



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104
OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	G W Stalker Trust
RM reference:	RM260467
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a boundary adjustment between 12 Lower Shotover Road (Lot 3 DP606744) and 435 Frankton – Ladies Mile Highway (Lots 3-4 DP 593652 and Section 9 SO 485598)
Location:	12 Lower Shotover Road (Lot 3 DP606744) and 435 Frankton – Ladies Mile Highway (Lots 3-4 DP 593652 and Section 9 SO 485598)
Legal Description:	Lot 3 DP606744, held in Record of Title 1194482 Lots 3-4 DP 593652 and Section 9 SO 485598, held in Record of Title 1142422
Zoning:	PDP: Te Pūtahi Ladies Mile Zone (TPLMZ), Rural Zone, Wakatipu Basin Rural Amenity Zone (land zoned Rural Zone, Wakatipu Basin Rural Amenity Zone not affected by adjustment) <u>435 Frankton – Ladies Mile Highway (Section 9 SO 485598 only)</u> Medium Density Residential Precinct and Sub-area B Minimum 8m height limit along road boundary; maximum 13m height limit 12 Lower Shotover Road Medium Density Residential Precinct and Sub-area A Local Shopping Centre
Activity Status:	Controlled
Decision Date	19 June 2026

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Rachel Dimery, Independent Commissioner, on 19 June 2026 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of the Section 104 decision imposed pursuant to Section 108 and Section 220 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Rachel Dimery, Independent Commissioner, under delegated authority pursuant to Section 34A of the RMA.

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 3 – 4 of the report entitled “*To Undertake a Boundary Adjustment between Two adjoining Land Titles, Frankton-Ladies Mile Highway, Queenstown*”, prepared by Blair Devlin of Vivian+Espie, and submitted as part of the application (hereon referred to as the applicant’s AEE and attached as **Appendix 2**). The AEE was further complemented by further information, in the form of a revised scheme plan, received 18 May 2026.

This description is considered accurate and is adopted for the purpose of this report with the following clarifications:

- The boundary adjustment involves a currently defined parcel of land (Section 9 SO 485598) transferring from the Record of Title for the larger property (Frankton-Ladies Mile Highway) to the smaller Lower Shotover Road property. This is shown in Figure 1 below;
- This parcel is approximately 2.95 hectares in area and this is the increase / decrease in property size respectively:
 - o 12 Lower Shotover Road: 9.0879 ha (from 6.1412 ha)
 - o 435 Frankton – Ladies Mile Highway: 101.4182 ha (from 104.3649 ha);
- No change to any of the instruments applying to the parcel Section 9 SO 485598 are sought and these instruments are to carry on to the updated title for 12 Lower Shotover Road.

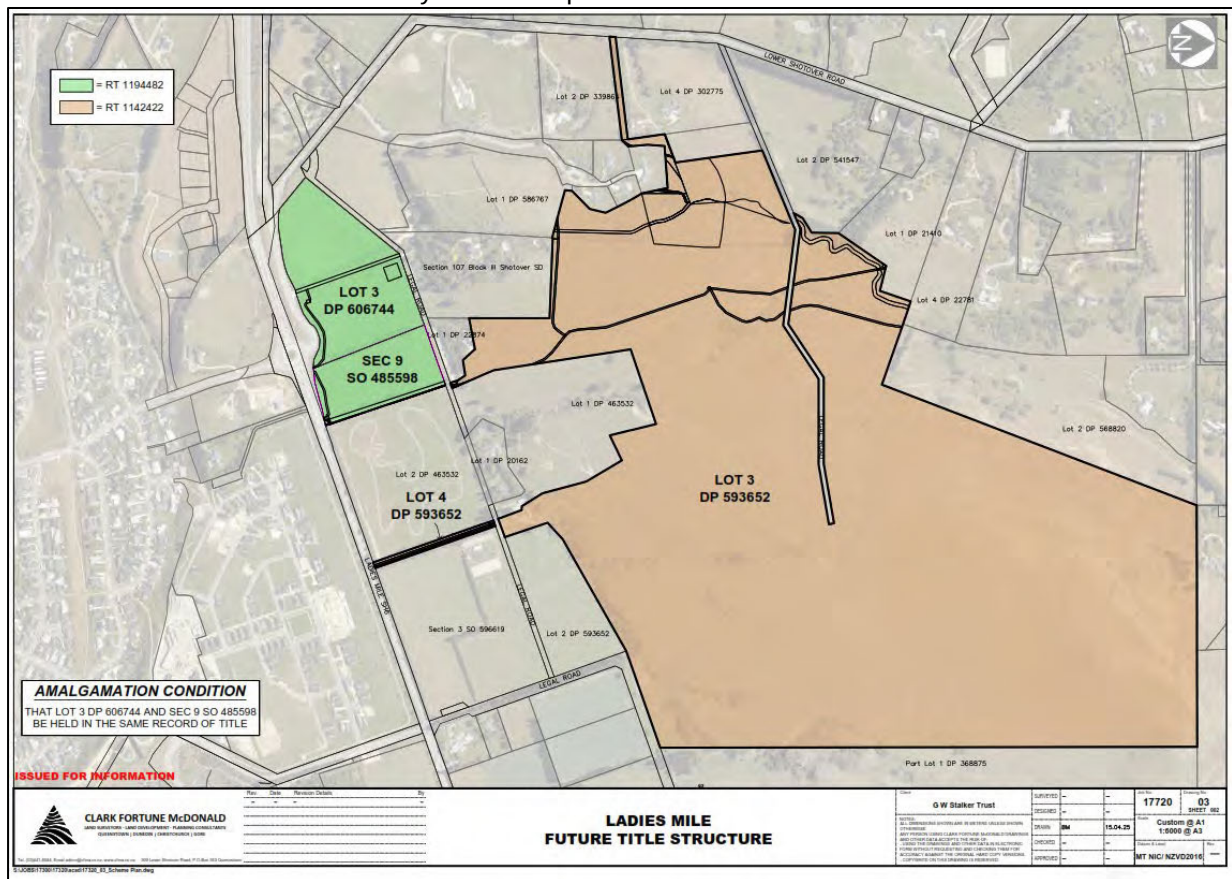


Figure 1: Scheme plan updated, showing future title arrangement

Source: Applicant

In order to undertake the boundary adjustment, the applicant’s agent acknowledges that an existing amalgamation condition, tying Section 9 SO 485598 to the Record of Title for 435 Frankton – Ladies Mile Highway, requires cancellation under s241(3)-(4) of the RMA.

During the processing of the application, the applicant clarified and confirmed what instruments relevant to ‘Section 9 SO 485598’ were to remain with that land, as part of clarifying and confirming if any instruments were no longer required.

2. ACTIVITY STATUS

The 2007 QLDC Operative District Plan is being reviewed through a series of plan changes commenced in August 2015 known as the Proposed District Plan (PDP). As set out in Chapter 1 of the PDP, the district plan can now be summarised as comprising:

- A. Provisions reviewed since 2015 referred to as the PDP that apply in areas mapped in the PDP ePlan maps; and
- B. Provisions reviewed since 2007 referred to as the Operative District Plan (ODP) that apply in areas mapped in the ODP ePlan maps, which appear as white in the PDP ePlan maps.

Strategic Chapters 3-6 of the PDP as well as Designations, Heritage and Wāhi Tūpuna apply to all areas.

Where decisions on the PDP have been appealed, the corresponding ODP rules continue to apply. As appeals are resolved, more PDP rules are treated as operative and the equivalent ODP rules are treated as inoperative (s.86F RMA). Currently, resource consent may be required under either, or both the ODP and PDP provisions listed below.

The Te Pūtahi Ladies Mile Zone (TPLM Zone) was inserted into the PDP by way of a variation, subject to a Streamlined Planning Process under the RMA. The variation was made operative by the relevant Minister in late 2024, and that was confirmed by Council notice in December 2024.

Council notified its decisions on the Urban Intensification Variation (UIV) on the 20 February 2026. The appeals period has now closed. While some UIV provisions remain subject to appeals, it is noted that none of the UIV affects the subject part of the TPLM Zone is affected by the UIV. A small portion of the higher intensity area further east was rezoned through the UIV process.

2.1 OPERATIVE DISTRICT PLAN

The subject site is located in the Te Pūtahi Ladies Mile Zone under the PDP, which is operative. Therefore the ODP that applies elsewhere and/or is not inoperative elsewhere, is inoperative for this Zone.

