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Application for Resource Consent to the Queenstown Lakes District Council:

Michael John Hannon

LAND USE CONSENT TO CONSTRUCT A RESIDENTIAL UNIT PARTIALLY OUTSIDE A BUILDING PLATFORM THAT BREACHES THE BUILDING COVERAGE, BUILDING HEIGHT AND EXTERIOR COLOUR STANDARDS, WITH ASSOCIATED EARTHWORKS; AND

S221 VARIATION TO CONSENT NOTICE TO BUILD OUTSIDE OF A REGISTERED PLATFORM.

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1 Executive summary

1.1 Overview

Michael John Hannon (**the Applicant**) applies to the Queenstown Lakes District Council (**Council**) for resource consent to undertake the following at 60 Dalefield Road, Dalefield, Queenstown (**the site**):

- construct a single residential unit on Lot 2 DP 339868, located partially outside of the registered building platform, which exceeds the building coverage, building height and exterior colour standards of the Queenstown Lakes Proposed District Plan (**District Plan**);
- associated earthworks to establish the building platform, access, parking and landscaped areas, exceeding the permitted volume and fill height;
- upgrading and extension of the existing access, on-site parking, water storage, firefighting and wastewater infrastructure, and landscaping; and
- a variation under section 221 of the Resource Management Act 1991 (**RMA**) to Condition (d) of Consent Notice 6598231.1, which restricts buildings to the registered building platforms.

The site comprises Lots 1 and 2 DP 339868 (4.07ha in total), held in two records of title under common ownership. The proposed residential unit is located on Lot 2 (3.07ha). The site is currently undeveloped and is accessed via an existing shared right of way from Dalefield Road.

The proposal is for a single residential unit comprising six bedrooms spread across a western and eastern wing, with associated living rooms, a central living and bar area, internal garden courtyard, three-car garage with attached home gym, and an outdoor swimming pool and terrace. Associated earthworks, access upgrades, servicing and a landscape-led planting plan that retains and reinforces the existing mature vegetation, schist walls and ponds on the site are also proposed. The works are intended to be undertaken in a staged manner, with the earthworks, retaining walls, access, services and landscaping to be completed first and the residential unit constructed thereafter.

The site is zoned **Wakatipu Basin Rural Amenity Zone** under the District Plan and is located within Landscape Character Unit (**LCU**) 1 (Malaghans Valley) and the Lake Hayes Catchment. Resource consent is required under the rules set out in **Section 4** of this report. The construction of the residential unit within the building platform is a Controlled Activity and the coverage, height, colour and earthworks infringements are Restricted Discretionary Activities; however, the location of the residential unit outside of the building platform and the height of the building above 8m are Non-Complying Activities. Bundled, the application falls to be considered overall as a **Non-Complying Activity**.

As a Non-Complying Activity, the application must pass one of the limbs of the gateway test in section 104D of the RMA. For the reasons set out in **Section 7**, it passes both: the adverse effects on the environment will be less than minor, and the proposal is not contrary to the objectives and policies of the Wakatipu Basin Rural Amenity Zone, being a single residential unit that maintains the landscape character and visual amenity values of the Malaghans Valley.

In summary, this Assessment of Environmental Effects (**AEE**) considers that the proposal will have less than minor adverse effects on the environment, having regard to the anticipation of residential development within the registered building platform, the siting of the building within the established and well-vegetated development node of the site, the low, articulated single-storey form of the building and its predominantly natural and recessive materials, and the retention and reinforcement of the existing vegetation that limits visibility of the proposal from outside of the site. The Landscape and Visual Effects Assessment prepared by Vivian + Espie concludes that adverse effects on landscape character and on views and visual amenity will be of a very low degree at most, and that the proposal will maintain the landscape character and visual amenity values of the site, LCU 1 and the Wakatipu Basin.

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

2 Site and surrounds

2.1 Site details

The site is located at 60 Dalefield Road, Dalefield, Queenstown as shown in **Figure 1** below. The site comprises Lot 1 Deposited Plan 339868, held in Record of Title 163928 (approximately 1.0ha), and Lot 2 Deposited Plan 339868, held in Record of Title 163929 (3.07ha), both under the ownership of the Applicant. The proposed residential unit is located on Lot 2. The records of title are enclosed as **Attachment [B]**.

The site is generally sloping down from the south-east to north-west. Lot 2 contains an existing 1,000m^2 registered building platform located near its south-western corner. Approximately 15m to the north-west of the building platform the land falls away more steeply to the north and north-west at slopes of approximately 15 to 20 degrees, forming a natural amphitheatre.

There are areas of existing well-established vegetation on the site, including clusters of mature trees and silver birches lining the driveway. Some existing trees within the site are protected under a landscape plan that was approved under a previous resource consent, which is discussed further in **Section 2.4**. This same consent authorised construction of four interconnected ponds on the site, which have been constructed and are framed by dry-stacked schist walls, but which are currently dry for most of the year. Large, mature cedars and mountain beech to the south and west of the building platform, together with a mixed exotic shelterbelt along the western boundary, provide a high degree of visual containment to the building platform.



Figure 1: *Aerial map of the subject site (GRIP)*

Consent Notice 6598231.1 (**Attachment [B]**) is registered against both records of title. Conditions (a) and (b) relate to domestic and firefighting water storage and the design of the effluent disposal system at the time a dwelling is erected on Lot 1, and require that effluent disposal areas are located greater than 50m from any watercourse or water supply bore. Conditions (c) and (d) require the building platforms on Lots 1 and 2 to be located as shown on the scheme plan, and require that any dwellings or structures on either lot are located within those 1,000m^2 building platforms. A snip of the title plan showing the location of the building platforms is provided in **Figure 2**.

There are no other relevant interests.

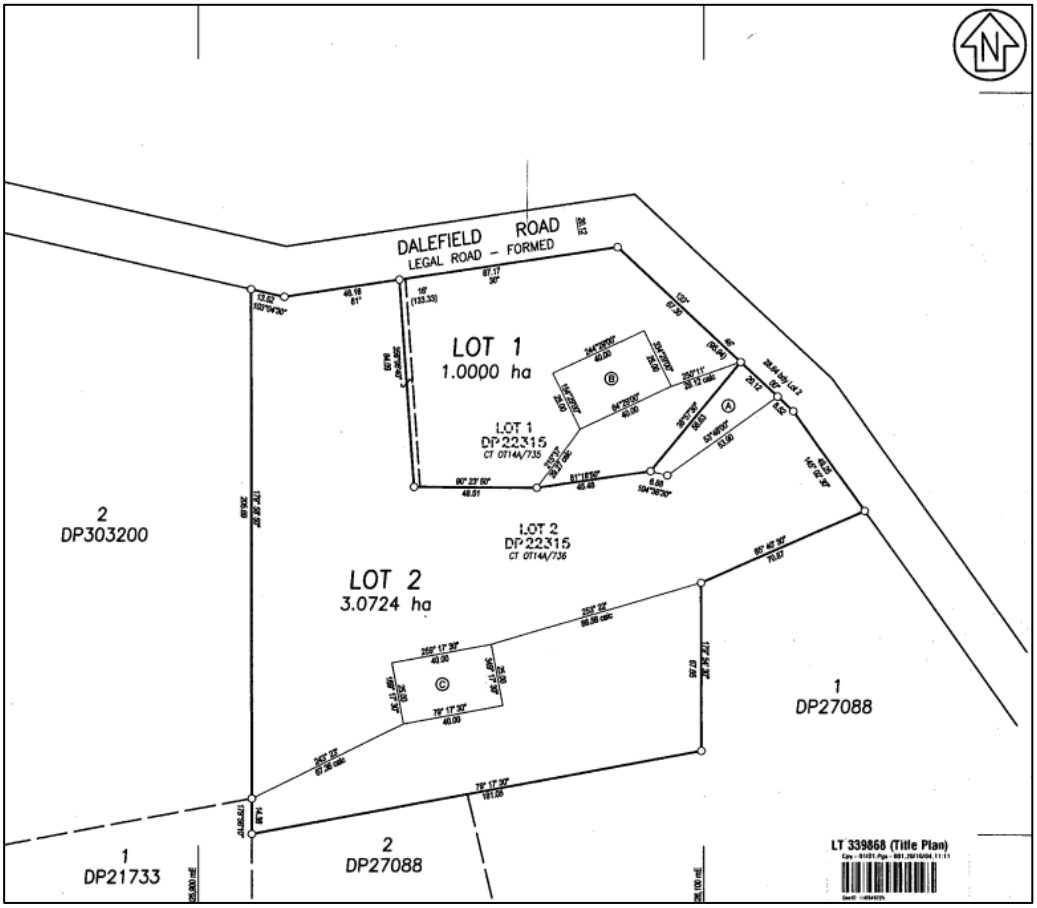


Figure 2: *Snip of the title plan (DP 339868) showing the location of the registered building platforms*

2.2 Access

The site is accessed via an existing silver birch-lined vehicle access from Dalefield Road. The access is shared between Lots 1 and 2 and reciprocal right of way and servicing easements are registered on both titles (refer **Figure 2**). The existing vehicle crossing adjoins Dalefield Road at a 90-degree angle and provides sightlines in both directions.

2.3 Surrounding environment

The surrounding area comprises a mix of predominantly rural residential activities on smaller lots, with occasional larger undeveloped lots, ranging from less than 4ha up to 4–10ha.

The site is located towards the northern edge of Dalefield. Surrounding sites in Dalefield are generally well vegetated with amenity and boundary planting, whilst the Malaghans Valley has a much more open and unvegetated landscape. Larger lots can be found within the wider environment within the Malaghans Valley area. The site occupies the upper part of the north-facing slopes of the Wharehuanui Hills, within a pocket of rural living development that adjoins the Wakatipu Basin Lifestyle Precinct at Dalefield.

An escarpment feature is identified within the planning map as traversing the adjacent properties to the south. The escarpment does not extend onto the site. The site is not located within any Outstanding Natural Landscape (**ONL**) or Outstanding Natural Feature (**ONF**), although the surrounding mountain ranges, including Coronet Peak, Mt Dewar and Brow Peak to the north, form part of the wider ONL that frames the Wakatipu Basin.

