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PREPARED FOR STEPHEN BRENT & SHEENA HAYWOOD OF LAUREL BANK TRUST
4 NOVEMBER 2026
J2772

# ASSESSMENT OF ENVIRONMENTAL EFFECTS

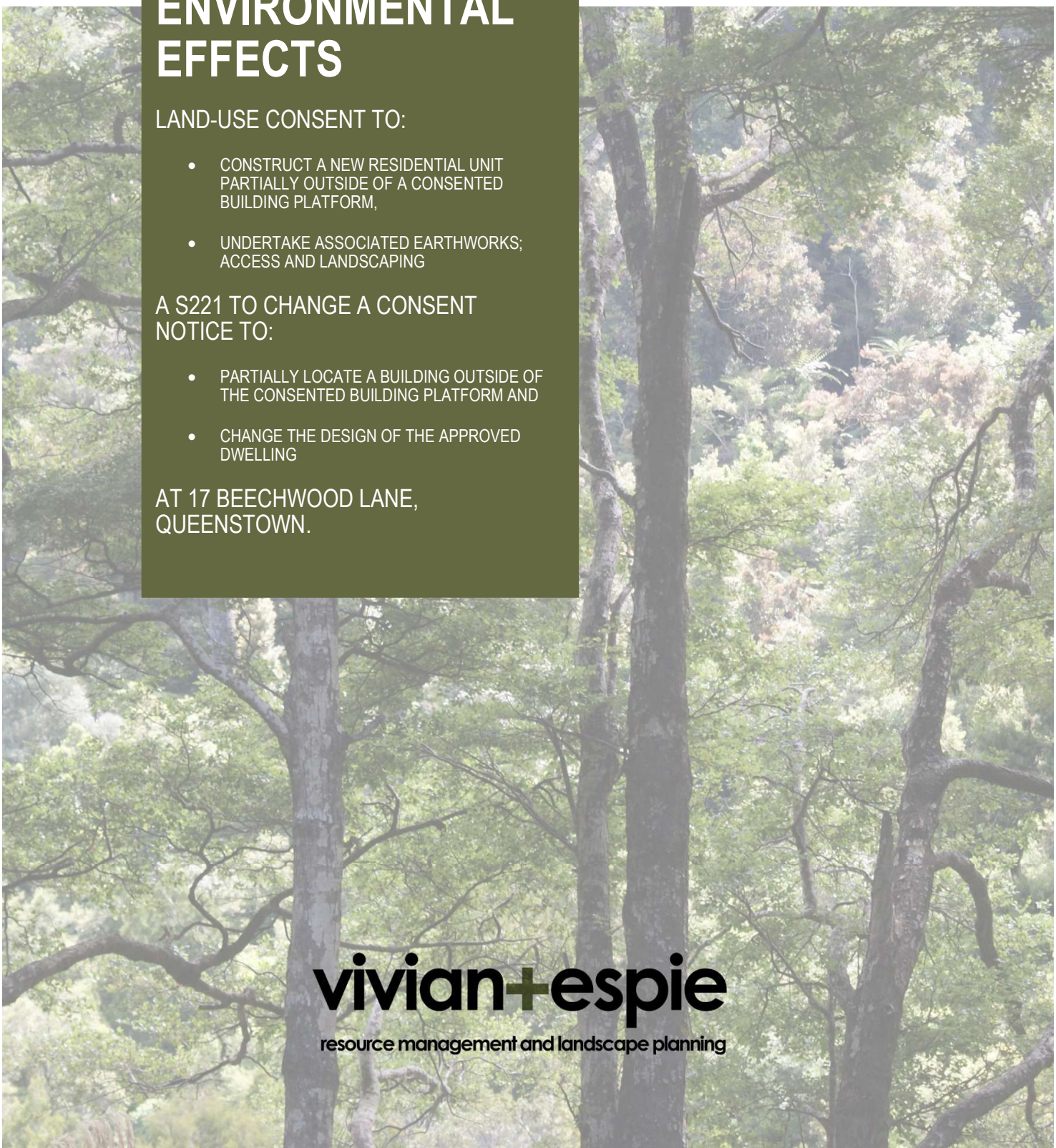
LAND-USE CONSENT TO:

- CONSTRUCT A NEW RESIDENTIAL UNIT PARTIALLY OUTSIDE OF A CONSENTED BUILDING PLATFORM,
- UNDERTAKE ASSOCIATED EARTHWORKS; ACCESS AND LANDSCAPING

A S221 TO CHANGE A CONSENT NOTICE TO:

- PARTIALLY LOCATE A BUILDING OUTSIDE OF THE CONSENTED BUILDING PLATFORM AND
- CHANGE THE DESIGN OF THE APPROVED DWELLING

AT 17 BEECHWOOD LANE, QUEENSTOWN.



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## Quality Assurance

| | | | |
|---|---|---|---|
| **Prepared By** | Carrie Whyte | Senior Planner | 04 November 2026 |
| **Reviewed By** | Carey Vivian | Director / Planner | 04 November 2026 |

# 1. Key Information

| | |
|---|---|
| **Address** | 17 Beechwood Lane, RD1, Queenstown, 9304 |
| **Legal Description** | Lot 2 DP 612213 |
| **Site Area** | 6015m² |
| **Owners** | Stephen Brent and Sheena Haywood as trustees of Laurel Bank Trust |
| **Occupiers** | Vacant |
| **Applicant** | Laurel Bank Trust - Stephen Brent and Sheena Haywood |
| **Operative District Plan Zoning** | Rural General |
| **Designations & Special Provisions** | None |
| **Proposed District Plan Zoning** | Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and Lifestyle Precinct Sub-Zone (**WBLP**). |
| **Designations & Special Provisions** | None |
| **Proposed Activity** | Land use consent to construct a residential building, partially outside of a building platform, undertake earthworks and associated access formation and services.<br><br>And a s221 change to a Consent Notice to build partially outside of the consented building platform, including changing the design of the approved residential unit. |
| **Consents Required** | **Operative District Plan**<br>The equivalent rules of the PDP are not under appeal following the issue of a Consent Order by the Environment Court and must now be treated as inoperative pursuant to section 86F of the RMA.<br><br>**Proposed District Plan**<br>The site is within the WBLP, and the proposal requires resource consent under the following rules:<br><br>• A **Non-Complying Activity** under Rule 24.4.7 for the construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform. It is proposed to construct a new residential unit partially within and outside of the approved building platform.<br>• A **Restricted Discretionary Activity** under Rule 24.5.8.1 for that part of the building that exceeds 6.5m above existing ground level.<br>• A **Restricted Discretionary Activity** under Rule 25.4.2 for exceeding 400m³ of earthworks within a 12-month period. It is proposed to undertake 1809m³ of excavations to form the buildable areas, landscaping and access way.<br>• A **Restricted Discretionary Activity** under Rule 25.5.15 for cut areas exceeding 2.5m in depth. It is |

| | |
|---|---|
| | proposed to excavate up to 3.3m in depth within the site.<br>• A **Restricted Discretionary Activity** under Rule 25.5.1 for fill areas exceeding 2m in height. It is proposed to construct a retaining wall to a height of 2m and fill areas of up to 2.2m in height.<br><br>**Resource Management Act 1991**<br><br>• Application under Section 221 of the Resource Management Act 1991 (RMA) to change Condition a) and b) of Consent Notice 13329296.8.<br><br>Overall, the proposal is for a **Non-Complying Activity.** |
| **Written Approvals and Consultation** | No people other than the applicants are affected by the proposal. |
| **Other consents/permits** | Nil. |

# 2. Introduction

This report is submitted as part of the application by Stephen Brent and Sheena Haywood on behalf of Laurel Bank Trust ("the Applicant") for resource consent from Queenstown Lakes District Council ("QLDC" or "Council") for the following:

- Land use consent to construct a new residential building with associated earthworks, access, landscaping and services.
- An application under s221 of the RMA to change a consent notice to allow for a portion of the residential unit to be located partially outside of the consented building platform.
- An application under s221 of the RMA to change a consent notice to allow for a different residential unit design.

The completed Form 9 is appended as Attachment **[A],** and the Record of Title is appended as Attachment **[B]** ("the site"). Architectural plans of development are appended as Attachment **[C]**, Earthworks Plans and an EMP are appended as Attachments **[D]** and **[E]**, a Geotechnical Report as Attachment **[F]** and a proposed Structural Landscape Plan as Attachment **[G]**, Infrastructure Feasibility Report and Stormwater and Drainage Assessment Report as **[H1]**, and a **[H2]**. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

# 3. Background

## 3.1 Site and Surrounds

The subject site is located at 17 Beechwood Lane and is legally described as Lot 2 DP 612213, contained in Record of Title 1217286. The irregularly shaped site has an area of 6,015m² and is currently vacant, predominantly comprising exotic pasture grasses. Access is provided via Tucker Beach Road to the north. The surrounding area has been subject to a significant level of rural-residential style development over the past decade, such that the character of the area is changing from one of predominantly open pasture and farming uses, to rural-residential. The site is within Landscape Character Unit 4 (Tuckers Beach) and within the WBLP.

The site and its surroundings are shown in **Figure 1** below.



***Figure 1 –*** *Aerial photograph of the site and surroundings.*

## 3.2 Relevant Site and Consent History

The subject site has a long and varied resource management history, including various land-use and subdivision consents (some of which have lapsed without being given effect to). The consents most relevant to the current application that remain 'live' are detailed below.

***RM200179 – Land use consent to construct a residential unit.***

Consent was granted to establish a residential unit amongst existing sheds at the eastern end of the property. The consent has been given effect to. This area of the property was later subject to the 'Lot 9' subdivision consent of RM230196.

***RM210435 (as varied) – Lot 8 subdivision***

RM210435 authorised the subdivision of a 1.2-hectare rural living lot from the balance lot, as well as the creation of a building platform within the new lot, and a boundary adjustment with 1 Birdlip Rise to the north. Consent was granted on 1 February 2022. A s357 objection to building height conditions in RM210435 was subsequently lodged, and the appeal was upheld in a decision issued by Commissioner Robert Nixon on 12 August 2022. There have since been four variations to the consent:

1. RM210435 was later subject to a s127 variation, RM230400, approved on 16 January 2024. Through this variation, the size of the rural living lot decreased from 1.2 hectares to 6005 $m^2$. Additionally, the new lot was to be referred to as Lot 8, and the balance lot as Lot 100.
2. RM240309 shifted the primary access to Lot 8 from Birdlip Rise to Beechwood Lane.
3. RM230481, to amend the landscape plans, the alignment of the SE boundary, and the requirement for sealing the driveway.
4. A final variation was approved through RM240555, to allow for Lot 3 of RM240555 to be amalgamated and held in ½ ownership between Lots 2 and 8.

The Lot 8 subdivision is yet to progress through s223 and s224c processes.

***RM230196 – Lot 9 subdivision***

Approved on 16 June 2023, this subdivision consent enabled the creation of a 6000 $m^2$ rural-living lot around an existing group of sheds and the RM230196 residential unit at the east of the parent property. The remainder of the parent property would be contained within the Lot 100 balance lot. The Lot 9 subdivision is yet to progress through s223 and s224c processes.

***RM230481 – Land use consent for construction of 'Bunker House'***

Consent was granted to construct a residential unit and undertake associated earthworks on the subject site. The consent included a s127 variation to RM210435 (as discussed above), and a s221 change to Consent Notice 5721911.8 to exempt any land zoned WBLP from the requirements of the consent notice. Consent was granted on 27 September 2024, with the decision re-issued on 15 October 2024.

***RM240555 – Lot 2 and Lot 3 subdivision***

Consent was granted to subdivide 'Lot 2' at 6000 m², from the balance of the site. The consent included the fourth s127 variation to RM210435 (as discussed above). A building platform in the shape of the RM230481 house was also consented. Access to Lot 2 is via Beechwood Lane. A small access lot (Lot 3) was also approved, which is to be held in ½ ownership between Lot 2 and Lot 8 of RM210435.

# 4. The Proposal

## 4.1 Overview

It is proposed to construct a new single storey residential unit at 17 Beechwood Lane, together with associated access, parking and maneuvering areas, earthworks, retaining, landscaping and servicing. The proposed development is intended to replace the residential development previously authorised on the site under RM230481, rather than establish an additional residential unit or an additional rural living opportunity.

RM230481 authorised construction of a larger substantial residential unit in this location, together with associated earthworks, access, servicing and landscaping.

The current proposal represents a new redesigned dwelling generally positioned within the same development area. The proposal will supersede the physical development authorised by RM230481 if consented and implemented.

## 4.2 Proposed Residential Dwelling

The dwelling has been designed as a predominantly low-profile, single-storey building extending laterally across the slope. The architectural composition comprises a principal contemporary dwelling with an interconnected cottage component. The built form is articulated into separate elements, which helps break up the overall building mass and reduces the appearance of a single continuous structure.

