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Application for Resource Consent to the Queenstown Lakes District Council:

Grant and Cheryl Barbara

LAND USE CONSENT TO CONSTRUCT RESIDENTIAL BUILDINGS WITHIN AND OUTSIDE OF A REGISTERED BUILDING PLATFORM, WITH ASSOCIATED EARTHWORKS; A SECTION 127 CHANGE OF CONDITIONS TO RM260231; & A SECTION 221 VARIATION OF CONSENT NOTICE CONDITIONS

7 October 2026

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Supporting Information

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[B] Record of Title
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[E] Architectural Plans prepared by Anna-Marie Chin Architects, project 2507, sheets PD-101 to PD-906, dated 3 July 2026
[F] Landscape Assessment
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[H] Environmental Management Plan
[I] Geotechnical Assessment Report (Revision 2), Kirk Roberts Consulting, dated 17 August 2026
[J] Wastewater Report (Revision 2), Kirk Roberts Consulting, and completed QLDC On-site Wastewater (OSET) Application
[K] Stormwater Report (Revision 2), Kirk Roberts Consulting, dated 18 August 2026

1 Executive summary

1.1 Overview

Grant and Cheryl Barbara ("**the Applicant**") apply for land use consent to complete the residential development of their property at 156 Dalefield Road, Queenstown.

This application is Stage 2 of a staged development and follows the approval of RM260231 on 12 May 2026 ("**Stage 1**"), which authorised a relocated garage as a residential unit outside the registered building platform, associated earthworks, and the temporary storage on the site of relocated building components associated with a permanent dwelling that was to be advanced as part of Stage 2.

The proposal comprises:

- construction of a principal residential unit outside the registered building platform, using the relocated building components currently stored on the site, placed on permanent foundations and linked by new extensions;
- retention of the residential accommodation approved under RM260231 (the relocated garage) as a residential flat ancillary to the principal residential unit and addition of a woodstore structure;
- retention of a relocated accessory building (the sleep-out) within the registered building platform;
- associated earthworks with a total volume of approximately 1,693m³;
- a variation under section 127 of the Resource Management Act 1991 ("**RMA**") to the plans approved under RM260231, to reflect the as-built location of the three approved water tanks; and
- a variation under section 221 of the RMA to Condition 3 of Consent Notice 5827552.1 to enable the proposed buildings to be located outside the registered building platform.

The site is approximately 9,664m^2 in area, and contains a registered building platform of approximately 1,000m^2 near to the southern boundary. The site contains an existing residential unit located outside of the building platform.

The site is zoned Wakatipu Basin Lifestyle Precinct under the Queenstown Lakes Proposed District Plan ("**PDP**"). Resource consent is required for a non-complying activity, principally under Rule 24.4.7, which applies to buildings for residential activity outside a registered building platform. The sleep-out within the platform is a controlled activity, and restricted discretionary consent is required for the earthworks, building colours, the road setback, the internal boundary setback of the water tanks and upward light spill.

Adverse effects on the environment will be less than minor and adverse effects on any person will be less than minor. The Landscape and Visual Assessment prepared by LAND Landscape Architects rates visual effects as very low to low and landscape character effects as very low, and confirms that LCU 5 – Dalefield has a high capability to absorb the development.

The proposal is not contrary to the objectives and policies of the Proposed District Plan, rather it is consistent with them. The proposal achieves the purpose and principles of the RMA and accords with the definition of sustainable management under Part 2.

The proposal satisfies both limbs of the gateway test under section 104D of the RMA, and it is respectfully requested that consent be granted on a non-notified basis.

2 Site and surrounds

2.1 Site details

The site is located at 156 Dalefield Road, Dalefield. The site is legally described as Lot 2 Deposited Plan 315607 as held in Record of Title 61291 [**Attachment B**].

The site is subject to Consent Notice 5827552.1, which specifies that any dwelling must be located within the registered building platform [**Attachment C**]. Condition 3 of that consent notice was amended under RM260231 to allow the existing residential unit to be located outside of the platform.

The site is also subject to a service easement approximately 3m in width running through the southern portion of the site, which carries a water supply pipe to the neighbouring properties. Aside from the consent notice and easement (5827552.3), there are no other instruments that impede the proposed land use.

The site is approximately 9,664m^2 in area and slopes downward from west to east, falling approximately 24m from around 474m above sea level at the south-western corner to around 450m at the north-eastern corner, and affording views towards the east over the Wakatipu Basin. A registered building platform of approximately 1,000m^2 is located within the southern portion of the site, over the steepest land within the site. A flatter natural terrace lies immediately to the north of the platform.

The site contains an existing residential unit with a ground floor area of approximately 86.4m^2, located centrally within the lot and outside of the building platform. An associated vehicle access and hardstand area have been constructed to serve the residential unit. Relocated building components authorised under RM260231 are presently stored on temporary supports within an area in the northern portion of the site.

The site also contains a relocated accessory building (a sleep out), shown as the “sleep-out” on the architectural and landscape plans, located within the registered building platform, together with three 30,000 litre partially buried water tanks located near the southern boundary outside of the building platform.

The site is connected to the Dalefield Water Scheme. The site is not otherwise reticulated, and wastewater and stormwater are disposed of on site.

The site is accessed via Dalefield Road using an existing access at the western boundary. Dalefield Road curves around the northern portion of the site, and the site is situated within this curve.

Outside of the existing buildings and driveway, the site is generally grassed. Vegetation comprises two groups of mature silver birch trees and two single silver birch specimens adjoining Dalefield Road on the north-western boundary. A group of large conifers on

the adjoining property overhangs the south-eastern boundary in front of the building platform. The site is subject to an approved landscape plan under RM260231.

The location of the building platform, existing residential unit (within the garage), temporary buildings, and driveway are shown within the site plan in **Figure 2** below.



Figure 1: Aerial view of the subject site. (*GRIP Map*).

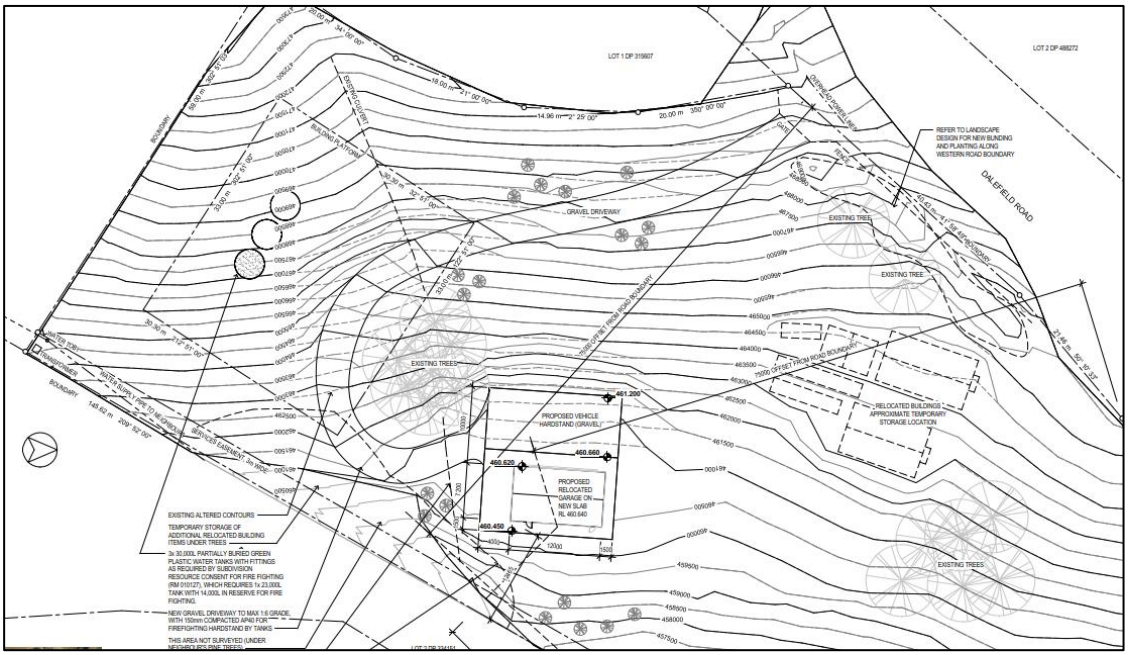


Figure 2: Snip of the approved plans under RM260231, showing the building platform, approved location of water tanks, residential unit, and temporary location of relocated buildings.

2.2 Access

The site is accessed via Dalefield Road by an existing vehicle crossing of approximately 4m in width on the site's western boundary. An access was constructed as part of RM260231, which curves through the site towards the south and through the building platform, before arriving at the existing residential unit and hardstand area. This same access will continue to be used for the proposal.

2.3 Surrounding environment

The site is located within the Wakatipu Basin, approximately 12km from central Queenstown, and almost directly south of Coronet Peak Ski Field.

The site is accessed via Dalefield Road which runs north-south through the Basin, connecting Lower Shotover Road to the south with Malaghans Road to the north.

The surrounding environment consists largely of rural residential development, including other undeveloped sites. There are very few consented but unbuilt building platforms. Surrounding sites are generally of a similar size below 4ha, with some larger sites of up to 10ha. The area is well landscaped including areas of amenity planting and boundary treatments along road frontages.

