Reference	25.006
Date	19 June 2025
Location	6 Tuatara Rise, Wānaka
Legal Description	Lot 37 Deposited Plan 585393 held in Record of Title 1104315
Applicant	Orlando and Melissa Hooper-Greenhill
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative and Proposed
Zoning	Low Density Suburban (Operative) and Lower Density Suburban Residential (Proposed)
Proposal	Resource consent is sought to construct a residential dwelling that will protrude through the height recession plane and exceed continuous building length and transport standards
Activity Status	Non-Complying Activity Land Use - Proposed District Plan

1.0 INTRODUCTION

1.1 This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 37 Deposited Plan 585393 held in Record of Title 1104315. A copy of the Record of Title and the relevant interests are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION

3.1 The site is located at 6 Tuatara Rise, Wānaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The application site is 947m^2 in area and irregular in shape. The site is mostly flat, currently vacant and vegetated with grass. The westernmost portion of the site is a steep batter slopes that falls to the leg-in driveway leading to 4 Tuatara Rise. The site is elevated approximately 1.75m above the leg-in.

3.3 An access was formed onto the site as part of the underlying subdivision. It is located in the north-eastern corner of the site.

3.4 The site has connections to Council's reticulated water and waste water networks. There is a stormwater detention device located in the south-western corner of the site that connects into

the wider stormwater network. The site also has connections to the electricity and telecommunications networks.

3.5 The site was created by subdivision RM210405, granted on 21 October 2021 and reissued on 19 November 2021. Consent Notice 12836723.4 was registered on the title of the site as a requirement of RM210405 on 30 January 2024 and has conditions in relation to the stormwater detention device and stormwater design.

3.6 The surrounding area is comprised of a recently completed residential subdivision with lots ranging in size between 500m^2 and 1000m^2. Several houses in the surrounding area are currently under construction. No residential development is enabled to the east of the application site as this area is within the rural building restriction area.

4.0 PROPOSAL

4.1 Resource consent is sought to construct a residential dwelling that will extend through the height recession plane and exceed continuous building length. A copy of the proposed plans has been included as **Appenidx B** to this application.

Buildings

4.2 The proposed two-storey 340m^2 dwelling will be rectangular in shape and located in the middle of the site, with a large vehicle forecourt proposed on the south-eastern portion of the site. The ground floor will accommodate three bedrooms, a rumpus room, the entry into the dwelling and an attached two car garage.

4.3 The kitchen, living and dining areas will be located on the first floor, with the master bedroom and an office above the garage.

4.4 A deck is proposed on the first floor to the north and west of the living area, with stairs that will connect to the ground floor where a spa and second covered outdoor living area are proposed.

4.5 A pool is proposed to the west of the dwelling.

4.6 The south-west corner of the roof will extend through the height recession plane by a maximum height of 600mm for a length of 11m and an area of 5.05m^2. The dwelling will have a maximum height of 7m.

4.7 The eastern and western facades of the dwelling will be 24.6m in length.

4.8 The dwelling will be constructed from vertical timber weatherboard with a dark satin, brick veneer, and metal tray roofing.

Earthworks

4.9 Earthworks will be required to flatten out the lawn and retain the patio, as well as excavate the pool. The retaining will have a maximum height of 1m on the north-western corner of the site. A second 500mm retaining wall is proposed 1.2m further west. The retaining will be constructed alongside the existing batter slope so minimal fill will be required to create two level areas instead of one sloping area. The earthworks volume will be less than 300m^2.

Access, Parking and Maneuvering

4.10 The access onto the site has already been formed. However, it is proposed to form a new access to the east. The access will enter the site on the easternmost boundary where there is a small kink in the boundary. The access will be 4.5m in width at the boundary of the site and 5.5m at the edge of the seal.

4.11 Because of the geometry of the boundary, the eastern edge of the accessway will meet the boundary at an angle of 43^o rather than 45^o.

4.12 A connection to Council services is proposed by way of this consent to move the access location.

4.13 Parking for two vehicles will be provided in the garage attached to the dwelling, with additional maneuvering and parking areas to the south and east of the dwelling.

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

5.1 The subject site is zoned Lower Density Suburban Residential Zone in the Proposed District Plan and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 7.5.10 as the first floor of the proposed dwelling will be longer than 16m. Council's discretion is restricted to external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.

- A **restricted discretionary** activity land use consent pursuant to Rule 29.5.14(b) as the vehicle crossing enters the site at a 43^o angle on the eastern edge. Council's discretion

is restricted to Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment; and The location, design, and width of the vehicle crossing.