**Figure 4** below is a photo montage of the proposed residential development.

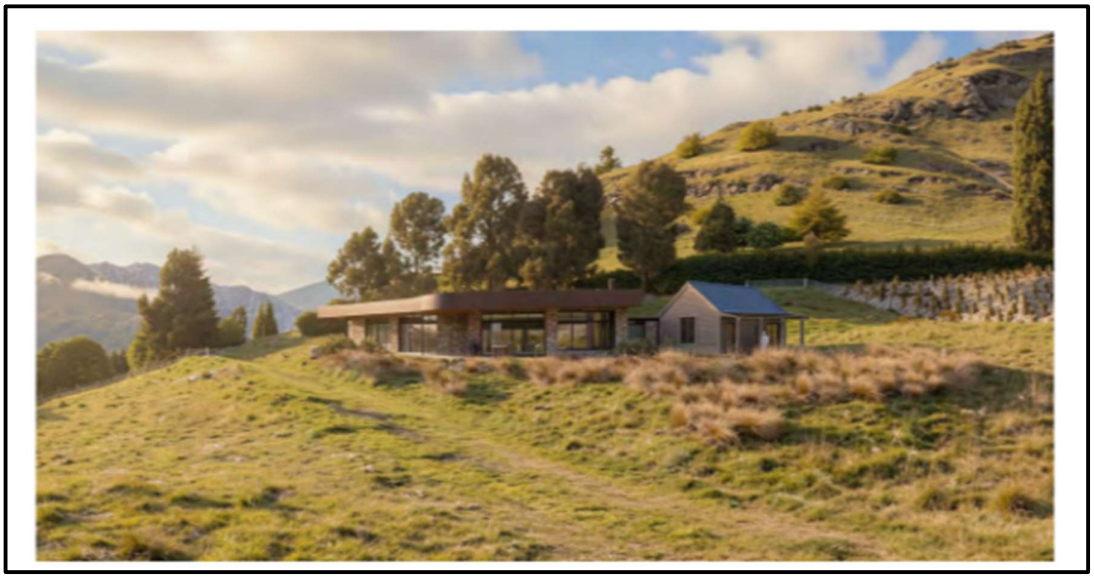


***Figure 2 –*** *Photo montage of proposed residential development*

A full copy of the Architectural Plans is appended of **Attachment [C]**.

The proposed dwelling has a slab area of approximately 310m² and an overall roof footprint of approximately 461m², including roof overhangs. This equates to approximately 7.6% site coverage.

The main dwelling will accommodate an open-plan kitchen, living and dining area, separate lounge, office, laundry and garage. The interconnected cottage component will provide additional guest wing for family and friends. The overall development includes two bathrooms, with one located within the main dwelling and the other within the cottage.

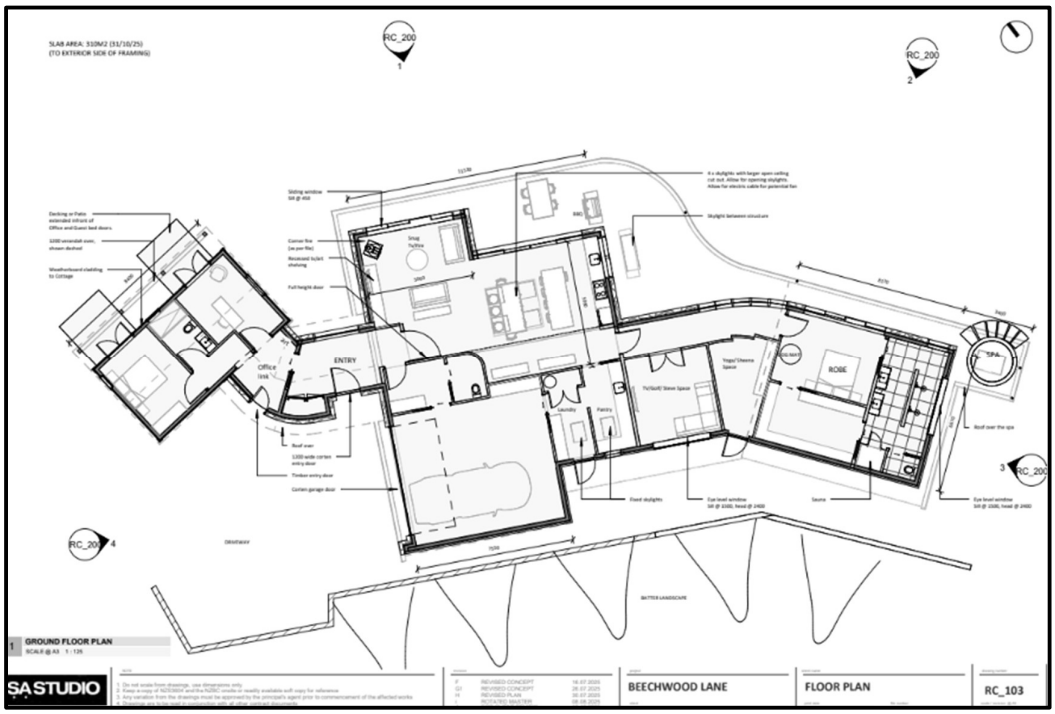



***Figure 3:*** *Proposed Floor Plan*

The proposed dwelling will have a finished floor level (FFL) of 427.5 msl and will be integrated into the existing sloping topography through associated excavation, filling, retaining and minor landform modification. The specific earthwork details are discussed below in Section 4.4.

Proposed Exterior Materials

The proposed exterior treatment incorporates a restrained palette of materials comprising pre-painted aluminium with a Corten-style finish, natural stone veneer and dark masonry block, together with low-reflectivity Colorsteel roofing. The cottage component adopts rusticated weatherboards and a dark corrugated Colorsteel roof.

Examples of the proposed exterior materials and colours is provided below and also in the set of Architectural Plans in Attachment **[C].**

**Residential Unit**

ROOF: COLORSTEEL TRAY
SPOUTING AND DOWNPIPES TO MATCH
COLOUR: KARAKA OR IRONSAND OR SIMILAR
LVR: 9 (OR SIMILAR)



CLADDING:
CL 1: PREPAINTED ALU TO CORTEN FINISH



CL 2: NATURAL STONE VENEER



CL 3: DARK MASONRY BLOCK VIBLOCK KHOL



**Cottage:**

ROOF: COLORSTEEL CORRUGATE
SPOUTING AND DOWNPIPES TO MATCH
COLOUR: KARAKA
LVR: 7



CLADDING: LARGE FORMAT RUSTICATED WEATHERBOARDS, PAINT FINISH
COLOUR: THE NATURAL PAINT CO
THE WHARF (OR SIMILAR)
44 (OR SIMILAR)



The combination of building design, muted colours, natural stone and low-reflectivity roofing is intended to reduce the apparent scale and visual prominence of the built form and further assist its integration into the surrounding landscape.

**Figure 4** below illustrates the proposed built form from the east, west and northern aspects.




***Figure 4:*** *Photomontage of proposed new residential dwelling*

## 4.3 Proposed encroachment outside of building platform

The proposed dwelling extends beyond the building platform approved under RM230481. As outlined in Section 3 above, RM240555 established the site, while RM230481 subsequently authorised residential development, including an identified building platform and specific dwelling design.

**Figure 5** below illustrates the comparison between the approved building platform (red dashed line), being the previously approved dwelling footprint and the proposed dwelling footprint, identifying the extent to which the proposed development extends beyond the approved platform.

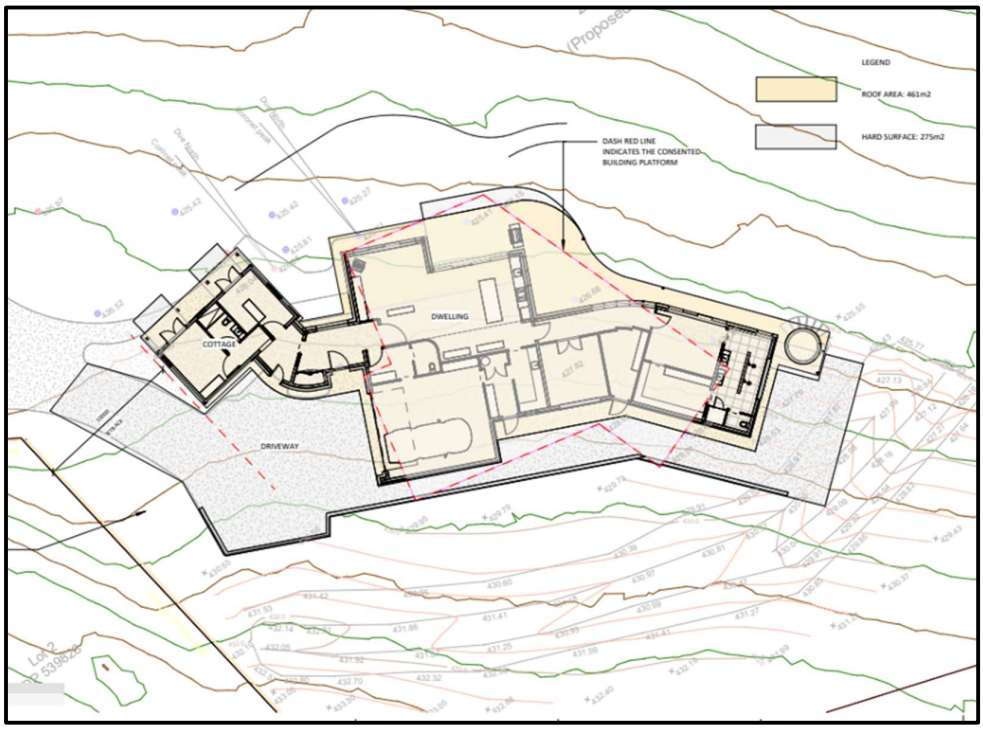



***Figure 5:*** *Approved building platform (red dashed line) and proposed building footprint*

This proposal involves a revised dwelling design that differs from the previously approved plans and extends partially beyond the registered building platform. The current application therefore seeks to replace and redesign the previously approved dwelling, rather than establish an additional residential activity on the site.

## 4.4 Proposed breach of 6.5m maximum height limit

The proposed main dwelling exceeds the maximum permitted building height of 6.5m above existing ground level in two locations. These infringements are associated with the design and roof form of the proposed dwelling, which comprises two connected elements, the main dwelling and the cottage.




***Figure 6:*** *Proposed location of height non-compliances*

The height exceedances are limited to specific portions of the main dwelling's roof structure and do not result in a significant increase in the overall scale of the development. The majority of the main dwelling remains within the permitted 6.5m height limit. The cottage also complies fully with the maximum permitted height.

A full copy of this plan is included in the Proposed Architectural Plans as **Attachment [C].**

## 4.5 Proposed Earthworks

Earthworks are required to create the buildable areas for the dwelling, access, retaining and landscaping. It is proposed to undertake up to 2300m³ of excavations over an area of 2163m² to create the buildable area and retaining wall within the site.

Excavation cuts of up to 3.3m in depth are proposed at the rear of the proposed building area and fill areas of up to 3.0m predominately towards the north of the built form.

The location and extent of these earthworks are illustrated in **Figure 7** below and a copy of this plan is appended as **Attachment [D]**.

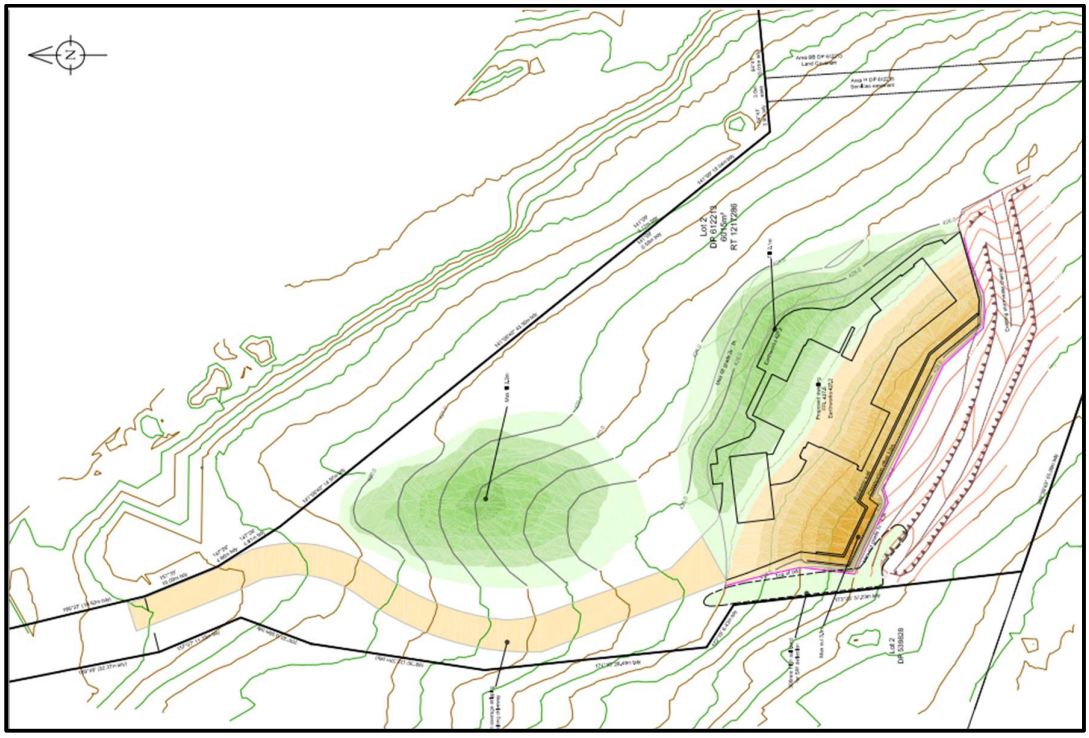


***Figure 7 -*** *Proposed cut and fill locations and excavation areas within the site*

To stabilise the excavated areas and cut faces associated with the proposed development, a retaining wall is proposed along the rear of the main dwelling. The wall will extend along the full length of the dwelling and have a maximum height of 2.0m.