The surrounding environment is described in more detail in the supporting Landscape Assessment [**Attachment F and G**].

2.4 Existing consents

- RM010127 was granted 19 December 2001. This consent approved subdivision of land that created the subject site and the associated building platform.
- RM260231 was granted on 12 May 2026 and authorised the following:
    - Construction of the existing residential unit outside of the building platform, within the 75m road setback from Dalefield Road, that results in upward light spill, with black window joinery that did not meet the specified colours for the zone;
    - Earthworks to create the site access and flat areas to locate buildings that exceed maximum volume;
    - Locate temporary buildings on the site that would not be located on permanent foundations within two months, and for reinstatement works to not be completed within 9 months; and
    - s221 variation to Consent Notice to construct a residential unit outside of the building platform.

    This consent has been given effect to, and forms Stage 1 of the residential development of this site. The current application is referred to as Stage 2.

Condition 5 of RM260231 authorises the relocated building components to be stored on the site for a maximum period of six months from the date they were delivered to the site, and Condition 10 requires those components to be either removed from the site or authorised by a further resource consent that has been granted and has commenced on or before the expiry of that period.

3 Description of the Proposal

3.1 Residential buildings

Land use consent is sought to establish a principal residential unit and an ancillary residential flat outside of the registered building platform, and to retain an accessory building (sleepout) within the registered building platform. The total site coverage including water tanks, pool and all buildings on site will be 565m^2. Each building is described in turn below. Plans of the proposal are provided in [**Attachment E**], and key elements are snipped in **Figure 3**.

3.1.1 Principal residential unit

The principal residential unit will utilise all of the relocated building components currently stored on the site under RM260231. The components comprise three pavilions relocated from a property at Speargrass Flat Road. It is proposed to place these onto permanent foundations on the natural terrace immediately north of the existing garage, and to construct linking elements between the pavilions together with a car port, so that the components are repurposed into a single residential unit.

The principal residential unit will be single storey, with a gross floor area of approximately 302m^2. Pavilions 1 and 3 will have a maximum height of approximately 3.68m and pavilion 2 approximately 3.71m.

The principal residential unit will be located approximately 23.8m from the Dalefield Road boundary at its closest point, and approximately 12.8m from the nearest internal boundary.

Exterior surfaces will comprise blended schist veneer, vertical cedar weatherboards stained in Dryden's Wood Oil "Driftwood" or similar, and Colorsteel corrugate roofing and wall cladding in "Flaxpod", which has a light reflectance value of 7%. Window joinery will be black powder-coated aluminium, darker than the roof and wall cladding, matching the joinery authorised under RM260231.

The roof of the principal residential unit contains a single skylight, shown on sheet PD-102. All exterior lighting will be directed away from adjacent roads and sites and will be downward-directed.

Reinstatement works following relocation, including the boarding, cladding and finishing of the openings created when the connecting walkways were separated for transport, is expected to be completed within nine months of the buildings being placed on permanent foundations.

3.1.2 Residential flat

The residential unit authorised by RM260231 (the relocated garage) will be retained and will function as a residential flat ancillary to the principal residential unit. It has a

floor area of approximately 100m^2 as shown on the architectural plans, contains a single kitchen facility, and is situated on the same site and held in the same ownership as the principal residential unit. An addition to the already consented garage is a 'wood storage' lean-to which was not part of the previous resource consent.

The residential flat will be separated from the principal residential unit by no more than 3.5m.

3.1.3 Sleep-out

An accessory building, shown as the "sleep-out" on the architectural and landscape plans, is located wholly within the registered building platform as shown on sheets PD-101 and PD-102. The building has already been placed on the site. It has a gross floor area of approximately 35m^2.

The sleep-out provides additional sleeping accommodation ancillary to the principal residential unit and is used by the same household. It contains no kitchen facility and no laundry facility.

No further buildings are proposed.

The development also includes a swimming pool with a paved courtyard between it and pavilion 3, decking adjoining the principal residential unit, and a parking area to the west of the buildings served by the existing driveway, as shown on the plans.

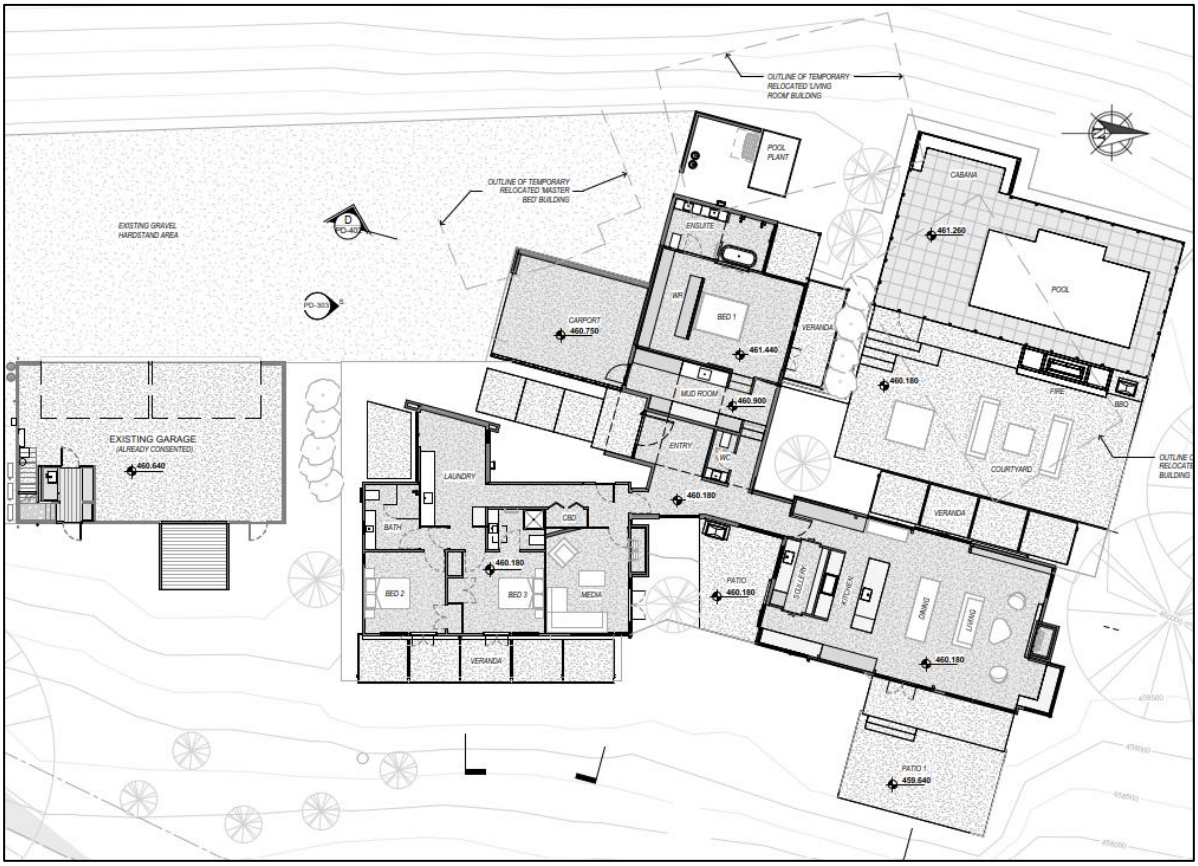


Figure 3: *Proposed residential unit, and location of consented residential unit under RM260231.*

3.2 Earthworks

Earthworks are necessary to form the building platform and hardstand areas on which the relocated buildings will be placed on permanent foundations, and to reinstate the temporary storage benches formed under RM260231.

The earthworks consist of the following:

- Cut volume: approximately 1,087m³
- Fill volume: approximately 606m³
- Total volume: approximately 1,693m³
- Maximum depth of cut: approximately 2.7m
- Maximum height of fill: approximately 2.2m
- Area affected by earthworks: approximately 1,500m², comprising approximately 1,350m² around the house and approximately 150m² of bunding

An Environmental Management Plan for a Medium Risk activity is attached in [**Attachment H**].

Approximately 75m³ of hardfill will be imported to the site for use beneath the house and pool and courtyard slabs, with the balance of the fill volume derived from on-site cut. The works will be undertaken in stages with progressive stabilisation, consistent with the methodology adopted under RM260231.

3.3 Section 127 variation

Three partially buried 30,000 litre water tanks were authorised under RM260231 in a location within the registered building platform. Since the consent was granted, the tanks have been installed in a slightly different position outside of the building platform, as shown in **Figure 4** below.

A change of conditions under section 127 of the RMA is therefore sought to Condition 1 of RM260231, so that the development is undertaken in accordance with the amended plans showing the tank locations. The change to Condition 1 is confined to the location of the tanks. No change is sought to the number, size or design of the tanks or to their partially buried treatment. A separate change is sought to the lighting conditions imposed under RM260231.

That change is the deletion of Conditions 12 and 13. Condition 12 requires all skylights other than the bathroom skylight to be fitted with opaque or blackout blinds, and Condition 13 requires those blinds to be fully closed between sunset and sunrise whenever interior lighting is in use within any room containing a skylight.

