stormwater) connections. Water supply is available via the reticulated network.

Foundations are to be engineered insulated raft foundations, consistent with geotechnical requirements for Lots 9071–9080. The consent notice requires a site-specific geotechnical design, a site-specific Geotechnical Report will accompany the building consent, confirming foundation design.

Vehicle access is via a complying crossing required under the consent notice and established under the previous resource consent.

Overall, no capacity constraints or servicing limitations are anticipated, and effects are less than minor.

c. the effects of associated earthworks and landscaping;

Earthworks are modest and primarily relate to establishing the building foundation and minor retaining. The site plan identifies an engineered retaining wall approximately 2m high, which is typical to respond to the sloping topography of the site. Cut and fill heights, as well as total volumes are within the permitted quantities for the zone.

The earthworks will not materially alter landform or natural character. Effects relating to land stability are assessed as less than minor.

As a result of the proposed earthworks there is the potential for adverse effects upon the environment due to dust and sedimentation. The volume and scale of the earthworks proposed is very minimal given the size of the site and consistent with rural living development.

Standard conditions of consent in line with the requirements for low-risk projects under the QLDC Environmental Management Plan Guidelines are anticipated. Based upon compliance with these requirements, the potential effects are considered to be less than minor.

There are no sensitive water bodies within close proximity to the subject. Consequently, less than minor effects upon water bodies, ecosystem services and biodiversity are anticipated. The subject site is within a new subdivision area in which no cultural, heritage and archaeological effects have been identified.

Aside for the dust and sedimentation effects addressed above, the only other potential nuisance effect anticipated is construction noise. The proposed works will be completed in compliance with the construction noise standards in the PDP. The effects in this regard are therefore considered less than minor.

When the earthworks are completed, all exposed areas will be top-soiled and landscaped or otherwise permanently stabilised prior to occupation of the development. The structural landscaping will be maintained and will soften the built form.

Landscaping must comply with RM210531. The consent notice requires that *"Proposed buildings must not impede the original landscaping under RM210531"* . The dwelling footprint avoids these areas, and the proposed design maintains the integrity of the riparian and screen planting.

Overall, any potential adverse effects in regard to associated earthworks and landscaping are considered to be less than minor.

d. access and parking provision;

The development will be accessed from the new road via an established vehicle crossing, and parking will be provided onsite. The dwelling includes a double garage and additional hardstand areas, providing more than adequate parking for a residential unit. The garage meets the 5m setback requirement from the road boundary.

Internal circulation is efficient, and no adverse effects on the road network or neighbouring properties are expected.

Overall, any potential adverse effects regarding access and parking provision are considered to be less than minor.

e. the bulk and location of buildings;

The proposed built form is located centrally within the site. The building design and placement within the site will ensure that the built form will not be visually dominant from public views, beyond that anticipated for a rural residential area. No development will extend into the "no build" area.

The dwelling complies with all setback requirements and has a building footprint of 297.92m², well below the 50% site coverage limit enabled for the area (actual coverage 12.04%). The building mass is broken into multiple roof forms, reducing perceived bulk. As assessed above, the small height encroachment will have a less than minor effect on the wider environment. It will be indiscernible to a compliant height and limited to the apex of the roof.

Overall, any potential adverse effects in respect to bulk and location of buildings are considered to be less than minor.

f. the effects of exterior lighting.

Any exterior lighting will be downlit and will be directed away from adjacent roads and properties. No lighting will result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any

property located outside of the Zone, measured at any point inside the boundary of the adjoining property.

Overall, any potential adverse effects in regard to exterior lighting are considered to be less than minor.

6.4 Effects on Persons Assessment

The proposal results in less than minor **effects on neighbouring persons**, primarily because of the way the building is positioned, scaled, and shaped within the site.

The dwelling is located centrally on the 4,081m² lot, well away from all boundaries, which significantly reduces any potential dominance, shading, or privacy effects. Setbacks greatly exceed the minimum requirements due to the generous lot size and the building's placement. This spatial buffering ensures that the building reads as a low-intensity residential form within a spacious environment.