**Figure 8** below identifies the location of the proposed retaining wall. Further technical details regarding its design and construction are provided in the Geotechnical Report appended as **Attachment [F].** The proposed wall height and additional location details for context are also shown on the Architectural Plans appended as **Attachment [C].**

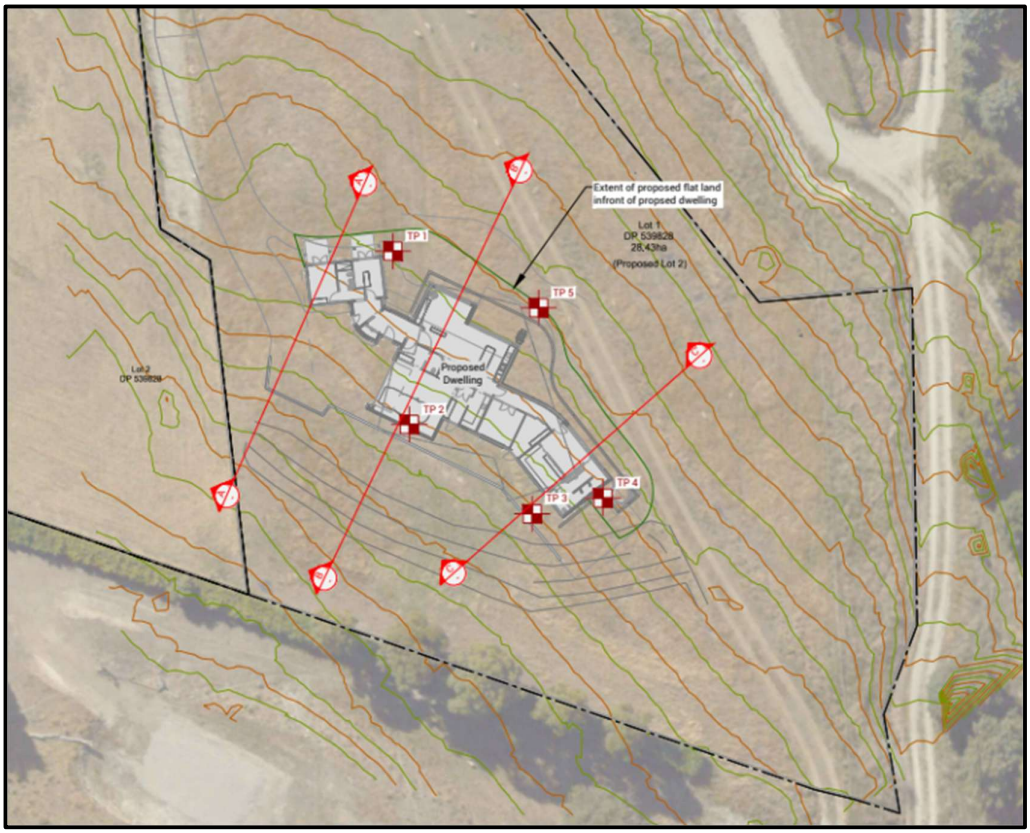



***Figure 8 -*** *Proposed retaining wall (grey) at the rear of the proposed dwelling (Geosolve Report May 2026)*

An Environmental Management Plan (**EMP**) and Environmental Sediment Control Plan (**ESCP**) has been prepared by Hewland Projects Ltd and is attached as **Appendix [E]**. The EMP adopts a staged erosion and sediment control approach consistent with GD05, including clean water diversion, minimising exposed ground, progressive stabilisation and treatment of sediment-laden runoff.

Key measures include retaining the existing upslope cut-off drain, installing diversion bunds and a rock-lined swale, super silt fences below the main fill areas, protecting the Beechwood Lane stormwater inlet and progressively topsoiling and hydroseeding completed areas. The EMP also addresses site inspections, incident management, spill response, dust, noise, waste and adverse weather procedures.

Although the site is classified as having a Medium environmental risk under QLDC guidelines, the EMP assesses the water quality risk as Low, taking into account the receiving environment and proposed controls.

Overall, the EMP provides a framework for managing construction effects and ensuring erosion and sediment controls are maintained and adapted as required throughout the works.

## 4.6 Geotechnical Summary Details

The report concludes that the proposed development is geotechnically feasible, subject to GeoSolve's recommendations being implemented. These include appropriate ground preparation and engineered fill for foundations, specific engineering design of retaining walls, suitable drainage and management of excavations and fill slopes.

The report also addresses groundwater, slope stability and construction-related erosion and sediment risks, concluding that no adverse geotechnical effects on neighbouring properties are anticipated, provided the recommendations are followed.

Refer to the Geotechnical Report in **Attachment [F]** for further details of the site investigations, assessment and recommendations.

## 4.7 Proposed Infrastructure and Servicing

The infrastructure and servicing arrangements for the site have previously been assessed and accepted by QLDC under RM210435 (as subsequently varied) and RM230481. In considering RM230481, Council's Land Development Engineer confirmed that servicing had been addressed through the Engineering Acceptance process for RM210435 and that the approved arrangements generally complied with the QLDC Land Development and Subdivision Code of Practice.

A Proposed Servicing Plan has been prepared in accordance with the proposal, and a copy of this plan is ended is **Attachment [H1]**.

The approved servicing arrangements provide for connection to Council's reticulated water supply, wastewater and stormwater networks, together with underground power and telecommunications.

Access to the site is provided via the established Beechwood Lane right-of-way.

RM230481 also requires the dwelling to connect to the existing water supply and sewer lateral at the site boundary, with impervious areas connected to the Council stormwater network. Appropriate onsite stormwater management and firefighting provisions are also required in accordance with the relevant Council standards and SNZ PAS 4509:2008.

A Stormwater and Drainage Assessment has been under taken and design and a copy of this report is appended is **attachment [H2]**

The current proposal retains the previously approved access and servicing approach, utilising the infrastructure established as part of the underlying subdivision. Accordingly, the established servicing arrangements are not fundamentally altered by the proposed dwelling redesign.

## 4.8 Proposed Landscaping

A Structural Landscape Plan has been prepared for the site, with a copy appended as **Attachment [G].** The proposed landscaping comprises a combination of native evergreen shrubs, native tussock and flax planting, together with deciduous trees. The plan also identifies the replacement of seven existing deciduous trees and additional tussock planting.

As shown on the plan, the proposed planting will be incorporated throughout the site, including within the landscaped areas and lawn, to complement the built form and assist in integrating the development into the surrounding landscape.

## 4.9 Proposed Changes to Consent Notices 5721911.8 and 13329296.8

The two consent notices are relevant because they impose ongoing requirements on future development of the land, although their practical relevance differs. Consent Notice 5721911.8 is the earlier instrument and contains controls relating to firefighting water supply, compliance with an approved landscape management plan, the location of domestic activities and buildings within the approved curtilage/building platform, lighting, screening or burial of tanks, building height and external materials, and completion and maintenance of planting.

Importantly, as discussed in the RM230481 decision, the landscape management requirement in Condition 2 has subsequently been varied so that it does not apply to land zoned Wakatipu Basin Rural Amenity Zone (WBRAZ) and Lifestyle Precinct (WBLP). Accordingly, the original landscape restrictions should not be treated as preventing development of the WBLP land, while the continuing requirements of the notice still need to be considered where applicable.

Consent Notice 13329296.8 is more directly relevant to the new proposal because it applies to Lot 2 DP 612213 and records the continuing conditions arising from subdivision consent RM240555. It requires future buildings to be contained within the registered building platform and expressly requires any building, together with associated access, parking and manoeuvring areas, to be constructed in accordance with the development approved under RM230481, unless a consented variation is obtained.

It also limits Council potable water supply to 2,100 litres per day, requires buffering storage and prohibits use of Council water for irrigation; requires any wired telecommunications reticulation to be underground; requires specific engineering design to confirm foundation bearing capacity; and imposes detailed domestic and

firefighting water storage requirements, including a minimum 45,000-litre static firefighting reserve within 55,000 litres of storage, or the specified sprinkler-system alternative.

For the new proposal, the key point is therefore that the consent notices do not simply record historical matters. Consent Notice 13329296.8 establishes the current development parameters for Lot 2 and specifically ties development back to that authorised by RM230481. Any differences between the new proposal and the approved building, access, parking or manoeuvring arrangements should therefore be checked against Condition (b) to determine whether a variation to RM230481 is required.

It is proposed to change Consent Notice 13329696.8 as follows:

a) *All future buildings on Lot 2 shall be contained within the Building Platform shown as Covenant Area BP on Land Transfer Plan 612213* **and / or as approved by RM26XXXX.**

b) *Any future building on Lot 2, including associated access, parking and manoeuvring areas on the site, shall be constructed in accordance with that approved by the land use decision of resource consent ~~RM230481~~* **RM26XXXX**. *The proposed consent notice variation approved under the consent shall be undertaken on the site.*

## 4.10 Summary

The proposed development differs in architectural form and detail from that authorised under RM230481. By way of comparison, RM230481 authorised a dwelling with an approximate floor area of 511m² and a maximum roof height of 4.7m. The associated earthworks comprised approximately 1,100m³ of cut and 1,400m³ of fill, with maximum cut and fill depths of approximately 5.8m and 3.2m, respectively.

While the current proposal represents a substantive redesign of the previously approved dwelling, it retains the established residential use of the site and does not materially alter the underlying residential development outcome anticipated under RM230481. The existing consent established residential development at this location, including an identified building platform and an approved dwelling design.

The current dwelling extends partly beyond the registered building platform established following RM230481 and differs from the specific design previously authorised. Accordingly, a new land-use consent is being sought, together with consequential amendments to the applicable consent notice conditions. Notwithstanding these differences, the proposal is most appropriately characterised as the replacement and redesign of the residential development previously authorised under RM230481, rather than the establishment of an additional residential development on the site.

# 5. Matters Requiring Consent

## 5.1 NES – Contaminants in Soil to Protect Human Health

A review of the available Council records has not identified the land subject to this application as having been used for an activity or industry included on the Hazardous Activities and Industries List (HAIL). This matter was also considered as part of RM230481, where Council recorded that, based on the applicant's review of Council records, the land was not identified as a HAIL site and, accordingly, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NES**) did not apply.

The present proposal replaces the residential development authorised under RM230481 and does not identify any change in land use history that would alter that earlier conclusion. Accordingly, the NES is not considered applicable to the proposal, and no resource consent is required under the NES.

## 5.2 Operative District Plan

The proposal is entirely within the WBLP. No appeals appear to relate to the application of the Precinct sub-zoning over the subject property, and a Consent Order has been issued for the Precinct provisions, meaning the PDP rules must be treated as operative. The proposal does not trigger any rules or standards under the ODP.

## 5.3 Proposed District Plan

The subject site is zoned Wakatipu Basin Rural Amenity Zone (Lifestyle Precinct Sub-Zone) in the PDP and the proposal requires resource consent for the following matters:

The proposal requires the following resource consent under the PDP:

- A **Non-complying Activity** resource consent under Rule 24.4.7 for the construction of a building for residential activity outside of a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform;
- A **Restricted Discretionary Activity** under Rule 24.5.8.1 for that part of the building that exceeds 6.5m above existing ground level
- A **Restricted Discretionary Activity** resource consent under Rule 25.4.2 for the exceedance of 400m² of earthworks within the WBRAZ.
- A **Restricted Discretionary Activity** resource consent under Rule 25.5.1 for fill areas exceeding 2m in height.
- A **Restricted Discretionary Activity** under Rule 25.5.15 for cut areas exceeding 2.5m in depth.

Overall, the proposal is a **non-complying Activity** under the PDP.

## 5.4 Resource Management Act 1991

The proposal includes changes to Consent Notice 13329296.8 and resource consent is required for:

- A **discretionary** activity consent pursuant to section 221 of the RMA for the proposed changes to conditions a) and b) of Consent Notice 13329296.8.

## 5.5 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified above. If the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this application. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("Act") to process the application regardless of the type of activity that the application was expressed to be for.