2.2 PROPOSED DISTRICT PLAN

The subject site is located in the Te Pūtahi Ladies Mile Zone under the PDP, which is operative, and the proposed activity requires resource consent under the PDP for the following reasons:

Rules that are treated as operative under s86F:

- A **controlled** activity resource consent pursuant to Rule 27.5.3 for undertaking a boundary adjustment between 12 Lower Shotover Road and 435 Frankton – Ladies Mile Highway. Council's control is reserved to:
 - a. The location of the proposed boundaries;
 - b. boundary treatment;
 - c. easements for existing and proposed access and services

2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 ("NES")

Based on the agent's review of Council records, the piece of land to which this application relates is not a Hazardous Activities and Industries List (HAIL) site, and therefore the NES does not apply.

2.4 ACTIVITY STATUS SUMMARY

Overall, the application is being considered and processed as a controlled activity.

NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

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

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

Therefore, public notification is not required by Step 1.

3.2 Step 2 – Public notification precluded

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

The proposal is a controlled activity, and with reference to Rule 27.10 of the PDP:

- a. Council is not required to undertake statutory consultation with iwi;
- b. The application does not fall within the ambit of Rule 27.5.4;
- c. The application does not fall within the ambit of Rule 27.5.10;
- d. While a matter of control relates to property access and roading and the site adjoins or has access directly onto a State Highway, it more specifically relates to 'easements' rather than the principle of access;
- e. The application is not subject to any of the listed provisions;
- f. The applications is within Te Pūtahi Ladies Mile, and one site and encapsulates and Local Shopping Centre Zone within the Te Pūtahi Ladies Mile Structure Plan area.
- g. The application does not involve any stormwater works

Given the intent of clause f, public notification is not precluded by a plan rule.

However, as the application is for a controlled activity, public notification is precluded by s95A(5)(b)

Therefore, public notification is precluded by Step 2 (s95A(5)(b)).

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

Notification is precluded under Step 2, therefore Step 3 does not apply.

3.4 Step 4 – Public Notification in Special Circumstances

In this instance, it is considered that there are no special circumstances that warrant the application being publicly notified as:

- sufficient information has been provided to enable an understanding and consideration of the effects of the application;
- there is nothing exceptional, abnormal or unusual about this application for undertake a boundary adjustment involving the transfer of land to another parcel that is zoned similarly; and

- the proposal has nothing out of the ordinary that has not otherwise been addressed, to suggest that public notification should occur.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11 and there are no persons that could be deemed an affected person under section 95E (s95B(3)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

The proposal is a controlled activity, and with reference to Rule 27.10 of the PDP:

- Council is not required to undertake statutory consultation with iwi;
- The application does not fall within the ambit of Rule 27.5.4;
- The application does not fall within the ambit of Rule 27.5.10;
- While a matter of control relates to property access and roading and the site adjoins or has access directly onto a State Highway, it more specifically relates to 'easements' rather than the principle of access;
- The application is not subject to any of the listed provisions;
- The application is within Te Pūtahi Ladies Mile, and one site and encapsulates and Local Shopping Centre Zone within the Te Pūtahi Ladies Mile Structure Plan area.
- The application does not involve any stormwater works

Given the intent of clause f, public notification is not precluded by a plan rule.

Therefore, limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity.

Any other activity

As the proposal is not a boundary activity and therefore falls into the 'any other activity' category (s95B(8)), the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard (NES) permits an activity with that effect. Section 3.3.2 above sets out the relevance of this to the application.
- b) The consent authority **must** 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 reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

4.3.1 [iii] Persons who have provided written approval (s95E(3))

The following persons have provided written approval for the proposed activity and therefore are not an affected person:

Name	Address
Shane Brealey, Simplicity Living	12 Lower Shotover Road

4.3.2 Assessment: Effects on Persons

Council's control is limited to the following matters, and this informs the type of effects that can be considered:

- a. The location of the proposed boundaries;
- b. boundary treatment;
- c. easements for existing and proposed access and services

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

- The subject parcel of land is essentially the only part of 435 Frankton – Ladies Mile Highway (the 'donor site') within the TPLM Zone, and the adjustment results in it being held together with a property already within the TPLM Zone.
- This will result in a more efficient assemblage of land for realising the future development of the 'receiver' site. However, this doesn't give rise to any adverse effects that could be experienced by the owners and occupiers of any adjoining or nearby properties, given that any use and development of the 'receiver' site requires resource consent under the TPLM Zone framework. It is at that juncture that actual and potential effects can be considered.
- Having regard to the matters that control is restricted to, the following is noted:
 - The parcel in question has been previously defined through subdivision consenting and, in some respects, reflects existing features on the ground, notwithstanding that the zoning outcomes are considerably different to what the existing land use and ground features reflect;
 - Consequentially, no change to existing boundary treatments are required; and
 - No new easements for services and access are required. Both existing and proposed new parts of 12 Lower Shotover Road are not currently serviced by three waters utilities.

In that regard, it is considered that the adjustment will not give rise to any adverse effects of any magnitude on the owners and occupiers of any adjacent or nearby property.

4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

In this instance, it is considered that there are no special circumstances that warrant the application being notified to any specific persons as:

- sufficient information has been provided to enable an understanding and consideration of the effects of the application;
- there is nothing exceptional, abnormal or unusual about this application for undertake a boundary adjustment involving the transfer of land to another parcel that is zoned similarly; and
- the proposal has nothing out of the ordinary that has not otherwise been addressed, to suggest that public notification should occur.

5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non notified basis.

Prepared by



Andy Calder
CONSULTANT PLANNER

Decision made by



Rachel Dimery
INDEPENDENT COMMISSIONER

DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

6. S104 ASSESSMENT

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (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;*
 - (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.*

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

6.1.1 Consideration of applications under s104(1)(a)

- A: A consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s104(2)); As the application is for a form of subdivision and all subdivision requires resource consent, there is no ability to disregard effects..
- B: A consent authority **must not** have regard to:
- (i) Trade competition and the effects of trade competition (s104(3)(a)(i)); and
 - (ii) Any effect on a person who has given **written approval** to the application (s104(3)(a)(ii). The persons who have provided written approval are identified in the s95 report, section 4.3.3.

The Assessment of Effects provided at section 7 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. These are discussed in more detail in section 6.2 following.

6.1.2 Consideration of applications under s104(1)(ab)

There are no measures proposed, nor required, in order to ensure positive environmental effects through offsetting or compensatory measures.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As noted at section 2, the Operative District Plan rules are no longer in operation via s86F of the RMA generally, but the objectives and policies still have legal status until such time that the PDP is operative, with the exception of the PDP's TPLM Zone provisions being operative. These provisions apply to the land within the larger property that is reducing in area, but which remains unaffected by the proposed adjustment.

Operative District Plan

The relevant operative objectives and policies are contained within Section 4 District Wide Issues, Section 5 Rural General Zone, and Section 15 Subdivision, Development and Financial Contributions.

The proposed boundary adjustment is considered to be consistent with the intent of these provisions, given the adjustment does not affect any of the application site that is zoned rural.

Overall, the proposal is considered to be consistent with the relevant objectives and policies of the ODP.

Proposed District Plan

The relevant operative objectives and policies are contained within Chapters 21 (Rural), 24 (Wakatipu Basin), 27 (Subdivision), 28 (Natural Hazards), 29 (Transport) and 49 (Te Pūtahi Ladies Mile Zone) of the PDP.