Conditions 11 and 14 are not affected and will continue to apply, so that only fixed, downward-directed internal light fittings may be installed within any room containing a skylight, and internal lighting within the bathroom remains sensor-operated. All exterior lighting will continue to be directed downwards and away from adjacent roads and sites.

Condition 11 is the mechanism by which upward light spill from roof glazing is managed, and it is retained. No standard in the Proposed District Plan requires window

or skylight treatments, and no assessment undertaken at Stage 1 identified a residual effect that made that level of control necessary. The effects of the deletion are assessed in Section 5.5.

The Landscape Assessment records that the earth mound formed under RM260231 has been extended further along the Dalefield Road boundary than shown on the approved landscape plan, as far as the group of silver birch trees. The change of conditions sought therefore also covers the amended landscape plan, so that the as-built mound and the planting now proposed are authorised under a single set of approved plans.

The tanks are set back approximately 3.1m from the southern boundary of the site and are partially buried into the ground. Whilst they are under 2m in height each of the tanks is over 5m^2 in area.

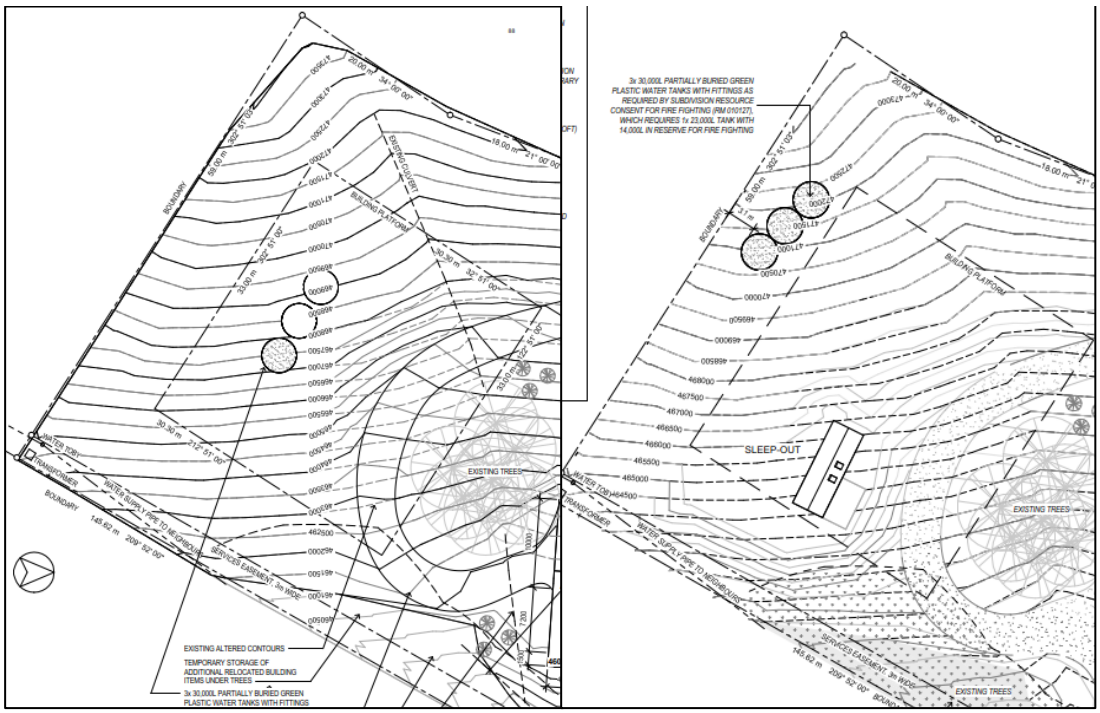


Figure 4: Plans of approved water tank location under RM260231 (left), and proposed new location (right)

3.4 Section 221 consent

Consent is sought under s221 of the RMA to amend Condition 3 of Consent Notice 5827552.1 to enable the construction of dwellings outside of the registered building platform.

As the Consent Notice was varied under RM260231, the below proposed wording takes this authorised amendment into account:

The proposed amendment is as follows (added text shown **underlined and in bold**, and deleted text with a ~~strikethrough~~):

3. Any dwelling on Lot 2 shall be constructed within the building platform shown as 'D' on D.P. 315607, with the exception of the residential ~~**unit**~~ **flat and the residential unit** approved under ~~RM260231~~ **RM[xxxxxx]**.

This wording follows the form of the amendment granted under RM260231 and is deliberately confined to the buildings authorised by that consent and by this application. It does not create a general ability for any future dwelling to be established outside the registered building platform. The sleep-out does not need to be captured by the amendment, as it is located within the building platform and is therefore already provided for by the condition as it stands.

3.5 Landscaping

A Landscape and Visual Assessment and landscape plans have been prepared by LAND Landscape Architects and are provided in [**Attachments F and G**]. The Structural Planting Plan (drawing L2A, Revision A, dated 18 August 2026) provides for the following:

- retention of the tussock mix, maple trees and dogwood trees consented under RM260231;
- additional Cornus 'Greenvale' (dogwood) trees around the parking area, driveway and building group, planted at approximately 2m in height and reaching approximately 2.5m at five years and approximately 4m at maturity;
- additional maple trees either side of the driveway, to soften the entry to the property and partially screen the western end of the bedroom wing;
- a native mix planting group in the south-eastern corner of the site comprising Coprosma propinqua, Coprosma rugosa, Olearia odorata and Sophora microphylla, planted at 2.5L grade and approximately 1.5m centres;
- a Prunus lusitanica hedge along the eastern site boundary up to the overhanging conifers, together with a further group of Cornus trees, to screen the buildings from the accessways at 172 and 176 Dalefield Road;
- an extension of the earth mound formed under RM260231 along the Dalefield Road boundary, as far as the group of silver birch trees; and
- a further earth mound of approximately 1m in height below the group of silver birch trees, planted in native grey shrubland species, to prevent views into the site from Dalefield Road where it passes the eastern corner.
- The Structural Planting Plan and sheet PD-102 also show the branches of the group of large pine trees on the adjoining property that overhang the south-eastern boundary being cut back to the boundary line. The trunks of those trees stand on the adjoining property and are not affected. The works are confined to the branches that encroach over the subject site, which the Applicant is entitled at common law to cut back to the boundary without the consent of the tree owner.

Existing silver birch trees within the site will be retained. Views towards the site from Dalefield Road are identified on the Structural Planting Plan, and are illustrated from three viewpoints in the accompanying visual assessment photographs.

The proposed planting supplements the landscaping approved under RM260231. Two departures from the approved landscape plan arise: the earth mound along the Dalefield Road boundary has been extended, and the neighbouring pine trees overhanging the south-eastern boundary are to be trimmed back to the boundary. Both are covered by the change of conditions sought in **Section 3.3**.

3.6 Servicing and infrastructure

A revised suite of engineering reports has been prepared by Kirk Roberts Consulting covering the whole of the development, being the principal residential unit, the residential flat (garage) and the sleep-out. These comprise a Geotechnical Assessment Report (Revision 2) dated 17 August 2026, a Wastewater Report (Revision 2) and completed QLDC On-site Wastewater (OSET) Application, and a Stormwater Report (Revision 2) dated 18 August 2026, each provided at **Attachments [I] to [K]**. The location of the effluent disposal system, the stormwater disposal system and the stormwater disposal field is shown on sheet PD-101.

Water supply. The site is connected to the Dalefield Water Scheme with an allocation of 3,000 litres per day. The completed development comprises one residential unit and one residential flat, together with the sleep-out and the existing on-site storage of approximately 90,000 litres in the three water tanks authorised under RM260231.

Firefighting water. The three tanks provide approximately 90,000 litres of on-site static storage, of which a minimum of 45,000 litres will be maintained at all times as a static firefighting reserve, separate from potable storage for domestic use. Sheet PD-101 records a firefighting connection within 90m of all proposed buildings, served from a hardstand area with access from the existing driveway. The original subdivision consent RM010127 required a single 23,000 litre tank with a 14,000 litre firefighting reserve; the storage now provided substantially exceeds both that requirement and the 45,000 litre standard imposed under RM260231.

Wastewater. All wastewater will be treated and disposed of on site in accordance with the Kirk Roberts Wastewater Report (Revision 2), which has been prepared for the whole development. A QLDC On-site Wastewater Application has been completed and accompanies this application. The site is not located within the Lake Hayes Catchment identified in Schedule 24.9.

Stormwater. Stormwater from all impervious areas will be disposed of on site in accordance with the Kirk Roberts Stormwater Report (Revision 2). Overland flow across the site will continue to be directed to the existing culvert at the south-eastern boundary, and the existing flow path will be maintained.

Access and power. No new access is proposed. Power and telecommunications connections are established and will be extended underground to the proposed buildings.

4 Statutory Provisions

4.1 Queenstown Lakes Proposed District Plan

The site is located within the **Wakatipu Basin Lifestyle Precinct** under the Proposed District Plan as shown in **Figure 5** below. Specifically, the site is located within Landscape Character Unit 5 – Dalefield, which sets out the specific characteristics and values of this area.

There are no relevant rules under the Operative District Plan, as the corresponding Proposed District Plan rules are treated as operative pursuant to section 86F of the RMA. This position was accepted by the Council in the RM260231 decision.