2.4 Existing consents

- **BC100586**: This building consent was issued in 2010 and authorised the demolition of an existing house that was located within the building platform. The house was originally relocated to the site in the 1970s and subject to later alterations.
- **RM020970:** This resource consent authorised a boundary adjustment and subdivision for a minor adjustment of the existing boundaries between the subject site and Lot 1 to the north. RM020970 also created the 1,000m^2 building platform on each lot. These building platforms are registered on the property titles with an associated Consent Notice 6598231.1, which requires that any dwellings or structures are to be located within the platforms.
- **RM041229**: This resource consent authorised 985m^3 of earthworks to construct four interconnected ponds, with an associated landscape plan. A snip of this plan is provided in **Figure 3** below. The landscape plan at **Attachment [E]** identifies the existing vegetation to be retained and protected, together with limited and targeted tree removal, as described in **Section 3.1**.

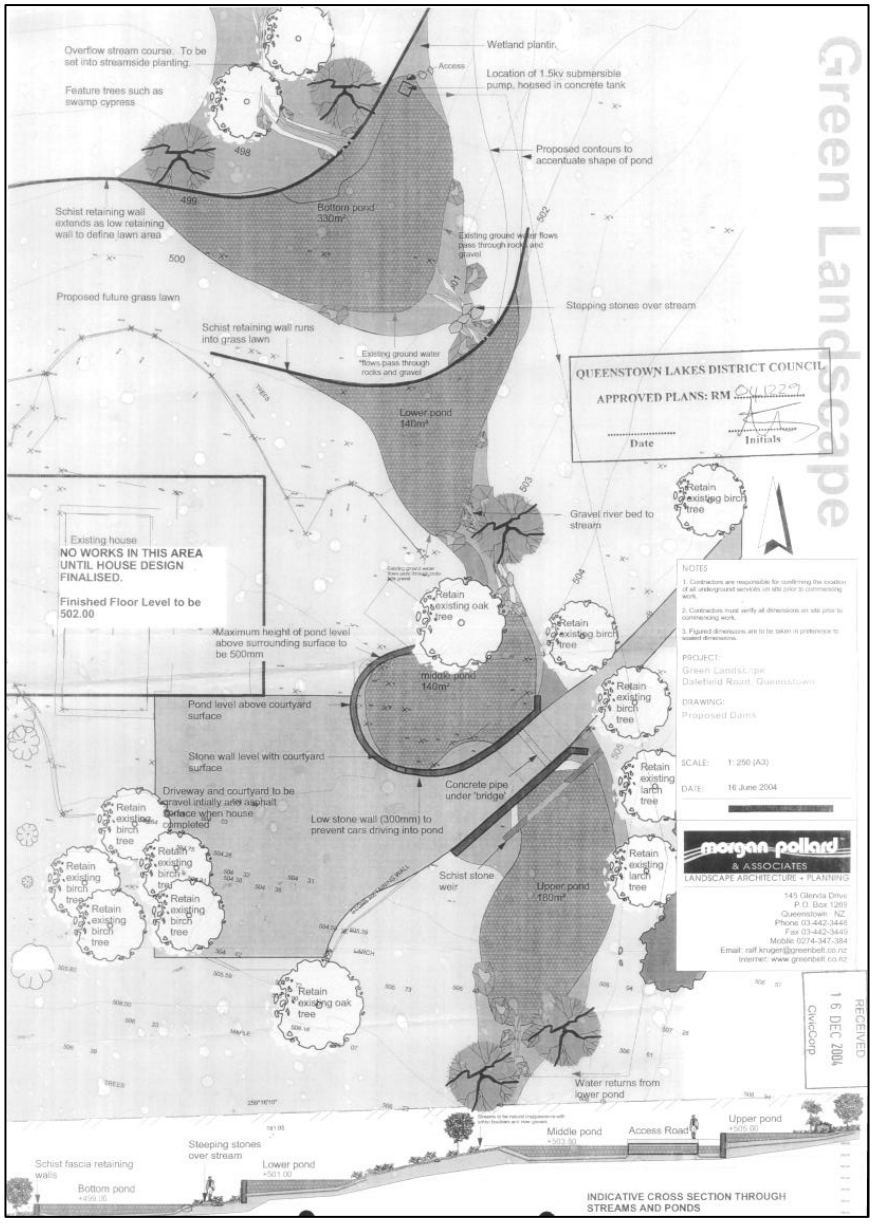


Figure 3: *Approved landscape plans under RM041229*

- **RM050611**: Authorised 1,800m^3 of earthworks in association with landscaping and contouring of the property, reconfiguration of existing services, and in relation to the approved pond network.

3 Description of the proposal

3.1 Overview

3.1.1 The residential unit

It is proposed to construct a residential unit on Lot 2, partially outside of the registered building platform (extending beyond the platform to the north and west), as shown on the Resource Consent issue architectural plans (Revision A, October 2026) prepared by Christian Anderson Architects (**Attachment [C]**). The residential unit is single storey and comprises six bedrooms spread across a western and eastern wing, with associated living rooms, a central living and bar area, internal garden courtyard, three-car garage with attached home gym, and an outdoor swimming pool and terrace.

The residential unit has a building coverage of 593m^2 (with a roof area of 888m^2) and will be partially located outside of the building platform as shown in **Figure 4**. The building is arranged as a series of gabled and flat-roofed pavilions around the central courtyard. The majority of the built form sits below a 6.5m rolling height plane. The 6.5m plane is exceeded by the upper parts of the three gabled roofs and the chimneys, and the 8m plane is exceeded only by the north-western gable, where the ridge sits approximately 0.75m above the 8m plane at the northern wall of the building, and by the tops of the chimneys at gridline 5 (by approximately 0.6m). The main ridge sits below the 8m plane. The maximum building height is therefore approximately 8.75m at the north-western gable, measured above existing ground level at the northern wall of the building (as dimensioned and hatched on the elevations in **Attachment [C]**).

The exterior materials and colours (**Attachment [D]**) take their cue from the wheat-coloured grasslands of the surrounding landscape and comprise:

- natural finish cedar board and batten timber cladding in wheat tones, finished in Resene Woodsman Whitewash (approximate light reflectance value (**LRV**) of 42–55%);
- natural shuttered concrete walls, landscape walls and mass seats (approximate LRV of 25%);
- flat electro pale bronze kinetic tray roofing, with the steel columns and beams, chimneys and APL aluminium joinery powder-coated to match (LRV of 19%);
- Viking TPO membrane in slate grey to the flat roofs (LRV of 20%); and
- new schist landscape walls to match the existing dry-stacked schist walls on the site.

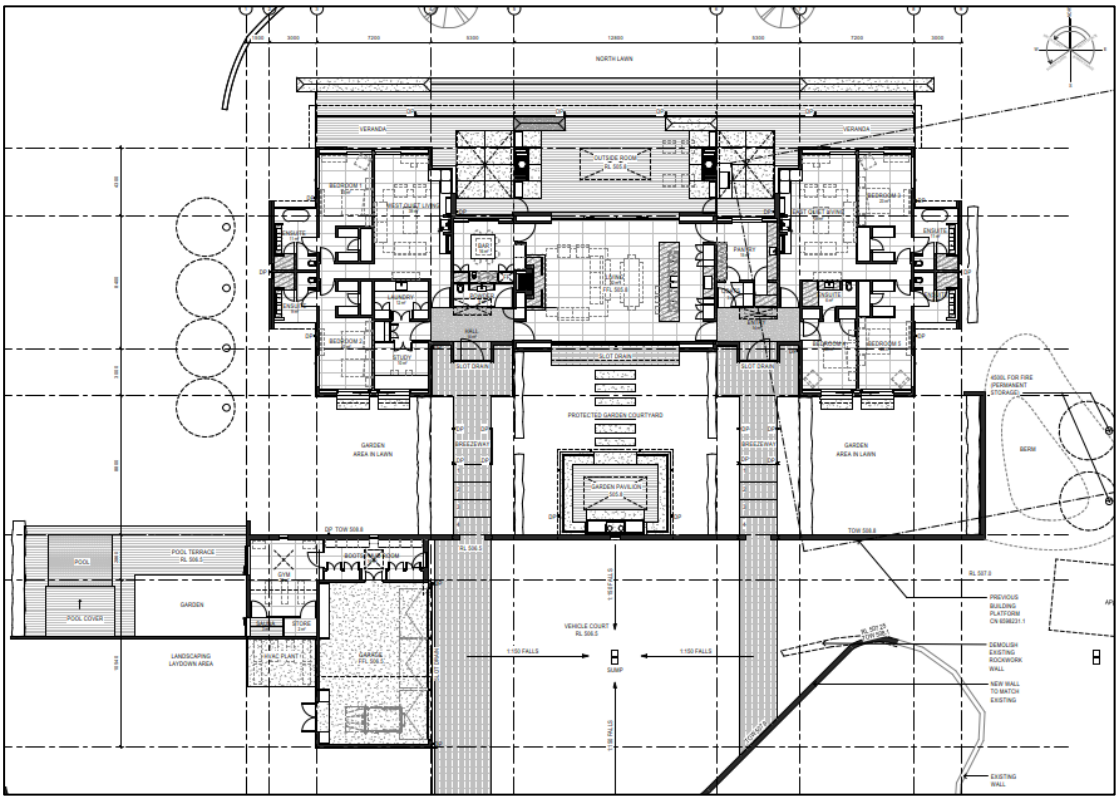


Figure 4: *Snip of proposed architectural plans, and location of registered building platform.*

3.1.2 Access and parking

The existing vehicle crossing to Dalefield Road and the silver birch-lined driveway are retained without change. Within the site the driveway will be upgraded and extended to the three-car garage, with a vehicle turnaround area, outdoor parking for guests and an 11m x 4.5m fire appliance hardstand adjacent to the dwelling, as shown on the site plan in **Attachment [C]**.