The Assessment of Effects provided at section 9 of the applicant's AEE, is sufficiently comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following additional comments:

- With respect to the matters of control identified at Rule 27.5.3, the following comments:
 - o The boundary proposed reflects existing legal parcel extents and also allows the land subject to the same zoning to be held together;
 - o No changes to existing boundary treatments are required, given the existing parcels also reflect existing ground conditions, and notwithstanding the ground conditions do not reflect the outcomes that the TPLM Zone provides for; and
 - o No new easements are necessary for access or utilities. All existing instruments affecting Section 9 SO 485598 are proposed to remain with that parcel of land.
- Council Development Engineer, Akshay, has reviewed the proposal, with his comments provided as Appendix 3. By way of summary, they raise no concerns with the proposal on the basis of:
 - o There will not be no change to existing access arrangements, particularly with respect to frontage to State Highway 6 (Frankton – Ladies Mile Highway);
 - o The boundary adjustment does not require any physical works to land, inclusive of the laying of services; and
 - o While Council's Hazard Register Map shows the site subject to a liquefaction hazard, this has been assessed as 'low to zero' and given the lack of physical works and no increase in lots being created, that no hazard related effects will arise.
- The Development Engineer's comments are generally agreed with and relied upon and adopted for this assessment. The exception is around the recommendation any easements shown in a Memorandum on the scheme plan. As there are none required arising from this boundary adjustment, and no seeking to changing any easements (whether benefitting or burdening Section 9 485598, this recommendation is not considered necessary.
- Chapter 27 (Subdivision) contains specific objectives and policies relating to Te Pūtahi Ladies Mile Zone (Objective 27.3.26, Policies 27.3.26.1 – 27.3.26.9 inclusive). The proposed adjustment is consistent with these provisions insofar that the adjustment does not preclude, and will instead better enable, the ability to achieve the outcomes sought by these provisions
- For the same reasons, the proposed adjustment is considered to be consistent with the Te Pūtahi Ladies Mile Zone objectives and policies, as well as those for Natural Hazards and Transport. As the land subject to the adjustment is not zoned rural, there is no engagement of the Rural and Wakatipu Basin provisions.

For the reasons set out above, it is considered that the proposed boundary adjustment is consistent with the relevant objectives and policies of the PDP. No weighting is considered necessary given there is no conflict between PDP and ODP assessments (largely given the ODP provisions are not engaged / relevant to the land that is the subject of the adjustment).

6.3 OTHER RELEVANT PROVISIONS (s104(1)(b)(i)-(v))

National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards (NPS-NH) requires that natural hazard risk associated with subdivision, use, or development is assessed using a risk-based approach, including consideration of both the likelihood of a natural hazard event occurring and the **consequence** of that event for life and property.

While the application has not assessed the relevant natural hazards affecting the site using the NPS-NH risk matrix, in the context of the assessment provided by Council's Development Engineer, and given the nature of the boundary adjustment in question, it is considered that there is no conflict with NPS-NH provisions.

This assessment is based on the best information available at the time of decision-making, consistent with clause 3.4 of the NPS-NH, and it is considered that the proposal manages natural hazard risk in a manner consistent with the objectives and policies of the NPS-NH.

National Policy Statement on Urban Development 2020 (updated 2022)

The National Policy Statement on Urban Development (NPS-UD) seeks to ensure planning decisions in urban areas contribute to well-functioning urban environments that meet the changing needs of communities (Objective 1 and Objective 4), including by enabling a variety of homes that have good accessibility to activities and services (Pol 1 and Pol 5). These high-level directives are considered to require planning decisions in areas such as Queenstown to generally enable changes to intensification of housing density in urban environments such as this where there is good access to public transport and demand for a variety of housing types and sizes (Pol 1 and Pol 5).

While the PDP was not promulgated under the auspices of the NPS-UD, the Te Pūtahi Ladies Mile Zone was (as was the UIV). On the basis of the proposed boundary adjustment being consistent with the relevant provisions of the zone (and relevant zone-specific subdivision provisions), it is reasonable to conclude that the proposal is also consistent with the relevant objectives and policies of the NPS-UD.

Regional Policy Statements

The applicants AEE provides a brief appraisal of the proposal against the relevant Regional Policy Statements. This is concurred within insofar that a boundary adjustment activity does not specifically engage any provisions within these documents.

6.4 ANY OTHER MATTER (s104(1)(c))

S241 Cancellation of existing amalgamation condition

It is noted that in order to carry out the boundary adjustment, the land being transferred ('Section 9 Survey Office Plan 485598') will require the imposition of an amalgamation condition to bind it with 12 Lower Shotover Road's Record of Title. Land Information New Zealand (LINZ) have reviewed the proposed amalgamation condition and accepted the wording is generally acceptable.

The applicant's agent also acknowledges in order to allow this amalgamation condition to be effected, an existing amalgamation condition (binding 'Section 9 SO 485598' to the Record of Title for 435 Frankton – Ladies Mile Highway) will need to be cancelled under s241 of the Act. For completeness, this is to occur contemporaneously to the 'amalgamation' that the boundary adjustment requires, and the decision on this application provides authority to do so.

It is recorded that the applicant currently has an undetermined application with Council (ref: CNA25003) to cancel the same amalgamation condition, but was not originally seeking to amalgamate Section 9 SO 485598 with any other parcel of land. This application is to be withdrawn upon the granting of this consent, given it achieves the same outcome.

6.5 SECTION 106 FOR SUBDIVISIONS AND 106A FOR LAND USE CONSENTS

A consent authority may refuse to grant a subdivision consent or land use consent, or may grant a consent subject to conditions, if it considers that the land is or is likely to be subject to a significant risk from natural hazards, or for subdivisions, where sufficient provision for legal and physical access to each allotment has not been made.

In this case, the preceding assessment has considered both natural hazard and access matters and no issues arise from consideration of either matter.

Accordingly, there is no reason not to grant consent or apply special conditions under s106 or 106A.

6.6 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

This proposal does not affect the sustainable potential of resources to meet the foreseeable needs of future generations (s5(a)), it does not affect the life supporting capacity of air, water, soil or ecosystems (s5(b)) and as assessed does not have significant adverse effects on the environment (s5(c)).

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. The relevant sections are s6(b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development* and s6(h) *the management of significant risks from natural hazards*.

Section 7 sets out other matters that must be given particular regard. Of relevance are s7(c) *maintenance and enhancement of amenity values* and s7(f) *maintenance and enhancement of the quality of the environment*.

In all instances, the proposed subdivision is not considered to offend the matters to be recognised and provided for or given particular regard respectively, for reasons set out in the earlier assessments.

Section 8 requires that the principles of Te Tiriti o Waitangi are taken into account. This proposal is consistent with the treaty principles.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

7.0 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

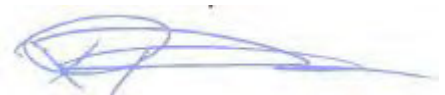
Consent is **granted** to undertake a boundary adjustment between 435 Frankton – Ladies Mile Highway (Record of Title 1142422) and 12 Lower Shotover Road (Record of Title 1194482) subject to the conditions outlined in **Appendix 1** of this decision report imposed pursuant to Section 108 and Section 220 of the RMA.

Prepared by



Andy Calder
CONSULTANT PLANNER

Decision made by



Rachel Dimery
INDEPENDENT COMMISSIONER

8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

Local Government Act 2002: Development Contributions

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution may be required. Payment will be due prior to any application for certification pursuant to section 224(c) of the RMA.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact us at resourceconsent@qldc.govt.nz.

9.0 APPENDICES LIST

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Applicant's AEE and RFI response

APPENDIX 3 – QLDC Engineering Report

APPENDIX 1 – CONSENT CONDITIONS

For Your Information

Monitoring

The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the “[Notice of Works Starting Form](#)” and submit it to the Monitoring Planners by email at RCMonitoring@qldc.govt.nz or via upload to the Community Portal using this [link](#).

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We’ve provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the Engineering Acceptance Application Form through the Community Portal, using this [link](#). Information to help you upload your forms and documents can be found [here](#). Further information regarding Engineering Acceptance can be found [here](#).

Development Contribution

If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#). If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Drawing 3 Sheet 002 ‘Ladies Mile Future Title Structure’, drawn by Clark Fortune McDonald, dated 15.04.2025

stamped as approved on 19 June 2026

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

To be completed before Council approval of the Survey Plan

3. The consent holder must submit a survey plan showing all of Sec 9 SO 485598 with an updated legal description of Lot 9 LT***** [LT plan to be allocated].
4. Pursuant to section 220(1)(b) of the RMA, the following amalgamation condition must be shown on the survey plan:
 - “That Lot 3 DP 606744 and Lot 9 DP***** (to be confirmed) be held in the same Record of Title” (LINZ ref: 1984121)

Advice note:

Upon the approval of the survey plan with the above amalgamation condition, the consent holder is advised that the existing amalgamation condition tying Section 9 SO 485598 to Lots 3-4 DP 593652 is part cancelled under s241(3) of the RMA. This can be effected concurrently with the amalgamation condition requirements of condition 4.

