Resource Consent Application

Land Use Consent to Establish a Garage and Vary a Consent Notice

195 Tucker Beach Road, Queenstown

Client	R & S Richardson Family Trust
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1. Application Details

Applicant(s)	R & S Richardson Family Trust
Site Address	195 Tucker Beach Road, Queenstown
Legal Descriptions	Lot 16 DP 433642
Record of Title	528835
Site Area	4,611m^2
District Plan	Queenstown Lakes Proposed District Plan (PDP)
Zoning	**Wakatipu Basin Lifestyle Precinct**
Overlay	Landscape Character Unit 4 – Tucker Beach
Hazards	Liquefaction Susceptibility (2012 T&T): LIC 1 - Nil to Low Risk.
Resource Consent	Land Use and s221(3)
Activity Status	Non-complying

2. Background

2.1 Site Description

This site is located at 195 Tucker Beach Road and legally described as Lot 16 DP 433642 as depicted in ***Figure 1*** below. A copy of the Record of Title for the site is included in **Appendix A**.



Figure 1: *Subject site and surrounds (Source Grip Maps)*

The application site is an established residential property containing an existing residential unit with vehicle access and turning areas, pool, outdoor space oriented to the north overlooking the Shotover River and mature landscaping.

The sites topography rises above Tucker Beach Road to the level area where the residential activity is located, before rising further behind the dwelling.

Private easements cross the northern and southern part of the site, securing telecommunications (Easement Instrument 8539001.4) and private sewer laterals (Easement Instrument 9532669.5). These are not interfered with as part of this application. The site is also subject to a building platform and Consent Notice 8602343.1 and variation 10609038.1. The covenant registered to QLDC (6839596.4) and consent notice 6839596.6 are not relevant to this site and have passed down through the parent lot. The title instruments are in **Appendix B**.

The surrounding area is rural residential neighbourhood on the northeastern lower slopes of Ferry Hill. The neighbourhood is a mixture of well-established and establishing properties all on larger sections generally greater than 4,000m^2, with larger homes and accessory buildings and features. The area is unique due to its sunny rural outlook and proximity to the growing commercial and retail areas within Frankton Flats.

2.2 Relevant Consent History

RM070267 – Subdivision consent that created the subject site and resultant Consent Notice 8602343.1.

RM110471 – issued 14 October 2011 approved consent to do earthworks along the road frontage within Lot 16 and associated landscaping for the purpose of screening future buildings from Tucker Beach Road.

RM120405 – issued 29 August 2012 approving consent to construct the dwelling partially outside an approved building platform with associated earthworks and landscaping, remove the redundant RM110471 landscape plan, and associated change to consent notice. This decision is relevant to the application and is contained in **Appendix C**.

RM160770 – issued 16 September 2016, approving consent to construct a swimming pool and change a consent notice to enable the pool outside the approved building platform.

3. Description of Proposal

It is proposed to undertake additions to the existing residential unit, to construct a new garage and associated change to a consent notice, as shown in the **Appendix D** development plans.

3.1 Additions to the Existing Dwelling

Three small, alterations are proposed to the building legally established under RM120405 resulting in a total 48.8m^2 area of permitted additions involving:

- Extend the master bedroom to the south to include a walk-in robe/store measuring 8.5m^2 and pushing the kitchen out slightly to the east to accommodate a 10.6m^2 scullery.

- Alterations to the lounge of 29.7m^2 by enclosing and slightly extending part of the existing pergola and decking. An area measuring 2.7m^2 will extend beyond the registered platform necessitating the below change to consent notice.

The external cladding will be a mixture of rusticated timber weatherboards and schist stone veneer with alpine tray roofing to match the existing dwelling.

Any landscaping disturbed by the alteration will be reinstated post construction.

3.2 New Garage

A new standalone garage is proposed in the southeast part of the site with the district plan compliance set out in **Appendix E**.

The garage is styled to match the dwelling and will be clad in rusticated timber weatherboard and alpine tray roofing. The building will be well under the height limit from original ground level given the cut undertaken under RM120405 and the proposed approximately 5.792m height from the existing ground level. The garage is located approximately 22m from the Tucker Beach Road boundary, 3.4m from the east boundary and 10.035m from the south boundary. With this application the total ground floor area of all buildings on site is 497.3m^2.