- A **non-complying** activity land use consent pursuant to Rule 7.5.7(a) as the proposed dwelling will extend through the recession plane along the western elevation.

5.2 Overall the proposed development requires a **non-complying** activity consent under the Proposed District Plan.

Operative District Plan

5.3 The site is zoned Low Density Residential under the Operative District Plan however none of the Proposed District Plan rules under which resource consent is required are subject to appeal. As such all relevant Proposed District Plan rules are operative pursuant to s86F of the Act and the corresponding Operative District Plan rules are inoperative. The proposed development does not therefore trigger a consent under the Operative District Plan.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this case the permitted baseline includes the following:

- Residential activities;
- The construction of two residential units with attached or stand-alone residential flats (noting that Condition (f) of Covenant 12836723.10 restricts the construction of more than one dwelling on the site), provided they comply with the following:
    - A maximum height of 7m

- 2m internal setbacks from all boundaries;
- Compliance with the height recessions plans:
  - Northern boundary 2.5m and 55 degrees;
  - Western and eastern boundaries 2.5m and 45 degrees

    Noting that gable roof ends can extend through the recession plane by no more 1/3 of the gable height.

Garages and other accessory buildings associated with a new dwelling could be constructed up the boundary of the site provided it was less than 7.5m in length, had no windows or other openings, and complied with the above recession planes.

- Buildings with upper floor facades no longer than 16m;
- Up to 40% building coverage on site;
- Up to 300m^3 of earthworks and associated retaining (including retained cut/fill of up to 0.5m in height on site boundaries);

Receiving Environment

6.3 While most of the sites in the surrounding area remain vacant, resource consent has been granted for a number of dwellings on the surrounding lots as follows:

- Resource consent RM240102 has been approved for the dwelling directly to the south, 8 Tuatara Rise, to exceed continuous building length and breach the height recession plane.
- Resource Consent RM250062 approved the dwelling on 10 Tuatara Rise to exceed continuous building length and extend through the height recession plane on the southern side.

This residential environment forms the receiving environment into which the proposal will be absorbed.

Residential Amenity and Character

6.4 Rule 7.5A.1 of the Proposed District Plan requires proposals involving restricted discretionary or discretionary activity consents in the Lower Density Suburban Residential Zone must include a statement confirming that the relevant design elements from the Residential Zone Design Guide

2021 have been considered. A design statement addressing the relevant design elements has been prepared and is attached as **Appendix C** to this application.

6.5 The proposed development will add an additional high quality residential unit to the District's housing stock, and be constructed to modern standards in terms of insulation and sustainability. The development will advance housing choice within an established urban area. The development will be viewed in the context of the existing residential development on the surrounding sites.

Height Recession Plane

6.6 The western corner of the southernmost portion of the roof will extend slightly through the recession plane in relation to this boundary. While the protrusion is 11m long, the extent to which the building extends beyond the recession plane is minimal. The difference between what is proposed and a complying roofline slightly further back into the site, or sloped differently, would not be noticeable to the naked eye. The extension of the building into the height recession plane will not reduce sunlight access as experienced by the owners or occupiers of 2 or 4 Tuatara Rise. The design would also not reduce privacy as experienced by these properties or result in the dwelling be more dominant than what could otherwise be constructed on the site.

6.7 Therefore it is considered that the proposed height recession plane exceedances will not result in the buildings being more dominant than what is anticipated and provided for in the zone and the proposal would not affect sunlight access or privacy as experienced by adjacent properties.

Continuous Building Length

6.8 The dwelling will have a length of 24.6m along the eastern and western elevations. When viewed from Tuatara rise, the length of the building will not be apparent.

6.9 While the length of the building would be visible from 9 Tuatara Rise to the east, any dwelling on this property is required to be located 56m to the north-east of the application site. Buildings and residential use are restricted within the area of 9 Tuatara rise adjacent to the application site. Therefore, the proposed length of the building will not result in it being overly dominant when viewed from 9 Tuatara Rise.

6.10 The leg-in access to 4 Tuatara Rise is located to the west of the application site, with the bulk of that site being located further south. The property at 2 Tuatara Rise is located to the west of the accessway.

6.11 The proposed dwelling will be setback 7.3m from the western boundary of the site, with the garage portion of the building setback 5.3m from the boundary. There is modulation between the garage and the principal living portion of the dwelling.

