Reference	25.049
Date	17 September 2025
Location	4 Tenby Street
Legal Description	Lot 2 Deposited Plan 593330 held in Record if Title 1141087
Applicant	The O'Carroll Building Company Limited
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative and Proposed
Zoning	High Density Residential Sub-Zone C (Operative) and Medium Density Residential (Proposed)
Proposal	Resource consent is sought to construct a residential dwelling that will breach setbacks, height and garage width, and to undertake associated earthworks.
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 2 Deposited Plan 593330 held in Record if Title 1141087. 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 4 Tenby Street, Wānaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The application site is irregular in shape, wide on the eastern side and narrowing to a point in the west. The site 401m^2 in area and slopes steeply from east to west. The site is vegetated with grass and some young trees. The westernmost portion of the site has been excavated, sealed and retained to form a parking and manoeuvring area. Lot 1 (6 Tenby Street) has a right of way (ROW) over this area, whereas the applicant site has a right of way over the north-western portion of Lot 1.

3.3 Access to the site is over a ROW to Tenby Steet to the north. An area for reverse manoeuvring is provided within the ROW.

3.4 The site has connections to Council's reticulated water, wastewater and stormwater networks. There are also connections to the telecommunications and electricity networks.

3.5 The surrounding environment is comprised of residential development in the form of stand-alone dwellings and townhouses. The Wānaka golf course is located to the east of, and substantially higher in elevation than, the application site. The golf course is substantially higher in elevation than the application site.

3.6 The site was created by subdivision consent RM220261, which was granted on 30 July 2022 and re-issued on 18 July 2022. Geotechnical investigations were undertaken at that time, which confirmed that the aquifer was 5m or deeper below the surface.

4.0 PROPOSAL

4.1 Resource consent is sought to construct a residential dwelling that will extend into the minimum internal setback, breach height and have a garage that will exceed 50% of the ground floor width of the building. Consent is also sought to undertake associated earthworks. A copy of the proposed plans has been included as **Appendix B** to this application.

Buildings

4.2 The proposed three level residential dwelling will be located in the middle of the site and cut into the slope so as to accommodate the stepped architectural form. The lowest floor will be comprised of a two-car garage, laundry and lobby with a lift and stairs leading to the upper floors. The first floor will accommodate three bedrooms, one of which is proposed to have an ensuite, and a second bathroom. A pedestrian entrance will provide access to this level and be connected to the street with a set of stairs. The second floor will accommodate the living, dining and kitchen area, as well as the master bedroom and two outdoor living areas – a north facing deck and an east facing patio with a spa pool.

4.3 The dwelling will have a mono-pitch roof with a maximum height of 7.97m above original ground level. The western portion of the dwelling will extend through the height limit. In addition, the southern eave will extend through the height limit for a length of 7.4m. On the northern side the eave and upper portion of the building will extend through the height limit for 4.6m.

4.4 The northern 10.5m of the dwelling will extend 500mm into the minimum 1.5m boundary setback along the northern boundary of the site. The rest of the building will be setback greater than 1.5m from all boundaries. The overall building coverage will be 44.3%.

4.5 The dwelling will be constructed with a schist veneer, vertical timber shiplap and profile metal cladding.

4.6 A Desing Statement relating the proposed design to the QLDC residential design guidelines 2021 has been included as **Appendix C** to this application.

Earthworks

4.7 In order to accommodate the dwelling, 470m^3 of cut and 193m^3 of fill are proposed across the site, 663m^3 total. The maximum depth of cut will be 5.65m and the maximum height of fill 1.3m. Earthworks are proposed within 1m of the boundary of the site. The retaining will be built by boring and then inserting piles. The deep cut will then be done and retaining constructed.

4.8 The ROW will also be lifted slightly so as to make sure the footings of the dwelling are outside of the water table.

4.9 The existing stone retaining wall will be rebuilt to be in line with the proposed garage wall.

4.10 An Environmental Management Plan (EMP), which includes an Erosion and Sediment Control Plan (ESCP) has been included as **Appendix D** to this application

Servicing

4.11 The dwelling will connect to the existing connections to Council's reticulated water, wastewater and stormwater networks. The dwelling will also connect to the existing telecommunications and electricity networks.