APPENDIX 2 – APPLICANT’S AEE

PREPARED FOR
G W STALKER TRUST
APRIL 2025
#J2429

APPLICATION FOR SUBDIVISION CONSENT

TO UNDERTAKE A BOUNDARY
ADJUSTMENT BETWEEN TWO
ADJOINING LAND TITLES, FRANKTON-
LADIES MILE HIGHWAY,
QUEENSTOWN.

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Quality assurance

Prepared by	Blair Devlin	Director/Senior Planner	17 April 2026
Reviewed by	Carrie Whyte	Senior Planner	17 April 2026

1. Key Information

Address	435 Frankton – Ladies Mile Highway RD1, Queenstown, and 12 Lower Shotover Road, Lower Shotover, Queenstown, 9371
Legal Description	- Lot 3 Deposited Plan 593652 and Section 9 Survey Office Plan 485598 held in Record of Title 1142422 [B1] - Lot 3 DP606744 held in Record of Title 1194482 [B2]
Site Area	- Record of Title 1142422 [B1] - 104.3649 hectares - Record of Title 1194482 [B2] – 6.14 hectares
Owners	- Grant William Stalker and Donald Neil Jackson - Simplicity Living Limited
Occupiers	- Grant William Stalker and Donald Neil Jackson - Simplicity Living Limited
Applicant	G W Stalker Trust
Operative District Plan Zoning	The Te Putahi Ladies Mile Zone was made <u>operative</u> by the Council on 6 December and replaces the former ODP Rural General zone provisions, but sits in the PDP.
Designations & Special Provisions	N/A
Proposed District Plan Zoning	Record of Title 1142422 [B1]: - Te Pūtahi Ladies Mile Zone Record of Title 1194482 [B2]: - Rural Zone - Te Pūtahi Ladies Mile Zone - Wakatipu Basin Rural Amenity Zone (small areas)
Designations & Special Provisions	- TPLMZ Structure Plan and Sub-Area plan - Outstanding Natural Feature (Slope Hill) (Priority Area 21.22.6)
Proposed Activity	Subdivision consent is sought to adjust the boundaries between Records of Title 1142422 and 1194482.
Consents Required	<u>Proposed District Plan</u> - Rule 27.5.3 boundary adjustment subdivisions in any zone provided matters (a) – (e) are met. The proposal complies with matters (a) – (e) and is a controlled activity. Overall, the proposal is for a controlled activity. Council retains control over: - the location of the proposed boundaries; - boundary treatment; - easements for existing and proposed access and services.
Written Approvals & Consultation	Simplicity Living Limited (Attachment [D])
Other consents/permits	Nil

2. Introduction

This report is submitted as part of the application by G W Stalker Trust ("the Applicant") for consent from Queenstown Lakes District Council ("QLDC" or "Council") to undertake a boundary adjustment subdivision at 435 Frankton-Ladies Mile Highway and 12 Lower Shotover Road, Queenstown. The completed Form 9 is appended as Attachment [A]; and the Record of Titles as Attachment [B1] and [B2]. The scheme plan of subdivision is appended as Attachment [C]. 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. Existing Environment

3.1 Location and surrounds

The subject sites are legally described as Lot 3 DP 606744 held in Record of Title 1194482 (Attachment [B1]) shown in red below, and Lot 3 Deposited Plan 593652 and Section 9 Survey Office Plan 485598 held in Record of Title 1142422 (Attachment [B2]) shown in blue below.



Figure 1: The subject sites, [B1] in red Lot 3 DP 606744 and [B2] in blue - Lot 3 DP593652 and Sec 9

As can be seen in Figure 1, the larger Record of Title [B2] in blue outline comprises farmland over much of the Slope Hill Outstanding Natural Feature, with access from Lower Shotover Road and Frankton-Ladies Mile Highway (State Highway 6). The Record of Title is primarily zoned Rural with some small areas of Wakatipu Basin Rural Amenity Zone to the west. Section 9 contains undeveloped flat land on Frankton-Ladies Mile Highway, within an Urban Growth Boundary and zoned Te Pūhahi Ladies Mile Zone. Section 9 is located east of the Shotover Country roundabout with an existing access approximately 115m from the intersection.

Record of Title [B1] (1142422 outlined in red above is also undeveloped flat land on Frankton-Ladies Mile Highway, within the Urban Growth Boundary and zoned Te Pūtahi Ladies Mile – Medium Density Residential Precinct. Record of Title [B1] is located directly opposite the Shotover Country roundabout with existing access obtained off Lower Shotover Road approximately 100m west of the intersection. Consent notices [B3] and [B4] are included with the application but are not relevant to the proposal.

The surrounding environment comprises the remainder of Slope Hill elevated land and Te Pūtahi Ladies Mile Zone flat land on the north of State Highway 6, with the Queenstown Country Club (Lower Density Suburban Residential) and Te Pūtahi Ladies Mile Zone (Low Density Residential Precinct) to the south of State Highway 6.

Figures 1 and 2 shows the extent of the site, surrounding environment, and zoning:

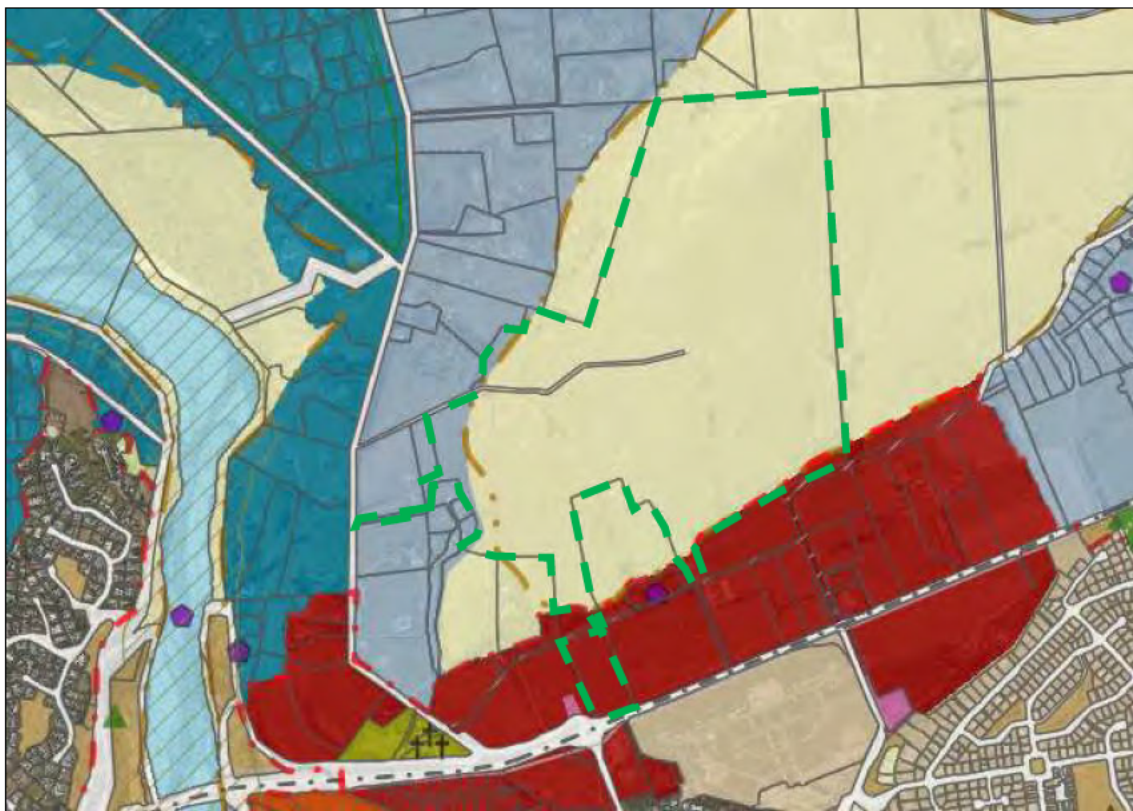


Figure 2: The subject sites outlined on the PDP planning maps (green dash – approximate only).

3.2 Site History

The following resource consents are of relevance to the subject site:

- RM220050 – Land use consent to undertake a boundary adjustment subdivision. Granted 21 April 2023.
- RM120769: Boundary adjustment with neighbouring site to the west to create Lot 4, Lot 6 and Lot 7 DP 463532. Granted 23 January 2013.
- RM221060 - Waka Kotahi NZ Transport Agency Alteration of Designation Number 84 (Howards Drive intersection). Recommended 21 September 2023.