3.1.3 Earthworks

Earthworks are proposed to establish the level building platform and outdoor living areas, retaining walls, the upgraded and extended access, a vehicle turnaround area, guest parking and a fire appliance hardstand, together with the installation of services, water storage tanks, the swimming pool and the on-site wastewater system. The extent of the earthworks is shown on the engineering plans prepared by HFC Group (**HFC**) (**Attachment [J]**) and described in the Excavation, Filling, Silt & Sediment Control and Site Services Statement (**Attachment [H]**). In summary, the proposed earthworks comprise:

- an area of approximately 5,400m^2;
- a total volume of approximately 4,298m^3, comprising 1,733m^3 of cut (including over-excavation of existing uncontrolled fill and unsuitable material) and 2,565m^3 of fill (826m^3 of engineered granular fill beneath the building, access

and parking areas and 1,739m^3 of general fill), in addition to approximately 1,080m^3 of topsoil stripping that will be stockpiled and reused on site;

- a maximum cut depth of approximately 1.85m and a maximum fill depth of approximately 3.0m (at the north-western corner of the building and within the landscaped areas on the downslope side of the dwelling); and
- approximately 218m^3 of imported clean fill, with all other fill material site-won and reused for landscaping and contouring.

3.1.4 Landscaping

A structural landscape plan prepared by Suzanne Turley Landscapes (**Attachment [E]**) retains the key existing landscape elements of the site, being the schist walls, the ponds, the silver birch-lined driveway, the mature cedars, mountain beech and shelter planting, and the open grassland areas. Tree removal is limited and targeted, comprising two large gum trees in the south-east quadrant, the large pines in the south-west quadrant where the garage and service court are proposed, declining Lombardy poplars along the western boundary, and a number of small pin oaks growing too close to the established cedars. All large trees proposed for removal are exotic species.

New landscape works comprise the extension of the existing dry-stacked schist wall language to form the forecourt south of the house and a one-metre-high retaining wall north of the house, the refurbishment of the ponds as a native-planted wetland (approximately 1,280m^2 of wetland core, margin and overflow planting), the reinforcement of the western boundary shelterbelt with berry-bearing species, and restrained amenity planting within the curtilage of the dwelling.

Landscape lighting will be confined to the curtilage. Landscape renders are provided in **Attachment [F]**.

3.1.5 Services

The residential unit will be serviced by rainwater harvesting to three 22,500 litre potable water tanks and a 22,500 litre irrigation tank, supplemented by the existing water supply connection to the site; a dedicated 45,000 litre firefighting storage tank adjacent to an 11m x 4.5m fire appliance hardstand; on-site stormwater management that maintains the existing overland flow path and drainage pattern through the site; and an on-site aerated wastewater treatment system with a subsurface drip irrigation disposal field (minimum 150m^2, plus a 150m^2 reserve field) located to the east of the dwelling. Servicing is described further in **Section 5.4**.

3.1.6 Staging

The Applicant intends to undertake the works in a staged manner. Stage 1 comprises the bulk earthworks and retaining walls, including the removal and replacement of the existing uncontrolled fill and the formation of the building platform; the upgrade and extension of the access and the formation of the parking, turnaround and hardstand areas; the installation of services, including the water storage tanks, pipework and the

wastewater treatment and disposal system; and the landscaping works, including the tree removal, the refurbishment of the ponds and the boundary and curtilage planting. Stage 2 comprises the construction of the residential unit and the completion of the outdoor living areas, pool and terrace.

Stage 1 is intended to be undertaken ahead of Stage 2 so that the landscape framework is established and maturing by the time the residential unit is constructed. On completion of Stage 1, the building platform and all other areas disturbed by the earthworks will be topsoiled and grassed or planted, and the erosion and sediment controls will be maintained, until construction of the residential unit commences. Consent is sought for the proposal as a whole, and the staging does not alter the extent or nature of the works described in this report.

3.1.7 Consent notice variation

Consent is also sought under s221 of the RMA to amend Condition (d) of Consent Notice 6598231.1 to enable the construction of a residential unit outside of the registered building platform.

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

> *d) Any dwellings or structures constructed on either Lot 1 or 2 are to be located within the building platforms identified on scheme plan***, with the exception of the residential unit approved under RMxxxxxx**.

3.1.8 Conditions of consent

The Applicant will work through conditions of consent with the Council during processing, including the final exterior colours and finishes, the implementation and maintenance of the landscape plan, and erosion and sediment control during earthworks. It is requested that the Council's draft conditions be circulated to the Applicant prior to a decision being issued.

4 Statutory provisions

4.1 Queenstown Lakes Proposed District Plan

The site is located within the **Wakatipu Basin Rural Amenity Zone** under the District Plan as shown in **Figure 5** and is subject to the following overlays:

- LCU 1 – Malaghans Valley
- Lake Hayes Catchment

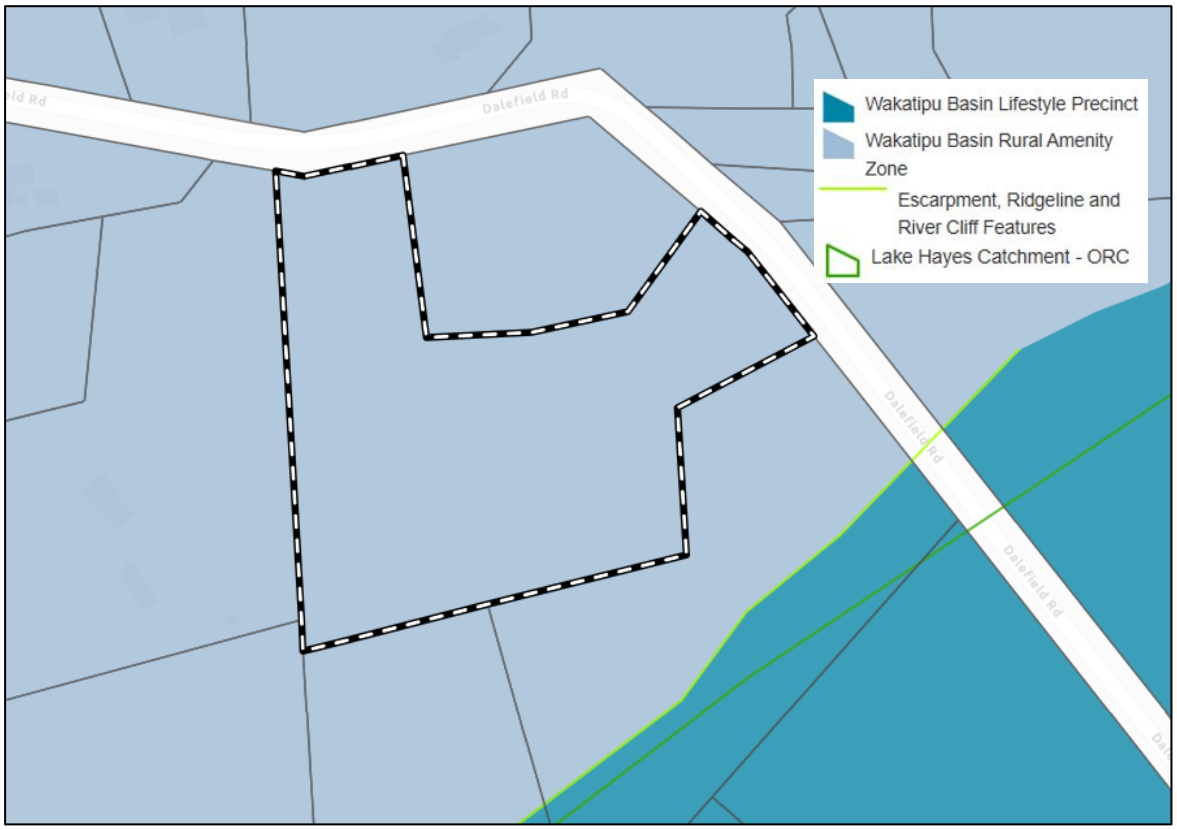


Figure 5: *District Plan Map* (*Queenstown Lakes Proposed District Plan*)

Resource consent is required under the District Plan for the following:

4.1.1 Chapter 24 – Wakatipu Basin

- A **controlled activity** pursuant to Rule 24.4.5.1 which applies to the construction of buildings for residential activity within a building platform approved by resource consent and registered on the applicable record of title. In this case the proposed residential unit will be located partly within the building platform.

  Control is reserved over 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); and
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.

- A **non-complying activity** pursuant to Rule 24.4.7 which applies to the construction of buildings for residential activity outside a building platform, where there is such a building platform. In this case the proposed residential unit will be located partly outside of the building platform.

- A **restricted discretionary activity** pursuant to Rule 24.5.4 which requires the exterior surfaces of buildings to be finished in browns, greens or greys, with roofs and pre-painted steel having an LRV of 20% or less (Rule 24.5.4.1) and other exterior surfaces having an LRV of 30% or less (Rule 24.5.4.2). In this case, the cedar board and batten cladding is proposed to be finished in Resene Woodsman Whitewash, a wheat tone with an LRV of approximately 42–55%. The remaining materials (pale bronze roofing, joinery and steelwork at LRV 19%, slate grey membrane roofing at LRV 20%, natural concrete at approximately LRV 25% and schist) comply with the standard. Discretion is restricted to effects on landscape character associated with the bulk and external appearance of buildings, and visual prominence from both public places and private locations.

- A **restricted discretionary activity** pursuant to Rule 24.5.6 for a building that exceeds 15% of net site area, or 500m^2, whichever is the lesser. In this case the proposed building has a building coverage of 593m^2, exceeding the 500m^2 standard by 93m^2.

  Discretion is restricted to the following matters:

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

- A **restricted discretionary activity** pursuant to Rule 24.5.8.1 where the maximum height of buildings exceeds 6.5m but does not exceed 8m. In this case, the upper parts of the three gabled roofs and the chimneys of the residential unit exceed the 6.5m rolling height plane, as hatched on the elevations in **Attachment [C]**. Discretion is restricted to visual prominence from public and private locations; external appearance, including materials and colours; and landform modification and planting.