The garage area is largely excavated and paved already, with only a small volume of earthworks needed to accommodate the new building. The lower part of the garage building will act as low retaining that will be captured under the Building Consent.

Sufficient manoeuvring space is provided between the existing and proposed buildings. The existing landscaping is largely retained and only removed and reinstated for the garage footprint.

3.3 Change to Consent Notice

Condition f. of Consent Notice 8602343.1 as varied by 10609038.1 is proposed to be varied to accommodate the new build and addition outside the registered platform as follows (added text in **bold underlined**):

f. All future buildings are to be located within the building platform for that lot, identified on the approved subdivision plan (DP 433642), with the exception of the building consented under resource consent RM120405 and the swimming pool consented under resource consent RM160770 **and garage and extension under RMxxxxxx** on Lot 16 Deposited Plan 433642.

4. Resource Consents Required

The site is zoned Wakatipu Basin Lifestyle Precinct under the Queenstown Lakes Proposed District Plan. An assessment of the proposal against the relevant district plan standards is attached in **Appendix E.**

4.1 District Plan

Land use consent is required under the Queenstown Lakes Proposed District Plan (PDP) plan for the following:

- A **non complying** activity under rule 24.4.7 for a new building (garage) located outside a registered building platform.

- A **restricted discretionary** activity under rule 24.5.7 for a new building (garage) located within the 10m internal boundary setback. The new garage is up to 3.4m from the internal east boundary. Discretion is restricted to:
  a. *Building location, character, scale and form;*
  b. *External appearance including materials and colours;*
  c. *Landform modification/planting (existing and proposed).*

- A **restricted discretionary** activity under rule 24.5.9 for a building (garage) located within the 75m Precinct road boundary setback. Discretion is restricted to:
  a. *Building location, character, scale and form;*
  b. *External appearance including materials and colours;*
  c. *Landscaping/planting (existing and proposed).*
  d. *Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.*
  e. *Within Lot 2 DP 392663, Part Lot 7 DP 392663, and Part Lot 2 DP 501981 (or subsequent title/s) and Part Section 1 SO 23541 (or subsequent title/s), avoiding the potential effects of a linear pattern of built development when viewed from McDonnell Road or distant public elevated viewpoints in Arrowtown, on Tobin's Track, and Feeley Hill, that may contribute to a perception of urban sprawl along McDonnell Road taking into account building form, location setback and mitigation proposed.*

4.2 Resource Management Act 1991

The proposed garage and living room extension require a variation to the registered consent notice on the property which confines where built form can locate, consent is sought as:

- A **Discretionary** Activity under s221(3) of the Resource Management Act 1991 to vary Condition f) of Consent Notice 8602343.1 as varied by 10609038.1, as set out in **Section [3.3]** above.

4.3 Summary of Consents Sought

Overall, the proposal requires resource consents under the following:

- A non-complying activity under the Proposed District Plan.
- A discretionary activity under the RMA.

Despite the above, the application is for all matters requiring consent for the proposal, regardless of those specified above. It is noted that if Council is of the view that consent is required for alternative or additional matters than those identified in the proposal or AEE section Council has the ability under section 104(5) of the Resource Management Act (RMA) to process the application regardless of the type of activity that the application was expressed to be for.

5. Notification Assessment

The application has been prepared considering the reasons for consent above, and the public and limited notification tests that Council is required to follow under the RMA. Our assessment under the relevant notification tests is set out below.

5.1 Public Notification (s95A)

Section 95A Matter	Response
Step 1: Mandatory Public Notification	
Does the applicant request public notification (s95A(3)(a)	No
Is the application made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? (s95A(3)(c)	No
Step 2: Is Public Notification Precluded	
Is each activity to which consent is sought, subject to a rule or national environmental standard that precludes public notification? (s95A(5)(a)	No
The application is for only either a controlled activity, or a boundary activity (be it restricted discretionary, discretionary or non-complying)? (s95A(5)(b)	No
Step 3: Is Public Notification Required in this Circumstance?	
Is consent sought for an activity that is subject to a rule or national environmental standard that requires public notification? (s95A(8)(a)	No
Under section 95D, does the activity have adverse effects that are more than minor? (s95A(8)(b)	No – see section 6.2
Step 4: Do any Special Circumstances apply?	
Is there anything exceptional or out of the ordinary in this application that would constitute a special circumstance to warrant public notification.	No