Access, Parking and Maneuvering

4.12 The access way has already been constructed onto the site as a requirement of the underlying subdivision. However, the eastern extend of the ROW will be lifted to lift the garage associated with the dwelling. The resulting gradient will be 1:8.

4.13 Parking for two vehicles will be provided within the garage. A reverse maneuvering area has been provided by way of a ROW over 6 Tenby Street to ensure that vehicles can exit the site in a forward direction.

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

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

- A **restricted discretionary** activity land use consent pursuant to Rule 8.5.5(b) as a portion of the dwelling will extend into the minimum internal boundary setback. Council's discretion is restricted to the following matters:

  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;

  - streetscape character and amenity;

  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);

  - parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;

- A **discretionary** activity land use consent pursuant to Rule 8.5.13 as the width of the proposed garage doors being greater than 50% of the width of the front elevation visible from the street.

- A **non-complying** activity land use consent pursuant to Rule 8.5.1 as the proposed dwelling will extend above the 7m height limit for the Zone.

Earthworks

- A **restricted discretionary** activity land use consent pursuant to Rule 25.4.2 as the proposed volume of earthworks exceed 300m^3 within a calendar year. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.15 as the proposed cut will be 4.5m in height. Council's discretion is restricted to the matters listed in Rule 25.7.1.

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.18.2 for the proposed retaining within 1m of the boundary. Council's discretion is restricted to the matters listed I Rule 25.7.1.

The matters listed in Rule 25.7.1 are as follows:

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

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 High Density Residential Sub-Zone C 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 construction of one residential dwelling per 250m^2 net, provided it complies with the following standards:

- A maximum height of 7m;

- Internal setback boundaries of 1.5m;
- Building coverage of 45%;
- A total of 300m^3 of earthworks with a maximum height of cut of 2.4m and fill of 2m;
- Garages that comprise 50% of the width of the front façade.

The permitted baseline is considered to be of relevance to the below assessment and is referred to where applicable.

Residential Amenity and Character

6.3 The proposed dwelling will be consistent with what is anticipated in the zone and in the area. The dwelling is considered to be consistent with the residential character of the area and the residential character anticipated in Wānaka's medium density residential zone. The dwelling will, however, protrude into the internal setback along the northern side of the property and will extend slightly through the height limit for the zone.

Height

6.4 Because the dwelling need to be lifted to ensure the footings would not be within the water table, The western portion of the dwelling will extend through the 7m maximum height limit to a height of 7.97m. The dwelling will be set back approximately 27m from Tenby Street. Therefore, the proposed height exceedance will not be noticeable to the naked eye when viewed in the context of the existing and proposed built environment.

6.5 The Wānaka Golf Club is located to the south of the application site at a higher elevation. The proposed dwelling will not be highly visible from this vantage as a result of the topography, and as a result the proposed height exceedance will not affect views or sunlight access to the golf course.

6.6 Overall, adverse effects associated with the proposed height breach on the wider environment will be less than minor.

Setback Breach

6.7 In addition to the above, the western elevation of the dwelling will protrude 500mm into the northern boundary setback. When viewed from Tenby Street, this breach will be obscured from view behind the dwelling located on 2 Trenby Street. Further the breach is minimal and the proposed dwelling will be well setback from the road.

6.8 As discussed above, the dwelling will not appear overly dominant when viewed from the street or golf course. The proposed setback breach will not be noticeable from these vantages.

6.9 Overall, adverse effects associated with the proposed setback breach on the wider environment will be less than minor.

Garage

6.10 The proposed two car garage will occupy the majority of the ground floor street facing façade. However, it is noted that there will be bedrooms and the primary outdoor living area immediately above the garage in positions where they will be more visible from, and better placed to overlook, the street. Further, the pedestrian entrance into the dwelling will be clearly legible as visitors travel up the ROW.

6.11 In addition to the above, the site is a rear lot and will not be highly visible from the street. As a result the proposed garage will not be dominant when viewed from Tenby Street.

6.12 Overall, it is considered that the proposed design would result in less than minor adverse effects on streetscape and character.