- A **non-complying activity** pursuant to Rule 24.5.8.2 where the maximum height of buildings exceeds 8m. In this case, the north-western gable and the chimneys at gridline 5 exceed the 8m rolling height plane, by approximately 0.75m and 0.6m respectively, as a consequence of the fall of the existing ground beneath the northern side of the building, as hatched on the elevations

in **Attachment [C]**, with a maximum building height of approximately 8.75m at the north-western gable.

4.1.2 Chapter 25 - Earthworks

- A **Restricted Discretionary Activity** pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume in Table 25.2. In this case, Table 25.2 identifies a maximum volume of 400m^3 for the Wakatipu Basin Rural Amenity Zone, and it is proposed to undertake 4,298m^3 of earthworks related to site preparation.
- A **Restricted Discretionary Activity** pursuant to Rule 25.5.16 where the maximum height of any fill exceeds 2m. In this case the maximum proposed fill depth is approximately 3.0m. The maximum cut depth of approximately 1.85m complies with the 2.4m standard in Rule 25.5.15.

Discretion is restricted to the following matters:

25.7.1.1 Soil erosion, generation and run-off of sediment.
25.7.1.2 Landscape and visual amenity values.
25.7.1.3 Effects on infrastructure, adjacent sites and public roads.
25.7.1.4 Land stability.
25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.
25.7.1.6 Cultural, heritage and archaeological sites.
25.7.1.7 Nuisance effects.
25.7.1.8 Natural Hazards.
25.7.1.9 Functional aspects and positive effects.

4.1.3 Other district wide chapters

The following district wide chapters have been considered and, for the reasons given, no further consent is required under them:

- **Chapter 26 (Historic Heritage)**. No scheduled heritage feature is located on or adjacent to the site;
- **Chapter 27 (Subdivision)**. No subdivision is proposed;
- **Chapter 29 (Transport)**. The proposal uses the existing vehicle crossing to Dalefield Road and no new crossing is proposed;
- **Chapter 31 (Signs)**. No signage is proposed;
- **Chapter 32 (Protected Trees)**. No protected tree is located on the site and no trimming, alteration or removal of any protected tree is proposed;
- **Chapter 33 (Indigenous Vegetation)**. No indigenous vegetation clearance is proposed. The trees to be removed are all exotic species; and
- **Chapter 36 (Noise)**. The residential activity will comply with the district wide noise standards, and construction noise will comply with NZS 6803:1999.

4.1.4 Overall activity status

Applying the established approach of bundling the various components of an integrated proposal and assessing them against the most restrictive activity status, the application falls to be considered overall as a **Non-Complying Activity** under the District Plan.

This application is made for all activities for which consent is required for the proposal, whether or not specified above.

4.2 Resource Management Act 1991

The proposed activity requires resource consent under s221(3)(a) to vary Consent Notice 6598231.1.

This activity is a **Discretionary Activity** pursuant to section 87B of the RMA, in accordance with section 221(3) of the RMA which specifies that 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 (d) of Consent Notice 6598231.1 as set out in **Section 3.1.7** above, to allow for the construction of a building outside of the registered building platform.

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 has been undertaken for the site. There are no records of contamination nor HAIL activities having been undertaken on site.

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.

5 Assessment of Effects

5.1 Introduction

In accordance with section 88 and Schedule 4 of the RMA, an assessment of the actual and potential effects of the proposal on the environment is required, together with details of how any adverse effects are to be avoided, remedied or mitigated. The assessment below is undertaken at a level of detail that corresponds with the scale and significance of the effects that the activity may have on the environment.

The scope of the assessment is drawn from the matters over which control is reserved and discretion restricted under the rules identified in **Section 4**, the unrestricted discretion arising from the non-complying components, and the direction of the relevant objectives and policies set out in **Section 7**. The assessment is addressed under the following headings:

- the receiving environment and the permitted baseline;
- landscape character and visual amenity effects, including the building's location outside of the registered building platform and the height, coverage and colour infringements;
- access and servicing effects;
- earthworks and construction effects;
- water quality effects within the Lake Hayes Catchment;
- amenity effects on neighbouring properties;
- the effects of the consent notice variation; and
- cumulative effects and positive effects.

5.1.1 Receiving environment

The receiving environment against which effects are assessed is the Malaghans Valley and the lower, north-facing slopes of Dalefield Ridge: an open, gently rolling pastoral valley floor framed by the Dalefield hillslopes to the south, with rural residential dwellings on established, well-vegetated lots scattered along the elevated slopes around the Malaghans Road and Dalefield Road intersection. It includes the existing landscape structure of the site (the schist walls, ponds, birch avenue and mature shelter planting associated with the former dwelling), the lawful and permitted activities that may be undertaken on the site and on surrounding land, and a residential unit within the registered building platforms on Lots 1 and 2 as a Controlled Activity.

5.1.2 Effects excluded or disregarded

For the purposes of the public notification assessment, effects on the owners and occupiers of the land on which the activity will occur and on adjacent land are

disregarded (section 95D(a)). For the purposes of both the notification and substantive assessments, effects on persons who have given written approval and trade competition effects are disregarded (sections 95D, 95E(3)(a) and 104(3)(a)). Lot 1 DP 339868, which adjoins Lot 2, is in the same ownership as Lot 2 and forms part of the site, so no weight is given to any effect of the proposal on Lot 1.

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. There are generally three limbs to determining the baseline:

- unimplemented resource consents;
- existing lawful activities on the site; and
- activities which would be permitted as of right by the District Plan.

Case Law has also determined that because a consent authority must grant consent to a Controlled Activity, Controlled Activities should also be considered as part of the reasonably foreseeable environment, albeit not a “permitted” baseline.

5.2.1 Activities that are permitted by the District Plan

Under **Chapter 25 - Earthworks**, earthworks are permitted to be undertaken on the site up to 400m^3 in volume, with a maximum cut depth of 2.4m and a maximum fill height of 2m.

It is a permitted activity to construct farm buildings up to 50m^2 in area anywhere on the site, as long as the building complies with the required setbacks and height standards, and the total building coverage across the site does not exceed 15% of net site area or 500m^2, whichever is the lesser. Farming activity, fencing and the maintenance of the existing ponds, walls and driveway are also permitted.

5.2.2 Activities that are controlled by the District Plan

Under **Chapter 24 – Wakatipu Basin**, it is a controlled activity to construct buildings for residential activity within a registered building platform. This must comply with all relevant standards, including a maximum building height of 6.5m, maximum ground floor area of all buildings of 500m^2, and the building colour and light reflectivity standards in Rule 24.5.4. A dwelling of up to 500m^2 and 6.5m in height within the 1,000m^2 building platform on Lot 2, finished in recessive colours, therefore forms part of the receiving environment against which the effects of the proposal are to be assessed.

5.2.3 Analysis

Taken together, these scenarios establish that a dwelling of up to 500m^2 ground floor area and 6.5m in height, finished in recessive colours, could be established within the 1,000m^2 building platform on Lot 2 (and a further dwelling within the platform on Lot 1) without the Council being able to decline it, together with the earthworks, access, servicing and landscaping that go with it.

The baseline is not determinative and is relied on here as a comparison only.

5.3 Landscape character and amenity effects

The site is located within LCU 1 – Malaghans Valley. As described in Schedule 24.8 of the District Plan, this LCU is characterised by a relatively open and gently-rolling valley framed by the steeply sloping hills of Dalefield to the south, scattered exotic shelterbelts and amenity planting around dwellings and farm buildings, and exotic pasture grasses. The predominant land use is pastoral with pockets of rural residential, with the latter being generally scattered along the elevated hillslopes around the Malaghans Road and Dalefield Road intersection.

The LCU is highly visible from Malaghans Road, Coronet Peak Road and the walkways to the north, and generally it has a high degree of openness, however in places plantings provide a localised sense of containment and the hillslopes to the south of Malaghans Road display a reasonably high degree of complexity.

Overall, the LCU is described as being sensitive to development, and it has very low capability to absorb change.

A Landscape and Visual Effects Assessment dated 13 October 2026 (**the Landscape Assessment**) has been prepared by Jess McKenzie of Vivian + Espie **(Attachment [G]),** which assesses the values of the landscape in this location and surrounds and the likely extent of adverse effects on landscape character and visual amenity, in accordance with Te Tangi a te Manu (the Aotearoa New Zealand Landscape Assessment Guidelines) and the assessment matters in Rule 24.7.5 of the District Plan. The Landscape Assessment is supported by a context and viewpoint plan and photographs from five representative viewpoints on Coronet Peak Road, Coronet Peak Station Road and Dalefield Road.

The key findings of the Landscape Assessment are summarised as follows:

- the site and its context have high physical and perceptual values and moderate to high associative values, arising from the legible escarpment, terrace and gully landforms of the southern edge of the Malaghans Valley, the open pastoral setting with sparse and well-screened rural living development, and the scenic and rural identity of the valley as experienced from Malaghans Road;
- for the most part the proposed building is screened by topography and vegetation from outside the site. Views are limited to elevated locations on Coronet Peak Road and Coronet Peak, at distances exceeding 2km, where the

dwelling will appear as rural living of a similar scale and form to established development in the vicinity; glimpses from Coronet Peak Station Road and a short section of Dalefield Road; and partial views from the neighbouring properties to the south and west, whose principal views are oriented over the site towards Coronet Peak;

- the height infringements result from the filling of the sloping landform to create the level building area rather than from the scale of the façade, and the light-coloured cedar cladding, while exceeding the 30% LRV standard, is a natural hue that ties in with the surrounding environment; neither infringement will increase the visibility of the dwelling to neighbouring properties or public places in any meaningful way;
- the proposal represents a localised change within the south-western part of the site, where the topography is gentler and domestication is anticipated by the established building platform; it will not extend built form into parts of the property where development is not anticipated, will not materially alter the underlying landform or the established vegetation pattern, and will not alter the character of LCU 1 or the Wakatipu Basin;
- adverse effects on landscape character, and on views and visual amenity from each of the public and private locations assessed, are of a very low degree at most; and
- overall, the proposal will maintain the landscape character and visual amenity values of the site, LCU 1 and the Wakatipu Basin, and is consistent with the established pattern of rural living development within the locality.

Those findings are adopted for the purposes of this assessment. The following paragraphs draw on the Landscape Assessment and the application plans.