6.12 As of right, a two storey dwelling with a separated garage and flat above could be located in a similar position and of a similar height as proposed. Further, such buildings could be located closer to the western boundary of the site provided they complied with the height recession planes. As an example, a dwelling could be constructed with the lower floor 2m from the boundary at a height of 4.5m and the upper floor recessed back but closer the boundary than proposed.

6.13 Given what the plan provides for, it is considered that the proposed arrangement, which connects the two buildings, will not result in dominance effects beyond what could be constructed on the site as of right.

6.14 Therefore, it is considered that the proposed location of the building will not result in it being dominant when viewed from the street. The proposed dwelling will not result in a loss of privacy, or loss of outlook as experienced by the owners or occupiers of 2 Tuatara Rise beyond what could occur as of right.

6.15 When viewed from the south, the continuous length of the building will not result in noticeable adverse effects.

6.16 Therefore it is considered that any adverse effects associated with the proposed continuous building length breach will be less than minor.

Summary

6.17 Overall, it is considered that the built form proposed by way of this development will be high quality and add to modern housing stock in the district. The buildings will not result in dominance effects that would be minor or more than minor. The design of the development is consistent with the character of the neighbourhood. Any effects associated with built form are considered to be less than minor.

Servicing and Infrastructure

6.18 Service connections (electricity, telecommunications, water, wastewater, stormwater) are available to the lot and can be extended to service the dwelling.

6.19 It is therefore considered that the proposed development can be appropriately serviced and will not result in adverse effects in this regard.

Access and Parking

6.20 A vehicle crossing from the ROW to the site has been formed. However it is proposed to replace this crossing with a new wider crossing further to the east. The crossing will be 4.5m at the boundary of the site and 5.5m at the edge of the seal. A driveway will be extended to the southern side of the site, where parking for two vehicles will be provided for in the garage.

6.21 While the driveway enters the eastern edge of the site at 43^{o} rather than 45^{o}, this is a result of the boundary geometry rather than the geometry of the access. No safety effects are anticipated to result for the breach.

6.22 A forecourt for manoeuvring and additional parking is proposed to the south and east of the garage.

6.23 Overall, it is considered that the proposed access, parking and manoeuvring arrangements are appropriate and will not result in adverse effects in relation to the safety or efficiency of the roading network.

Natural Hazards

6.24 The application site is identified on Council's hazard maps as being of probably nil to low risk of liquefaction. It is considered that any risk in relation to liquefaction can be adequately managed through foundation design.

6.25 It is considered that the proposed development will not result in any significant additional natural hazard risk beyond what currently exists and will not exacerbate the effects of natural hazards on adjoining properties. It is therefore considered that the proposed development will result in less than minor adverse effects in terms of natural hazards.

Earthworks

6.26 The proposed earthworks are consistent with what is anticipated and provided for in the Lower Density Suburban Residential Zone in terms of their scale and extent. The earthworks will be contained within the application site and any adverse effects on infrastructure, adjacent sites or public roads can be suitably avoided through conditions of consent.

6.27 The application site is within a well-established residential area. It is therefore considered that the proposed earthworks are not likely to adversely affect cultural values, heritage or archaeological sites. If any such sites or items are encountered during earthworks the requirements of the accidental discovery protocol would apply.

6.28 Overall, it is considered that the proposed earthworks will result in less than minor adverse effects on the environment.

Positive Effects

6.29 The proposal will result in the construction of an additional dwelling in close proximity to the Wānaka Town Centre and Lake Wānaka.

Summary of Effects

6.30 Overall, it is considered that the actual and potential adverse effects of the proposed development will be less than minor.

7.0 OBJECTIVES AND POLICIES

Proposed District Plan

7.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 7 – Lower Density Suburban Residential Zone and Chapter 29 - Teransport and are as follows:

Chapter 7 – Lower Density Suburban Residential

7.2.1 Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.

Policies

7.2.1.1 Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.

7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including

predominantly detached building forms, and predominantly one to two storey building heights.

7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

7.2.1.5 Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2021.

7.2 The proposed development is consistent with what is provided for and anticipated by the zoning in this area. The dwelling design will maximise the efficient use of the residential allotment. The development is located in an area that is well serviced be Council infrastructure. The suburban intensity and character of the zone will be maintained. Overall, the proposal is considered to be consistently with these provisions.

7.2.6 Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies:

7.2.6.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.

7.2.6.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

7.2.6.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

7.3 The proposed access arrangement has been designed to ensure the safe and efficient operation of the roading network is maintained. There is sufficient capacity within the existing reticulated networks to accommodate the proposed subdivision. There is no public transport within the Upper Clutha, however the site is well connected to the active transportation networks throughout the urban area. The proposal is considered to be consistent with these provisions.