- RM220154 – Undertake a 5-lot subdivision and establish a building platform.
- RM230522: Undertake a 3 Lot subdivision.

4. The Proposal

4.1 Boundary Adjustment

The proposed boundary adjustment will result in two new titles as follows:

- Proposed Lot 1: Existing title 1142422 decreasing in size from 104.3649 ha to 101.1165 ha, plus existing Lot 4 DP 593652 (3017m²) to be amalgamated with proposed Lot 1 (difference 2.9467 ha)
- Proposed Lot 2: Existing title 1194482 increasing in size from 6.1412 ha to 9.0879 ha (difference 2.9467 ha)

A proposed scheme plan showing the reconfigured parcels is appended as Attachment [C].

No physical works or earthworks are proposed, as the application relates solely to a cadastral boundary adjustment. No changes are proposed to existing access arrangements or servicing infrastructure. An amalgamation condition is required to hold existing Lot 4 DP 593652 with proposed Lot 1.

Overall, the proposal will retain two separate Records of Title with an adjustment of ~3 hectares between the titles.

5. Matters Requiring Consent

5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

As the proposal includes subdivision, the applicant has elected to comply with the provisions of the NES by undertaking an assessment of the most up to date information about the site and surrounding area that Council holds. In addition, the applicant has undertaken an assessment of any information available from the Otago Regional Council. The Applicant does not require consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES - Contamination") since there have been no known HAIL activities that have taken place on the site. The online Otago Regional Council contaminated land database has also been reviewed and there is no record of any HAIL activity having taken place on either site.

5.2 Operative District Plan (ODP)

As there are no appeals to the equivalent boundary adjustment rules in the PDP, the ODP rules relating to boundary adjustments *must be* treated as inoperative pursuant to section 86F(1)(a) of the RMA.

5.3 Proposed District Plan (PDP)

The subject sites are zoned Rural, Wakatipu Basin Rural Amenity, and Te Pūtahi Ladies Mile Zone in the PDP. and the proposed activity requires resource consent for the following reasons:

- **Rule 27.5.3** for boundary adjustment subdivisions where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots. Part of one of the titles is within the Rural Zone. In the Rural zone, boundary adjustments are also a controlled activity provided matters (a) – (e) are met. The proposal meets matters (a) – (e) as set out in table below.

<i>(a) In the case of Rural, Gibbston Character and Rural Lifestyle Zones the building platforms is retained in its approved location; and</i>	Part of one title is in the Rural Zone. There are no building platforms on this title, and no changes to any building platform.
<i>(b) No additional or relocated residential building platform is identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones; and</i>	No new or relocated building platforms are sought.
<i>(c) No additional separately saleable lots are created; and</i>	No additional saleable lots are created.
<i>(d) The areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable) or where any lot does not comply with an applicable minimum lot size requirement for the zone, the extent of such non-compliance is not increased; and</i>	• There is no minimum lot size in the Rural zone.
<i>(e) lots must be immediately adjoining each other.</i>	The lots immediately adjoin each other.

Council's control is limited to the following matters

- the location of the proposed boundaries;
- boundary treatment;
- easements for existing and proposed access and services.

Overall, the proposal is a **controlled** activity under the PDP.

For the avoidance of doubt, Rule 27.6.1 relates to standards for minimum lot areas:

- There is no minimum lot size in the Rural zone
- There is no minimum lot size in the relevant precincts of the Te Putahi Ladies Mile zone
- There is an 80 hectare minimum lot size in the Wakatipu Basin Rural Amenity Zone (WBRAZ). The small part of title [B2] that contains areas of WBRAZ exceeds 80 hectares.

5.4 Scope of Application

This application is for all matters requiring resource consent under the District Plans, rather than for the specific list of consent matters / non-compliances identified above by the author. As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this Assessment of Effects on the Environment (AEE), it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE. 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 RMA 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 RMA requires the Council to have regard to the following matters, subject to Part 2 of the RMA:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
 - (i) *a national environmental standard;*
 - (ii) *a national policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(2) of the RMA 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 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.

The proposed application does not trigger any of the above stated standards, regulations, or national policy statements. The Regional Policy Statement is considered later in the assessment.

7. Assessment of Environmental Effects

7.1 The location of the proposed boundaries (27.5.3(a))

The location of the proposed boundaries is shown on the scheme plan in Attachment [C]. The location of the proposed boundaries reflects the agreement between the landowners. It means the rural-zoned and urban-zoned

portions of the two titles are held together, enabling the landowner to utilise the land for the differing purposes anticipated by the respective zoning framework.

7.2 Boundary treatment (27.5.3(b))

No change to boundary treatment is proposed. The titles are already fenced, and no changes are necessary as a result of the boundary adjustment.

7.3 Easements for existing and proposed access and services (27.5.3(c))

Existing easements are shown on the scheme plan in Attachment [C]. The proposal does not include provision of any additional services, as no physical works or change in use is proposed. There are no proposed easements for access or services.

7.8 Summary

Overall, no adverse effects in regard to boundary adjustment are expected.

8. Notification Assessment

Rule 27.10 states that applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

- a. *where the Council is required to undertake statutory consultation with iwi;*
- b. *where the application falls within the ambit of Rule 27.5.4;*
- c. *where the application falls within the ambit of Rule 27.5.10 and the written approval of Transpower New Zealand Limited has not been obtained to the application;*
- d. *where discretion or control relates to property access and roading and the site adjoins or has access directly onto a State Highway, an activity may be limited notified, in respect of those matters of discretion or control, if the written approval of the New Zealand Transport Agency has not been obtained to the application.*
 - i *notwithstanding d. above, where an application falls within the ambit of Rule 27.7.9, an activity may be limited notified if the written approval of the New Zealand Transport Agency has not been obtained to the application.*
- e. *Where applications fail to comply with location specific Wakatipu Basin Rural Amenity Zone Rules 27.7.18.1 - Setback from Roads and 27.7.19.3 - Setback from Escarpment. Ridgeline, or River Cliff features.*

The application does not trigger any matters within points a. to e. and is therefore precluded from notification.

For the avoidance of doubt, Council retains control over “easements for existing and proposed access”. i.e. it is limited to easements. Point d. above refers to where control relates to “property access and roading”. This is considered to be a different matter.

8.1 Public Notification

Step 1 – Mandatory notification in certain circumstances (s95A(1)(3)):

- 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 (s95(5))

- The proposal is not subject to a rule or NES that precludes public notification.
- The proposal is for a controlled activity or a boundary activity.

Notification is therefore precluded under Step 2 due to Rule 27.10 and the controlled activity status.

Step 3 – (s95(8))

- Precluded by Step 2.

Step 4 – Special circumstances (s95(9))

- No special circumstances exist in relation to this application.

The application is precluded from public notification.

8.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified (s95B(3))

- No listed statutory persons or groups are affected by the proposal.

Step 2 – Limited notification precluded in certain circumstances (s95B(6))

- There is no rule or NES that precludes limited notification.
- The application is for a controlled activity.

Notification is therefore precluded under Step 2 due to Rule 27.10 and the controlled activity status.

Step 3 – Certain Affected Persons Must be Notified (s95B(7))

- Precluded by Step 2

Step 4 – Special circumstances (s95B(10))

- No special circumstances exist in relation to this proposal.

The application is precluded from limited notification.

The application must be processed on a non-notified basis.

9. Policy Framework

9.1 Operative Regional Policy Statement (1998)

The Operative Regional Policy Statement 1998 (ORPS) was revoked on 15 March 2021.

9.2 Operative Regional Policy Statement (2019) – ORPS

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. There are no objectives or policies of relevance to a boundary adjustment subdivision.

9.3 Proposed Regional Policy Statement (2021) – PORPS

The PORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, following a determination by the High Court in 2021. The Otago Regional Council notified its decisions on submissions on the Proposed Otago Regional Policy Statement (2021) PORPS on 30 March 2024. As the scale of this application is relatively small, the PORPS does not provide direct guidance to these types of applications where no physical work is proposed.

9.4 Operative District Plan

The TPLMZ was made operative by the Council on 6 December 2024 and replaces the former ODP provisions. The provisions are considered below under the PDP heading.