Existing landscape context. The site occupies the north-facing lower slopes of Dalefield Ridge at the southern edge of the Malaghans Valley. Unlike the open valley floor to the north, the part of the site in which the residential unit is proposed has a strong existing landscape structure: a silver birch-lined driveway, a series of ponds framed by dry-stacked schist walls, large mature cedars and mountain beech to the south and west of the building platform, and a mixed exotic shelterbelt along the western boundary. The building platform sits on the relatively level upper part of the site, with the land falling away to the north and north-west, so that the development area reads as a contained and well-vegetated amphitheatre rather than as part of the open valley floor. The site previously contained a dwelling within the building platform (demolished in 2010), and the schist walls, driveway and ponds associated with that dwelling remain legible as a domesticated curtilage.

Siting and extent of the building outside the platform. The residential unit is centred on the existing building platform and the domesticated area surrounding it. The central living pavilion and courtyard sit within or immediately adjacent to the platform, with the building extending beyond the platform boundary to the north and west, including the garage and gym wing to the south-west (**Figure 4**). The building therefore occupies the

same part of the site as the former dwelling and its curtilage, and does not extend residential development into the open grassland or onto the steeper northern slopes of the site. In landscape terms, the departure from the platform is a lateral expansion of an established development node rather than the introduction of built form into a new location.

Building form, scale and height. The dwelling is a single-storey building arranged as a series of separate gabled and flat-roofed pavilions around a central courtyard, rather than as a single large mass. The 24-degree gabled roofsare the tallest elements; the connecting flat-roofed elements, pergolas and garage sit at or below RL 508.8m. Because the ground falls from south-east to north-west beneath the building, the 6.5m and 8m rolling height planes are exceeded only by the upper parts of the gabled roofs and the chimneys, with the 8m plane exceeded only by the north-western gable (approximately 0.75m) and the chimneys at gridline 5 (approximately 0.6m) on the downslope side of the building (dimensioned and hatched on the elevations in **Attachment [C]**). From the south and east (the upslope side, including the approach from the driveway) the building presents as a low, single-storey form set well below the canopy of the surrounding cedars. The building coverage of 593m^2 exceeds the 500m^2 standard by 93m^2 (approximately 19%); however, the articulation of the plan into separate wings, the breaking of the roofscape into smaller gable and flat elements, and the single-storey height mean that the additional coverage is not expressed as additional visible bulk from any external viewpoint.

Materials and colours. The palette (**Attachment [D]**) is drawn from the wheat-coloured grasslands of the surrounding landscape and comprises natural timber board and batten cladding, shuttered concrete, pale bronze metal roofing and joinery, slate grey membrane roofing and schist. With the exception of the whitewashed cedar cladding (LRV approximately 42–55%), all materials comply with the colour and reflectivity standards of the District Plan. The lighter timber tone is used on the wall planes beneath the roof overhangs and verandahs, where it is shaded for much of the day and set against the darker roof, concrete and schist elements, and the natural timber will weather and soften over time. Given the low, single-storey form of the building and the degree of screening afforded by the existing and proposed vegetation, the lighter cladding is not expected to increase the visual prominence of the building to a material degree.

Landscape treatment. The landscape response (**Attachment [E]**) is landscape-led and expressly avoids a suburban character. The key existing elements that currently absorb built development on the site (the schist walls, ponds, birch avenue, cedars, mountain beech and shelter planting) are retained and protected, and tree removal is limited to exotic trees that conflict with the works, are in decline or are compromising the health of the more valuable cedars. New dry-stacked schist walls extend the existing wall language to form the forecourt south of the house and a one-metre-high retaining wall north of the house, tying the new works back into the existing pond wall system. Fences, gates and other hard landscape elements will use hardwood and schist with recessive, low-reflectivity finishes; the ponds are refurbished as a native-planted wetland; the western shelterbelt is reinforced; and landscape lighting is confined to the

curtilage. Planting within the curtilage is restrained and will be refined at detailed design. Because the landscaping is to be undertaken in Stage 1, ahead of the residential unit, the new boundary, pond and curtilage planting will have had at least one growing season to establish before the building is constructed, and the landscape framework that mitigates the building will be in place from the outset rather than following it.

Visibility and visual effects. The Landscape Assessment identifies the viewing audiences as Coronet Peak Road and Coronet Peak, Coronet Peak Station Road, Dalefield Road and the neighbouring properties to the south and west; the building is otherwise screened by topography and vegetation, including from Malaghans Road. From the elevated viewpoints on Coronet Peak Road and Coronet Peak the dwelling will be visible at distances exceeding 2km, in the peripheral view of road users and within the complex mid-ground of the wider panorama, where it will read as one of a number of rural living dwellings set within vegetation on the Dalefield slopes; the recessive materials, varied roof forms and the backdrop of topography and vegetation ensure that it will not be dominant. Glimpses are available from Coronet Peak Station Road and from a short section of Dalefield Road below the site, where the steep and winding alignment of the road means that most road users will not notice the building. Following removal of the pines the dwelling may briefly break the skyline in those views until the replacement mountain beech planting south of the dwelling establishes as a backdrop; because the landscaping is to be undertaken in Stage 1, ahead of the dwelling, that planting will be established and growing before the building is constructed. The landscape renders (**Attachment [F]**) illustrate the building from within the site and show the dwelling as a low, horizontal form beneath the canopy of the existing cedars and poplars. The Landscape Assessment rates the adverse effects on views and visual amenity from each of these locations as very low at most.

Conclusion. On the basis of the above, and consistent with the findings of the Landscape Assessment, the proposal is considered to maintain the landscape character and visual amenity values of LCU 1 and the wider Wakatipu Basin, and to result in adverse landscape and visual effects that are less than minor. In particular, the proposal does not introduce built form into the open or elevated parts of the site; it is low, articulated and finished in predominantly recessive natural materials; and it is set within, and will be further screened by, a mature and reinforced landscape framework.

5.4 Access and servicing effects

The site is accessed via the existing shared right of way from Dalefield Road. The existing access has a smooth gradient and the vehicle crossing adjoins Dalefield Road at a 90-degree angle t. The existing vehicle crossing and the silver birch-lined section of the access will be retained without change, noting that the access has historically served the previous residential unit within the building platform prior to its demolition in 2010.

Within the site, the access will be upgraded and extended to the garage, together with a vehicle turnaround area, guest parking and a fire appliance hardstand adjacent to the dwelling, as shown in **Attachment [C]**.

The nature and scale of use of the access (a single residential unit) will not change, and the proposal will not give rise to any new adverse effects on the safety or efficiency of the transport network.

The proposed residential unit will be serviced by on-site stormwater and wastewater infrastructure, together with a combination of the existing Dalefield water supply connection and rainwater harvesting. An Excavation, Filling, Silt & Sediment Control and Site Services Statement has been prepared and provided with the application as **Attachment [H]**. Roof runoff will be collected within rainwater harvesting tanks for potable water supply and irrigation, while surface water collected from subsoil drains and permeable landscaped areas will discharge to the existing overland flow path traversing the site. The proposed development has been designed to maintain this existing overland flow path and associated drainage patterns, with all new stormwater infrastructure to be designed and constructed in accordance with Council requirements and the New Zealand Building Code. Firefighting water will be provided by a dedicated 45,000 litre storage tank adjacent to the fire appliance hardstand, supplemented by the potable water tanks; the firefighting supply, connection and hardstand will be designed to meet SNZ PAS 4509:2008 at building consent stage.

Wastewater will be treated and disposed of on-site via a proposed aerated wastewater treatment system and subsurface drip irrigation disposal field located to the east of the dwelling. An Austin Bluewater ABS3000 (or equivalent) system is proposed, with a minimum 150m^2 primary disposal field and a 150m^2 reserve field. The engineering plans identify the location of the treatment system and disposal field clear of the principal building area and well separated from the ponds, the overland flow path and any watercourse (consistent with condition (b) of the consent notice), with associated pipework to be designed and constructed in accordance with Council requirements and the New Zealand Building Code. Detailed design of the wastewater treatment and disposal system will be undertaken as part of the Building Consent documentation. The discharge of treated domestic wastewater to land at this scale is anticipated to be a permitted activity under the Otago Regional Council's regional plan provisions, subject to compliance with the applicable standards.

A geotechnical report has been prepared by GeoSolve Limited (**GeoSolve**) and is provided as **Attachment [I]**. Groundwater was not encountered during the site investigations and is expected to occur at significant depth below the proposed earthworks and foundation levels. While perched groundwater may occur following periods of heavy rainfall, this can be appropriately managed through subsoil or contour drainage where required. The existing overland flow path adjacent to the building platform is to be maintained and appropriately managed as part of the development.

Overall, the proposed development can be appropriately serviced without reliance on additional public wastewater or stormwater infrastructure. The proposed servicing

arrangements have been incorporated into the engineering design and can be appropriately managed through detailed design and construction. Accordingly, any adverse effects associated with servicing, access and the operation of the transport network are considered to be less than minor.

5.5 Earthworks and construction effects

An Excavation, Filling, Silt & Sediment Control and Site Services Statement has been prepared by HFC **(Attachment [H])**, which sets out the proposed earthworks methodology and measures to manage potential adverse effects associated with construction.

Temporary noise and vibration effects may arise during excavation, filling and compaction works. The geotechnical investigations identify schist bedrock beneath the site at varying depths, and some excavation into rock may therefore be required. GeoSolve notes that rock breaking may be locally required where foundations are keyed into rock, although excavation of the upper surface of the rock is anticipated to be achievable using a toothed excavator in some locations. GeoSolve also considers that vibration-induced settlement is not expected in the soil types present, subject to geotechnical advice for works generating vibration and appropriate consideration of the neighbouring dwelling.

Any construction noise and vibration will be temporary and associated with establishment of the building platform, access, parking and manoeuvring areas, retaining walls, services and associated landscaping. Given the temporary nature of these activities, separation from surrounding dwellings and appropriate construction management, adverse noise and vibration effects are expected to be appropriately managed.