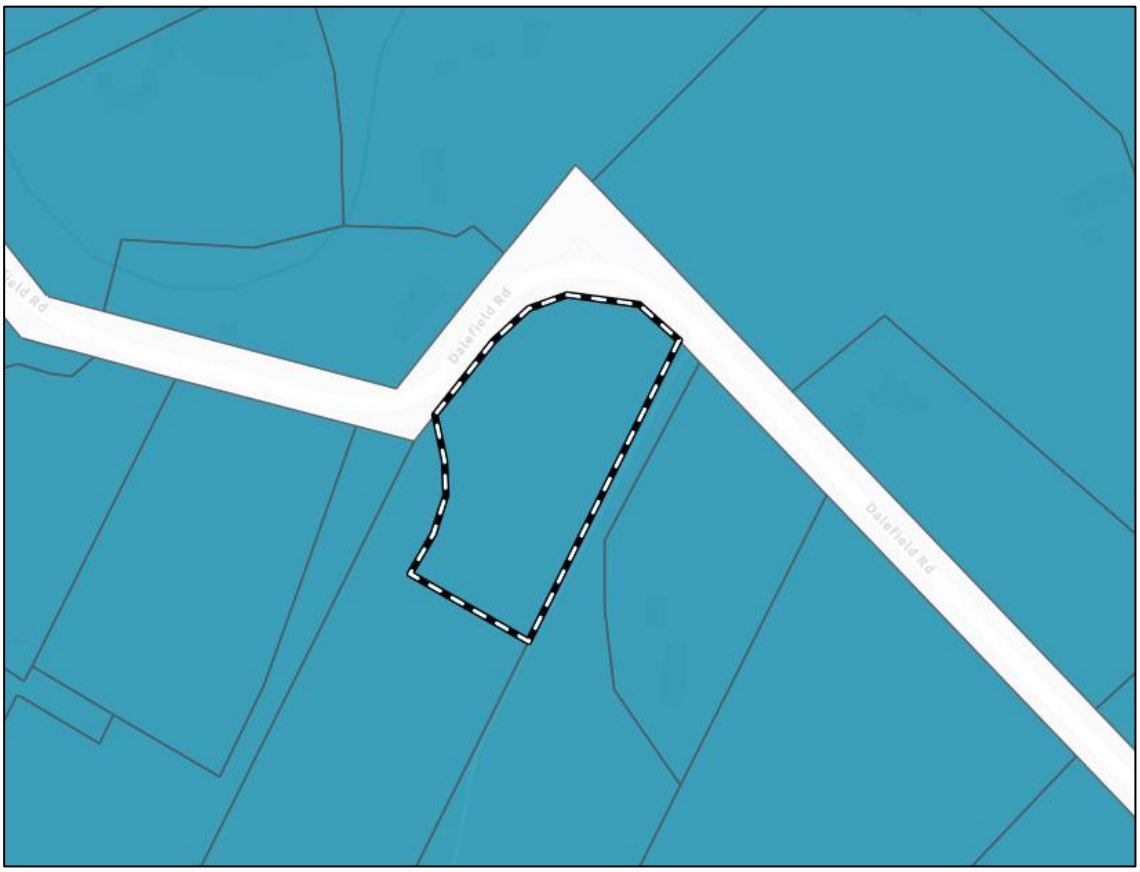


Figure 5: *Proposed District Plan zoning of the subject site.*

4.1.1 Wakatipu Basin

- Rule 24.4.5.1 applies to the construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent and registered on the applicable record of title. In this case, the sleep-out is located within the registered building platform. Consent is therefore sought for a **Controlled Activity**. Control is reserved to the following matters:

a. Effects on landscape character associated with the bulk and external appearance of buildings;
b. Access;
c. Infrastructure;
d. Landform modification, exterior lighting, landscaping and planting (existing and proposed).
e. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.

- Rule 24.4.7 applies to the construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable record of title. It is proposed to construct a residential unit outside of the building platform, therefore resource consent is sought for a **Non-Complying Activity**.

  This rule applies to both the principal residential unit and the residential flat, each of which is located outside the registered building platform. It does not apply to the sleep-out, which is located within the platform.

- Rule 24.5.1.1 provides that for sites with a net site area of 1 hectare or less zoned Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site is permitted. The proposal provides for one residential unit, being the principal residential unit, together with one residential flat ancillary to it. The sleep-out is an accessory building and contains no kitchen or laundry facility. The standard is complied with and no consent is required under this rule.

- Rule 24.5.2.1 requires that, within the Wakatipu Basin Lifestyle Precinct, any residential flat must be separated from the principal residential unit by no more than 10 metres. The residential flat will be located no further than 10m from the principal residential unit and the standard is therefore complied with. This is the rule that the Council reserved for assessment at Stage 2, and no consent is required in respect of it.

  The relocated garage satisfies each limb of the definition of “residential flat” in Chapter 2 of the Proposed District Plan, being that it:

  a. has a floor area of approximately 100m^2, which is within the 150m^2 maximum that applies in the Wakatipu Basin Rural Amenity Zone (excluding any garage or carport);

  b. contains no more than one kitchen facility;

  c. is the only residential flat proposed in association with the principal residential unit; and

  d. is situated on the same site and is held in the same ownership as the principal residential unit.

- Rule 24.5.4 requires exterior surfaces to be coloured within the range of browns, greens and greys. The window joinery of the residential unit is black, and

consent is therefore required for a **Restricted Discretionary Activity**. Discretion is restricted to the following matters:

a. Effects on landscape character associated with the bulk and external appearance of buildings;
b. Visual prominence from both public places and private locations.

- Rules 24.5.5 and 24.5.6 limit the ground floor area of all buildings on the site, and building coverage, to 500m^2. The architectural plans record a total ground floor area of 496m^2 and building coverage of approximately 565m^2. The building coverage includes the water tanks, pool and all buildings on site. Consent is required for a **Restricted Discretionary Activity**, with discretion restricted to the following matters:

  a. Building scale and form;
  b. Visual prominence from both public places and private locations.

- Rule 24.5.7 requires buildings to be set back from internal boundaries by 10m. In this case the three water tanks are set back approximately 3.1m from the southern boundary. Consent is required for a **Restricted Discretionary Activity**, with discretion restricted to the following matters:

  a. Building location, character, scale and form;
  b. External appearance including materials and colours;
  c. Landform modification/planting (existing and proposed).

- Rule 24.5.8.1 limits the maximum height of buildings to 6.5m. Pavilions 1 and 3 have a maximum height of approximately 3.68m and pavilion 2 approximately 3.71m, and the sleep-out and residential flat are lower again. All proposed buildings comply with this standard and no consent is required.

- Rule 24.5.9 requires buildings to be set back from any road boundary by at least 75m within the Precinct. In this case, the principal residential unit will be set back by approximately 23.8m from Dalefield Road at its closest point, and resource consent is therefore sought for a **Restricted Discretionary Activity**. It is noted that the registered building platform itself does not achieve the 75m setback along part of its western boundary. Discretion is restricted to the following matters:

  a. Building location, character, scale and form;
  b. External appearance including materials and colours;
  c. Landscaping/planting (existing and proposed).
  d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.

  Rule 24.5.9.3 however provides that the road setback standard does not apply to the construction of buildings for residential activity pursuant to Rule 24.4.5. The proposed buildings are therefore not subject to this standard. As with Rule

24.5.7, Rule 24.6.1(e) excepts Rule 24.5.9 from the general non-notification provision.

- Rule 24.5.19 requires new buildings for residential activity to be provided with firefighting water supply and access, either by way of a sprinkler system with 7,000 litres of dedicated storage or by way of at least 45,000 litres of maintained static storage with a compliant connection point, hardstand and access. The site holds approximately 90,000 litres of static storage in the three tanks authorised under RM260231, and sheet PD-101 records a firefighting connection within 90m of all proposed buildings. The standard is complied with and no consent is required under this rule.
- Rule 24.5.25 provides that the clearance of, works within the root protection zone of, or significant trimming of exotic vegetation greater than 6 metres in height within Landscape Character Unit 5: Dalefield is a **Restricted Discretionary Activity**. Sheet PD-102 and the Structural Planting Plan show the large pine trees on the adjoining property. The works proposed are confined to cutting back to the boundary line those branches that overhang the subject site. Consent is sought under this rule to the extent that the works engage it, with discretion restricted to the extent of the works, effects on landscape character and visual amenity, and replacement planting.

4.1.2 Earthworks

- Rule 25.4.2 permits a maximum volume of earthworks of 400m^3 in the Wakatipu Basin Rural Amenity Zone and Precinct. In this case the proposed volume of earthworks will be approximately 1,693m^3, consisting of a cut volume of approximately 1,087m^3 and approximately 606m^3 of fill. Consent is required for a **Restricted Discretionary Activity**, with discretion restricted to the following matters in accordance with Rule 25.7:
    - Soil erosion, generation and run-off of sediment.
    - Landscape and visual amenity values.
    - Effects on infrastructure, adjacent sites and public roads.
    - Land stability.
    - Effects on water bodies, ecosystem services and biodiversity.
    - Cultural, heritage and archaeological sites.
    - Nuisance effects.
    - Natural Hazards.
    - Functional aspects and positive effects.