# 6. Statutory Considerations

## 6.1 Section 104 – Matters for Assessment

Of relevance to this application, Section 104(1) of the Act states:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to–

> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
> *(ia) a wastewater environmental performance standard:*
> *(ib) a stormwater environmental performance standard:*
> *(ic) an infrastructure design solution:*
> *(ii) other regulations:*
> *(iii) a national policy statement:*
> *(iv) a New Zealand coastal policy statement:*
> *(v) a regional policy statement or proposed regional policy statement:*
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

And section 104(1A) to (1D) states (as amended underlined by Part 2 of Schedule 12 of the Planning Act 2026):

*(1A) When considering the effects of a district land use activity, a consent authority must disregard—*

*(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):*

*(i) the area of glazing:*

*(ii) the presence or absence of balconies:*

*(iii) the outdoor living space:*

*(iv) the internal layout:*

*(v) the size of a residential unit:*

*(vi) the size of landscaped areas (except in relation to permeability):*

*(b) negative effects of development on trade competition, including on competing providers of input goods and services:*

*(c) effects on retail distribution:*

*(d) in relation to a project,—*

*(i) any lack of demand for the project; or*

*(ii) the fact that the project is not financially viable:*

*(e) the type of residents to be housed in a new development:*

*(f) views from private property.*

*(1B) When considering an application for a district land use consent, the consent authority may disregard a national environmental standard, a plan or proposed plan, a national policy statement, or a regional policy statement to the extent that it regulates or purports to regulate a matter described in subsection (1A).*

*(1C) A person who exercises a power or performs a function under this Act must not, except as provided in Schedule 1 of the Planning Act 2026, consider elements of or instruments made under that Act or the Natural Environment Act 2026 in the determination of a resource consent application or notice of requirement lodged under this Act during the transition period.*

*(1D) Despite subsection (1C), the consent authority must consider the extent to which its decision on a resource consent application is consistent with—*
*(a) any relevant decided regional spatial plan; or*
*(b) any relevant future development strategy published before the notification of that plan.*

Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard (or an initial national standard) or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

An assessment of the effects of the proposal on the environment is provided in section 7 of this report. The assessment specifies what effects listed in section104(1A) must be discarded in consideration of this application.

## 6.2 Section 104D - Non-Complying Activities

Section 104(D) of the RMA states (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026):

*(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

*(a) the adverse effects of the activity on the environment will be minor, other than any effect—*

*(i) to which section 104(3)(a)(ii) applies:*

*(ii) described in section 104(1A), if the application is for a district land use consent; or*

*(b) the application is for an activity that will not be contrary to the objectives and policies of—*

*(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
*(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
*(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

*(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

*(3) When forming an opinion under subsection (1)(b) on an application for a district land use consent, a consent authority must disregard any provision in a plan or proposed plan that regulates or purports to regulate an effect described in section 104(1A).*

# 7. Effects on the Environment

As stated above, Section 104D of the RMA provides that consent may only be granted for a non-complying activity if the consent authority is satisfied that one of the gateway tests are met. This section of the AEE therefore considers whether or not the the adverse effects of the activity on the environment will be minor, *other than* any effect to which section 104(3)(a)(ii) applies or as described in section 104(1A), which relevantly include the following:

> (a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):
>
> (i) the area of glazing:
> (ii) the presence or absence of balconies:
> (iii) the outdoor living space:
> (iv) the internal layout:
> (v) the size of a residential unit:
> (vi) the size of landscaped areas (except in relation to permeability):
> …
> (f) views from private property.

It is understood that the term "minor" suggests adverse effects (*other than* any effect to which section 104(3)(a)(ii) applies or as described in section 104(1A)) that are less than major, but more than simply minute or slight, and are determined after having regard to any mitigation that may be achieved by imposing conditions.

## 7.1 Permitted Baseline

The Quality Planning website defines the receiving environment as follows:

The environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:

> - *the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities*
> - *the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*
>
> *but not*
> - *the environment as it might be modified by implementing future resource consent applications (because these are too speculative)* [1] *(underlining added).*

In considering the effects of the proposal, the consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

[1] https://qualityplanning.org.nz/node/850

In terms of the future state of the environment, there is no relevant permitted baseline to apply.

## 7.2 Receiving Environment

The receiving environment consists of the resource consents listed on eDocs (set out in Section 3.2 of this report) and comprises of the existing land use consent that relates directly to this application. The Quality Planning website defines the receiving environment as follows:

*the environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:*

- *the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities*
- *the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*
  *but not*
- *the environment as it might be modified by implementing future resource consent applications (because these are too speculative) 1 (underlining added).*

The resource consents as described in Section 3.2 of this AEE, are considered to form part of the receiving environment as they have been given effect to and therefore form part of the receiving environment. This is significant in respect to the consideration of the proposal.

## 7.3 Effects of the Proposed Residential Activity

Although the proposal triggers NCA status, the matters of restricted discretion from PDP Rule 24.4.6, provide the most useful set of assessment criteria. These include:

a. *Effects on landscape character associated with the bulk and external appearance of buildings;*
b. *Access;*
c. *Infrastructure;*
d. *Landform modification, exterior lighting, landscaping and planting (existing and proposed);*
e. *Natural hazards;*
f. *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.;*
g. *Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.*

### 7.3.1 Effects on landscape character associated with the bulk and external appearance of buildings;

The proposed dwelling has been designed as a predominantly single-storey, low-profile building that extends laterally across the slope rather than creating a strongly vertical form. The proposed building has a slab footprint of approximately 310m² and an overall roof footprint of approximately 461m², equating to approximately 7.6% site coverage. The finished floor level is 427.5m RL, with the dwelling integrated into the existing sloping landform through associated excavation, filling and retaining.

The elongated building form is articulated into a series of interconnected elements, comprising the principal contemporary dwelling and a smaller cottage component. This articulation helps break up the overall building mass and avoids the appearance of one large, continuous structure. The architectural design, together with the relatively low-profile roof form, assists in reducing the visual prominence of the dwelling within the landscape.

In considering the effects of the proposed building bulk, particular regard has been given to the findings of Council when granting RM230481. That consent authorised a substantial residential development on the same site, with an approved building footprint of approximately 511m² and a stated maximum building height of 4.7m. Council has previously approved a dwelling of substantial scale in this position and therefore a residential development is already anticipated within this location within the site.

The current proposal has a smaller overall footprint; however, its configuration and architectural expression differ from the previously approved design. While the earlier consent does not determine the acceptability of the current proposal, it does provide the relevant context when assessing the effects of the revised building form and appearance.

The proposed external materials and finishes also assist in integrating the dwelling into its surroundings. The principal dwelling incorporates natural stone veneer, dark masonry block and pre-painted aluminium with a Corten-style finish, together with low-reflectivity Colorsteel roofing.

The cottage component incorporates rusticated weatherboards and a dark corrugated Colorsteel roof. These materials and generally subdued, earth-toned colours are intended to complement the surrounding rural landscape and minimise the visual prominence of the built form. While the architectural language differs from that previously approved under RM230481, the use of natural stone and recessive external finishes maintains a relatively subdued appearance.

The proposed main dwelling exceeds the 6.5m maximum height limit above existing ground level in two localised locations. These exceedances are confined to specific portions of the roof structure, with the majority

of the dwelling remaining within the permitted height limit of 6.5m. The cottage fully complies with the maximum permitted height.

The proposed dwelling also extends partially beyond the previously approved building platform; however, the revised design remains generally within the established development area.

The proposed landscaping will further assist in softening the built form and integrating the dwelling into the surrounding landscape. A Structural Landscape Plan provides for a combination of native evergreen shrubs, tussock and flax planting, together with deciduous trees, including replacement planting. These plantings will complement the external materials and assist in breaking up the visual appearance of the development.

Overall, the proposed bulk and external appearance are considered appropriate in the context of the site and the residential development previously authorised under RM230481. While the current proposal represents a substantive redesign, it retains a predominantly single-storey form, is integrated into the sloping topography and incorporates articulated building elements and a subdued external material palette. The proposed landscaping will provide further integration with the surrounding environment.

In this context, the revised building form and external appearance are not considered to give rise to any new or materially greater adverse effects than those associated with the residential development previously approved for the site.

### 7.3.2 Effects on access, servicing and infrastructure

The proposed development will continue to utilise the existing access and infrastructure framework previously considered and accepted through RM230481, such that the revised dwelling does not require a fundamentally different servicing solution. RM230481 accepted access from Beechwood Lane via the existing right-of-way and established requirements for the formation and drainage of the onsite access, together with connections to Council's reticulated potable water, wastewater and stormwater infrastructure. The current plans retain this general arrangement, with the driveway, parking and manoeuvring areas located in association with the established access, while water, wastewater, stormwater and power connections are shown connecting with the subdivision servicing infrastructure. The plans also provide for a 5,000-litre potable water tank supplied at the consent notice allowance of 2,100 litres per day, together with buried firefighting tanks providing a combined 45,000-litre static supply and an associated fire appliance hardstand and coupling. Stormwater from the developed catchment is proposed to be directed to an attenuation tank before connecting to the site stormwater system, supplemented by the existing cut-off drain and additional surface drainage identified in the GeoSolve recommendations.

Accordingly, while the configuration of the dwelling and associated development differs from that authorised by RM230481, there is no fundamental change to the established means of access or overall servicing strategy for the site. The assessment of the current proposal can therefore appropriately rely on the engineering findings made through RM230481 insofar as they relate to the suitability of the established access and subdivision infrastructure, with the revised detailed design demonstrating how the new development will utilise those previously accepted arrangements. On this basis, and subject to compliance with the applicable detailed engineering and consent notice requirements, the proposed access and infrastructure arrangements are considered appropriate and are not expected to give rise to material additional effects beyond those previously considered through RM230481.

### 7.3.3 Effects of landform modification, exterior lighting, landscaping and planting (existing and proposed)

The proposed earthworks are substantial but are reduced in overall scale and depth compared with those previously approved under RM230481. The current earthworks plan prepared by Aurum Surveyors identifies a total earthworks area of approximately 2,163m², comprising 659m³ of cut, 510 m³ of fill, 640m³ of mounding and 491 m³ of stripping, with a maximum cut depth of 3.3m and maximum fill depth of 2.2m. The plan shows the earthworks concentrated around the dwelling platform and access, with the resultant landform shaped around the building and a maximum fill grade of 2V:1H. By comparison, RM230481 authorised approximately 2,500m³ of earthworks, comprising around 1,100m³ of cut and 1,400m³ of fill, with maximum cut and fill depths of approximately 5.8m and 3.2m respectively. The current proposal therefore represents a material reduction in both the volume and maximum depth of earthworks relative to the development already considered acceptable by Council. While the location and configuration of the earthworks have changed to accommodate the redesigned dwelling and therefore require assessment on their own merits, their overall scale is appreciably less than the consented scheme. In addition, the updated GeoSolve assessment concludes that the proposed development is geotechnically feasible subject to implementation of its recommendations, while the project-specific EMP provides for erosion and sediment controls during construction. In this context, and having particular regard to the greater extent of excavation and filling previously accepted under RM230481, the proposed earthworks are considered appropriate for the site and are not anticipated to generate materially greater landform, stability or construction-related effects than those previously assessed and approved.

### 7.3.4 Effects of Natural Hazards

The current GeoSolve assessment is consistent with, and provides a more detailed site-specific basis for, the natural hazards conclusions reached under RM230481. Council previously accepted GeoSolve's advice that the site had a nil to low liquefaction risk, corresponding with Domain A of the GNS regional liquefaction assessment. Council's engineer considered that no additional mitigation was required and concluded that adverse effects associated with natural hazards would be no more than minor.

The updated GeoSolve assessment does not identify any geotechnical conditions that would materially alter that earlier conclusion. Investigations identified shallow schist bedrock, generally encountered between approximately 0.7m and 1.4m below ground level. Regional groundwater is expected to be below the proposed excavations and foundations. No seepage was encountered during the test-pit investigations, although localised perched seepage may occur at the soil-rock interface or through fractures in the schist following heavy rainfall. Seismic shaking is also identified as a regional consideration, with detailed design to adopt seismic acceleration in accordance with NZS 1170.5:2004 using Class B ground conditions.

In respect of slope stability, GeoSolve considers the orientation of the schist foliation favourable for the proposed north to northeast-facing cuts, with no deep-seated instability associated with the foliation expected. Exposed rock cuts are to be mapped during construction to identify and address any localised instability associated with secondary defects. The proposed fill slope north of the dwelling, with a maximum fill depth of approximately 3m and slope angle of 26°, is also considered acceptable, provided the dwelling maintains the approximately 3–6m setback from the crest shown on the plans.

The report also considers surface and groundwater management, noting that the site slopes approximately 10–20° to the northeast and that some surface runoff from the upper slopes may flow towards the proposed building area. GeoSolve recommends positive drainage, monitoring of excavations and slopes, and provision for cutoff or horizontal drainage if groundwater seepage is encountered.

Retaining walls are to be specifically designed by a Chartered Professional Engineer to account for groundwater, seismic and surcharge loads, with appropriate drainage provided behind the structures.

GeoSolve concludes that the proposed development is geotechnically feasible, subject to its recommendations being implemented. This includes appropriate ground preparation, foundation design, engineered fill, inspection of earthwork batters and foundation subgrades, and construction monitoring. The report also identifies the need for appropriate erosion, sediment runoff and dust controls during construction.