The proposed earthworks will extend over an area of approximately 5,400m² and comprise excavation and filling required to establish the building platform, access and parking areas, retaining walls, services and finished landscape contours. The maximum depth of cut is approximately 1.85m and the maximum depth of fill approximately 3.0m, with imported granular backfill and site-won material used to establish the required finished levels. HFC proposes that excavated material will, where suitable, be reused within the site as part of the landscaping works.

Potential dust effects will be temporary and confined to the construction period. Measures will include management of exposed surfaces and stockpiles, dampening where required, and ensuring roads are kept clear of dust and debris. These measures are considered sufficient to avoid dust giving rise to nuisance effects beyond the site.

The site contains existing overland flow paths which convey surface water generally northwards through the property. Accordingly, erosion and sediment controls will be established prior to earthworks, including silt fencing around the perimeter of the earthworks area. Exposed areas will be appropriately managed to prevent sediment-laden runoff entering neighbouring properties or the existing drainage network, and

exposed areas will be stabilised as soon as practicable following completion of the works. GeoSolve similarly recommends minimising the extent of exposed subsoil and establishing surfacing as soon as practicable.

In terms of land stability, the earthworks have been specifically considered by GeoSolve. Temporary and permanent cuts and fill batters will be formed in accordance with the recommendations of the Geotechnical Assessment, with retaining structures used where required. Uncontrolled fill and other unsuitable material beneath the proposed building and access areas will be removed and replaced with appropriately compacted engineered fill. Earthworks, foundation subgrades and engineered fills will be subject to inspection and certification by suitably qualified geotechnical professionals during construction. GeoSolve concludes that, aside from regional seismic risk, no existing natural hazards have been identified that require specific design consideration and that there are no adverse geotechnical implications for neighbouring properties during construction of the dwelling.

Overall, while the earthworks are relatively substantial in area and volume, they are principally associated with establishing the building platform and curtilage on the relatively level part of the site, removing the existing uncontrolled fill from beneath the building and access areas (which is a functional requirement identified by GeoSolve), and integrating the building into the existing landform. The earthworks will not be visible from outside the site once the building and landscaping are complete. With the proposed erosion and sediment controls, dust management measures and geotechnical recommendations implemented during construction, any adverse effects associated with earthworks, including noise, vibration, dust, sediment discharge and land stability, are considered to be less than minor.

The staging of the works means that the earthworks will be completed, and the disturbed areas topsoiled and grassed or planted, before construction of the residential unit commences. In the interim the site will present as a level, grassed platform and curtilage set within the existing and newly established planting, with the retaining walls formed in the existing schist wall language of the site. That interim condition is of low visibility for the same reasons set out in **Section 5.3**, and it is consistent with the pattern of landscaped curtilage that already exists around the former dwelling site. Completing the earthworks as a single stage also means that the area and duration of exposed ground is limited to one construction season, with the erosion and sediment controls maintained until the platform is stabilised, consistent with Policy 25.2.1.7.

5.6 Water quality effects – Lake Hayes Catchment

The site is located within the Lake Hayes Catchment identified in Schedule 24.9 of the District Plan. The contribution of, and methods adopted by, the proposal to improving water quality within the catchment is a matter of control under Rule 24.4.5, and Policy 24.2.4.2 seeks that development within the catchment contributes to improving water quality in a manner proportionate to its nature, scale and location.

The proposal contributes to water quality outcomes in the following ways:

- roof runoff is harvested for potable and irrigation use rather than discharged, and surface water from subsoil drains and the permeable landscaped areas is conveyed to the existing overland flow path and the refurbished ponds, maintaining the existing drainage pattern through the site;
- the existing ponds, which are currently dry for most of the year, are to be refurbished as a functioning wetland system with water recirculation and approximately 1,280m^2 of native wetland core, margin and ephemeral overflow planting (including *Phormium tenax*, *Carex secta*, *Carex virgata*, *Coprosma propinqua* and *Austroderia richardii*), which will filter sediment and nutrients from surface water passing through the site before it leaves the property;
- wastewater will be treated to a secondary standard by an aerated treatment system and discharged via subsurface drip irrigation to a disposal field located well away from the ponds, the overland flow path and any watercourse; and
- erosion and sediment controls will be in place during construction, as described in **Section 5.5**.

Overall, the proposal is considered to make a positive contribution to water quality within the Lake Hayes Catchment that is proportionate to the scale of a single residential unit, and any adverse effects on water quality are considered to be less than minor.

5.7 Amenity effects on neighbouring properties

The nearest dwellings to the proposed residential unit are located on the adjoining rural residential properties to the west and south, at separation distances of approximately 100m and 145m respectively. Lot 1 to the north is held in the same ownership as Lot 2.

The residential unit is single storey, is set back well in excess of the 10m internal boundary and 20m road boundary setbacks, and is separated from neighbouring dwellings by the existing mature cedars, mountain beech and shelterbelt planting along the western and southern parts of the site, all of which are to be retained and reinforced. The building is of a scale and character consistent with the rural residential dwellings of Dalefield, and the activity (a single household) is as anticipated by the zone and by the registered building platform.

Construction effects (noise, dust and vibration) are temporary and are addressed in **Section 5.5**. The Landscape Assessment notes that the dwellings on the properties to the south sit at a higher elevation than the site, with their key views over the top of the established trees within the site towards Coronet Peak and the mountains to the north, and that the dwelling on the property to the west is oriented north towards Coronet Peak, away from the proposed development, so that the development sits outside the primary view shafts of both. The considerable established evergreen vegetation between the development and those properties is to be retained.

Any adverse effects on the privacy, outlook or amenity of neighbouring properties are therefore considered to be less than minor, and no person is considered to be adversely affected by the proposal.

5.8 Effects of the consent notice variation

The consent notice was registered on the title in 2005, however the building platform was approved under RM020970 in 2002 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 Rural Amenity Zone, which is not a standard rural zone; recognising that the area has unique qualities with various rural and rural residential uses and 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. In addition, the dwelling that existed within the Lot 2 building platform when the consent notice was registered has since been demolished (2010), and the District Plan now provides a specific framework (Chapter 24 and Schedule 24.8) within which the location, scale and design of a building outside a registered platform can be assessed on its merits as a non-complying activity. The consent notice condition, which was designed for a different planning regime and a different dwelling, now obstructs rather than achieves the sustainable management of the site.

The purpose of residential building platforms is to give certainty to landowners of where future buildings will be located, and to ensure that building sprawl doesn't occur. As assessed in **Section** Error! Reference source not found. above, the location of the proposed residential unit is partly within the existing building platform, with construction in this location being anticipated by the presence of the building platform (albeit with a smaller building coverage and height), and the building remains within the established and well-vegetated development node of the site. The variation does not enable building sprawl across the site or onto Lot 1: it is limited to the single residential unit approved under this consent, and condition (d) will continue to apply to all other buildings and structures on both lots. The certainty that the consent notice provides to the owner of the only other burdened lot (Lot 1) is not diminished, as Lot 1 is in the same ownership.

For the above reasons, the amendment to Condition (d) of Consent Notice 6598231.1 is considered to be appropriate, and adverse effects in this regard are less than minor.

5.9 Cumulative effects

The proposal is for a single residential unit on a site that already contains a registered building platform for that purpose, and it does not create any additional allotments or building platforms. The variation to the consent notice is limited to the residential unit approved under this consent and does not enable further buildings outside of the platforms on either lot. Dalefield already contains a pattern of rural residential dwellings set within established vegetation on the elevated slopes above the valley floor, and the

proposal is consistent with that pattern rather than extending it. There is accordingly no precedent or cumulative effect arising from the proposal that would alter the character of the Malaghans Valley or the capacity of LCU 1 to absorb change.

5.10 Positive effects

The proposal will result in a number of positive effects. In particular, the development will provide a high-quality, architecturally designed residential unit that responds to the characteristics of the site and its landscape setting. The dwelling has been designed as a series of interconnected building forms arranged around a central protected garden courtyard, rather than as a single dominant built form. This arrangement, together with the variation in roof forms and levels, assists in visually breaking down the overall scale and mass of the development.

The proposal will also reinstate residential use of an established residential site, noting that the property previously contained a residential unit that was demolished in 2010. While the proposed dwelling extends beyond the previously approved building platform, its development will provide for the productive residential use and enjoyment of the property in a manner that has been specifically designed for its rural landscape setting.

The architectural design provides a high level of residential amenity for future occupants, including generous internal living spaces, multiple outdoor living areas, a central sheltered courtyard, north-facing lawn, pool and associated recreation areas. The arrangement of living and bedroom wings around the courtyard also provides a strong relationship between indoor and outdoor spaces and opportunities for occupants to experience the surrounding landscape.

The proposal will also deliver environmental benefits that extend beyond the site. The refurbishment of the ponds as a native-planted wetland will improve the quality of surface water leaving the site towards Lake Hayes and provide habitat; the reinforcement of the western shelterbelt with berry-bearing species will encourage birdlife; the removal of declining Lombardy poplars and other exotic trees in poor condition will improve the long-term health and structure of the site's tree cover; and the removal of the existing uncontrolled fill from beneath the building and access areas will resolve a latent geotechnical constraint on the site. Undertaking the landscaping in Stage 1 brings these benefits forward, so that the wetland planting and boundary reinforcement are established before the residential unit is built.

Overall, the proposal represents a comprehensively designed residential development that will provide a high level of residential amenity while making efficient use of an established residential property and responding positively to its landscape context.

5.11 Conclusion

In consideration of the abovementioned, it is considered that there are no persons on adjacent sites that will be adversely affected by the proposed development. Any

potential for adverse effects can be appropriately avoided, remedied or mitigated, and will be less than minor in the context of the receiving environment.

6 Effects on persons

This section assesses the effects of the proposal on the owners and occupiers of each property adjoining or in proximity to the site, for the purposes of the limited notification assessment under section 95E of the RMA. A person is an affected person if the adverse effects of the activity on that person are minor or more than minor, but not if they are less than minor. Effects on the owners and occupiers of the land on which the activity will occur, and on adjacent land, are disregarded for the purposes of the public notification assessment under section 95D(a), but are considered here for the purposes of section 95E.