7.4 Overall the proposed subdivision is considered to be consistent with the provisions of Chapter 7 of the Proposed District Plan.

Chapter 29 - Transport

29.2.2 Objective - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:

- ***a. providing a safe and efficient transport network;***
- ***b. compact urban growth;***
- ***c. economic development;***
- ***d. facilitating an increase in walking and cycling and the use of public transport; and***
- ***e. achieving the level of residential amenity and quality of urban design anticipated in the zone.***

Policies:

29.2.2.1 Manage the number, pricing, location, type and design of parking spaces, queuing space, access, and loading space in a manner that:

- *a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;*
- *b. ...*
- *c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development;*
- *d. ...*
- *e. ...*
- *f. ...*
- *g. avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites; and*
- *h. provides adequate vehicle access width and manoeuvring for all emergency vehicles.*

7.5 It is considered that the proposed access and parking arrangement are safe and efficient. The access and parking arrangements will result in no adverse effect on the amenity of the streetscape or adjoining sites. The width of the proposed access complies with Council's standards and will adequately provide for emergency vehicles.

29.2.2.11 Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.

7.6 It is considered that the width of the proposed access will result in no adverse effect on the safety and efficiency of the wider roading network. Overall it is therefore considered that the proposal is consistent with Objective 29.2.2 and its associated policies.

7.7 Overall, the proposed development is considered to be consistent with the relevant objectives and policies of the Proposed District Plan.

Operative District Plan

7.8 None of the Proposed District Plan (PDP) provisions related to the proposed subdivision are subject to challenge. However, as the PDP is not yet fully operative the Operative District Plan (ODP) provisions are still relevant. The relevant provisions are included in Section 7 of the ODP.

7.9 The objectives and policies of Section 7 seek to provide for the establishment of low density residential living, and to avoid, remedy or mitigate the adverse effects of activities on residential amenity. The proposal will be consistent with the established character of the area and will maintain residential amenity.

7.10 The objectives and policies of Chapter 14 seek to provide for a safe and efficient transport network. The proposal will be keeping with the direction of these provisions.

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

8.0 OTHER MATTERS

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

8.1 Given that the proposal involves the disturbance of land, the applicant has elected to address 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 findings of this assessment can be summarised as follows:

Otago Regional Council's 'Database of Selected Land Uses'

8.2 Please find below, in **Figure 2,** an extract from Otago Regional Council's contaminated land database which demonstrates that there are no records of land uses or activities have been (or are being) carried out on the site and the immediately surrounding area that have the potential to contaminate land.