Summary

6.13 The proposed dwelling will exceed the 7m height limit, extend into the minimum boundary setback and have a garage with a width of greater then 50% the width of the façade. However, given the small extent of the height breach, and when compared with what could be constructed on site as of right, it is considered that any adverse effects associated with built form in relation to dominance, loss of views, loss of privacy or shading would be less than minor.

6.14 Overall, therefore, adverse effects on residential amenity and character from the proposed development on the wider environment will be less than minor.

Earthworks

6.15 In order to accommodate the proposed dwelling, 663m^3 of earthworks are proposed, comprised of 470m^3 of cut and 193m^3 of fill. The maximum depth of cut is proposed to be 5.7m and the maximum height of fill will be 1.3m. The dwelling will retain the cuts along the northern and eastern boundaries.

6.16 There is an existing stone retaining wall adjacent to the accessway that will be moved to retain the cut and be in line with the wall of the proposed dwelling. In addition, retaining is proposed to the north and east of the outdoor living area.

6.17 The excavation works will be done in a manner so as to ensure that the stability of adjacent sites or the adjacent swale will be unaffected. The deeper cuts will be creating by bore holes and inserting piles before constructing the retaining against them. A small amount of soil will be stockpiled in the eastern portion of the site. Upon completion of the building, all exposed soil will be covered with built form, or landscaped.

6.18 An EMP and ESCP have been included as **Appendix D** to this application. The EMP includes measures such as sediment fences, clean water diversion channels and stockpiles to ensure that, during a storm event, any sediment laden water is retained onsite. The earthworks area will be stabilised with the construction of the dwelling and otherwise vegetated with grass and other landscaping.

6.19 Overall, adverse effects in relation to earthworks will be less than minor.

Servicing and Infrastructure

6.20 It is proposed to connect the dwelling to Council's existing reticulated water, stormwater and wastewater networks within Aubrey Road. Electricity and telecommunications connections are also available, and there is a fire hydrant directly in front of the property.

6.21 Overall, it is considered that any adverse effects in relation to servicing will be less than minor.

Access and Parking

6.22 The access onto the site is already formed. However the eastern end of ROW will need to lifted and the entire ROW resurfaced upon completion of the project. No adverse effects are anticipated to arise from these works.

6.23 A two car garage is proposed adjacent to the ROW. Manoeuvring is provided for within the ROW.

6.24 Overall, adverse effects in relation to access and parking are considered to be less than minor.

Positive Effects

6.25 The development will enable the applicants to construct a dwelling on the site, which has number of constraints.

Summary of Effects

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

7.0 EFFECTS ON THE OWNERS OR OCCUPIERS OF ADJACENT SITES

7.1 The properties located at 2 and 6 Tenby Street and 73 Stratford Terrace are located adjacent to the application site, as shown in Figure 2, below.



Figure 2 : Application site and neighbouring properties

The proposal has been assessed in relation to its effects on the owners or occupiers of these properties.

2 Tenby Street

7.2 The property located at 2 Tenby Street is located to the north of the application site. This site is occupied by a two storey, two bedroom dwelling that is oriented towards the lake and the mountains in the west. The accessway and garage of the proposed dwelling will be located adjacent to this property. The area of the property adjacent to the application site appears to be primarily used for outdoor living.

7.3 The stone veneer associated with the northern portion of the dwelling will extend 500mm into the minimum 1.5m setback. This portion of the dwelling within the setback shared with 2 Tenby Street will be approximately 6.6m in length. The building will be 3.8m in height at the northern end, tapering down to 1.8m at the eastern boundary of 2 Tenby Street.

7.4 Given the slope of the site, the District Plan enables the construction of a 7.5m long accessory building in this location provided it does not extend through the height recession plane. Such a building could, theoretically, be built up to the boundary of the site. A complying accessory building has the potential to be longer and closer to the shared boundary, which would be more dominant than what is proposed by way of this application.

7.5 There are bedroom windows within the portion of the dwelling that extends into the 1.5m setback. However they will not reduce privacy as experienced by the owners or occupiers of 2 Tenby Street beyond what could occur on the site as of right, especially if a fence or hedge is erected between the two properties.