The remaining objectives and policies of the ODP in relation to the parts of the site not zoned TPLMZ are no longer considered relevant to this application as there are no rules triggered under the ODP by which the objectives and policies may be applied. While section 104 requires consideration of the ODP objectives and policies, the ODP objectives and policies should be given no or little weight, given the advanced stage that the PDP has reached, including having passed the 'decisions on submissions' stage.

9.5 Proposed District Plan

9.5.4 Subdivision and Development (Chapter 27)

27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.	The proposed boundary adjustment subdivision is consistent with the district plan rules (controlled activity) and zoning and will contribute to ensuring the district is a desirable place to live, visit, work and play.
27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.	This is recognised. No services are proposed and only easements are a matter of control.
27.2.7 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.	Consistent
27.2.7.1 Enable cross-lease and unit title subdivision of existing units in urban areas without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.	Not applicable
27.2.7.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to: a. the location of the proposed boundaries;	Consistent – these are the matters of control that have been assessed above.

b. in rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses; c. boundary treatment; d. the location and terms of existing or proposed easements or other arrangements for access and services.	
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9.5.3 Te Putahi Ladies Mile Zones (Chapter 49)

49.2.1 Objective – Development complements and integrates with adjoining zoning and urban development at Te Pūhahi Ladies Mile and development south of State Highway 6.	The proposed boundary adjustment subdivision is a stepping stone towards future residential development of urban-zoned land to give effect to the Te Pūhahi Ladies Mile Structure Plan.
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9.5.2 Rural Environment (Chapter 21)

The actual change to boundaries is not occurring in the Rural zone. Boundaries in the Rural zoned part of the site remain unchanged. There is

21.2.1 Objective - A range of land uses, including farming are enabled while: a. Protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; Maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values; Maintaining or enhancing amenity values within the rural environment; and Maintaining or enhancing nature conservation values.	The proposed boundary adjustment will maintain the values of the Slope Hill outstanding natural feature through enabling the farming use on land outside the UGB, and the values of the part of the site that is zoned Rural.
24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.	The proposed boundary adjustment will maintain the existing landscape character and amenity values of the small parts of the site that are zoned Wakatipu Basin Rural Amenity Zone. No physical work is proposed.

Overall, the proposal is consistent with the relevant objectives and policies within the PDP.

10. Conclusion

The proposal will enable the applicant to provide for their social and economic well-being through a boundary adjustment subdivision in accordance with the Te Pūhahi Ladies Mile Structure Plan area.

Attachments

Attachment **[A]**: Form 9

Attachment **[B1]** Record of Title 1142422

Attachment **[B2]** Record of Title 1194482

Attachment **[B3]** Consent Notice 876500

Attachment **[B4]** Consent Notice 7620262.11

Attachment **[C]**: Proposed Scheme Plan

Attachment **[D]**: Affected party approval Simplicity Living

Andy Calder

From: Blair Devlin [REDACTED]
Sent: Monday, 18 May 2026 8:56 am
To: Andy Calder
Cc: Kristan Stalker
Subject: RE: RM260467 - G W Stalker Trust
Attachments: [C] - Proposed scheme plan 18-05-26.pdf

Hi Andy,

Please find updated scheme plan attached. Please replace existing plan with this version.

Kind regards
 Blair

From: Andy Calder [REDACTED]
Sent: Friday, 15 May 2026 4:23 PM
To: Blair Devlin [REDACTED]
Cc: Kristan Stalker [REDACTED]
Subject: RE: RM260467 - G W Stalker Trust

Hi Blair,

Apologies for the delay in following up.

Received the DE memo and while all fine generally, they noted a reference typo in the amalgamation condition, should be Sec 9, not Lot 9.

See attached.

If you can send through updated plan with that corrected, I can move to preparing reports etc next week.

Andy Calder | Resource Management Consultant | Planning and Development
 Queenstown Lakes District Council
 M: [REDACTED]
 E: [REDACTED]



From: Blair Devlin [REDACTED]
Sent: Thursday, 7 May 2026 9:42 am
To: Andy Calder [REDACTED]
Cc: Kristan Stalker [REDACTED]; Neil Harkin [REDACTED]
Subject: RE: RM260467 - G W Stalker Trust

Hi Andy,

Further to the comms below, please find attached an updated Scheme Plan as new **Attachment [C]** dated 7 May 2026.

This reflects the discussion below, i.e. it shows Sec 9 being de-amalgamated from Record of Title 1142422 and then amalgamated with the Simplicity title 1194482. The existing amalgamation condition will need to be cancelled under s241 and the new one is shown on the Scheme Plan (subject to LINZ approval).

This is a boundary adjustment by way of de-amalgamation and re-amalgamation, so I consider the controlled activity boundary adjustment consent is still required (because a de-amalgamation is treated as a subdivision), just the mechanics of how it is done is as per your email below, rather than re-subdividing the titles.

Like Neil says, the key difference to the earlier application is that no additional title is being created.

I hope that is all as expected, but do sing out if any questions.

Kind regards

Blair

From: Neil Harkin [REDACTED]
Sent: Tuesday, 5 May 2026 4:31 PM
To: Blair Devlin [REDACTED] Andy Calder [REDACTED]
Cc: Kristan Stalker [REDACTED]
Subject: RE: RM260467 - G W Stalker Trust

Hi Blair,

The key difference to what was discussed previously is that the lot is not proposed to be amalgamated to a lot that is serviced (in principle at least via a developer agreement) rather than resulting in a separate un-serviced lot.

Cheers,

Neil

Neil Harkin | Senior Planner | Planning & Development
 Queenstown Lakes District Council



 **QUEENSTOWN
LAKES DISTRICT
COUNCIL**
www.qldc.govt.nz

From: Blair Devlin <[REDACTED]>
Sent: 05 May 2026 16:18
To: Andy Calder [REDACTED]
Cc: Neil Harkin <[REDACTED]>; Kristan Stalker <[REDACTED]>
Subject: RE: RM260467 - G W Stalker Trust

Hi Andy,

Thanks for your email & call, your fresh perspective is appreciated. We are happy to provide a new Scheme Plan to show what you have requested below, but **Neil** we would really appreciate it if you can be the senior reviewer on this application.

This is because we basically suggested doing exactly this before in relation to CNA25003, and did not quite receive the encouragement like what you have shown below, which is what led us to the controlled activity boundary adjustment application. **Neil** we would withdraw the CNA25003 application on receipt of the decision.

My client has worn a lot of cost with applying for the de-amalgamation and subdivision consent (which we accept would have created a vacant title on the Ladies Mile, but not a bulk title), and then preparing the controlled activity boundary adjustment to avoid the concerns identified by QLDC about a vacant title with the CNA25003.

It looks like we have a solution but want to lock in the Senior reviewer who has been involved.

Kind regards
Blair

From: Andy Calder <[REDACTED]>
Sent: Tuesday, 5 May 2026 3:13 pm
To: Blair Devlin <[REDACTED]>
Subject: RE: RM260467 - G W Stalker Trust

Hi Blair,

Further to phone call just then, I have spoken with Neil Harkin around most pragmatic and simplest method for undertaking the boundary adjustment.

He was happy with the approach of this boundary adjustment application to involve two steps:

- de-amalgamate sec 9 from RoT 1142422 (the larger parcel) and
- amalgamate sec 9 with RoT 1194482 (12 Lower Shotover).

A consequence of this would be that the other 'adjustment' shown on your scheme plan falls away, as that is only required as an outcome of the 'main story' shown on the scheme plan attached – treating both parcels as one, subdividing into two and then needing to amalgamate Lot 4 DP 593652 with Lot 1 on the scheme plan.

I acknowledge that there is an undetermined amalgamation cancellation application in the system (CNA25003) and that this application can be withdrawn upon this boundary adjustment application being determined. I'll liaise with the processing planner for that one for completeness.

Andy Calder | Resource Management Consultant | Planning and Development
Queenstown Lakes District Council
[REDACTED]
[REDACTED]



From: Blair Devlin <[REDACTED]>
Sent: Thursday, 30 April 2026 10:52 am
To: Andy Calder <[REDACTED]>
Subject: RE: RM260467 - G W Stalker Trust

Hi Andy,

Yes only one amalgamation condition. It's not an amalgamation of Sec 9 DP 485598 with 12 Lower Shotover Road (although the application has that same effect). It is deliberately a subdivision to stay in the controlled activity status.

With regard to the all the documents on the titles, can provide any of these if necessary. The matters of control are limited to *"easements for existing and proposed access and services"*.