5.2 Limited Notification (s95B)

Section 95B Matter	Response
Step 1: Certain Affected Groups or Persons to be Notified	
Are there any customary rights groups; or customary marine title groups affected? (s95B(2)	No
Is the proposed activity in on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement; and the person to whom the statutory acknowledgement is made is affected under s95E? (s95B(3)	No
Step 2: Is Limited Notification Precluded	
Is each activity to which consent is sought, subject to a rule or national environmental standard that precludes limited notification? (s95B(6)(a)	No
Is the application for only a controlled activity under a district plan (other than subdivision)? (s95B(6)(b)	No
Step 3: Must certain other affected persons be notified?	
Is the activity a boundary activity, and under s95E the owner of the infringed boundary is an affected person? (s95B(7)	No
Is any other person an affected person under section 95E? (s95B(8)	No – see section 6.3
Step 4: Do any Special Circumstances apply to any other person?	
Is there is anything exceptional or out of the ordinary in this application that would constitute a special circumstance to warrant notification to any other person. (s95B(10)	No

6. Effects Assessment

The following effects assessment addresses the relevant matters in **Clauses 6 and 7 of Schedule 4 of the RMA**, with an assessment commensurate to the nature and scale of the application.

As determined below, we consider the application does not and is not likely to result in significant adverse effects. As such the consideration of alternatives is not required.

6.1 Effects Permitted by the Plan

Under sections **95D and 104(2) of the RMA 1991**, the consent authority may disregard adverse effects if a rule or national environmental standard permits an activity with the same or similar effect. In this instance, the permitted baseline has limited relevance given the 75m road setback as the site is such a size that it is entirely within that setback. The existing environment is relevant, being the existing dwelling, landscaping, paved areas and rock faces from previous earthworks. The alterations to the legally established dwelling are permitted as discussed in **Section 3** above.

6.2 Effects on the Environment

6.2.1 New Garage

The actual and potential adverse effects of establishing a new standalone garage are confined by the sites topography and extensive landscaping meaning the new garage will be difficult to perceive and where it is perceived at distance (i.e. beyond the Shotover River), is logically clustered with the existing built form in an area of LCU: 4 with Moderate-High landscape capacity to absorb additional development.

The new garage is proposed in a part of the site where minimal landform modification is required because it was already modified under RM120405. The garage will not be prominent given its height and topography, maintains the same architectural form as the dwelling and is coloured recessively as directed by the plan. Combined with the retained existing landscaping, sufficient screening from Tucker Beach Road and beyond is provided without the need for additional landscape mitigation (see photo images ***Figure 2*** and ***Figure 3*** below showing the view south up the driveway towards the existing dwelling and garage location, and then from inside the site in front of the existing dwelling looking east to the garage location and existing landscaped area.