The height breach is confined only to the apex of the roofline, with the elevations confirming a maximum height of 5.533m against a 5m height plane. Because the exceedance occurs at the ridge rather than the wall height, it does not materially increase perceived bulk or create dominance effects. The gabled roof form also tapers away from the apex, further reducing any potential impact on outlook or amenity.

Given the central siting, extensive setbacks, and the minor nature of the height exceedance, the proposal does not give rise to adverse effects on neighbouring persons. Any effects on privacy, outlook, sunlight access, or residential amenity are less than minor.

6.5 Effects Conclusion

Based on the above assessment, I consider all actual and potential effects associated with the construction and formation of the residential unit will be less than minor with no persons adversely affected.

7 Notification Assessment

7.1 Public Notification – Section 95A

The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the RMA. This comprises the following four-step process to determine whether to publicly notify an application.

Step 1 – Mandatory public notification in certain circumstances (sections 95A (2) and (3):

Mandatory public notification is not required as the applicant does not request public notification [s95A(3)(a)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 [s95A(3)(c)].

Step 2 – Preclusion to public notification:

Public notification is not precluded because the activity is not subject to any rule in the District Plan or a National Environmental Standard that precludes public notification [s95A(5)(a)] and the activity is not for a controlled activity [s95A(5)(b)(i)] or a boundary activity [s95A(5)(b)(iii)].

Step 3 - Public notification – rule/adverse effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or National Environmental Standard that requires public notification, and in accordance with section 95D adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)].

Step 4 – Special circumstances:

There are no special circumstances that warrant public notification under section 95A(9) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed **without public notification.**

7.2 Limited Notification – Section 95B

Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is also a four-step process to determine whether to limited notify an application.

Step 1 – Customary rights and marine title groups, and statutory acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Step 2 - Preclusions to limited notification:

There is no preclusion to limited notification as there is no rule in the District Plan or National Environmental Standard that precludes limited notification of the application [s95B(6)(a) and (b)] and the application is not for a district land use consent with controlled activity status [s95B(6)(b)].

Step 3 – Limited notification – affected persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions in Section 6 of this report.

Step 4 – Special circumstances:

There are no special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above. There are no special circumstances that warrant limited notification under section 95B(10) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed **without limited notification**.

7.3 Notification Conclusion

Section 95 of the Act sets out the requirements for the Council to consider when determining whether an application for resource consent should be notified.

Section 6 of this report confirms that any effects on specific parties and the wider environment will be less than minor. Therefore, in accordance with the steps outlined above, notification of the proposal is not required.

8 Statutory Assessment

8.1 Objectives and Policies Assessment

Section 104 of the RMA

Section 104

> *In considering an application for land use consent, the consent authority must have regard to Part 2 (Purposes and Principles) of the RMA, and to the matters to be considered as set out in section 104(1). Section 104(1) states that, subject to the provisions of Part 2, a consent authority must have regard to:*
> *(a) any actual and potential effects on the environment of 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.*

In respect of section 104(1)(a), an assessment of any actual or potential effects has been included in Section 6 of this report. This assessment is also relevant to section 104(1)(a) and I therefore determine that effects of the actual and potential effects of the proposal will be acceptable.

I have considered the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act and consider that the following documents are relevant to this proposal:

25. Earthworks

25.2 Objectives and Policies

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

Policies

25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.

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

a. Protects the values of Outstanding Natural Features and Landscapes;

b. Maintains the amenity values of Rural Character Landscapes;

c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;

d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;

e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;

f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and

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

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

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

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

25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.1.8 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

25.2.1.9 Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.

25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

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

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

Policies

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

a. Nationally and Regionally Significant Infrastructure;

b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;

c. minimising the risk of natural hazards;

d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and

e. the use and enjoyment of land for recreation, including public walkways and trails; and

f. maintaining or enhancing the operational efficiency of existing infrastructure.

41. Jacks Point Zone

41.2 Objectives and Policies

41.2.1 Objective - The establishment of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities with appropriate regard for landscape and visual amenity values, and within a framework of open space and recreation amenities.