Overall, the application is bundled and assessed as a **Non-Complying Activity**.

4.2 Resource Management Act 1991

Consent is required under section 127 of the RMA to change Condition 1 of RM260231 to reflect the as-built location of the three water tanks. An application under section 127 is to be considered as if it were an application for a resource consent for a discretionary

activity, and is limited in scope to the conditions of the consent rather than the consent itself.

The proposed activity requires resource consent under s221(3)(a) to vary Consent Notice 5827552.1.

This activity is a **Discretionary Activity** pursuant to 87B in accordance with Section 221 of the RMA which specifies than an application to vary or cancel any condition specified in a consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132.

It is proposed to vary Condition 3 of Consent Notice 5827552.1 as set out in **Section 3.4** above.

Rule 24.3.2.3 of the Proposed District Plan records the Council's guiding principle that requirements relating to building platforms and conditions of consents registered on a site's record of title remain binding unless altered or cancelled, and that whether it is appropriate to alter or cancel those conditions is to be assessed against the extent to which the application accords with the objectives and provisions of the Zone and Precinct. That assessment is undertaken in **Section 6.2**.

4.3 National Environmental Standards

In terms of compliance or otherwise with National Environmental Standards (**NES**), the only NES that is of potential relevance to this proposal is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**).

A review of the Otago Selected Land Use Sites map has been undertaken for the site, and there are no records of contamination nor HAIL activities having been undertaken.

In consideration of the abovementioned, it is reasonable to conclude that the site is not defined as a 'piece of land' under Clause 7 of the NESCS.

The National Policy Statement for Highly Productive Land 2022 is not considered relevant. The site is an approximately 9,664m^2 rural living allotment within the Wakatipu Basin Lifestyle Precinct, is not used for land-based primary production, and is not identified as highly productive land. The is mapped as Land Use Capability 4 meaning it does not fall into the category of Highly Productive Land.

5 Assessment of Effects

5.1 Introduction

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

This assessment is addressed under the following headings:

- Permitted baseline
- Effects related to landscape character and visual amenity
- Effects related to earthworks
- Effects related to servicing and infrastructure
- Effects related to the section 127 variation
- Effects related to s221 variation
- Positive effects

5.2 Permitted baseline

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

The permitted baseline provides guidance as to the effects of a proposal. The following considerations are relevant to determining a permitted baseline:

- Unimplemented resource consents (in this case there are none);
- Existing lawful activities on the site (in this case this isn't considered to be relevant);
- Activities that are permitted by the District Plan.

Unimplemented resource consents.

RM260231 has been given effect to and the residential unit, access, earthworks and water tanks authorised by that consent form part of the existing environment. The existing environment therefore includes one authorised residential unit outside the registered building platform, the formed access and hardstand, the completed earthworks and associated reinstatement, three 30,000 litre water tanks, and the landscaping approved under that consent.

Activities that are permitted by the District Plan

Chapter 25 of the Proposed District Plan permits earthworks where they do not exceed the stated permitted volumes and area. As the permitted volume was already exceeded within the Stage 1 consent, there are no relevant permitted effects.

There are no relevant permitted standards in relation to buildings within this zone.

Controlled Activities

While not part of the permitted baseline, Rule 24.4.5.1 anticipates the construction of buildings for residential activity, including residential flats, as a Controlled Activity where they are located within a registered building platform. The Council must grant consent to a controlled activity.

The site has the benefit of a registered building platform of approximately 1,000m^2 which has never been built on. A residential unit of up to 500m^2 in ground floor area could be constructed within that platform as a controlled activity, without the road, escarpment or waterbody setback standards applying. The sleep-out occupies a small part of that entitlement, and its effects fall to be considered against that entitlement rather than against an undeveloped platform.

5.3 Effects related to landscape character and amenity

The subject site is located within Landscape Character Unit 5 – Dalefield, within the Wakatipu Basin. In summary, the Proposed District Plan describes this area as characterised by extensive patterning of exotic vegetation that provide a high level of enclosure, longer-range views to the surrounding mountain context, land uses include rural lifestyle/hobby farming and rural residential, with dwellings scattered throughout the unit.

The Lifestyle Precinct Zoning anticipates change to existing settlement patterns including a 1-hectare average residential density, and settlement patterns that are sympathetic to the wider amenity landscape context. Characteristics and visual amenity values to be maintained or enhanced include unobtrusiveness of buildings and their integration via planting, and maintaining a sense of openness from Dalefield Road where there are existing views available.

Generally, there is a low perception of naturalness, and the unit has a high capability to absorb additional development.

A Landscape and Visual Assessment has been prepared by Rebecca Lucas of LAND Landscape Architects [**Attachments F and G**] and informs the following assessment. It follows the methodology in Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines and the assessment criteria in Strategic Policy 3.3.45 of the PDP. It defines a landscape character area comprising the south-east facing slope of the Wharehuanui Hills above Littles Road, including Dalefield Road to the top of the hill, and assesses effects against the character and visual amenity values of that area and of LCU 5.

The landscape character area is described as having an established rural residential character of mature deciduous and conifer amenity trees and shelter belts scattered among houses, with a high level of enclosure, low visual prominence and a strong sense of place. The values to be maintained or enhanced include the unobtrusiveness of buildings and their integration through planting, retention of existing vegetation patterns, and a sense of openness from Dalefield Road where views to the surrounding mountain context exist. There are no Outstanding Natural Landscapes or Features within the character area.

The principal residential unit will be located on the natural terrace to the north of the registered building platform. That area is flatter and lower than the platform, which avoids the extensive earthworks and retaining that development within the platform would require. Because the proposed location sits below the level of Dalefield Road where the road passes the western and north-western boundaries, long range views across the site to the Remarkables, Slope Hill and the Crown Terrace will be maintained over the top of the buildings. Where the road drops below the height of the buildings, the existing group of silver birch trees obscures views across the site.

The sleep-out is located within the registered building platform and is mostly screened from Dalefield Road by an existing semi-mature group of silver birch trees. The Landscape Assessment concludes that views of it will be limited and mostly screened by existing, consented and proposed vegetation.

The Landscape Assessment assesses views from three viewpoints on Dalefield Road, from Dalefield Road to the south-east of the site, and from the two neighbouring properties to the east. It records the following ratings:

- low from Dalefield Road below the site, reducing to very low as the proposed trees mature;
- low from Dalefield Road to the north-west, where the buildings will be partially visible above the earth mound and tussock planting;
- very low from Dalefield Road to the west, and very low in long range views from Dalefield Road to the south-east at a distance of over 1.5km; and
- very low from the two neighbouring properties to the east, reducing to negligible once the boundary planting establishes.

Views from the road are of very short duration, in the order of 50m of travel in either direction. The buildings will not be visible from the Shotover River or any other public place, other than possible long-range views from Coronet Peak and surrounding mountain trails, in which the buildings are small in scale and screened and softened by trees on the site and within the Dalefield area.

Mitigation is provided through the Structural Planting Plan, which extends the earth mound along the Dalefield Road boundary, adds a second planted mound below the silver birch trees, and introduces hedging and tree planting along the eastern boundary and either side of the driveway. Together with the existing silver birch trees and the

planting consented under RM260231, this will screen and soften the built form and add to the leafy character that distinguishes the Dalefield area.

The proposed materials are vertical cedar weatherboards, schist, and Colorsteel corrugate roofing and cladding in “Flaxpod” with a light reflectance value of 7%. These are recessive and appropriate to the rural character of the area, and the gable forms of the pavilions are similarly appropriate. The black window joinery does not comply with the colour range in Rule 24.5.4, but is a very small component of the building and was accepted on that basis at Stage 1.

The Landscape Assessment concludes that the environmental characteristics and visual amenity values described in LCU 5 will be maintained or enhanced because the proposed building will be integrated into the site and surrounding area via planting, the existing vegetation patterns will be maintained and a sense of openness from Dalefield Road will be maintained including the existing view over the site to the surrounding mountain landscape.

5.3.1 Effects on persons

For completeness an assessment has been undertaken on the properties and persons in close proximity to the subject site and development and provided below.

- 176 Dalefield Road lies below the site to the east. The dwelling is orientated to the west and has no outdoor living area or principal windows facing the site, and the proposed hedge and tree planting along the eastern boundary will screen the buildings from its driveway. The Landscape Assessment rates visual effects on this property as very low before the boundary planting establishes, reducing to negligible once it has.
- 172 Dalefield Road adjoins the site to the east, with its driveway running along the eastern boundary. The proposed hedge and tree planting along that boundary will screen the buildings from the driveway, and the dwelling itself lies a significant distance to the south and will not have views of the buildings.
- 154 Dalefield Road is at a significant distance to the south with the dwelling located over 230m from the boundary shared with the subject site. The water tanks are set back approximately 3.1m from the southern boundary but are partially buried, are not habitable, and give rise to no overlooking, noise or lighting effects.
- 177 Dalefield Road is located on the opposite side of the road, with the existing residential unit located at a significant distance, at approximately 240m, thereby mitigating potential adverse visual effects alongside the proposed landscaping.
- 159 Dalefield Road is located on the opposite side of Dalefield Road, north of the subject site. As the subject site slopes down from the road, the proposed buildings will be partially obscured with assistance from the earth bund and existing vegetation, reducing adverse visual effects.