Overall, the updated GeoSolve assessment provides further detail regarding the site's geology, slope stability, groundwater and seismic conditions but does not identify any new or materially greater natural hazard constraints compared with those considered under RM230481. No adverse geotechnical implications for neighbouring properties have been identified, provided the recommended measures are followed.

Overall, no adverse geotechnical implications for neighbouring properties were identified provided the recommended excavation measures are followed.

### 7.3.5 Effects on Lake Hayes Catchment

The site is not mapped as being within the Lake Hayes catchment for regional wastewater regulation purposes.

## 7.4 Effects of changing Consent Notice Conditions

The existing consent notice conditions need to be considered in the context of the current planning framework and the subsequent consenting and subdivision history applying to the site. In particular, the land containing the proposed dwelling is now within the WBRAZ, Lifestyle Precinct, rather than being subject solely to the former Rural General Zone framework. The WBLP specifically anticipates rural living development while requiring the landscape character and visual amenity values of the Wakatipu Basin to be maintained or enhanced. Importantly, this change in planning circumstances was expressly considered through RM230481, where Council accepted that the PDP provides an updated planning framework and that the WBLP anticipates a level of residential development that was not contemplated when the earlier landscape restrictions applying to the land were imposed.

That change was sufficiently material for Council, through RM230481, to approve a variation to Condition 2 of Consent Notice 5721911.8 so that the requirement for development to accord with the historic Landscape Management Plan no longer applies to land zoned WBRAZ (Lifestyle Precinct). Council nevertheless retained the balance of the consent notice requirements and emphasised that the PDP continues to provide an appropriate mechanism for assessing the landscape effects of future development, including through the requirement for buildings within the zone to obtain resource consent. Council was satisfied that this approach would continue to protect the important landscape character and amenity values of the site while recognising the development outcomes now anticipated by the Lifestyle Precinct.

The present proposal should therefore be considered against that more recent consenting context. RM230481 established the acceptability in principle of a substantial residential unit and associated access, servicing, earthworks and landscaping in this location. Council concluded that the development would maintain the landscape character and visual amenity values of the Tucker Beach Landscape Character Unit and that the eastern part of the unit has capacity to absorb additional rural living development. The decision also accepted that the proposed dwelling, through its recessive appearance, integration into the hillside, earthworks and structural landscaping, would not result in landscape character effects that were more than minor. The present proposal represents a redesign of that development rather than the introduction of an entirely new land-use outcome, and its effects are addressed against the same contemporary WBLP framework.

The ongoing consent notice requirements should accordingly be retained or adjusted according to whether they continue to serve a necessary resource management purpose for the current development. Matters such as building location and height, potable and firefighting water supply, geotechnical requirements, landscaping and ongoing servicing remain relevant, but their application should reflect the current allotment configuration

and the development now proposed. This is particularly appropriate given that the subdivision conditions incorporated into RM230481 already establish contemporary requirements relating to the building platform, building height, Council potable water allocation and buffering storage, firefighting water supply, geotechnical certification and maintenance of structural landscaping.

The proposed dwelling remains concentrated within the established development area and, as assessed above, adopts an articulated, predominantly single-storey form integrated into the sloping landform. The associated revised earthworks are also materially reduced in scale and depth from those accepted under RM230481, while the updated GeoSolve assessment confirms that the revised development is feasible from a geotechnical perspective subject to the specified design and construction measures. In this context, updating the consent notice controls to reflect the current proposal would not of itself compromise the environmental outcomes underlying those controls. Rather, the relevant safeguards can be expressed in a manner that responds directly to the development now proposed and the current planning framework.

Accordingly, to the extent that any existing consent notice conditions conflict with or unnecessarily duplicate the current proposal, the PDP provisions or more recently imposed consent notice controls, those conditions can appropriately be reconsidered under section 221 of the RMA. The preferable approach is to retain those ongoing controls that continue to perform a relevant resource management function, while amending or removing requirements that relate to the former planning framework or superseded development arrangements. This approach is consistent with the reasoning adopted by Council under RM230481, where modification of the historic landscape management controls was accepted because the contemporary WBLP provisions provide a more appropriate framework for managing future development and landscape effects.

Overall, the application of the WBRAZ, Lifestyle Precinct, the previous approval of residential development through RM230481, and the subsequent subdivision and consent notice arrangements represent a materially different planning and development context from that which applied when the original consent notice controls were established. Any variation sought as part of the present proposal should therefore focus on ensuring that the consent notice remains relevant to the current development while preserving those landscape, amenity, geotechnical and servicing safeguards that continue to be necessary. This would provide a clearer and more contemporary set of ongoing controls without diminishing the environmental outcomes intended to be secured for the site.

## 7.5 Conclusion of Effects

Overall, having regard to the assessment above, the adverse effects of the proposal on the environment are considered to be no more than minor for the purposes of the first gateway test in section 104D(1)(a) of the RMA. In reaching that conclusion, particular regard has been had to the existing and consented environment, including the residential development previously authorised by RM230481. While the current proposal

represents a redesign of that development, it retains substantially the same residential use, development location, access and servicing framework, and its earthworks are reduced in scale and depth compared with those previously approved. The proposed dwelling adopts a low-profile and articulated form, recessive material palette and an approach to landform integration that limits its visual prominence, while the established access and infrastructure arrangements remain available to service the development. The updated GeoSolve assessment also confirms that the revised proposal is geotechnically feasible subject to the recommended design, drainage, earthworks and construction measures. These matters support the conclusion that the proposal will not result in materially greater landscape, visual amenity, infrastructure, landform or natural hazard effects than those previously considered acceptable by Council through RM230481.

Importantly, the section 104D assessment must be undertaken excluding those effects that the RMA expressly requires to be disregarded. Accordingly, no reliance is placed on effects relating to the area of glazing, the presence or absence of balconies, outdoor living space, internal layout, the size of the residential unit, the size of landscaped areas except insofar as permeability is relevant, or views from private property, to the extent those matters fall within the statutory exclusions identified above. The assessment of effects instead turns on the remaining relevant environmental effects, including landscape character and visual amenity effects associated with the building's bulk and external appearance, landform modification, access and infrastructure, natural hazards, earthworks and the effects associated with the proposed changes to the consent notice conditions. In other words, any concern arising solely from a change to a private view, or from the residential design matters that Parliament has directed consent authorities to disregard, cannot properly contribute to a finding that the adverse effects exceed the minor threshold for the purposes of section 104D(1)(a).

When those excluded matters are put to one side, the remaining effects are appropriately avoided, remedied or mitigated through the design of the proposal, the established infrastructure and access arrangements, the proposed landscaping and landform treatment, the recommendations of GeoSolve, the EMP and the imposition of appropriate conditions of consent. The proposed changes to the existing consent notice framework similarly do not remove the relevant environmental safeguards applying to the site but enable those safeguards to be updated to reflect the present development and planning context. Having considered these matters collectively, the proposal is not anticipated to result in any adverse effect, whether individually or cumulatively, that would elevate the overall effects beyond a minor level.

It is therefore concluded that, once the effects required to be disregarded under sections 104(3)(a)(ii) and 104(1A) are excluded from consideration, the adverse effects of the proposal on the environment will be no more than minor. The first gateway test in section 104D(1)(a) is therefore satisfied, and the consent authority is not precluded by section 104D from granting consent to the proposal.

# 8. Policy Framework

The second test of section 104D requires assessment of whether the proposal of contrary to the objectives and policies of the ODP or PDP. Importantly, section 104(3) states that when forming an opinion under subsection 104(D)(1)(b) on an application for a district land use consent, a consent authority must disregard any provision in a plan or proposed plan that regulates or purports to regulate an effect described in section 104(1A), which relevantly includes the following:

*(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):*
*(i) the area of glazing:*
*(ii) the presence or absence of balconies:*
*(iii) the outdoor living space:*
*(iv) the internal layout:*
*(v) the size of a residential unit:*
*(vi) the size of landscaped areas (except in relation to permeability):*
*…*
*(f) views from private property.*

To determine whether the proposal is "contrary" in the sense of "being opposed to in nature; different or opposite" or "repugnant and antagonistic". It is understood that an application may be considered to be in conflict with certain policies but that does not make it contrary. It is also understood that the accepted practice of the Courts has been that if a proposal is to be stopped at the second gateway it must be contrary to the objectives and policies as a whole. However, first, some higher order documents are considered.

## 8.1 National Policy Statement for Highly Productive Land 2022

The Environment Court have issued a decision which confirms that the WBRAZ is not a rural or rural production zone in terms of the NPS-HPL. As such, the NPS-HPL is of no consequence to the proposal, as the site does not meet the definition of highly productive land.

## 8.2 Otago Regional Policy Statement 2021 (ORPS 2021)

The Otago Regional Policy Statement 2021 (ORPS 2021) became operative on 9 July 2026, following resolution of the appeals arising from the decisions on the freshwater and non-freshwater parts of the proposed RPS. It now provides the operative regional policy framework relevant to the assessment of the proposal. Of particular relevance is Objective UFD-O4 – Development in rural areas, which seeks to ensure that development in Otago's rural areas avoids impacts on significant values and features identified in the RPS; appropriately addresses highly productive land; provides for rural lifestyle and rural residential development in locations identified through strategic planning or zoned within district plans as suitable for

such development; and, outside those identified areas, maintains and enhances the natural and physical resources supporting rural productive capacity, character and communities.

The proposal is considered consistent with the outcomes sought by UFD-O4. Most importantly, the site of the proposed dwelling is located within the WBLP under the PDP. The WBLP represents an area that has been specifically identified through the district planning process as suitable for rural living development, subject to maintaining or enhancing the landscape character and visual amenity values of the Wakatipu Basin. The proposal therefore accords with the direction in UFD-O4 that rural lifestyle and rural residential development occur within locations identified through strategic planning or district plan zoning as suitable for that form of development.

This conclusion is reinforced by the consenting history of the site. RM230481 previously authorised residential development in this location, and Council concluded that the eastern part of the Tucker Beach Landscape Character Unit has capacity to absorb additional rural living development and that the development would maintain the landscape character and visual amenity values anticipated for the area. The present proposal represents a redesign of that previously authorised residential development rather than the introduction of rural living into an area where that form of development has not been anticipated.

The proposal is also not understood to affect an Outstanding Natural Landscape, Outstanding Natural Feature or other significant landscape features identified through the applicable planning framework. Further, the land accommodating the proposed development is zoned for rural lifestyle purposes rather than rural production. The proposal therefore does not represent an unplanned expansion of rural residential development into productive rural land but gives effect to the form and location of rural living specifically anticipated through the WBLP zoning.

Overall, the proposal is considered consistent with the relevant provisions and outcomes of the operative ORPS 2021, and particularly UFD-O4. The proposal provides for rural living within an area specifically zoned for that purpose, utilises an established and previously accepted development location and servicing framework, and, for the reasons addressed elsewhere in this assessment, maintains the relevant landscape character, visual amenity and environmental values of the receiving environment. Accordingly, the ORPS 2021 does not present any impediment to the granting of consent.

## 8.4 Operative District Plan

The relevant objectives and policies are contained within Sections 4 and 5 of the ODP. Although all of the rules that are relevant to the proposal are now treated as inoperative under Section 86F.

## 8.5 Proposed District Plan

The relevant objectives and policies are contained in Chapter's 3 Strategic Directions, 6 Landscape and Rural Amenity, 24 Wakatipu Basin, 25 Earthworks and 27 Subdivision and Development of the PDP.

### 8.5.1 Strategic Direction (Chapter 3)

Chapter 3 provides the overarching strategic direction for the management of growth, land use and development within the District. For resource consent applications, the Strategic Objectives and Strategic Policies provide important context as to the outcomes sought by the more detailed objectives and policies elsewhere in the District Plan. The relevant Chapter 3 provisions are therefore appropriately considered alongside, and as strategic context for, the more specific provisions of Chapter 24 apply to the WBRAZ and Lifestyle Precinct.

***Objective 3.2.4 – The distinctive natural environments and ecosystems of the District are protected***

Objective 3.2.4 and its supporting objectives seek to protect the District's distinctive natural environments and ecosystems, including by sustaining or enhancing the life-supporting capacity of air, water, soil and ecosystems and maintaining or enhancing water quality.

The proposal is consistent with these outcomes. The site is already provided with an established servicing framework, with RM230481 accepting connection of the dwelling to Council's reticulated potable water and wastewater networks and requiring impervious areas to connect to the Council stormwater system, supplemented by appropriate onsite stormwater management. Council's engineering assessment under RM230481 considered these arrangements to be generally compliant with the QLDC Land Development and Subdivision Code of Practice and concluded that servicing effects would be no more than minor. The present proposal will continue to utilise that established infrastructure framework. In addition, construction-related effects associated with earthworks, including erosion and sediment generation, are to be managed through the project-specific EMP. Accordingly, the proposal is considered to be consistent with these Objectives and Policy.