7.6 The height exceedance will be visible from this vantage, but will be towards the south and will not, therefore, affect sunlight access to the site. The breach will also not affect views from this vantage. Given the minimal extent of the eight exceedance and its position, the building will also not be dominant when viewed from this vantage. The proposed height exceedance will not result in noticeable effects when viewed from this vantage.

7.7 The proposed dwelling otherwise complies with the bulk and location controls in the plan.

7.8 Overall, when compared to what can be constructed on the site as of right, any adverse effects on the owners or occupiers of 2 Tenby Street will be less than minor.

73 Stratford Terrace

7.9 The property at 73 Starford Terrace is located to the north of the application site. This site is occupied by a two storey, four bedroom dwelling. The dwelling is oriented towards the west. The portion of the dwelling adjacent to the application site is comprised of the garage and three bedrooms, including the master bedroom, all of which have access to decks looking out towards the west.

7.10 The stone veneer associated with the northern portion of the dwelling will extend 500mm into the minimum 1.5m setback. This portion of the dwelling within the setback of the boundary shared 73 Startford Terrace will be approximately 3.24m in length. The portion of the building

within the setback will be 2m in height at the northern end, tapering down to ground level at the southern end.

7.11 As discussed above, given the slope of the site, the District Plan enables the construction of a 7.5m long accessory building in this location provided it does not extend through the height recession plane. Such a building could be taller than the proposed dwelling and be built up to the boundary of the site.

7.12 One high bedroom window at a maximum height of 1.4m above existing ground level is proposed to extend into the setback. Given the design of the window and the general orientation to the neighbouring building, it is considered that the proposed setback breach would not affect privacy as experienced by the owners or occupiers of 73 Stratford Terrace.

7.13 The height exceedance will be visible from this vantage, but will mostly be screened by the eastern portion of the dwelling. The position of the height breach is such that it will not affect sunlight access to the site when compared with what can be constructed as of right. The breach will also not affect views from this vantage. The height breach is minimal and will not result in noticeable effects when viewed from this vantage.

7.14 The proposed dwelling otherwise complies with the bulk and location controls in the plan.

7.15 Overall, when compared to what can be constructed on the site as of right, any adverse effects on the owners or occupiers of 73 Startford Terrace will be less than minor.

6 Tenby Street

7.16 The property at 6 Tenby Street will be located to the south of the application site. This property is occupied by a two storey, three bedroom dwelling that is oriented towards the west.

7.17 The proposed setback breach will not be noticeable from this vantage as it will be screened by the southern elevation of the proposed dwelling.

7.18 The height exceedance will be adjacent to the boundary of this property. The corner of the roof will extend 970mm above the 7m height limit for a distance of 7.4m when viewed from this vantage. The geometry of the height exceedance is such that it will not affect sunlight access or privacy as experienced from this property. The portion of the dwelling that will exceed height will be setback further than 1.5m so it is considered that the design will not be dominant when compared with an alternative, complying design on site. Given these factors, it is considered that

the proposed height exceedance will not result in noticeable effects on the owners or occupiers of 6 Tenby Street.

7.19 The proposed dwelling otherwise complies with the bulk and location controls in the plan.

7.20 Overall, when compared to what can be constructed on the site as of right, any adverse effects on the owners or occupiers of 6 Tenby Street will be less than minor.

Summary

7.21 No other persons are considered to be potentially affected by the proposed development.

7.22 Adverse effects on persons are considered to be less than minor.

8.0 OBJECTIVES AND POLICIES

Proposed District Plan

8.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 3 – Strategic Directions, Chapter 4 – Urban Development, Chapter 8 – Medium Density Residential, Chapter 25 – Earthwork and Chapter 36 – Noise and are as follows:

Chapter 3 – Strategic Directions

3.2.1 Objective - The development of a prosperous, resilient and equitable economy in the District.

3.2.2 Objective - Urban growth is managed in a strategic and integrated manner.

3.2.2.1 Objective - Urban development occurs in a logical manner so as to:

a) promote a compact, well designed and integrated urban form;

b) build on historical urban settlement patterns;

c) achieve a built environment that provides desirable, healthy and safe places to live, work and play;

d) minimise the natural hazard risk, taking into account the predicted effects of climate change;

e) protect the District's rural landscapes from sporadic and sprawling urban development;

f) ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;

g) contain a high quality network of open spaces and community facilities; and

h) be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.