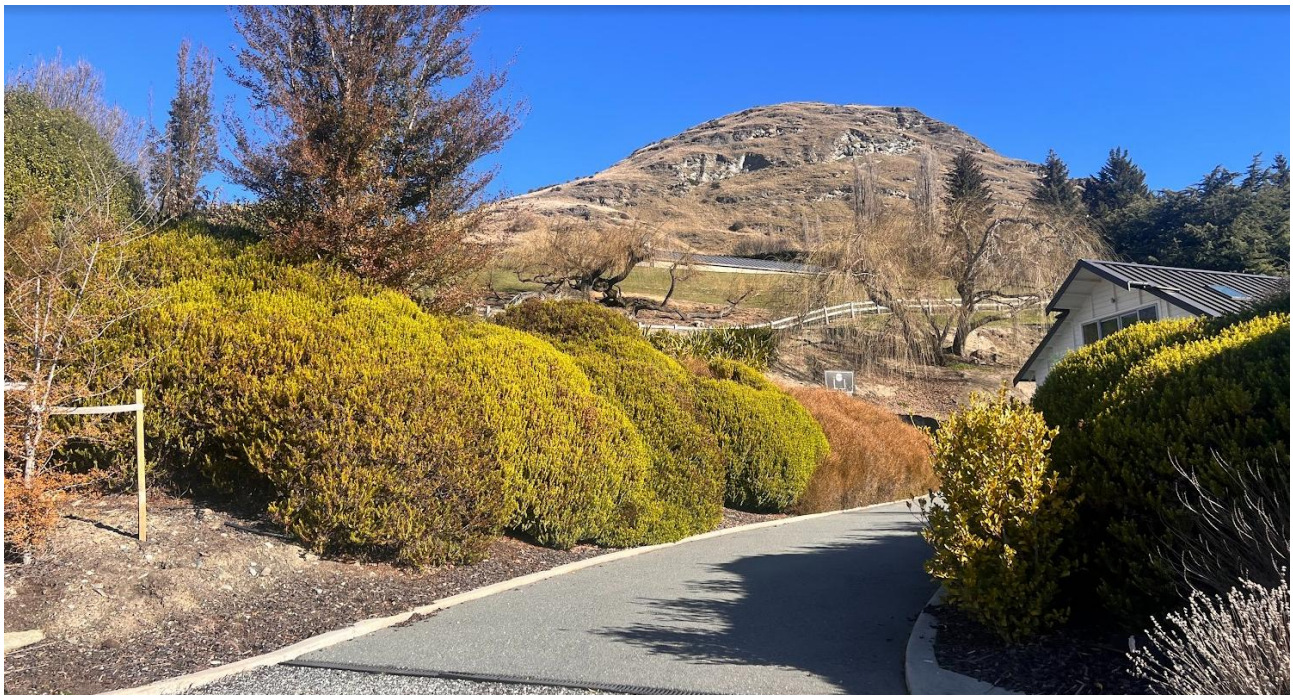


Figure 2: *Site photo from access looking south (taken 15/08/2025, iPhone 13 Pro)*



***Figure 3**: Site photo looking east (taken 15/08/2025, iPhone 13 Pro)*

The established landscaping on the ground today is slightly different to that approved under RM120405 because it covers a larger and slightly different area within the driveway. See ***Figure 4*** below which shows a comparison of the RM120405 approved landscaping (left) and the area changed by the proposed garage/alterations (right). The species are all derived from those approved and after 12 years are now well established.