The properties adjoining the site have been identified from LINZ parcel and title records and are shown in **Figure 6**.

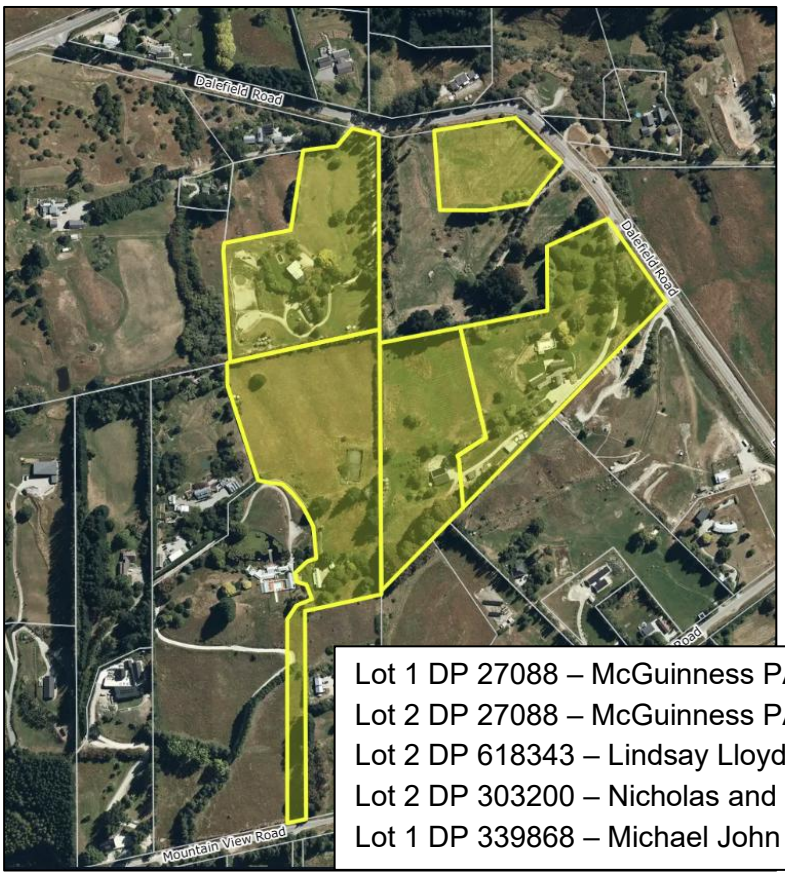


Figure 6: *Adjoining parcels to the subject site highlighted in yellow (Grip Map)*

The considerations common to each party are the separation distances involved, the single-storey height of the dwelling, its location on the relatively level upper part of the site centred on the existing building platform and the curtilage of the former dwelling, the intervening mature cedars, mountain beech and shelterbelt planting that are to be retained and reinforced, the predominantly recessive palette, and the controls on lighting, landscaping and construction management that can be secured by condition.

6.1 Adjoining properties to the west

Lot 2 DP 303200 (36 Dalefield Road, Dalefield), owned by Nicholas and Tania Flight, and Lot 2 DP 618343 (76 Mountain View Road, Dalefield), owned by Lindsay Lloyd and Noriko Watanabe.

The dwelling on the property at 36 Dalefield Road is located approximately 100m from the proposed residential unit. The western boundary of the site is defined by the existing mixed exotic shelterbelt, which is to be reinforced with infill planting, and the large pines and cedars in the south-western part of the site. The proposed building sits below the canopy of that vegetation and will be substantially screened from this property. Any effects on the outlook, privacy or amenity of the owners and occupiers of this property are considered to be less than minor. The Landscape Assessment records that this dwelling is oriented north towards Coronet Peak, away from the proposed development, and rates the adverse effect on its views and visual amenity as very low at most.

There is no dwelling on the property at 76 Mountain View Road. A barn/garage on that property is located approximately 300m from the proposed residential unit and, while it contains a bunk room on the lower level, its outlook is oriented to the west towards the dwelling at 78 Mountain View Road. Any effects on the outlook, privacy or amenity of the owners and occupiers of this property are considered to be less than minor.

6.2 Adjoining properties to the south

Lots 1 and 2 DP 27088 (68 and 70 Dalefield Road, Dalefield), owned by McGuinness PA Limited. These properties are located upslope of the site on the Dalefield hillslopes. The residential unit on 68 Dalefield Road is approximately 145m from the proposed residential unit. From this direction the building presents as a low, single-storey form seen against the backdrop of the mature cedars and mountain beech along the southern part of the site, with the garage and service court set below the existing schist walls. The escarpment feature identified on the planning maps traverses these properties and is not affected by the proposal. Any effects on the owners and occupiers of these properties are considered to be less than minor. The Landscape Assessment records that the dwellings to the south sit at a higher elevation, with their key views over the top of the established trees within the site towards Coronet Peak, and rates the adverse effect on their views and visual amenity as very low at most.

6.3 Lot 1 DP 339868

Lot 1 DP 339868 adjoins Lot 2 to the north and is in the same ownership as Lot 2. It forms part of the site and is the only other property burdened by Consent Notice 6598231.1. The owner of Lot 1 is the Applicant and no effect on that owner arises.

6.4 Dalefield Road and the wider public

Dalefield Road adjoins the site to the north and east and is administered by the Council. The proposal uses the existing vehicle crossing, generates the traffic of a single residential unit, and does not affect the safety or efficiency of the road. Public views of the dwelling from Dalefield Road, Malaghans Road and the elevated public places to the north are addressed in **Section 5.3**; the dwelling will not be visually prominent from any of those locations.

6.5 Conclusion on persons

For the reasons set out above, no person is considered to be adversely affected by the proposal and there are no affected persons for the purposes of section 95E of the RMA.

7 Statutory Assessment

7.1 Section 95, RMA

7.1.1 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), there are no relevant provisions within the District Plan precluding public notification.

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 less 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.

7.1.2 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.

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**, and in particular **Sections 5.3** and **5.7**, the adverse effects of the proposal on any person are considered to be less than minor and there are no affected persons. The owner of the only other lot burdened by Consent Notice 6598231.1 (Lot 1) is the Applicant.

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 less than minor adverse effects on the environment, and there are no other circumstances requiring or warranting public or limited notification.

7.2 Section 104D, RMA: the gateway test

Because the application is bundled as a Non-Complying Activity, section 104D of the RMA applies. The Council may grant consent only if it is satisfied that either:

- the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
- the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

The two limbs are alternatives; the proposal need satisfy only one. For the reasons set out below, the proposal satisfies both.

7.2.1 First limb: adverse effects on the environment will be minor

Section 5 of this report assesses the actual and potential effects of the proposal across landscape character and visual amenity, access and servicing, earthworks and construction, water quality within the Lake Hayes Catchment, neighbouring amenity, the consent notice variation and cumulative effects. In each case the effects are assessed as less than minor, and in no case do they reach the threshold of being more than minor. The Landscape Assessment prepared by Vivian + Espie independently assesses the adverse effects on landscape character, and on views and visual amenity from all public and private locations, as being of a very low degree at most.

It is also relevant that the components giving rise to the Non-Complying status, the location of parts of the residential unit beyond the platform boundary and the localised parts of the north-western gable and chimneys above 8m, do not introduce built form into a new part of the site: the dwelling remains centred on the registered building platform and within the established, well-vegetated curtilage of the former dwelling, and the parts of the roof and chimneys above 8m arise from the fall of the land beneath the building rather than from any additional storey or bulk. Their incremental effect over a complying dwelling within the platform is addressed in **Sections 5.2** and **5.3** and is less than minor.

The first limb of section 104D is accordingly satisfied.

7.2.2 Second limb: not contrary to the objectives and policies

The test under the second limb is not whether the proposal is consistent with the objectives and policies, but whether it is *contrary* to them, assessed against the

provisions as a whole rather than against individual provisions read in isolation. The relevant objectives and policies are assessed in full in **Section 7.3.1**. The key points are these.

The proposal sits within the purpose of the zone rather than against it. The Wakatipu Basin Rural Amenity Zone anticipates residential activity within registered building platforms (Policy 24.2.1.14), and the central direction of Objective 24.2.1 and Policies 24.2.1.2, 24.2.1.7 and 24.2.1.8 is that landscape character and visual amenity values are maintained or enhanced through the control of the location, scale, form, colour and height of buildings and their associated landscaping. The proposal meets that direction: it is a single, low, articulated dwelling in predominantly recessive materials, centred on the building platform within the contained and well-vegetated part of the site, and it retains and reinforces the landscape framework that gives the site its capacity to absorb a dwelling.

Nor does the proposal offend the policies directed at what the zone guards against. It does not place built form on the open valley floor or the elevated, visible parts of LCU 1; it does not create building sprawl or any additional building platform; it maintains views from roads to the surrounding mountain context (Policy 24.2.1.19); and it makes a proportionate contribution to water quality within the Lake Hayes Catchment (Policy 24.2.4.2). The earthworks policies of Chapter 25 are met through the confinement of the works to the development footprint and the erosion, sediment and geotechnical controls described in **Section 5.5**.

It is concluded that the proposal is not contrary to the objectives and policies of the District Plan, and that it is overall consistent with them. The second limb of section 104D is therefore also satisfied. Both limbs being met, the application falls to be determined under sections 104 and 104B of the RMA.

7.3 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).

Section 104(1)(b) of the RMA requires the consent authority to have regard to the relevant provisions of any national environmental standard, other regulations, national policy statement, regional policy statement, plan or proposed plan, and section 104(1)(c) to any other matter the consent authority considers relevant and reasonably necessary to determine the application. In this instance, the most relevant planning document that requires consideration is the District Plan. As discussed in **Section 4.3**, no NES apply to the proposal. The National Policy Statement for Freshwater Management 2020 is of contextual relevance given the location of the site within the Lake Hayes Catchment; the positive contribution of the proposal to water quality is addressed in **Section 5.6**. The National Policy Statement for Natural Hazards 2025 and the National Policy Statement for Highly Productive Land 2022 are addressed following the District Plan assessment. The Otago Regional Policy Statement and the

partially operative Otago Regional Policy Statement 2021 contain no provisions that bear on the proposal beyond those given effect to by the District Plan. The key objectives and policies of the District Plan are set out and assessed below.