- No other persons are considered to be affected due to distance from the subject site.

Views of the proposed buildings will be limited and at long distances, and adverse effects on persons are considered to be less than minor.

5.4 Effects of earthworks

Earthworks are proposed to establish the flat building area on which the relocated buildings will be placed on permanent foundations, together with associated hardstand and reinstatement of the temporary storage benches formed under RM260231.

A medium-risk Environmental Management Plan (**EMP**) has been provided by Ollie Behrent of Kirk Roberts Consulting [**Attachment H**] which has been used to inform this assessment.

The earthworks will be undertaken in stages, and after each stage is complete the ground will be progressively reinstated. Cut and cover methods will be used where necessary to cover areas of work where revegetation is not scheduled to occur immediately. These methods will help to prevent dust generation and erosion and sediment effects, and the progressive covering of earthworked areas will help to reduce potential adverse visual amenity and landscape effects, by ensuring that the earthworks are contained to limited areas at any one time.

An Erosion and Sediment Control Plan (**ESCP**) is provided within the EMP, showing that dirty water will be directed through the site towards a sediment basin at the lower portion of the site, and clean water will be diverted from the worked areas. Stockpiles will be managed by ensuring the soil is contained or wetted to prevent erosion or dust, placing them within the sediment fence area, and limiting their size. These methods will help to control dust generation and potential for erosion and sediment runoff.

A stabilised site entrance will be employed to prevent tracking of soil onto the road network, protecting public roading infrastructure.

No native vegetation removal is proposed, and the site is also not identified as having any heritage or cultural significance. The Geotechnical Report prepared by Kirk Roberts [**Attachment I**] identifies that there is an ephemeral stream located across the site from east-west, however the overland flow will continue to be directed through the existing culvert at the southeastern boundary.

The site is not identified as being of any elevated risk of natural hazards. The Geotechnical Report assessed this risk and concluded that the risk of all natural hazards is low, with a medium risk relating to erosion and sedimentation due to the slope of the site, however this has been addressed by the EMP controls.

A revised Geotechnical Assessment Report (**Revision 2**) has been prepared by Kirk Roberts covering both the principal residential unit and the sleep-out, and is provided at [**Attachment I**]. The earthworks will be supervised by a suitably qualified geo-professional, consistent with the conditions imposed under RM260231, and fill within

building footprints will be certified in accordance with NZS 4431:2022 or foundations specifically designed. The maximum depth of cut is approximately 2.7m and the maximum height of fill approximately 2.2m, with the works confined to an area of approximately 1,500m^2 in the vicinity of the house and the bunding.

The cumulative volume of earthworks across both stages is approximately 2,773m^3, which substantially exceeds the 400m^3 permitted standard. The works are nonetheless confined to discrete areas of the site necessary to form the building platform, hardstand and reinstatement areas, involve shallow cut and fill depths, are staged with progressive stabilisation, and will be fully reinstated and re-vegetated. The Council reached the same conclusion in respect of the Stage 1 earthworks.

For the above reasons, the proposed earthworks will be managed to ensure that any adverse effects are less than minor.

5.5 Effects related to servicing and infrastructure

Objective 24.2.4 and Policies 24.2.4.4 and 24.2.4.5 are directed at ensuring the efficient provision of infrastructure and adequate firefighting water and emergency access. Assessment Matter 24.7.6 addresses the adequacy of on-site wastewater disposal and water supply, and provision for firefighting.

Water supply. The proposed development comprises one residential unit and one residential flat. This level of development can be adequately serviced by the existing Dalefield Water Supply connection and does not result in any additional demand beyond the capacity available to the site. Accordingly, any effects associated with water supply capacity are considered to be less than minor, and no additional servicing measures are required.

Firefighting water. The site is approximately 10km from the nearest volunteer fire station. The tank storage described in **Section 3.6** provides the 45,000 litre static reserve required by Condition 21(h) of RM260231 in addition to potable storage, and a firefighting connection is located within 90m of all proposed buildings. Provision for firefighting is adequate for the completed development.

Wastewater and stormwater. Revised wastewater and stormwater reports have been prepared by Kirk Roberts for the whole of the development, including the sleep-out, and a QLDC On-site Wastewater Application has been completed. Wastewater will be treated and disposed of on site, and stormwater from all impervious areas will be disposed of on site, with existing overland flow paths and the culvert at the south-eastern boundary maintained. On that basis, effects on water quality, ecosystem services and the receiving environment will be less than minor.

Access and transport. The additional traffic generated by the completed development will be typical of a single rural living holding and will not affect the safety or efficiency of Dalefield Road.

Effects on infrastructure are considered to be less than minor.

5.6 Effects related to the section 127 variation

The section 127 variation is confined to the location of the three water tanks, which have been installed a short distance from their approved position and now sit outside the registered building platform, approximately 3.1m from the southern boundary rather than the 10m required by Rule 24.5.7.1.

The tanks are partially buried, with the ground reinstated around them. The Council accepted at Stage 1 that the land modification associated with the tanks is minimal for this reason. In their as-built position the tanks present as a low element within the landform rather than as a freestanding structure, and they are viewed against the rising land to the west and south.

The relevant effects of the reduced internal boundary setback are on the privacy, outlook and amenity of the adjoining property to the south, and on landscape character. The tanks are not habitable, generate no noise, lighting, activity or overlooking, and are largely below ground. The adjoining site to the south is a large rural residential holding and the nearest dwelling is at a considerable distance. The tanks are further screened by the existing landform and boundary vegetation.

For the above reasons, adverse effects associated with the section 127 variation and the reduced internal boundary setback are considered to be less than minor.

The section 127 change also seeks the deletion of Conditions 12 and 13 of RM260231. The effect that those conditions address is upward light spill from roof glazing, which Rule 24.5.17 seeks to avoid. That effect continues to be managed by Condition 11, which restricts internal fittings within any room containing a skylight to fixed, downward-directed fittings, and which is not proposed to be altered. The residual effect of the deletion is limited to diffuse light being visible through roof glazing at night.

The buildings sit below the level of Dalefield Road across the western and north-western boundaries, roof glazing is not visible from any public place other than in long range views, and the nearest dwellings are well separated and screened by existing and proposed vegetation. The receiving environment is a rural residential one in which domestic lighting is anticipated, as the Council accepted at Stage 1. Adverse effects associated with the deletion of Conditions 12 and 13 are therefore considered to be less than minor.

5.7 Effects related to the s221 consent notice variation

The consent notice was registered on the title in 2003 and at this time the land was zoned Rural A Zone under the Transitional District Plan. The site has since been rezoned to Wakatipu Basin Lifestyle Precinct, recognising that the area has unique qualities with various rural and rural residential uses, with distinctive landscape values.

It is therefore considered that the site context and planning framework have changed and this reflects a material change in circumstances, such that the proposed variation can be considered.

The Council accepted that reasoning in the RM260231 decision, finding that the current planning framework is materially different from that which applied when the consent notice was imposed, and that a variation limited in scope to the buildings approved by the consent was acceptable. The amendment now sought adopts the same approach.

Building platforms give certainty as to where future buildings will be located and guard against the sprawl of built form. The relevant context for assessing the amendment is therefore the landscape character and visual amenity of LCU 5 – Dalefield, which is characterised by well-established vegetation, amenity plantings and rural residential buildings. As set out in Section 5.2, views of the proposed buildings will be softened by additional planting, mounding and existing vegetation, and the buildings will not dominate views from Dalefield Road or from neighbouring properties.

The amendment does not remove the building platform or the discipline it imposes. The platform remains registered on the title, the sleep-out sits within it, and the amended condition continues to require any dwelling other than those specifically authorised to be constructed within it.

For the above reasons, the amendment to Condition 3 of Consent Notice 5827552.1 is considered to be appropriate, and adverse effects in this regard are less than minor.

5.8 Positive effects

The proposal is considered appropriate and will give rise to positive effects, primarily by enabling the Applicant to complete the residential development of their site in a relatively flat area, limiting the extent of earthworks and building modification that would otherwise be required if the whole of the development were constructed within the steeper building platform. The completed development provides the Applicant with the ability to provide for their own wellbeing and health and safety by utilising their site for residential activity.

The proposal also gives rise to the following positive effects:

- the re-use of existing relocated buildings, which avoids the disposal of sound building stock and the environmental cost associated with new construction;
- the completion and permanent reinstatement of the temporary storage arrangement authorised under RM260231, and the reinstatement and re-vegetation of the temporary benches, which removes an interim condition from the site;
- additional landscape planting and mounding beyond that already approved, which will further screen and soften built form on the site and contribute to the amenity planting pattern characteristic of the Dalefield LCU.

5.9 Conclusion

In consideration of the abovementioned, it is considered that adverse effects on the environment will be no more than minor, and adverse effects on persons will be less than minor. Adverse effects can be appropriately avoided, remedied or mitigated through the landscape mitigation and the proposal will be appropriate within this context.

6 Statutory assessment

6.1 Section 95, RMA

6.1.1 Section 95A assessment

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), public notification is not precluded by any rule in Plan or NES.