***Objective 3.2.5 & 3.2.5.8 – Retention of distinctive landscapes and the Wakatipu Basin***

Objective 3.2.5 seeks the retention of the District's distinctive landscapes. Of particular relevance, Objective 3.2.5.8 provides strategic direction for the management of the Wakatipu Basin, including the maintenance or enhancement of landscape character and visual amenity values and consideration of the landscape capacity identified for the Landscape Character Units in Schedule 24.8.

The proposal is consistent with this strategic direction. The dwelling is located within the WBRAZ – Lifestyle Precinct, in the eastern part of the Tucker Beach Landscape Character Unit. Importantly, RM240481 has already considered residential development in this specific location. In that decision, Council identified that the WBLP anticipates change to the settlement pattern in the central and eastern portions of the Tucker Beach LCU and recorded that the LCU has a moderate-high capability to absorb additional development. Council ultimately concluded that the dwelling authorised by RM230481 would maintain the relevant landscape

character and visual amenity characteristics and would not introduce adverse cumulative landscape character effects.

The current proposal represents a redesign of that established residential development outcome rather than introduction of development into an undeveloped location for which rural living is not anticipated. While it must be assessed on its own merits, the proposed dwelling has a smaller building footprint than the 511 m² dwelling authorised by RM230481 and retains a predominantly single-storey, low-profile form integrated into the sloping landform. The revised earthworks are also materially reduced in overall volume and maximum cut and fill depths from those previously accepted. In combination with the recessive external materials and proposed landscape treatment, these characteristics assist in maintaining the landscape character and visual amenity values applicable to this part of the Tucker Beach LCU. The proposal is therefore consistent with the strategic landscape outcomes sought by Objectives 3.2.5 and 3.2.5.8.

***Policy 3.3.22 – Rural living opportunities***

Policy 3.3.22 seeks to provide for rural living opportunities in areas identified on the District Plan web mapping application as appropriate for rural living development. This strategic direction provides strong support for the proposal because the proposed dwelling is located entirely within the Lifestyle Precinct, being an area specifically identified through the District Plan for rural living development. This is reinforced by the previous approval of residential development in essentially the same location under RM230481. Council noted in that decision that the WBLP anticipates a level of residential activity that was not anticipated under the former Rural General zoning and accepted that development at the proposed density was consistent with the rural living character anticipated for the eastern Tucker Beach area. The proposal therefore does not represent an extension of rural living into an area where such development is strategically discouraged but constitutes residential development within an area specifically identified as appropriate for that purpose.

***Policy 3.3.23 – Cumulative rural living development***

Policy 3.3.23 addresses the cumulative landscape effects associated with rural living subdivision and development. The underlying strategic concern is relevant to consideration of whether incremental development will cumulatively compromise important landscape character or visual amenity values. In this case, the proposal does not introduce an additional residential development opportunity beyond that previously authorised through RM230481 but instead provides a redesigned dwelling within the same established development context. Council's landscape assessment under RM230481 concluded that the density of development was consistent with that anticipated within the receiving Tucker Beach LCU and that the proposal would not create adverse cumulative landscape character effects. The revised proposal retains a low-profile form and landscape integration approach, while reducing the dwelling footprint and extent of earthworks

relative to that earlier consent. On that basis, the proposal is not considered to give rise to cumulative development effects that would undermine the strategic landscape outcomes contemplated by Chapter 3.

***Policy 3.3.25 – Water quality***

Policy 3.3.25 seeks to ensure subdivision, use and development adopts appropriate land-use management practices to avoid or minimise adverse effects on the water quality of the District's lakes, rivers and wetlands. Unlike the earlier assessment from which this wording was adapted, the subject site is not within the Lake Hayes Catchment. RM230481 also records that the site has access to reticulated Council water and wastewater services and requires connection to those services, together with management of stormwater from impervious surfaces. The present proposal will continue to utilise that servicing framework. Potential construction-related water quality effects associated with the proposed earthworks will also be controlled through the project-specific erosion, sediment and environmental management measures. Accordingly, the proposal is considered consistent with the water-quality outcomes sought by Policy 3.3.25.

***Chapter 3 conclusion***

Overall, the proposal is considered consistent with, and not contrary to, the relevant Strategic Objectives and Strategic Policies of Chapter 3. Of particular significance is the location of the dwelling within the WBLP, where rural living is expressly anticipated, together with the established consenting context provided by RM230481. That decision previously accepted a substantial residential unit, earthworks, landscaping, access and servicing in this location and concluded that the development would maintain the landscape character and visual amenity values of the Tucker Beach LCU and would not generate adverse cumulative landscape effects.

While the current proposal is a substantive redesign and must be assessed on its own merits, it does not represent a materially different strategic land-use outcome. Rather, it provides for the same rural living activity within an area specifically identified for that purpose, with a smaller building footprint, reduced earthworks and continued reliance on the established access and servicing framework. The low-profile and articulated building form, integration with the sloping topography, recessive external appearance and associated landscape treatment further assist in maintaining the landscape character and visual amenity values sought for the Wakatipu Basin. Accordingly, when Chapter 3 is considered as a whole and together with the more specific provisions of Chapter 24, the proposal does not offend the strategic direction of the PDP and represents an appropriate form of rural living development within the WBLP.

### 8.5.2 Landscapes and Rural Character (Chapter 6)

Chapter 6 provides more detailed direction for the management of landscapes and rural character and implements the strategic landscape direction contained in Chapter 3. It applies district-wide, but distinguishes between the different landscape categories and recognises that particular areas are subject to more specific

regulatory regimes. In the present case, the proposed dwelling is located within the WBLP, and within the Tucker Beach Landscape Character Unit. Accordingly, the Chapter 6 provisions need to be read together with the more specific landscape framework established for the Wakatipu Basin under Chapter 24 and Schedule 24.8.

***Policy 6.3.1.4 – Wakatipu Basin Rural Amenity Zone***

Policy 6.3.1.4 is particularly relevant because it provides for a separate regulatory regime for the WBRAZ, within which the ONF, ONL and RCL landscape categories and the corresponding Chapter 6 policies do not apply. Accordingly, the proposal should not be assessed as though the development site were an RCL, ONL or ONF. Rather, the applicable landscape assessment is principally that established through Chapter 24 and Schedule 24.8, including the landscape character, visual amenity values and capacity identified for the Tucker Beach Landscape Character Unit.

This distinction is important in the context of the present proposal. The site is located within the WBLP, being an area in which rural living development is anticipated subject to the maintenance or enhancement of the relevant landscape character and visual amenity values. Moreover, the suitability of residential development in this particular location has previously been considered through RM230481. In that decision, Council recognised that the eastern extent of the Tucker Beach Landscape Character Unit is within the Lifestyle Precinct, where change to the existing settlement pattern is anticipated, and described the landscape character unit as having a moderate-high capability to absorb additional development. Council ultimately concluded that the development authorised by RM230481 would not result in landscape character effects that were more than minor.

***Policies 6.3.2 to 6.3.4***

The subsequent Chapter 6 policies establish landscape-management regimes applying to specified rural zones and landscape classifications, including ONFs, ONLs and RCLs. Policy 6.3.1.4 provides the WBRAZ with a separate regulatory regime and, accordingly, those provisions do not establish the principal landscape test for the proposed dwelling. The more specific Chapter 24 and Schedule 24.8 framework is therefore the appropriate basis upon which to assess the landscape effects of the proposal.

Nevertheless, the proposal is consistent with the broader landscape-management themes evident throughout Chapter 6. The proposed dwelling adopts a low-profile and predominantly single-storey form and is integrated into the sloping topography. The built form is articulated into separate components and incorporates recessive external materials, including natural stone, dark masonry and weathered-metal finishes. The associated earthworks are also materially reduced relative to those authorised under RM230481, both in overall volume and maximum cut and fill depths. These characteristics assist in limiting the prominence of the development and integrating it with the surrounding landform.

This approach is consistent with the landscape considerations previously applied to the site under RM230481. Council accepted the earlier proposal on the basis that the recessively coloured, single-level dwelling was set into the hillside, with a considerable portion of the building buried and screened by landform modification and landscaping. Council's landscape assessment concluded that the resulting development would continue the rural living character anticipated within the eastern Tucker Beach area, would maintain the visual amenity characteristics of the landscape character unit and would not introduce adverse cumulative landscape character effects. While the present proposal adopts a different architectural form and therefore requires assessment on its own merits, it continues the fundamental approach of integrating substantial residential development into the underlying topography and landscape setting.

The previous consent is also relevant to consideration of cumulative landscape change. The proposal does not seek to introduce a new residential opportunity into a location where residential development has not previously been contemplated. Rather, it substitutes a redesigned dwelling and associated development for the residential development already authorised through RM230481. The current dwelling has a smaller stated building footprint than the 511 m² dwelling previously authorised, while the associated earthworks are also reduced in scale and depth. In this context, the proposal is not considered to materially alter the broader rural living settlement pattern previously found acceptable within this part of the Tucker Beach Landscape Character Unit.

**Chapter 6 conclusion**

Overall, Chapter 6 does not establish a separate landscape constraint that weighs materially against the proposal. Policy 6.3.1.4 recognises that the WBRAZ is subject to its own regulatory regime, with the more specific landscape framework contained principally within Chapter 24 and Schedule 24.8. The proposal should therefore be assessed primarily against the landscape character, visual amenity and development outcomes anticipated by those provisions rather than against the separate ONF, ONL or RCL policy regimes.

When Chapter 6 is considered together with Chapters 3 and 24, the proposal is considered consistent with, and not contrary to, the landscape direction of the PDP. Particular weight can be placed on the location of the development within the WBLP and the established consenting context provided by RM230481, which previously found substantial residential development in this location to be compatible with the landscape character and visual amenity values of the Tucker Beach Landscape Character Unit. Although the current proposal represents a substantive redesign, its predominantly single-storey form, integration into the sloping landform, recessive external treatment and reduced earthworks provide an appropriate response to the landscape setting. Accordingly, the proposal represents a form of rural living development capable of being absorbed within the landscape without undermining the landscape character and visual amenity outcomes sought by Chapters 3, 6 and 24.

### 8.5.3 Wakatipu Basin Rural Amenity Zone (Chapter 24)

Chapter 24 provides the principal policy framework for managing subdivision, use and development within the WBRAZ. The purpose of the Zone is to maintain or enhance the character and amenity of the Wakatipu Basin while providing for rural living and other activities. Of particular relevance, the proposed dwelling is located within the WBLP and within the Tucker Beach Landscape Character Unit (LCU).

The Tucker Beach LCU comprises a landscape in which rural living development is already established and, importantly, this site's capacity to accommodate residential development has previously been directly considered through RM230481. In that decision, Council recorded that the eastern part of the Tucker Beach LCU, within which the subject site is located, is an area where the WBLP anticipates change to the existing settlement pattern. Council described the LCU as having moderate-high capability to absorb additional development, while identifying the importance of maintaining openness and naturalness and avoiding inappropriate development creep. Council ultimately accepted that the residential development authorised under RM230481 would maintain the relevant landscape character and visual amenity values.

***Objective 24.2.1 – Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced***

The proposal is consistent with Objective 24.2.1. The proposed dwelling occupies the same general development area in which substantial residential development has previously been accepted through RM230481. The current proposal comprises a predominantly single-storey, low-profile dwelling that is integrated into the sloping landform and articulated into separate building elements. Its external appearance incorporates generally recessive materials and colours, including natural stone, dark masonry, weathered-metal finishes and low-reflectivity roofing. The revised development therefore continues the general approach previously accepted by Council of integrating substantial residential development into the hillside and limiting its visual prominence.

This conclusion is supported by the findings reached under RM230481. Council accepted that the earlier recessively coloured, single-level dwelling, together with the proposed landform modification and structural landscaping, would integrate with the surrounding landscape and maintain the visual amenity characteristics of Tucker Beach. Council also accepted that the proposed density was consistent with the rural living character anticipated within the receiving LCU and would not result in adverse cumulative landscape character effects. While the present proposal is a substantive redesign and must therefore be considered on its own merits, it does not introduce a fundamentally different landscape or land-use outcome.

***Policies 24.2.1.1 to 24.2.1.5***

Policies 24.2.1.1 to 24.2.1.5 are relevant insofar as they seek to ensure that subdivision, use and development within the Wakatipu Basin responds appropriately to the landscape character and visual amenity values identified in Schedule 24.8 and avoids inappropriate cumulative degradation of those values.

In the present case, the proposal constitutes rural living development within an area specifically identified as the WBLP, rather than an extension of rural living development into the balance of the Rural Amenity Zone. In addition, the proposal replaces the residential development previously authorised through RM230481 rather than creating an additional rural living opportunity. The earlier decision found that residential development in this location was consistent with the anticipated density and character of the eastern Tucker Beach LCU and would maintain the relevant visual amenity characteristics.

The present proposal maintains that overall approach. Its predominantly single-storey form, articulation, integration with the sloping landform and recessive external treatment assist in limiting the prominence of built development. The dwelling footprint of approximately 461 m² is also smaller than the approximately 511 m² footprint accepted under RM230481, while the proposed earthworks are reduced in overall scale and maximum depth. In this context, the proposal is considered to maintain the relevant landscape character and visual amenity values and does not give rise to an inappropriate cumulative pattern of rural living development.