7.3.1 Queenstown Lakes Proposed District Plan

Given the nature of the proposal and associated non-compliances, the relevant Objectives and Policies are considered to be focused on landscape character and visual amenity, water quality within the Lake Hayes Catchment, servicing and earthworks, with these identified and assessed as follows. The policies of Objective 24.2.5, which apply only within the Wakatipu Basin Lifestyle Precinct, are not relevant as the site is located within the Rural Amenity Zone outside the Precinct.

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 proposal provides for a single residential unit on a 4.07ha site (Lots 1 and 2) and includes an integrated architectural and landscape response intended to reduce the visibility and dominance of built form. The Landscape Assessment concludes that the proposal will maintain the landscape character and visual amenity values of the Wakatipu Basin.
24.2.1.2	*Subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that:* *a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and* *b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced by ensuring that the landscape capacity is not exceeded.*	LCU 1 (Malaghans Valley) is identified in Schedule 24.8 as having a very low capacity to absorb change, principally because of the openness and visibility of the valley floor from Malaghans Road, Coronet Peak Road and the walkways to the north. The proposal does not place built form on the open valley floor. It locates a single, low, articulated dwelling within the established and well-vegetated development node on the lower Dalefield slopes, centred on an existing building platform and the curtilage of a former dwelling, and it retains and reinforces the mature vegetation that contains that node. On that basis the proposal fits within the character of the LCU and does not exceed its capacity to absorb change.
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.*	Earthworks are largely confined to the building, access and associated outdoor areas and avoid widespread modification of the wider site. The works will appropriately respond to the existing landform and will be rehabilitated following construction through landscaping.
24.2.1.7	*Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.*	The proposal has been designed to respond to the identified sensitivity and openness of LCU 1 through building articulation and comprehensive landscaping. The Landscape Assessment concludes that the identified landscape character and visual amenity values of the LCU will be maintained.
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:* • *controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings*	Although the dwelling exceeds the 6.5m and 8m height standards, the 500m^2 building coverage standard and (for the timber cladding) the 30% LRV colour standard, and extends beyond the registered building platform, these infringements are localised and are addressed through the building's low single-storey form, its articulation into separate pavilions, its siting within the

	and associated infrastructure, vegetation and landscape elements.	established development node, its predominantly natural and recessive materials, and the retention and reinforcement of the existing landscape framework. The Landscape Assessment confirms that an appropriate landscape outcome will be achieved and that the height and colour infringements will not increase the visibility of the dwelling in any meaningful way.
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 dwelling has been designed and located with regard to the surrounding ONL and ONF context and the sensitive nature of the surrounding environment. The Landscape Assessment confirms that the proposal will not compromise the landscape and amenity values of those features when viewed from public places.
24.2.1.13	*Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.*	Earthworks are concentrated around the development footprint on the relatively level part of the site, will be temporary in nature, and disturbed areas will be rehabilitated and landscaped. Vegetation clearance is limited to exotic trees that conflict with the works or are in decline, and the mature cedars, mountain beech and shelter planting that contain the development node are retained. Adverse effects on landscape character and visual amenity are therefore expected to be appropriately minimised.
24.2.1.14	*Enable residential activity within approved and registered building platforms, subject to appropriate standards.*	The proposal is centred on the registered building platform on Lot 2 and the policy anticipates a dwelling in this location. While the dwelling extends beyond the platform and exceeds the height, coverage and colour standards that would otherwise apply, the proposal remains a single residential unit on a lot on which residential activity is enabled, and the departures from the platform and standards have been shown to result in less than minor adverse effects.
24.2.1.15	*Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.*	The proposal retains substantial open space across the site and includes landscaping and building articulation to reduce the apparent scale of the dwelling. The site will retain a sense of spaciousness, and the building will remain subservient to the wider landscape.
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.*	Exterior lighting will be designed to comply with the relevant standards and minimise spill and glare beyond the site. Adverse effects on neighbouring properties, roads and views of the night sky are therefore expected to be avoided.
24.2.1.19	*Require buildings, or building platforms identified through subdivision, to maintain views from roads to 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*	The dwelling is set back well in excess of the 20m road setback standard from Dalefield Road, and the dwelling and associated landscaping do not obstruct views from Dalefield Road or Malaghans Road toward the surrounding mountain ONL context. No mounding or screen planting is proposed within the road setback. The Landscape Assessment confirms that those views will be maintained.

	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.*	
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 proposal will be appropriately serviced and includes landscape planting that will assist with landscape integration and provide ecological benefits where indigenous species are utilised. Construction effects will be appropriately managed to maintain water quality and ecological values.
24.2.4.2	*Restrict subdivision, development and land use within the Lake Hayes catchment unless it contributes to improving water quality in a manner proportionate to its nature, scale and location.*	As set out in **Section 5.6**, the proposal harvests roof water, maintains the existing overland flow path, refurbishes the existing dry ponds as a native-planted wetland that will filter surface water leaving the site, and treats and disposes of wastewater on site well away from any watercourse. These measures represent a contribution to improving water quality within the Lake Hayes Catchment that is proportionate to a single residential unit.
24.2.4.4	*Ensure adequate water for firefighting purposes and access for emergency vehicles is provided.*	The proposal provides a dedicated firefighting storage tank and fire appliance hardstand adjacent to the dwelling, with the existing access providing for emergency vehicle access from Dalefield Road. The firefighting supply will be designed to meet SNZ PAS 4509:2008.
24.2.4.9	*Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and 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.*	The landscape plan provides for native-led revegetation of the pond margins and overflow areas (approximately 1,280m^2 of wetland core, margin and ephemeral overflow planting using indigenous wetland and riparian species) and the retention of the existing mountain beech. This planting is located in the gully and drainage areas of the site where the policy directs it, and will enhance indigenous biodiversity values and water quality.
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.***	Earthworks will be managed in accordance with the Excavation, Filling, Silt & Sediment Control and Site Services Statement (**Attachment [H]**), the recommendations of the Geotechnical Assessment (**Attachment [I]**) and appropriate construction controls, which can be secured by condition. Potential effects relating to erosion, sediment, dust, noise, vibration and stability can therefore be appropriately minimised.
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.*	Erosion and sediment controls, progressive stabilisation and appropriate construction management will minimise erosion, sediment generation and off-site discharge. Land stability effects will also be appropriately managed.
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;*	Earthworks are localised around the development footprint and are not expected to adversely affect significant landscape, ecological, cultural or public access values. Any temporary construction effects can be appropriately managed. Although the permitted earthworks volume is exceeded, works are confined to the areas necessary to establish the dwelling and access.

	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.*	Following construction, disturbed areas will be built over or rehabilitated and landscaped.
25.2.1.4	*Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.*	While the volume of earthworks exceeds the permitted 400m^3, a substantial proportion comprises the removal and replacement of existing uncontrolled fill and the stripping and reuse of topsoil. The earthworks are confined to the building platform, curtilage and access on the relatively level part of the site, do not extend onto the open grassland or the steeper northern slopes, and will be fully integrated into the finished landscape such that the amenity values and quality of the rural area are maintained.
25.2.1.5	*Design earthworks to recognise the constraints and opportunities of the site and environment.*	The earthworks have been designed around the existing topography and the requirements of the proposed dwelling. The proposed earthworks and location of the dwelling appropriately recognise the constraints and opportunities of the site.
25.2.1.6	*Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.*	The works are contained within the site and will be undertaken in accordance with geotechnical recommendations. Adverse effects on adjoining land, buildings and infrastructure are not anticipated.
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.*	Construction effects will be temporary and managed through staging, dust suppression and erosion and sediment controls. The area of exposed ground at any one time will be limited as far as practicable. The earthworks will be completed as a single stage ahead of the residential unit and the disturbed areas stabilised on completion, limiting the area and duration of exposed ground.
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.*	Construction traffic will use the existing shared access to Dalefield Road, which provides appropriate visibility and has previously served residential activity. Temporary construction traffic is not expected to adversely affect road safety or surrounding amenity.
25.2.1.11	*Ensure earthworks are undertaken in a manner that minimises the risk from natural hazards.*	GeoSolve has identified no natural hazards at the site other than regional seismic risk. The earthworks and foundations will be designed and certified in accordance with the geotechnical recommendations, including the removal of uncontrolled fill, benching of fill batters and foundation bearing on schist, glacial till or engineered fill.

7.3.2 National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards 2025 (**NPS-NH**) requires natural hazard risk to new development to be assessed using a risk-based, proportionate approach. The Otago Natural Hazards Portal identifies the liquefaction risk for the site as "low to none" and does not identify the building platform as subject to any mapped flood, alluvial fan or landslide hazard. GeoSolve (**Attachment [I]**) has identified no natural hazards at the site other than the regional seismic risk common to the Wakatipu Basin, which will be addressed through design to NZS 1170.5 (Class B rock site conditions), and has confirmed that there are no adverse geotechnical implications for neighbouring properties.

Applying the NPS-NH risk matrix, the risk to the residential unit is assessed as Low across the likelihood scenarios. The proposed building is a single residential unit; it is not a critical facility and does not accommodate a vulnerable population. The proposal does not increase natural hazard risk on any other site, does not require works that would transfer risk elsewhere, and does not require remedial works that would be borne by the public. The proposal is therefore consistent with the objective and policies of the NPS-NH.

7.3.3 National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) applies to land that is zoned general rural or rural production and is Land Use Capability (**LUC**) Class 1, 2 or 3. The site is identified as LUC Class 4 land and therefore the NPS-HPL does not apply.

7.4 Purpose and principles of the RMA

We understand from recent case law that a consent authority is generally no longer 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, that is centred on an existing building platform. As confirmed by the Landscape Assessment, the proposal will maintain visual amenity and landscape character values within the Wakatipu Basin, having regard to the identified values of the Malaghans Valley LCU. The refurbishment of the ponds as a native-planted wetland and the on-site management of stormwater and wastewater also maintain and enhance the quality of the environment within the Lake Hayes Catchment.

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.