Policies

Residential

41.2.1.8

a. Provide for a diversity of living accommodation, including opportunities for farm and rural living at low densities.

b. Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

41.2.1.9 Require that any conventional low density residential development in the Residential Hanley Downs (R(HD)) and Jacks Point (R(JP)) Activity Areas be offset by higher density residential development and common open spaces in order to achieve efficient use of land and infrastructure.

41.2.1.10 Maintain or enhance the character and amenity values that exist in the established Jacks Point Residential Activity Areas (R(JP)) as at 31 August 2016, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots, and lower average densities compared to the Hanley Downs Residential Activity Areas.

41.2.1.11 Enable medium density housing development within the established Jacks Point Residential Activity Areas (R(JP)) subject to the scale and form of built development being appropriate to the character of the Activity Area.

41.2.1.12 Recognise the (Hanley Downs) Residential Activity Areas (R(HD)) as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

41.2.1.13	Apply residential development controls to protect privacy and amenity, provide access to sunlight, to achieve design cohesion, and to provide appropriate opportunities outdoor living, consistent with the residential density anticipated in that Activity Area.
41.2.1.14	Enable commercial activities on primary roads within the Hanley Downs Residential Activity Areas (R(HD)) of a scale limited to servicing the needs of the local community.
41.2.1.15	Provide for predominantly low density residential development in the Residential - State Highway Activity Areas ((R(HD-SH) and (R(JP-SH)), and appropriately mitigated through landscaping and the provision of open space.
41.2.1.16	Ensure that residential development in the Jacks Point Zone does not dominate views from the State Highway and that any adverse visual impacts are mitigated through landscaping, building design and provision of open space.

Assessment

The earthworks provisions in Chapter 25 enable earthworks associated with subdivision, development, and access where they are undertaken in a manner that avoids, remedies, or mitigates adverse effects on communities and the natural environment. In this case, the earthworks are limited to establishing the engineered raft foundation, driveway formation, and minor retaining required to construct the residential unit. These works are functional, small-scale, and directly related to enabling the practical use of the site.

Objective 25.2.1 seeks to ensure earthworks are undertaken in a way that minimises adverse environmental effects, protects people and communities, and maintains landscape and visual amenity values. The proposed earthworks will be managed using standard erosion and sediment controls, including stabilised construction access. The works occur within an already modified residential allotment and will not alter natural landforms, ridgelines, or landscape character. As such, the proposal is consistent with the objectives and policies of Chapter 25.

Within Chapter 41 (Jacks Point Zone), the proposal aligns with the anticipated residential development pattern and contributes to the diversity of living opportunities within the zone, consistent with Policy 41.2.1.8. The dwelling is centrally located on the site, well within generous setbacks, and designed to maintain privacy, sunlight access, and amenity for both occupants and neighbours. The minor height exceedance at the roof apex does not undermine the intended built form outcomes for the Activity Area. Landscaping required under RM210531 is retained, and additional planting will complement the approved native palette, ensuring cohesion with the wider Jacks Point environment.

Chapters 3 and 4 emphasise high-quality urban development, efficient use of serviced land, and built form that responds appropriately to local character. The proposal represents a well-designed residential unit on an existing serviced lot, maintaining amenity values, integrating with the surrounding landscape, and supporting the strategic direction of providing varied and high-quality housing within established zones.

Overall, the proposal is considered to be consistent with the relevant objectives and policies of the PDP, and the associated effects are appropriately avoided, remedied, or mitigated.

Operative District Plan

The relevant objectives and policies are contained within Parts 4 (District Wide), Part 22 (Earthworks) and 12 (Resort Zones of the ODP.

The proposed development is in accordance with the Jacks Point Structure Plan to ensure the compatibility of activities, and will contribute towards an integrated community, with appropriate regard for landscape and visual amenity values.

The relevant objectives of Section 22 relate to enabling earthworks that are part of a development, provided they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment. The assessment above concludes that the proposed earthworks are minor in scale and can be undertaken in a manner where any potential effects are appropriately avoided, remedied or mitigated.

Overall, it is considered that the proposal is aligned with the relevant provisions of the ODP.