3.2.3 Objective - A quality built environment taking into account the character of individual communities.

3.2.3.2 Built form integrates well with its surrounding urban environment.

8.2 The proposed construction of a residential dwelling on the site will promote a compact, high amenity living environment within close proximity to the town centre. The proposal would create an additional residential unit consistent with what is provided for within the Zone, and will provide additional housing opportunities in Wanaka. The proposal will integrate well with its surroundings, as well as existing infrastructure, and will be consistent with the character that is establishing within the area. The proposal is considered to be consistent with the objectives of Chapter 3 of the PDP.

Chapter 4 – Urban Development

4.2.2A Objective - A compact, integrated and well designed urban form within the Urban Growth Boundaries that:

(i) is coordinated with the efficient provision, use and operation of infrastructure and services; and

(ii) is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities

4.2.2B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)

4.2.2.3 Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

4.2.2.4 Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.8 In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.

8.3 The proposed development will result in a compact and well-designed residential development. The residential amenity of the area will be maintained. The proposed density is consistent with what is anticipated in this zone. The proposed dwelling is in close proximity to the town centre as well as tracks and the lake. The proposed dwelling has been designed so as to maximise the potential for development on the site. Overall, the proposal is considered to be consistent with the objectives of Chapter 4 of the PDP.

Chapter 8 – Medium Density Residential

8.2.1 Objective - Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies:

8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.

8.2.1.2 Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.

8.2.1.4 Enable medium density development through a variety of different housing forms including terrace, semi- detached, duplex, townhouse, or small lot detached housing.

8.4 The proposed development will provide medium density housing opportunities in the form of a detached dwelling. The development is compact and will add diversity to Wanaka's housing stock. The Wanaka town centre, recreational areas and the lake are all easily accessible from this location. Overall, the proposal is considered to be consistent with this objective and the associated policies.

8.2.2 Objective - Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies:

8.2.2.1 Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).

8.2.2.2 Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.

8.2.2.3 Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.

8.2.2.4 Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

8.2.2.5 Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

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

8.5 There is substantial glazing in the façade of the first and second storeys of the proposed dwelling facing the street. The lot is also set back from the road at the end of a ROW. As a result, the garage will not dominate the street facing façade. The north facing façade includes articulation and a variety of materials will be used. The proposed dwelling is considered to be consistent with the Residential Zone Design Guide 2021. Overall, the proposal is considered to be consistent with this Objective and the associated policies.

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies:

8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.

8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.

8.6 The dwelling will provide a high quality residential environment while maintaining residential amenity and privacy enjoyed by adjacent sites. The exceedance to the height limit will be imperceivable and the proposed setback breach will not affect neighbours' privacy or amenity values. Adverse effects on occupants of adjoining sites have been reasonably minimised and privacy will be maintained. The windows will be offset from those on the adjacent building to the west. Overall, the proposal is considered to be consistent with this Objective and the associated policies.

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

Policies:

8.2.5.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

8.2.5.2 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.

8.2.5.3 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).

8.7 The proposed development will utilise existing infrastructure and the parking on the site has been designed to minimise any impact on the road network. Overall, the proposal is considered to be consistent with these objectives and policies.

Summary

8.8 Overall, given the above assessment, it is considered that the proposed development would be consistent with the objectives and policies of the Proposed District Plan.

Chapter 25 – Earthworks

25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.

Policies

25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off- site discharge during construction activities associated with subdivision and development.

25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.

25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.

25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.

25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

25.2.1.11 Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

8.9 The proposed earthworks will be completed in a way that minimises erosion and sedimentation of stormwater.

8.10 The scale and extent of the proposed earthworks are limited to those required to construct a dwelling on the application site and are not considered excessive given the existing topography. The earthworks have been designed to recognise the constraints and opportunities of the site and will be implemented, stabilised and landscaped such that the amenity values and quality of the urban area is maintained.

8.11 The proposed earthworks will not adversely affect infrastructure, building or the stability of adjoining sites or Council infrastructure.