Moving to Step (3), notification is not required by a rule in a Plan or a NES, and as demonstrated in **Section 5** of this report, the adverse effects on the environment are considered to be no more than minor.

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

It is acknowledged that the proposal is a non-complying activity and that the Council is not precluded from publicly notifying it. The Council processed the Stage 1 application, which was also non-complying and involved the same site, the same landscape context and a comparable scale of works, on a non-notified basis. The present application does not extend built form into any part of the site that was not addressed at Stage 1, and the additional building for which consent is sought is located within the registered building platform.

6.1.2 Section 95B assessment

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2), nor is the proposed activity on or adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 in terms of Subclause (3).

In terms of Step (2), there are no relevant provisions within the District Plan precluding limited notification. It is noted that Rule 24.6.1 excepts Rules 24.5.7 (setback from internal boundaries) and 24.5.9 (setback from roads) from the general non-notification provision that applies to controlled and restricted discretionary activities in Chapter 24, and that the application is in any event non-complying. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties as a result of this proposal. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). For the reasons given in **Section 5.2.1**, there are not considered to be any affected persons.

In terms of Step (4), no special circumstances exist therefore the application may be processed on a non-notified basis.

With respect to the above, in consideration of the conclusions of the AEE, it is concluded that the proposal will result in no more than minor adverse effects on the environment, and there are no other circumstances requiring or warranting public or limited notification.

6.2 Section 104(1), RMA

Section 104 (1) of the RMA requires that the consent authority must, subject to Part 2, have regard to a range of matters when considering an application. Section 5 of this AEE addresses the matters contained in Section 104 (1) (a) and (ab).

In relation to section 104(1)(ab), the measures proposed by the Applicant to ensure positive effects on the environment, or to offset or compensate for adverse effects, are the landscape mitigation described in **Section 3.5**, the volunteered conditions listed in **Section 3.7**, and the covenant preventing further subdivision of the site offered in **Section 3.7**.

Section 104(1)(b) of the RMA requires that the provisions of any national policy statement, regional policy statement, plan or proposed plan be considered when assessing an application. In this instance, the most relevant planning document is the Proposed District Plan. No National Environmental Standards or National Policy Statements are considered relevant to this application. The Otago Regional Policy Statement 2021 is addressed briefly below, and the key Objectives and Policies of the Proposed District Plan are set out in the table that follows.

6.2.1 Otago Regional Policy Statement 2021

The Otago Regional Policy Statement 2021 is a relevant statutory instrument under section 104(1)(b)(v). The provisions of most relevance to this proposal are those relating to the maintenance of the values of rural and amenity landscapes, the management of land use so as to maintain water quality, and the efficient use of land and infrastructure.

The proposal is consistent with that direction. The development is contained within an existing rural living allotment served by existing access and infrastructure, uses land already committed to residential activity rather than land with productive value, disposes of wastewater and stormwater on site in accordance with the reports prepared by Kirk Roberts, and maintains the landscape character and visual amenity values of

the receiving environment for the reasons set out in **Section 5.2**. The offered covenant preventing further subdivision supports the efficient and orderly use of the land resource.

Specifically, the proposal will be consistent with the following objectives and policies:

- **LF-FW-O8** and corresponding policy, as works will be setback from any streams on site, with overland flow directed into an existing culvert rather than directly into the stream.
- **LF-LS-O12** and corresponding policies, as the earthworks are limited to the areas required for the development, with the buildings located on the flattest available parts of the site to minimise earthworks. Staged works and progressive rehabilitation will limit the extent of exposed soil and manage the potential for erosion, sediment and dust. All disturbed areas will be topsoiled and re-vegetated, maintaining the soil resource and reducing potential effects on freshwater values. The proposal also enables the social and economic use of the site while appropriately managing effects on land and soil.
- **LF-LS-O13** and corresponding policies, as the site is already zoned for rural lifestyle development, which anticipates a change from the existing rural land use and settlement pattern. The proposal is consistent with the anticipated 1-hectare average residential density and will maintain the wider rural amenity context through the siting and integration of buildings. The site is not anticipated to be used for primary production or rural industry, and the proposal will not compromise the ongoing use or long-term viability of surrounding rural activities.
- **EIT-TRAN-O10** and corresponding policies as the additional traffic generated by the completed development will be typical of a single rural living holding and will not affect the safety or efficiency of Dalefield Road.
- **UFD-O1** and corresponding policies, as the development provides for additional residential living and responds to the anticipated use of the site for residential development. The proposal will integrate with existing infrastructure and the surrounding rural lifestyle environment, with appropriate infrastructure provided to service the development. The development will be consolidated, well-connected and appropriately designed within the site, while maintaining the existing rural character and amenity values.

6.2.2 Proposed District Plan

Given the nature of the proposal and associated non-compliances, the relevant Objectives and Policies are focused on those associated with landscape character and visual amenity, rural living, infrastructure, relocated buildings, and earthworks, with these identified and assessed as follows.

District Plan Provision	Assessment
24 – Wakatipu Basin	

24.2.1 Objective	***Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.***	The buildings are located on the lower and southern parts of the site, below the level of Dalefield Road and within or adjacent to areas where built form is already established or anticipated. The sleep-out is located within the registered building platform. Built form is clustered rather than spread, retaining the sense of openness across the northern part of the site adjoining the road frontage. Additional planting and mounding under the Structural Planting Plan will screen and soften the built form. The Landscape Assessment rates landscape character effects as very low and concludes that the values identified for LCU 5 will be maintained or enhanced. The proposal is consistent with this objective.
24.2.1.6	*Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.*	The buildings are located on the flattest available parts of the site, which reduces the earthworks that would be required if the whole of the development were constructed within the steeper registered building platform. No new access is required. The earthworks are confined to discrete areas, involve shallow cut and fill depths, are staged with progressive stabilisation, and include reinstatement of the temporary benches formed under RM260231. The proposal is consistent with this policy.
24.2.1.8	*Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:* *a. controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.*	All exterior surfaces will comply with the colour and material standards of the zone, with the exception of the black window joinery, which is a very minor element with low visibility and which was accepted at Stage 1. All buildings comply with the 6.5m height standard. Built form is located below the level of Dalefield Road and set back behind the rising landform. The water tanks are partially buried and reinstated around. The proposed landscaping is consistent with the character of the area, being exotic amenity planting that contributes to seasonal change. The proposal is consistent with this policy.
24.2.1.9	*Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*	The buildings are located within the lowest area of the site and will be partly screened by the higher areas of the site and proposed and existing vegetation. As confirmed within the Landscape Assessment, views towards the ONL backdrop (Crown Range and Remarkables) will be retained. The proposal is consistent with this policy.
24.2.1.14	*Enable residential activity within approved and registered building platforms subject to achieving appropriate standards.*	The principal residential unit and residential flat are located outside the registered building platform, and the sleep-out within it. The ground floor area of all buildings is well within the 500m2 that the Plan contemplates, and all buildings comply with the height standard. The proposal is consistent with this policy.
24.2.1.16	*Manage lighting so that it does not cause adverse glare to other properties, roads or public places, or degrade views of the night sky.*	All exterior lighting will be directed downwards. The proposal is consistent with this policy.
24.2.1.19	*Require buildings, or building platforms identified through subdivision, to maintain views from roads to*	The buildings are located within the lower area of the site, below the level of Dalefield Road, and will be partly screened by the

	Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by: *a. implementing road setback standards; and* *b. ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while* *c. recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and dimensions, or the application of other setback requirements to the site.*	higher parts of the site and by existing and proposed vegetation. The Council accepted at Stage 1 that built form in this location sits below road level in views from the north and from the site entry and does not obstruct mountain views across the site. Views towards the ONL backdrop (Crown Range and Remarkables) will be retained. The buildings are set back as far as reasonably practicable from the road boundary, noting the small size of the site. The proposal is consistent with this policy.
24.2.4	***Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.***	The site is not located in proximity to any waterbody, noting that there is a stream to the north at a distance of approximately 70m from the site boundary. Wastewater and stormwater will be disposed of on site in accordance with the revised reports prepared by Kirk Roberts for the whole of the development, and a QLDC On-site Wastewater Application has been completed. The development uses the existing access and existing water, power and telecommunications connections, and does not require any extension of public infrastructure. Subject to confirmation of the water supply position addressed in **Section 5.4**, this objective is met.
24.2.4.4	*Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.*	The site holds 90,000 litres of on-site static water storage in three 30,000 litre tanks authorised under RM260231, which is capable of providing the 45,000 litre firefighting reserve required by Condition 21(h) of that consent and by Rule 24.5.19 in addition to potable storage. Access from Dalefield Road to the hardstand area was formed to Council standards under RM260231. The proposal is consistent with this policy.
24.2.4.5	*Ensure development has regard to servicing and infrastructure costs that are not met by the developer.*	The development is fully self-serviced for wastewater and stormwater and uses the site's existing water connection and allocation. No new or upgraded public infrastructure is required and no servicing cost falls to the community. The offered covenant preventing further subdivision ensures that the site's existing water allocation cannot be split, consistent with the position recorded in RM260231. The proposal is consistent with this policy.
24.2.4.9	*Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and*	The landscape plan provides for a planted tussock mound and retention of existing tree

	planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, particularly in locations such as gullies and riparian areas, or to provide stability.	stands. The balance of the planting is exotic amenity planting, which the Landscape Assessment considers appropriate in this context given that the Dalefield LCU is characterised by exotic amenity planting patterns. No indigenous vegetation is proposed to be removed. The proposal is not inconsistent with this policy.
24.2.5	*Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.*	This objective enables rural living opportunities in the Precinct where landscape character and visual amenity values are maintained or enhanced. The proposal is a rural living use of a rural living allotment. For the reasons set out in **Section 5.2**, and as confirmed by the Landscape Assessment, landscape character and visual amenity values will be maintained. Minimal landscape modification is proposed and the proposed planting is consistent with established character and responds to the landscape values identified for the Dalefield LCU. The proposal is consistent with this objective.
24.2.5.1	*Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*	The development provides for rural living on an allotment zoned and sized for that purpose, in a manner that maintains the landscape character and visual amenity values identified for LCU 5 – Dalefield, being an area characterised by exotic amenity planting, rural residential land uses and scattered dwellings, with a High capability to absorb additional development. The proposal is consistent with this policy.
24.2.5.2	*Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.*	The proposal responds to the topography of the site by locating the principal buildings on the flattest available land below the road level, rather than imposing built form and substantial earthworks on the steeper registered platform. Built form is clustered, existing relocated buildings are re-used, and mounding and planting are used to integrate the development. The proposal is consistent with this policy.
24.2.5.4	*Implement lot size and development standards that provide for subdivision and development while ensuring the landscape character and visual amenity values of the Precinct are not compromised by the cumulative adverse effects of development.*	This policy is directed at the cumulative effects of development on the landscape character and visual amenity values of the Precinct. The proposal provides for one residential unit and one residential flat on a rural living allotment, with built form clustered on the lower and southern parts of the site and integrated by mounding and planting. The covenant offered by the Applicant maintains the site as a single holding in one ownership with a single access and a single set of services, so that the proposal does not contribute to the fragmentation of the Precinct. The proposal is consistent with this policy.
24.2.5.5	*Encourage the retention and planting of vegetation that contributes to landscape character and visual amenity values of the Precinct, particularly where vegetation is identified as an important element in Schedule 24.8, provided it*	A landscape plan has been prepared that includes retention of existing exotic stands of trees, planting of maple and dogwood trees, and a planted tussock mound. Whilst largely exotic, the landscape assessment considers these appropriate within the site context, noting that the Dalefield LCU already contains

	does not present a high risk of wilding spread.	patterns of exotic amenity plantings and the proposed species will be consistent and complimentary to this. The proposal is consistent with this policy.
25 – Earthworks		
25.2.1	*Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.*	The proposed earthworks will be undertaken in a staged approach with progressive rehabilitation that reduces the amount of soil exposed at one time, reducing potential for erosion, sediment and dust. The EMP proposes various measures to ensure that effects on the environment are minimised, including diversion of water through the site and control of stockpiles, and use of a stabilised entranceway. These reasons ensure the proposed earthworks are consistent with this objective.
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.*	An EMP and ESCP are proposed to help control these adverse effects, including that all work will be progressively stabilised, water will be diverted through the site, stockpiles will be managed, and a sediment basin will be utilised. This will effectively manage any potential sediment generation and erosion potential. The proposal is consistent with this policy.
25.2.1.2	*Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:* *a. Protects the values of Outstanding Natural Features and Landscapes;* *b. Maintains the amenity values of Rural Character Landscapes;* *c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;* *d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;* *Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.* *e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;* *f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and* *g. Maintains public access to and along lakes and rivers.*	The earthworks will be undertaken in stages, reducing the amount of earth exposed at one time and therefore reducing potential adverse visual effects, and maintaining the quality of the rural area. The earthworks will also not result in significant alterations to the existing site topography. There are no Significant Natural Areas or cultural or heritage values on the site, nor any public access areas. The proposal is consistent with these policies.
25.2.1.4	*Manage the scale and extent of earthworks to maintain the amenity*	The cumulative earthworks volume of approximately 2,773m3 exceeds the

	values and quality of rural and urban areas.	permitted standard by a substantial margin, and it would not be accurate to describe the works as minor by reference to volume alone. However the works are confined to the discrete areas required to form the building platform, hardstand and reinstatement areas, cut and fill depths are shallow, the works are staged so that exposed earth is limited at any one time, and all earthworked areas will be topsoiled and re-vegetated. Rural amenity values will be maintained. The proposal is consistent with this policy.
25.2.1.5	*Design earthworks to recognise the constraints and opportunities of the site and environment.*	The earthworks will be undertaken in a way that generally maintains the existing site topography, and are shaped to sit within natural contours, ensuring that the proposed driveway and residential unit are located in areas that need minimal modification to contain them. The proposal is consistent with 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.*	During construction a stabilised entrance will be used for the site to avoid tracking of soil onto the road network. The proposed earthworks will be progressively stabilised so as to reduce potential for erosion. The earthworks also do not exceed permitted cut depths, further reducing any risk of site instability. The proposal is consistent with 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 earthworks will be completed within three stages with stabilisation and rehabilitation being completed after each stage, which will reduce risk of adverse effects relating to dust generation. The works include reusing the cut volume as fill, with some fill being imported to the site, however truck movements will be minimal. The proposal is consistent with this policy.
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.***	The earthworks will generate minimal traffic movements as the majority of the cut will be reused as fill on the site, and only approximately 75m^3 of hardfill will be transported to the site, which will not be noticeable within the surrounding environment. The proposal is consistent with this policy.

6.3 Section 104D, RMA

As the application is a non-complying activity, consent may only be granted if the proposal passes one of the two limbs of the gateway test in section 104D(1). The limbs are alternatives. In this case both are satisfied.

Section 104D(1)(a) – adverse effects. For the reasons set out in **Section 5**, the adverse effects of the proposal on the environment will be no more than minor. The buildings are located in areas where built form is already established or expressly anticipated, effects on landscape character and visual amenity are managed through siting, mounding and planting, earthworks are staged and reinstated, servicing is provided on site, and no person is adversely affected. The first limb is satisfied.

Section 104D(1)(b) – objectives and policies. The test is whether the proposal is contrary to the objectives and policies of the Plan, which requires more than a finding that the proposal does not fully achieve every policy. For the reasons set out in the table above, the proposal is consistent with, or at least not contrary to, the objectives and policies of Chapters 24, 25 and 35.

In particular, the objective and policy framework for the Precinct enables rural living opportunities provided landscape character and visual amenity values are maintained (Objective 24.2.5) and enables residential activity within registered building platforms (Policy 24.2.1.14). The proposal is a rural living use of a rural living allotment which maintains landscape character and visual amenity values for the reasons set out in **Section 5.2**, and the covenant offered by the Applicant secures the open space and landscape mitigation in perpetuity. The second limb is satisfied.

6.4 Other matters – section 104(1)(c)

There are no other relevant and reasonably necessary matters to determine the application.

6.5 Purpose and principles of the RMA

We understand from case law that a consent authority is generally not required to consider Part 2 of the RMA beyond its expression in the relevant statutory documents. Notwithstanding this, and noting the requirements of Schedule 4 of the RMA, we provide the following assessment against Part 2 of the RMA.

The purpose of the RMA, as set out under Section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration. There are no matters of national importance under Section 6 that need to be recognised and provided for in this application.

The RMA specifies that particular regard shall be had to the relevant other matters listed in Section 7 including:

> *b) the efficient use and development of natural and physical resources.*
>
> *c) the maintenance and enhancement of amenity values.*
>
> *f) maintenance and enhancement of the quality of the environment.*

The proposal is considered to efficiently use the natural and physical resources of the site by enabling the site to be utilised for rural residential activity as anticipated within the zone, and as expected noting the presence of the existing building platform. The re-use of sound relocated buildings, rather than their disposal and replacement with new construction, is itself an efficient use of physical resources. As supported by the Landscape Assessment, the proposal will maintain visual amenity and landscape character values within the Wakatipu Basin Lifestyle Precinct, having regard to the identified values of the Dalefield LCU.

There are no matters under Section 8 that require consideration with respect to this application. The site is not identified in the District Plan or otherwise known to be of any cultural significance.

For the reasons outlined in this report, the proposal is consistent with the purpose and principles under Section 5, and the associated matters under Part 2 of the RMA. The proposal represents an efficient use of natural and physical resources, and will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment. It is considered that the proposal is consistent with the purpose and principles of the RMA and accords with the definition of sustainable management.

6.6 Conclusion

Resource consent is sought for a non-complying activity to complete the residential development of 156 Dalefield Road, being the establishment of a principal residential unit and ancillary residential flat outside the registered building platform, the retention of the sleep-out within the registered building platform, associated earthworks, a section 127 change of conditions to RM260231 to reflect the as-built location of the water tanks, and a section 221 variation to Condition 3 of Consent Notice 5827552.1.

The adverse effects of the proposal on the environment will be no more than minor and adverse effects on persons will be less than minor. The proposal is consistent with, and is not contrary to, the objectives and policies of the Proposed District Plan, and satisfies both limbs of section 104D. The proposal achieves the purpose and principles of the RMA.

It is respectfully requested that consent be granted on a non-notified basis.