***Policy 24.2.1.6 – Landform modification***

Policy 24.2.1.6 seeks to ensure that subdivision and development, including accessways, services, utilities and building platforms, is designed to minimise inappropriate modification of the natural landform

The proposal is consistent with this policy. The current earthworks design identifies an earthworks area of approximately 2,163 m², comprising approximately 659 m³ of cut, 510 m³ of fill, 640 m³ of mounding and 491 m³ of stripping, with maximum cut and fill depths of approximately 3.3 m and 2.2 m respectively. Those works are principally associated with integrating the dwelling and access into the existing slope. Importantly, they are materially reduced from the approximately 2,500 m³ of earthworks, including maximum cut and fill depths of approximately 5.8 m and 3.2 m, accepted under RM230481. Council previously concluded that the greater degree of landform modification associated with RM230481 was acceptable, subject to the GeoSolve recommendations and appropriate environmental management.

The current GeoSolve assessment similarly confirms that the revised development is geotechnically feasible subject to the recommended design and construction measures. In this context, the proposed landform modification is considered appropriate and consistent with Policy 24.2.1.6.

***Policy 24.2.1.7 – Landscape character and visual amenity***

Policy 24.2.1.7 seeks to ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8. The proposal achieves this by concentrating built development within an established residential development location and adopting a low-profile form that responds to the underlying slope. The articulation of the building, recessive material palette, surrounding landform treatment and landscaping will assist in integrating the dwelling into its setting. These outcomes are consistent with the landscape approach previously accepted through RM230481, where Council concluded that residential development at this location would maintain the rural living character and visual amenity characteristics of the Tucker Beach LCU.

***Policy 24.2.1.8 – Scale, form, location and appearance of development***

The proposed dwelling has been designed to respond to its elevated and sloping setting. While substantial in overall floor area, it is predominantly single storey and broken into distinguishable building components rather than presenting as one continuous building mass. Its external materials are generally dark, recessive and low-reflectivity, and natural stone remains an important component of the overall material palette. The proposed building footprint is also approximately 50 m² smaller than that previously authorised through RM230481. Council found the previously consented development acceptable having regard to its scale, form, recessive appearance and integration into the hillside. The present proposal is therefore considered to maintain an appropriate relationship between built form and the wider landscape and to be consistent with the outcomes sought by this policy.

***Policy 24.2.1.15 – Spaciousness and subservience of buildings***

The proposal retains an appropriate sense of spaciousness and ensures that built development remains subservient to the broader landscape setting. Although the dwelling is substantial, the predominantly horizontal and single-storey composition, integration with the slope and articulation of the building reduce its apparent mass and vertical prominence. This development occurs within an established WBLP setting where rural living is anticipated and does not create any additional residential development opportunity beyond that previously consented through RM230481. The proposal is therefore not considered to undermine the overall sense of spaciousness characteristic of this part of the Tucker Beach LCU.

***Policy 24.2.1.18 – Defensible edges***

Policy 24.2.1.18 seeks to maintain a defensible edge between areas of rural living within the WBLP and the balance of the Rural Amenity Zone. The proposal does not extend rural living development beyond the existing WBLP boundary. Rather, it provides for a redesigned dwelling within an established development location inside the Precinct. As such, the proposal does not result in development creep into the adjoining Rural Amenity Zone or compromise the distinction between areas identified as appropriate for rural living and the balance of the rural landscape.

***Objective 24.2.4 – Infrastructure, water quality, ecological quality and recreation values***

The proposal is consistent with Objective 24.2.4. The development does not rely upon a private bore or onsite wastewater treatment and land disposal. The site has access to Council's reticulated potable water and wastewater infrastructure, together with established stormwater, power and telecommunications servicing. RM230481 specifically considered those arrangements, with Council's Land Development Engineer recording that servicing had been resolved through the Engineering Acceptance process for the underlying subdivision and concluding that the proposed servicing generally complied with the QLDC Land Development and Subdivision Code of Practice.

The current proposal continues to utilise this established servicing framework. The proposed stormwater measures also respond to the sloping nature of the site, while construction-related water quality effects associated with earthworks will be managed through the project-specific Environmental Management Plan and erosion and sediment controls. The proposal therefore provides for infrastructure efficiently without giving rise to unacceptable water quality or ecological effects.

***Objective 24.2.5 – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced***

Objective 24.2.5 is directly relevant as the subject development is located within the Lifestyle Precinct. The objective therefore positively anticipates rural living opportunities in this location provided that landscape character and visual amenity values are maintained or enhanced.

The proposal is consistent with this outcome. Residential development at this location has already been authorised through RM230481, with Council accepting that the proposed density was consistent with the character anticipated within the receiving Tucker Beach LCU and that the development would maintain its visual amenity characteristics. The present proposal does not seek an additional dwelling beyond that established development outcome but substitutes a revised architectural and earthworks design. For the reasons addressed above, the low-profile building form, reduced footprint, integration with the existing slope, recessive materials and associated landscape treatment ensure that the revised development remains capable of being absorbed within this part of the Lifestyle Precinct.

***Policy 24.2.5.2 – Sympathetic and design-led development***

Policy 24.2.5.2 seeks to ensure that development and landscape modification within the WBLP occurs sympathetically, including through design-led and innovative patterns of development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall

The proposal responds directly to that policy direction. The dwelling has been specifically designed around the site's sloping topography rather than imposing a conventional two-storey residential form upon it. The elongated built form is articulated into separate components, the dwelling is predominantly single storey, and

the external materials adopt a restrained and generally recessive palette. The earthworks integrate the building and access into the landform and are appreciably reduced relative to the works authorised under RM230481. The development therefore represents a design-led response to the particular characteristics of the site and is considered consistent with Policy 24.2.5.2.

**Overall Chapter 24 conclusion**

Overall, the proposal is considered consistent with, and not contrary to, the relevant objectives and policies of Chapter 24. Of particular importance, the proposed residential activity is located within the Lifestyle Precinct, where rural living is expressly anticipated provided that landscape character and visual amenity values are maintained or enhanced. The appropriateness of substantial residential development in this particular location has also already been established through RM230481, where Council concluded that the eastern Tucker Beach area has capacity to absorb additional development and that the authorised dwelling would maintain the relevant landscape character and visual amenity values.

The present proposal represents a redesign of that consented development rather than a new rural living opportunity. While the altered building form and earthworks must be assessed on their own merits, the proposal retains the fundamental landscape response previously considered appropriate: a predominantly single-storey dwelling integrated with the hillside, recessive external treatment, associated landscaping, established access and servicing, and careful management of landform modification. The smaller building footprint and reduced scale and depth of earthworks provide further support for the conclusion that the revised development can be accommodated without materially greater landscape effects than those previously accepted. Accordingly, the proposal achieves the central Chapter 24 outcome of enabling rural living within the WBLP while maintaining the landscape character and visual amenity values of the Wakatipu Basin.

### 8.5.4 Earthworks (Chapter 25)

Chapter 25 manages the environmental effects associated with earthworks. Its provisions recognise that earthworks are frequently necessary to facilitate subdivision, land use and development, while seeking to ensure that associated effects on landform, landscape and visual amenity, land stability, erosion and sedimentation, infrastructure and adjoining land are appropriately avoided, remedied or mitigated. In the present case, the earthworks are an integral component of establishing the proposed dwelling, access, parking, landscaping and associated infrastructure within the WBLP.

***Objective 25.2.1 – Environmental effects of earthworks***

The Objective 25.2.1 requires earthworks to be undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values. The supporting policies address matters including erosion and sediment generation, land stability, landscape and

visual effects, and the design and extent of earthworks having regard to the opportunities and constraints of the site.

The proposal is consistent with these outcomes. The proposed earthworks are concentrated around the new dwelling foot print, access and associated development and are necessary to accommodate the development and integrate it into the existing sloping landform, rather than representing an independent or unnecessary modification of the site.

Importantly, the scale of the proposed earthworks should also be considered against the established consented environment. RM230481 previously authorised a more extensive earthworks scheme, involving greater excavation depths and overall landform modification. Council's engineering assessment concluded that those works were feasible, provided GeoSolve's recommendations were followed, and that associated adverse environmental effects would be no more than minor.

The current proposal therefore represents a reduction in the overall scale and extent of landform modification compared with the development previously approved for the site.

***Policies 25.2.1.1, 25.2.1.6 and 25.2.1.7 – erosion, stability and construction effects***

Policies 25.2.1.1, 25.2.1.6 and 25.2.1.7 seek to appropriately manage effects associated with erosion, instability, sediment generation, infrastructure, neighbouring land and temporary construction activities.

The proposal responds appropriately to these matters. The project-specific EMP identifies erosion and sediment runoff, dust, noise, vibration and fuel or chemical spills as potential construction effects and establishes a staged management approach incorporating clean-water diversion, sediment controls, stormwater inlet protection, progressive stabilisation and routine monitoring. The works will therefore be undertaken within an established environmental management framework directed specifically at minimising the potential for construction-related effects to extend beyond the site.

Land stability has also been specifically considered in the updated GeoSolve assessment. The investigation identified relatively shallow schist bedrock and found the orientation of the schist foliation to be favourable in relation to the principal proposed cuts. No deep-seated instability associated with the foliation is expected, while the proposed fill slope is considered acceptable subject to maintaining the identified dwelling setback. GeoSolve concludes that the development is geotechnically feasible provided its recommendations are implemented, including construction-stage inspection of earthwork batters, foundation subgrades and engineered fill. On that basis, the proposed earthworks can be undertaken without generating unacceptable land-stability effects.

***Policies 25.2.1.2 to 25.2.1.5 – landscape, visual amenity and landform***

Policies 25.2.1.2 to 25.2.1.5 are particularly relevant to the relationship between earthworks, natural landform and landscape character. Collectively, these provisions seek to manage adverse landscape and visual effects, respond appropriately to prominent slopes and natural landforms, manage the scale and extent of earthworks, and ensure the design of earthworks reflects the opportunities and constraints of the site.

The proposal is consistent with these outcomes. The earthworks are designed to accommodate the dwelling within the slope and establish the surrounding landform treatment, rather than create a visually prominent platform detached from the natural topography. While the works will locally modify the existing landform, this modification is concentrated around the dwelling and access and is reduced compared with that authorised under RM230481.

This is particularly relevant given Council's assessment of RM230481. Council accepted the more extensive landform modification on the basis that the dwelling would be set into the hillside, with associated mounding and landscaping assisting its integration into the surrounding landscape. Council also concluded that the modified landform could be contoured to blend with the local topography and that the proposal would maintain relevant landscape and visual amenity values.

The current proposal retains this fundamental landscape response but involves a reduced extent of excavation and filling. While the revised earthworks require assessment in their own right, they are not considered to result in greater landscape or landform effects than those previously accepted.

***Policy 25.2.1.10 – traffic and access***

The earthworks will generate temporary construction traffic associated with excavation, construction activities and the movement of materials. These effects are considered in the context of the access arrangement previously assessed under RM230481. Council found that the existing Beechwood Lane right-of-way provides feasible and safe access, with associated transportation effects assessed as less than minor.

The current proposal does not fundamentally alter that access arrangement. Appropriate construction management, including measures to prevent material being deposited onto surrounding roads and controls on construction hours, will ensure that temporary traffic and nuisance effects remain acceptable.

***Objective 25.2.2 – Benefits and functional necessity of earthworks***

Objective 25.2.2 recognises that earthworks can contribute to the social, cultural and economic wellbeing of people and communities. In this instance, the earthworks serve a clear functional and landscape purpose. They enable construction of the proposed dwelling and associated access, while allowing the building to respond to and integrate with the sloping topography.

The earthworks should therefore be considered in the context of their purpose and design, rather than solely by their overall scale. Their configuration assists in reducing the prominence of the built development and achieving a site-responsive residential design within the Lifestyle Precinct.

**Relevance of RM230481**

The findings from RM230481 are particularly relevant to the assessment under Chapter 25. That consent authorised a more extensive earthworks scheme, with greater excavation and fill depths than those now proposed. Council considered effects relating to erosion and sedimentation, landscape and visual amenity, infrastructure, adjacent sites, land stability, nuisance and natural hazards. Having regard to the engineering and geotechnical advice, Council concluded that the adverse environmental effects of the earthworks would be no more than minor.

RM230481 does not establish that the current earthworks will necessarily be acceptable, as their precise location and configuration have changed. However, it provides an important, consented context. The current works support the same fundamental residential development outcome, are located within the same general area of the site and are reduced in scale and depth.

The updated GeoSolve assessment and Environmental Management Plan also provide current, site-specific measures to manage geotechnical and construction-related effects. On this basis, and subject to implementation of the recommended measures, the revised earthworks are not expected to result in materially greater adverse effects than the more extensive works previously approved.