Weighting Assessment

As demonstrated in the assessment above, the proposed development is consistent with the objectives and policies of both plans. Therefore, a weighting assessment is not required.

Objectives and Policies Conclusion

For those reasons outlined above, it is considered that the proposal is consistent with all relevant objectives and policies of the ODP and PDP.

Additional Assessment

If 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

The proposed development does not involve hazardous substances or installations.

If the activity includes the discharge of any contaminant, a description of: 1. The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and 2. Any possible alternative methods of discharge, including discharge into any other receiving environment.

The proposed development does not include the discharge of contaminants. The proposed development will connect to services established by RM210531.

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

No mitigation measures are proposed beyond that incorporated into the proposal.

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

The effects of the proposal are considered to be less than minor on owners and occupiers of surroundings properties. No other persons are deemed to be potentially affected by the proposal.

If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than of standard conditions of consent.

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).

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

Consideration of Alternatives

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Consideration of alternative locations are therefore not considered necessary.

8.2 Relevant Statutory Documents

National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (NPSUD) is relevant to this proposal. The NPSUD is a national direction that requires local authorities to enable such environments to develop and change to contribute to well-functioning urban environments, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments. The NPSUD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

The proposal has been assessed against the relevant policies of the NPSUD and is considered to achieve the outcomes sought by the NPSUD. In particular, the proposal the contributes to create a well functioned urban environment and provides a variety of housing stock that has good accessibility for people between housing, jobs, community services and public transport.

8.3 Section 106A

Consent authority may refuse land use consent in certain circumstances

(1) A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.
(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:
(a) the likelihood of natural hazards occurring (whether individually or in combination)
(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):

(d) whether the proposed use of the land would result in adverse effects on the health or safety of people.

(3) Conditions imposed under subsection (1) must be—

(a) for the purposes of avoiding or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108.

(4) This section does not apply to land use consents if the use of the land for which the consent is sought is—

(a) construction, upgrade, maintenance, or operation of infrastructure; or

(b) primary production activities, as described in the national planning standards.

The proposal is not subject to natural hazards that amount to grounds to refuse an application under Section 106A.

Conclusion

For the above reasons, it is considered that there are no grounds to refuse the subdivision consent application under section 106a of the RMA 1991.

8.4 Section 104D Gateway Test

Section 104D of the RMA provides a gateway test which must be passed for a resource consent for a non-complying activity. Council may only grant a resource consent for a non-complying activity if it is satisfied that either the effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the relevant plan.

For the reasons discussed above in this report, I consider that the adverse effects of the proposal on the environment will be no more than minor and also the proposal is not contrary to the relevant objectives and policies of the Operative District Plan. Therefore, the application passes the gateway test.

8.5 Resource Management Act 1991 – Part 2 Assessment

In accordance with recent case law, decision makers can no longer refer to matters under Part 2 of the RMA 1991 when considering resource consent applications. This includes sections 5 (Purpose), 6 (Matters of National Importance), 7 (Other Matters), and 8 (Treaty of Waitangi). Reliance on specific sections of Part will no longer be able to be considered unless the relevant district plan is invalid, has incomplete coverage or is uncertain.

The PDP is a valid planning document, has complete coverage over the proposed activities and anticipated effects, and is of sufficient certainty to not require an assessment against Part 2 Matters.

9 Conclusion

The application is being made by Steven Jackson & O Kelly for resource consent from Queenstown Lakes District Council to Construct a residential unit breaching building height. at

25 Runholder Rise, Jacks Point, Queenstown. The application requires resource consent as a Non-Complying Activity.

Section 6 details an assessment of effects and Section 9 outlines the key planning considerations for this assessment. These assessments conclude that the proposal will result in less than minor effects and no persons will be adversely affected. The proposal is also not contrary to the objectives and policies of the ODP and PDP.

On this basis, it is considered that the proposal can be granted on a non-notified basis in accordance with Sections 104 and 104B.

We request the opportunity to review the draft conditions prior to the decision being issued.

We look forward to working with you and your team further during this resource consent process.