The existing easements will fall down onto the new titles. I do not believe any new easements for access or services are required.

Kind regards
Blair

From: Andy Calder [REDACTED] >
Sent: Wednesday, 29 April 2026 6:43 PM
To: Blair Devlin [REDACTED] >
Cc: Neil Harkin <[REDACTED]>
Subject: RM260467 - G W Stalker Trust

Hey Blair,
 Confirming that I am processing this boundary adjustment subdivision consent application.

Have accepted the application for processing, but before I request the LINZ review of the proposed amalgamation conds, I checked the scheme plan and there only appears to be one amalgamation condition, whereas I would take from the AEE that there will be two (one for the amalgamation of Sec 9 SP 485598 with 12 Lower Shotover).

Can you just double check that?

This is in advance of any more detailed review to determine if an RFI is required. I note there is a library of instruments on the RoTs, not sure given the likely development for the site if any for Sec 9 should be removed as part of the boundary adjustment, but will look into that again – does the applicant have a view on that?

Andy Calder | Resource Management Consultant | Planning and Development
 Queenstown Lakes District Council
 [REDACTED]
 [REDACTED]



From: Resource Consent <resourceconsent@qldc.govt.nz>
Sent: Wednesday, 22 April 2026 1:41 PM
To: Blair Devlin [REDACTED] Kristan Stalker [REDACTED] >
Subject: Resource Consent Application Acknowledgement - G W Stalker Trust (RM260467)

Andy Calder

From: Blair Devlin <[REDACTED]>
Sent: Wednesday, 27 May 2026 10:24 am
To: Andy Calder
Cc: Kristan Stalker
Subject: RE: RM260467 - G W Stalker Trust
Attachments: Otago DP 21761.tif

Hi Andy,

This is a new one for us from the QLDC, they have never had an issue with easements carrying down to new titles before. However I asked CFMA to look into this and they have identified the easements highlighted in yellow below are the only easements on Section 9 SO 485598 that are subject to s243 of the RMA or Section 309 (1) of the LGA 1974:

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOCUMENT
Right to convey water	S, T, V	Section 7	T. 834400.2 T. 838259.2 T. 850246.3 T. 850246.6
	S, T, V	Section 7	E.I. 5820735.7
	A, AB, AC, AE, AF	Section 9	T. 769961.4 T. 769961.6 T. 769961.7 T. 769961.10 T. 769961.12 T. 769962 T. 785737.1 T. 829946.5 T. 829946.8 T. 829946.11 T. 834400.2 T. 838259.2 T. 842026.2 T. 850246.3 T. 850246.6 T. 5154900.4 E.I. 6064446.2
Right to convey electricity	T, U, V, W	Section 7	T. 5009953.6
Right of way	H	Section 8	T. 462350.1
Right to convey and draw water	A, AB, AC, AE, AF	Section 9	T. 862985.3
Right of way and rights to convey electricity and telephonic communications	AA, AD, AE	Section 9	T. 862985.3
Right to draw and convey water	A, AB, AC, AE, AF	Section 9	T. 5363757.6 T. 5363757.9

These are water easement that run up the red line below.



These are the easements for the Glenpanel Water Scheme and are absolutely still required (see attached plan which originally defined the easements). The Glenpanel water scheme serve the houses and farms in the area and is still required so they are not redundant.

QLDC cannot require us to cancel these easements as a requirement of consent, as the easements are in favour of third parties.

s220(g) is only relevant if the land in a **Dominant Tenement** which makes sense as then you have the ability to grant permission to cancel and easement. In this case Section 9 is the servient tenement so does not have the ability to cancel the survey.

- (g) a condition requiring that any existing easements in respect of which the land is the dominant tenement the territorial authority considers to be redundant, be extinguished, or be extinguished in relation to allotment or allotments.

The applicant does not want to rationalise private covenants now. That is not a matter within scope of the matters of control.

Kind Regards,
Blair

From: Andy Calder <[REDACTED]>
Sent: Tuesday, 26 May 2026 6:05 PM
To: Blair Devlin <[REDACTED]>
Subject: RE: RM260467 - G W Stalker Trust

Hey Blair,
Will call you tomorrow morning to follow up.

Review has been undertaken and while all ready to sign, the decision maker wants clarity on what easements / instruments registered against 'donor' property are to run with Section 9, or if there are ones to not pass on.

In terms of the easements, it's not an automatic process with relevant instruments going to the relevant titles. It needs to be looked at now, otherwise all existing interests will be dropped down, even if they relate to an easement area that is not on the new title. I'm not happy to sign off a consent carrying down easements if they were imposed under s243 of the RMA and are now redundant, especially as under s220(g) conditions can be imposed to extinguish easements if they are redundant. If the applicant wants to drop down private covenants that are not relevant, that is their choice, but I would strongly recommend they look to rationalise everything now.

Would you please ask the agent to look at this issue?

I had understood that those relevant to Section 9 would run with that land, but this may not be the case.

Are you able to undertake a review of the instruments confirming which ones are to run with Sec 9? And which ones do not?

Andy Calder | Resource Management Consultant | Planning and Development
Queenstown Lakes District Council
[REDACTED]
[REDACTED]



Andy Calder

From: Blair Devlin [REDACTED]
Sent: Thursday, 18 June 2026 11:23 am
To: Andy Calder
Cc: Kristan Stalker; Kerry O'Donnell
Subject: RE: RM260467 - G W Stalker Trust - decision to issue / draft conds

Hi Andy,

Further to our emails below, we have considered things further, including the feedback from QLDC legal, and taken legal advice. We think actually the draft conditions you sent through previously can work – yes there may be some added cost preparing a survey plan but in the interests of expediency let's proceed with that.

We have therefore identified the following minor change to the draft conditions you sent through previously, requiring a survey plan be provided and it will show Sec 9 as Lot 9. Then Lot 9 is amalgamated with the adjoining site under condition 4.

I don't believe you would need to go back to LINZ about the amalgamation condition wording as it is exactly the same except that Sec 9 is now shown on the survey plan as Lot 9.

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - Drawing 3 Sheet 002 '*Ladies Mile Future Title Structure*', drawn by Clark Fortune McDonald, dated 15.04.2025

stamped as approved on date

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The applicant will provide a survey plan for approval by Council, showing all of Sec 9 SO 485598 on a new survey plan, legal description of Lot 9 LT***** [LT plan to be allocated].

To be completed before Council approval of the Survey Plan

4. Pursuant to section 220(1)(b) of the RMA, the following amalgamation condition must be shown on the survey plan:

- “That Lot 3 DP 606744 and Lot 9 DP***** ~~Sec 9 SP 485598~~ be held in the same Record of Title” (LINZ ref: 1984121)

Advice note:

*Upon the approval of the survey plan with the above amalgamation condition, the consent holder is advised that the existing amalgamation condition tying Section 9 SO 485598 to Lots 3-4 DP 593652 is **part** cancelled under s241(3) of the RMA. This can be effected concurrently with the amalgamation condition requirements of condition ~~3-4~~.*

It should be ‘part’ cancelled in the Advice note, so that Lots 3-4 DP 593652 remain in one title.

I hope you are able to issue the decision on this basis.

As I am away overseas tomorrow, I have cc’d in Kristan and Kerry, if you can please reply all and between us we will come back to you if any issues with the above.

Kind regards
Blair

From: Andy Calder [REDACTED]
Sent: Tuesday, 16 June 2026 9:55 am
To: Blair Devlin [REDACTED]
Cc: Kristan Stalker [REDACTED]
Subject: RE: RM260467 - G W Stalker Trust - decision to issue / draft conds

Hi Blair,

Thanks for taking the call, and yes did connect with Legal and there is an information request for them to complete their inputs.

Can I please have your solicitors, prepare a memo / analysis that:

- Demonstrates and confirms that the revised arrangement (inc intent of conditions as proposed) is within scope of the consent as lodged (i.e. boundary adjustment as controlled activity);
- Sets out what options have been considered in the alternative to the conventional survey plan / amalgamation condition route, noting that I gauge a high bar to Council to become party to a covenant in the manner proposed, esp where they may be alternatives to both survey plan and QLDC covenant approaches.
 - Examples may be useful, and I note from our conversation around the common usage of covenants in land use consent scenarios under s108.
 - What also may be helpful is the reason why a QLDC covenant and not just a statutory undertaking to tie ownership is proposed, and our discussion referenced any concern around future uncoupling without Council oversight.