8.12 Given the small scale of the proposed earthworks, it is likely that they will be completed in one continual phase rather than being staged and the EMP that will be implemented will ensure that adverse effects on waterbodies, Council infrastructure and/or nuisance effects will be appropriately avoided, remedied or mitigated.

8.13 It is considered that the proposed earthworks and associated vehicle movements are of a residential scale and will not result in adverse effects on the safety of public roads or private access and will not degrade the amenity or quality of the surrounding land.

8.14 The proposed earthworks will be implemented and completed so as to minimise natural hazard risks.

Chapter 36 – Noise

35.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

Policies:

36.2.1.1 Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

8.15 The proposed noise associated with piling will be temporary and is an anticipated component of construction on sloping sites. The associated noise will be controlled to a manageable level. Overall, the proposal is considered to be consistent with, and not contrary to, these provisions.

8.16 Overall, it is considered that the proposed development is consistent with the relevant Objectives and Policies of the Proposed District Plan.

Operative District Plan

8.17 None of the Proposed District Plan (PDP) provisions related to the proposed development are subject to challenge. However, as the PDP is not yet fully operative the Operative District Plan (ODP) provisions are still relevant. The site is zoned Low Density Residential in the ODP. The relevant provisions are included in Sections 7 and 22 of the ODP.

8.18 The objectives and policies of Section 7 seek to provide for a compact residential form that allows for increased residential density, to provide for high density living in strategic locations, to provide pleasant living environments, to ensure that development does not result in undue shading, and to encourage onsite parking. The proposed development relates to a medium density development in an area that has been identified as suitable for this intensity of development. The proposal would not result in undue shading or loss of amenity on adjoining sites. The proposed development would be consistent with the character being established in this area and parking is provided on site. Overall, the proposal is considered to be consistent with these provisions.

8.19 The objectives and policies of Section 22 seek to enable earthworks associated with development provided they are undertaken in a way that minimises effects and maintains the stability of land, as well as to improve water quality and protect cultural heritage. The proposed development is considered to be consistent with these provisions.

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

9.0 OTHER MATTERS

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

9.1 Given that the proposal involves earthworks, 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'

9.2 Please find below in Figure 3 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 3 : ORC Contaminated Land Database

Queenstown Lakes District Council files

9.3 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

9.4 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.

9.5 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.

National Policy Statement on Urban Development

9.6 The National Policy Statement on Urban Development 2020 (NPS UD) supersedes the National Policy Statement on Urban Development Capacity 2016 (NPS UDC) and directs local authorities to provide sufficient development capacity for housing within urban areas. The zoning of the site and wider area to Medium Density Residential was considered and approved in light of the NPS UDC which had similar objectives to the NPS UD in terms of the provision of development capacity.

9.7 Policy 6 of the NPS UD is of particular relevance to the consideration of the proposal and is as follows:

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(a) The planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement.

(b) That the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) May detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) Are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

9.8 Local authorities must give effect to the provisions of the NPS UD through District Plans and decision making on development proposals. Policy 6 directs local authorities to have particular regard to the planned urban built form anticipated by the planning documents that give effect to the NPS. As outlined above the proposal is consistent with the density and extent of built development anticipated and provided for in the Medium Density Residential Zone. Overall, it is considered that granting consent for the proposal will assist Council in achieving its obligations in terms of giving effect to the NPS UD and realising the necessary development capacity for housing.

10.0 CONSULTATION

10.1 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.

10.2 An assessment in relation to adverse effects on the owners or occupiers of adjacent properties has been undertaken in Section 7 above. It is considered that any adverse effects on persons will be less than minor and therefore no consultation has been undertaken.

11.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

11.1 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.

11.2 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.

11.3 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.

11.4 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 Section 6 matters relevant to this application.

11.5 Having had regard to the other matters set out in Section 7 of the Act, the proposal relates to the efficient use of physical resources (s7b), the efficient end use of energy (s7ba), the maintenance of amenity values (s7c) and the maintenance of the quality of the environment (s7f).

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

12.0 CONCLUSION

12.1 Resource consent is sought to construct a residential dwelling that will extend into the minimum setback and exceed the height limit at 4 Tenby Street, Wānaka. The proposal requires a non-complying activity land use consent under the Proposed District Plan.

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

12.3 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.

12.4 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."

12.5 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,





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