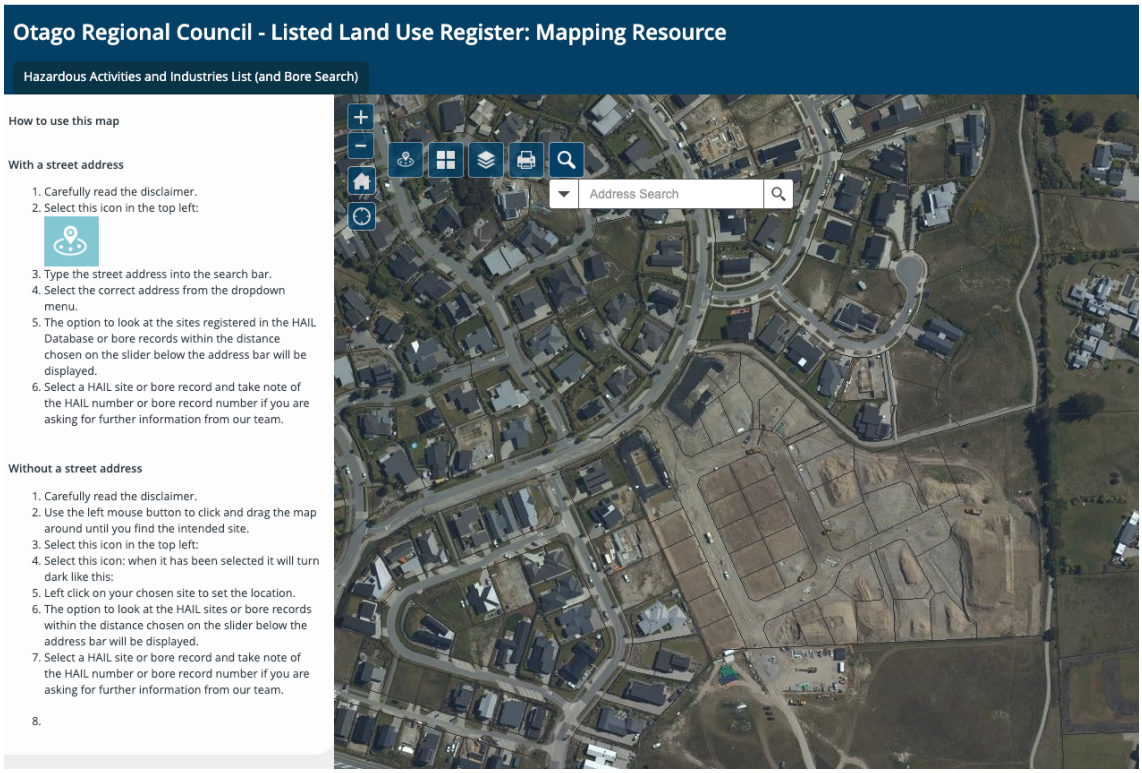


Figure 2 : Image from the Otago Regional Council Listed Land Use register GIS Database

Queenstown Lakes District Council files

8.3 No records held on Queenstown Lakes District Council's eDocs suggest that any activity or

industry described in the HAIL has taken place on the land to which the application specifically relates.

QLDC – Hazards Register

8.4 Queenstown Lakes District Council's GIS shows that there are no Dangerous Goods Licences and/or Potential Contaminated Sites on the subject site or in the wider area.

8.5 It therefore appears that an activity or industry described in the HAIL, which could have resulted in the contamination of the site, is unlikely to have been undertaken on the site and as such the provisions of the NES need not apply.

9.0 CONSULTATION

9.1 Section 95B of the Act requires that, should the consent authority determine that public notification is not necessary, it must decide whether there are any affected persons in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor) and affected party approval has not been provided.

9.2 The properties located at 2, 4, 8 and 9 Tuatara Rise are located adjacent to the application site. The properties 1 and 3 Tuatara Rise are located on the opposite side of Tuatara rise from the site, as shown in **Figure 3** below.



Figure 3 – Application site and surrounding properties

9.3 With the exception of the continuous building length breach and recession plane breach, the proposed dwelling complies with the relevant bulk and location controls of the zone. The adverse effects associated with the proposed recession plane breach and the length of the building have been assessed in Sections 6.6-6.15 above and have been determined to be less than minor. The associated earthworks will be minimal.

9.4 Overall, therefore, adverse effects on the owners or occupiers of adjacent properties will be less than minor. Therefore no consultation has been undertaken.

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

10.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people*

and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

10.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

10.3 It is considered that the proposal appropriately sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations while avoiding adverse effects on the life-supporting capacity of air, water, soil and ecosystems and adverse effects on the environment generally. It is therefore considered that the proposed development represents the sustainable management of the District's natural and physical resources as defined in Section 5 of the Act.

10.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. There are no matters of national important relevant to the subject application.

11.5 Having had regard to the other matters set out in Section 7 of the Act, in particular 7(b), 7(c) and 7(f), it is considered that the proposed subdivision will result in the efficient use of land (being a finite resource) while maintaining and enhancing amenity values and the quality of the environment.

11.6 The proposal is within keeping with the principles of Te Tiriti o Waitangi. It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

11.0 CONCLUSION

11.1 Resource consent is sought to construct a residential dwelling that will exceed continuous building length and extend through the height recession plane at 6 Tuatara Rise, Wānaka. The proposal requires a non-complying activity land use consent under the Proposed District Plan.

11.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is not contrary to relevant objectives and policies of the Operative and Proposed District Plan.

11.3 The proposal is not precluded from public or limited notification under s95A and s95B of the Act however it is considered that the proposal will result in less than minor adverse effects on the environment and therefore can be processed without public or limited notification.

11.4 With regard to the consideration of applications for non-complying activities Section 104D of the Resource Management Act 1991 states:

"Particular restrictions for non-complying activities

1. *Despite any decision made for the purpose of section 95A(2)(a) 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 (other than any effect to which section 104(3)(a)(ii) applies) will be minor; 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."

11.5 As outlined above, it is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with, and not contrary to, the relevant objectives and

policies of the Proposed District Plan. Therefore it is considered that the proposal passes both limbs of the threshold test set out in Section 104D of the Act and, pursuant to Section 104B of the Act, resource consent can be granted for the development as proposed.

Yours faithfully,
Edgar Planning Ltd,





Erin Stagg
Planner

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Planner