They can email Mary Davenport [REDACTED]) directly, just copy in you and myself.

APPENDIX 3 – QLDC ENGINEERING REPORT



ENGINEERING REPORT

TO: Andy Calder

FROM: Akshay

DATE: 11/10/2025

APPLICATION DETAILS	
REFERENCE	RM260467
APPLICANT	G W Stalker Trust
APPLICATION TYPE & DESCRIPTION	Subdivision consent is sought to undertake a boundary adjustment subdivision.
ADDRESS	12 Lower Shotover Road, Ladies Mile 435 Frankton – Ladies Mile Highway, Ladies Mile, Lake Hayes
ZONING	PDP: Ladies Mile Precinct (High Density Residential, Medium Density Residential and Local Shopping Centre), Wakatipu Basi Rural Amenity Zone, rural
LEGAL DESCRIPTION	Lot 3 DP 606744, Section 9 SO 485598, Lot 4 DP 593652, Lot 3 DP 593652
SITE AREA	#12: 6.14 ha approx. #435: 104.36 Ha
ACTIVITY STATUS	Controlled Activity

Application	Reference Documents	Application information
	Previous Relevant Consents	No relevant previous consent.
	Date of site visit	29/5/2025

Location Diagram



ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	No physical works are proposed for the boundary adjustment. No earthworks conditions are necessary.	

SERVICES	Existing Services	No changes to servicing infrastructure are proposed. The boundary adjustment does not create additional lots, does not intensify land use, and does not require new connections or upgrades to water, wastewater, stormwater, power, or telecommunications. The existing servicing arrangements remain suitable, and no new easements for services are required as part of this proposal.	
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NATURAL HAZARDS	Hazards on or near the site	The QLDC Hazard Register Maps show the site falls within domain "A" liquefaction hazard categories, which has an assessed liquefaction risk as being "low to zero". No other hazards are shown as affecting the boundary adjustment area/subject sites. No physical works are proposed as part of this boundary adjustment and no additional new lots are to be created from this boundary adjustment. I am therefore satisfied that no related conditions are necessary.	
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TITLES	Consent Notices	No relevant engineering Consent Notices are listed on the record of title. No new consent notices are proposed.	
	Easements	A condition is recommended to ensure all necessary easements are granted or reserved.	x
	Road Names on title plan	Not required.	
	Building platforms	No physical works are proposed as part of this boundary adjustment application. Based on the assessment undertaken, there are no engineering-related concerns associated with the proposed adjustment, and it will not have any engineering effects on the existing building platforms.	
	Amalgamation Condition	The revised scheme plan includes two amalgamation requirements: 1. Lot 3 DP 606744 and Section 9 SO 485598 are to be held in the same Record of Title, ensuring these parcels remain legally associated as a single landholding following the boundary adjustment.	

RECOMMENDED CONDITIONS

It is recommended that the following conditions are included in the consent decision:

General

1. All physical development works documentation and other consent obligations shall be carried out in accordance with the requirements of the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 17th April 2025 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link:
<https://www.qldc.govt.nz>

To be completed before Council approval of the Survey Plan

1. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

Amalgamation Condition

2. The following shall be registered with Land Information New Zealand (CSN XXXXX):
 - a) Lot 3 DP 606744 and Section 9 SO 485598 shall be held together in the same Record of Title.

Prepared by:



Akshay
LAND DEVELOPMENT ENGINEER

Reviewed by:

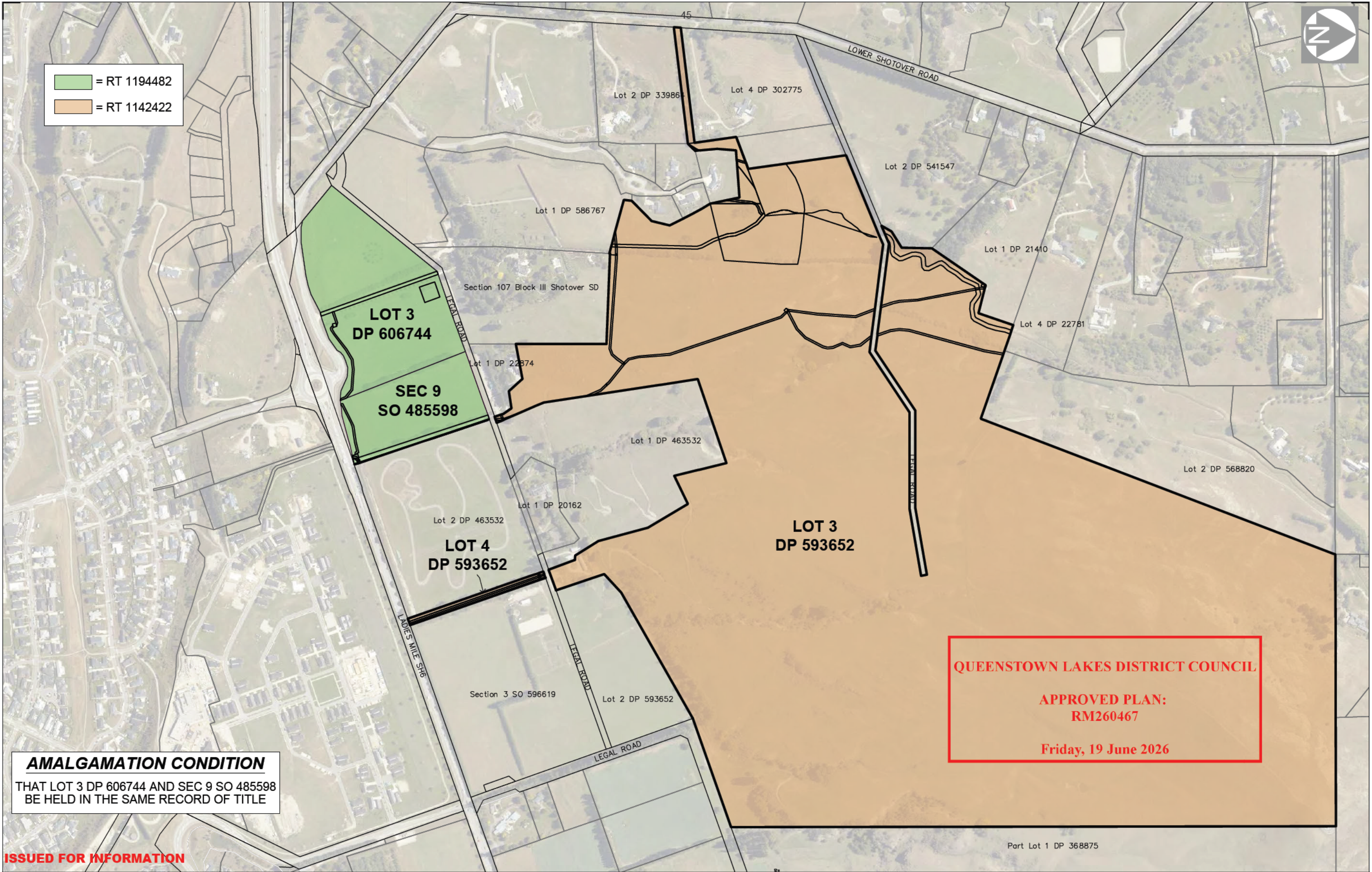


Lyn Overton
SENIOR LAND DEVELOPMENT ENGINEER



= RT 1194482

= RT 1142422



AMALGAMATION CONDITION
THAT LOT 3 DP 606744 AND SEC 9 SO 485598
BE HELD IN THE SAME RECORD OF TITLE

ISSUED FOR INFORMATION



CLARK FORTUNE McDONALD
LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS
QUEENSTOWN | DUNEDIN | CHRISTCHURCH | GORE

Tel: (03)441-6044, Email: admin@cfma.co.nz, www.cfma.co.nz 309 Lower Shotover Road, P.O. Box 553 Queenstown
S:\JOBS\17300\17320\acad\17320_03_Scheme Plan.dwg

**LADIES MILE
FUTURE TITLE STRUCTURE**

Client G W Stalker Trust	SURVEYED	—	—	Job No. 17720	Drawing No. 03
	DESIGNED	—	—	SHEET 002	
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	CHECKED	—	—	Datum & Level	Rev.
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