**Overall Chapter 25 conclusion**

Overall, the proposed earthworks are considered consistent with, and not contrary to, the relevant objectives and policies of Chapter 25. The works are functionally associated with integrating the proposed dwelling, access and associated development into the sloping site; are materially reduced in scale and depth compared with the earthworks authorised under RM230481; and are supported by updated geotechnical and environmental management measures addressing land stability, erosion, sediment, drainage and construction effects.

Importantly, Chapter 25 does not require existing landform to remain unmodified. Rather, its relevant provisions seek to ensure that necessary earthworks are appropriately designed and that their environmental effects are effectively managed. In this instance, the combination of the reduced earthworks envelope, the relationship of the works to the architectural and landscape design, the conclusions of the updated GeoSolve assessment, the proposed Environmental Management Plan and the established findings under RM230481 provide a sound basis for concluding that those outcomes will be achieved. The proposal is therefore not contrary to Chapter 25 and does not alter the conclusion that the second gateway test under section 104D(1)(b) is satisfied.

# 9. Overall Section 104D assessment

The proposal is to be assessed as a non-complying activity and is therefore subject to section 104D of the RMA. Under section 104D(1), Council may only grant consent if satisfied that either:

> *a. the adverse effects of the activity on the environment, excluding those effects that sections 104(3)(a)(ii) and 104(1A) require to be disregarded, will be minor; or*
>
> *b. the application is for an activity that will not be contrary to the objectives and policies of the relevant plan and proposed plan.*

These tests are alternatives, and satisfying either gateway enables Council to proceed to determine the application under section 104. In this case, for the reasons set out below, the proposal is considered to satisfy both gateways.

## 9.1 First gateway: adverse effects on the environment

As assessed in Section 7 of this AEE, the adverse effects of the proposal on the environment will be no more than minor. In reaching that conclusion, the assessment has had regard to the existing and consented environment, including the residential development previously authorised under RM230481. That consent approved a substantial dwelling, associated earthworks, access, infrastructure and landscaping in the same general development location. Although the present proposal is a substantive redesign and must be assessed on its own merits, it does not introduce a fundamentally different residential use or development outcome.

The proposed dwelling has a smaller building footprint than that authorised under RM230481 and adopts a predominantly single-storey, low-profile and articulated form. Its integration with the sloping landform, recessive external materials, low-reflectivity roofing and associated landscape treatment will limit its visual prominence. The revised earthworks are also materially reduced in overall volume and maximum cut and fill depths compared with the works previously approved. The proposed access and servicing arrangements continue to rely on the established infrastructure framework accepted through RM230481 and the underlying subdivision consents.

The updated GeoSolve assessment confirms that the revised development is geotechnically feasible, subject to the recommended foundation, retaining, drainage, earthworks and construction-monitoring measures. Temporary construction effects, including erosion, sediment runoff, dust, noise and vibration, will be managed through the project-specific EMP and associated erosion and sediment controls. The proposal is therefore capable of being undertaken without creating unacceptable effects on landscape character, visual amenity, landform, infrastructure, adjoining land, water quality or natural-hazard risk.

The proposed changes to the consent notice conditions will not remove the substantive environmental safeguards applying to the land. Rather, the changes will enable the ongoing controls to reflect the revised dwelling and current planning and development context while retaining the relevant requirements relating to building location, servicing, firefighting water supply, geotechnical design and landscape outcomes.

Importantly, the section 104D assessment must exclude those effects that the RMA expressly requires the consent authority to disregard. Accordingly, the conclusion under the first gateway does not rely upon effects associated with the area of glazing, the presence or absence of balconies, outdoor living space, internal layout, the size of the residential unit, the size of landscaped areas except where permeability is relevant, or views from private property, to the extent those matters fall within sections 104(3)(a)(ii) and 104(1A). Once those excluded matters are put to one side, the remaining relevant adverse effects will be appropriately avoided, remedied or mitigated and will, individually and cumulatively, be no more than minor.

The proposal therefore satisfies the first gateway test in section 104D(1)(a).

## 9.2 Second gateway: objectives and policies

The assessment in Section 8.5 concludes that the proposal is not contrary to the objectives and policies of the relevant planning instruments. The phrase “not contrary” requires consideration of the objectives and policies as a whole and does not require the proposal to be entirely consistent with every individual provision. The relevant question is whether the proposal is opposed in nature or repugnant to the overall direction established by the applicable objectives and policies.

The Otago Regional Policy Statement provides for rural living development in locations identified through strategic planning or district plan zoning as suitable for that form of development. The subject site is within the WBRAZ, Lifestyle Precinct, being an area specifically identified through the PDP as appropriate for rural living, subject to maintaining or enhancing landscape character and visual amenity values.

At the district-plan level, the relevant strategic provisions of Chapter 3 seek to retain the District’s distinctive landscapes while directing rural living opportunities to appropriate locations. Chapter 6 recognises that the WBRAZ is subject to a separate landscape-management regime, rather than the ONF, ONL and RCL policy frameworks applying elsewhere. Chapter 24 then provides the specific policy framework for the Lifestyle Precinct, expressly enabling rural living where landscape character and visual amenity values are maintained or enhanced.

The proposal accords with that direction. It provides for a residential activity expressly anticipated within the WBLP and does so in a location where substantial residential development has already been authorised through RM230481. The current design retains the fundamental landscape response previously accepted by Council, including a predominantly single-storey dwelling integrated with the hillside, recessive external

finishes, associated landscaping and use of an established access and servicing framework. The smaller footprint and reduced earthworks also assist in limiting the magnitude of change relative to the consented development.

The proposal is likewise consistent with the overall direction of Chapter 25. The earthworks are necessary to accommodate and integrate the dwelling, access and associated development within the sloping site. Their effects on land stability, erosion and sedimentation, landscape and visual amenity, neighbouring land, infrastructure and construction amenity can be appropriately managed through the updated geotechnical recommendations, the Environmental Management Plan and conditions of consent. Chapter 25 does not require landform modification to be avoided altogether but seeks to ensure that necessary earthworks are appropriately designed and their adverse effects effectively managed. The proposal achieves that outcome.

The partial departure from the registered building platform and the consequential changes sought to the consent notice do not place the proposal in conflict with the overall policy direction of the PDP. The building remains within the established residential development area, and the proposal does not create an additional residential opportunity, extend rural living beyond the WBLP or undermine a defensible rural edge. The consent notice changes are limited to facilitating the revised design while preserving the ongoing resource-management safeguards that remain relevant.

When the objectives and policies are read together, the proposal represents an anticipated rural living activity within an area specifically identified as suitable for that purpose. Its design, landform response, servicing and mitigation measures maintain the landscape character, visual amenity and environmental outcomes sought by the relevant provisions. The proposal is therefore not contrary to the objectives and policies of the relevant plans and satisfies the second gateway in section 104D(1)(b).

## 9.3 Section 104D conclusion

Overall, the proposal satisfies both limbs of section 104D(1). Once the effects required to be disregarded under sections 104(3)(a)(ii) and 104(1A) are excluded, the remaining adverse effects of the proposal on the environment will be no more than minor. Furthermore, when the relevant objectives and policies are considered as a whole, the proposal is not contrary to the regional and district planning framework.

Council is therefore not precluded by section 104D from granting consent. The application may proceed to full consideration under section 104, including the actual and potential effects of the proposal, the relevant statutory provisions and the established consenting and development context applying to the site. On the assessment undertaken in this AEE, those matters support the granting of consent, subject to appropriate conditions.

I have structured this so the assessment clearly and independently establishes both gateways, with particular emphasis on excluding the residential-design and private-view effects that cannot lawfully contribute to the first gateway conclusion.

# 10. Notification Assessment

## 10.1 Public Notification

Step 1: mandatory public notification in certain circumstances

Section 95A(2) and (3) of the RMA states:

> *2) Determine whether the application meets any of the criteria set out in subsection (3) and,—*
> *(a) if the answer is yes, publicly notify the application; and*
> *(b) if the answer is no, go to step 2.*
>
> *(3) The criteria for step 1 are as follows:*
> *(a) the applicant has requested that the application be publicly notified:*
> *(b) public notification is required under section 95C:*
> *(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

The applicant has not requested that the application be publicly notified. The applicant has not refused to provide information or agree to the Commissioning of a report. The application does not involve exchange of recreation reserve land.

Step 2 – Public notification precluded in certain circumstances

Section 95A(2) and (3) (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026) of the RMA states:

> *4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*
>
> *(a) If the answer is yes, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B; and*
> *(b) if the answer is no, go to step 3.*
>
> *(5) The criteria for step 2 are as follows:*
>
> *(a) the application is for a resource consent for 1 or more activities and public notification is precluded for each activity by 1 or more of the following:*
> *(i) a rule:*
> *(ii) a national environmental standard:*
> *(iia) a rule in an initial national standard:*
> *(iii) an infrastructure design solution:*
> *(iv) a stormwater environmental performance standard:*
> *(v) a wastewater environmental performance standard:*
> *(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*

*(i) a controlled activity:*
*(ii) [Repealed]*
*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*
*(iv) [Repealed]*

*(6) [Repealed]*

The proposal is not subject to a rule or NES that precludes public notification. The proposal is not for a controlled activity or a boundary activity. Notification is therefore not precluded under Step 2.

Step 3: if not precluded by step 2, public notification required in certain circumstances

Section 95A(7) and (8) (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026) of the RMA states:

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

*(a) if the answer is yes, publicly notify the application; and*
*(b) if the answer is no, do not publicly notify the application but determine whether to give limited notification of the application under section 95B.*

*(8) The criteria for step 3 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

There are no rules or NES that require public notification. The proposal will not have adverse effects that are more than minor.

## 10.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified

Section 95B(2) to (4) of the RMA states:

*(2) Determine whether there are any—*
*(a) affected protected customary rights groups; or*
*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) Determine—*
*(a) whether the proposed activity is 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; and*
*(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

No person or groups are considered affected by the proposal.

Step 2 – Limited notification precluded in certain circumstances

Section 95B(5) and (6) (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026) of the RMA states:

> *(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*
> *(a) if the answer is yes, go to step 4 (step 3 does not apply); and*
> *(b) if the answer is no, go to step 3.*
>
> *(6) The criteria for step 2 are as follows:*
> *(a) the application is for a resource consent for 1 or more activities and public notification is precluded for each activity by 1 or more of the following:*
> *(i) a rule:*
> *(ii) a national environmental standard:*
> *(iia) a rule in an initial national standard:*
> *(iii) an infrastructure design solution:*
> *(iv) a stormwater environmental performance standard:*
> *(v) a wastewater environmental performance standard:*
> *(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

The proposal is not subject to a rule or NES that precludes notification. The application is not for a controlled activity. Limited notification is therefore not precluded under Step 2.

Step 3 – Certain Affected Persons Must be Notified

Section 95B(6) to (9) (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026) of the RMA states:

> *(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person*
>
> *(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*
>
> *(9) Notify each affected person identified under subsections (7) and (8) of the application.*

Section 95E (as amended (underlined) by Part 2 of Schedule 12 of the Planning Act 2026) of the RMA states:

> *(1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), 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).*

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*
*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard or a rule in an initial national standard permits an activity with that effect; and*
*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard or a rule in an initial national standard reserves control or restricts discretion; and*
*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
*(d) must, if the application is for a district land use consent, disregard any effect described in section 104(1A).*

*(3) A person is not an affected person in relation to an application for a resource consent for an activity if—*
*(a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
*(b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*

*(4) Subsection (3) prevails over subsection (1).*

Section 2(d) is of particular relevance to the application. Accordingly, there are no persons who are considered to be directly affected by the proposal, or with regard to the public generally.

Step 4 – Special circumstances

Section 95B(10) of the RMA states:

*(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—*
*(a) if the answer is yes, notify those persons; and*
*(b) if the answer is no, do not notify anyone else.*

No special circumstances exist in relation to this proposal.

The application is not precluded from limited notification.

It is requested that the application be processed on a non-notified basis, as the proposal is in accordance with the outcomes provided for by WBLP.

# 11 Other Matters

No other matters are considered relevant to this proposal.

# 12 Consultation

No consultation has been undertaken as the proposal is consistent with, and gives effect to, the WBLP zoning.

# 13 Conclusion

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans, "subject to Part 2". The Council is also required to have regard to the effects of the proposal on the environment.

The proposal maintains rural character and results in no more than minor adverse effects.

The proposed development will achieve the purpose of sustainable management under s5 of the Act, including by reference to the other principles in Part 2 of the Act by enabling the Applicant to provide for their economic and social well-being, while at the same time avoiding any adverse environmental effects.

# Attachments

**Attachment [A]**: Form 9

**Attachment [B1]**: Record of Title

**Attachment [B21]**: Consent Notice 5721911.8

**Attachment [B3]**: Consent Notice 13329296.8

**Attachment [C]**: Proposed Architecture Plans

**Attachment [D]:** Proposed Earthworks Plans

**Attachment [E]:** Environmental Management Plan and Environmental Sediment Control Plan

**Attachment [F]:** Geotechnical Assessment Report

**Attachment [G]:** Proposed Landscape Plan

**Attachment [H1]:** Proposed Services Plan

**Attachment [H2]:** Stormwater and Drainage Design Report