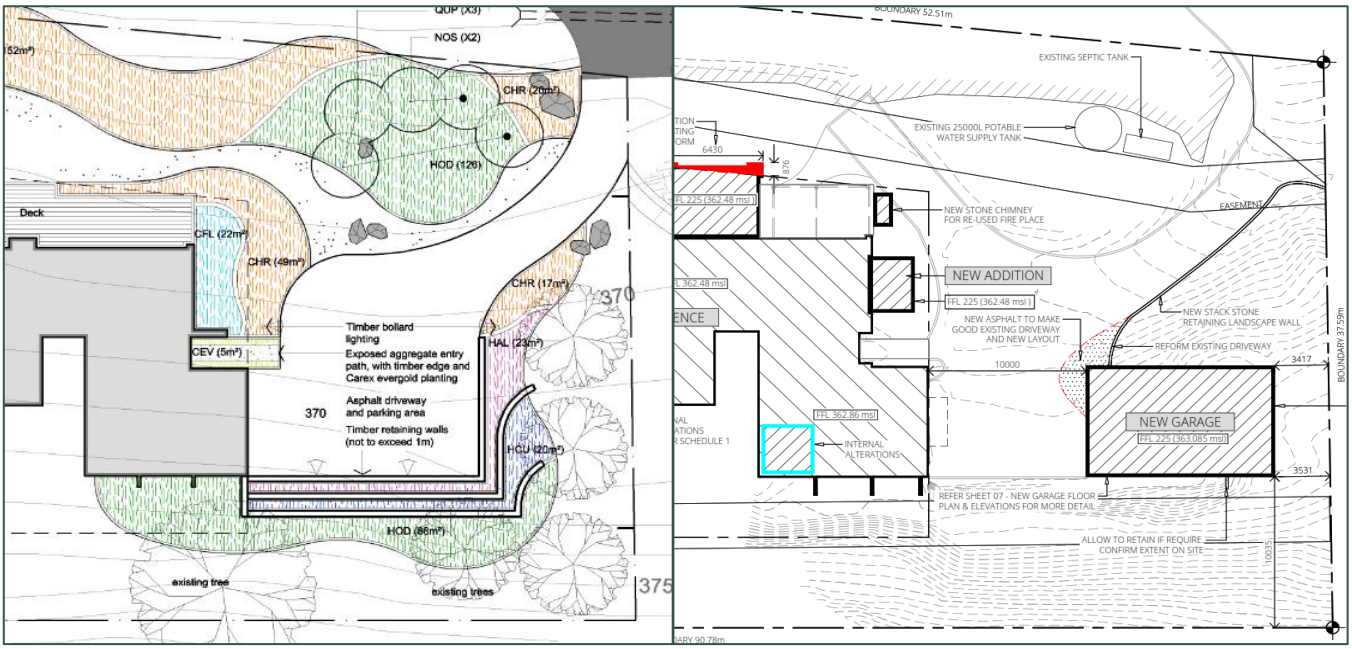


***Figure 4:** Site landscaping comparison*

The existing landscaping is largely retained and will be reinstated where need be following the garage construction thereby maintaining the existing landscape character and mitigation within the site. A short aesthetic and permitted landscape retaining wall will be added as a boarder. The architectural plan (Drawing No. 7) shows the extent of the change, which more or less now follows the approved landscape area under RM120405, hence no change is sought to the landscape mitigation plan

approved under that consent, and which will be retained north and east of the garage and already provides sufficient mitigation.

Given the site characteristics and the nature of the proposed garage, the potential adverse effects on the wider environment with respect to landscape character and visual amenity values are considered less than minor.

6.2.2 Consent Notice Variation

The proposed change to consent notice with respect to the garage is considered appropriate given the associated adverse environmental effects are less than minor, due to the reduced building height where the building sits into the landform and protects and retains the established vegetation to assist the visual integration of built development in its surrounds and in longer range views.

The addition to the dwelling, outside the platform, is also considered to have less than minor adverse effects as it represents a very small alteration outside the platform, effectively closing in part of the existing outdoor area, in a way that is coherent with the existing dwelling, and imperceptible beyond the site.

6.2.3 Positive Effects

The proposed building alterations and new garage provides opportunity for the landowner to enjoy their property in a different way to present and is a positive effect for their use and enjoyment of the site.

6.2.4 Precedent

The proposal could be considered to form a precedent for other similar applications where the entire site is located with the PDP 75m setback. However, as each application needs to be considered on its own merits, given a particular proposal and site characteristics, this application does not result in a precedent for other applications.

6.2.5 Summary: Effects on Environment

The above assessment concludes that the environmental effects of the new garage and consent notice changes on the environment will be acceptable and less than minor.

6.3 Effects on Persons

6.3.1 Assessment of Affected Persons

No person is considered adversely affected by the small dwelling addition outside the platform given the location and nature of the extension and the established landscaping on site.

The new garage is located in a part of the site where the only potentially affected person is the adjoining eastern neighbour at 193 Tucker Beach Road. For persons at this property, the proposed garage is separated more than 60m from the main residence which is oriented to take in the expansive views to the north out over the Shotover River, not towards the subject application site. The existing landscaping on the application site

between the garage and boundary, combined with topography, mean that any views will be limited to the roof apex with no potential for overlooking or adverse privacy or dominance effects resulting. The garage has been positioned away from the private wastewater easement and pipes so as not to interfere with this infrastructure. Therefore, the owners and occupiers of this property are not considered adversely affected by the garage addition.

RMA Section 221 directs that Section 127(4) applies which states:

> *"For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who –*
>
> *a) Made a submission on the original application; and*
>
> *b) May be affected by the change or cancellation."*

Consent Notice 8602343.1 was originally imposed through RM070267 which created the site and established the building platform location generally as anticipated via the Environment Court decision that created the ODP Ferry Hill Rural Residential subzone. The application was decided without notification or written approval. An objection to five conditions of RM070267 mostly upheld.

Those persons potentially affected by the building outside the platform are identified above. For those same reasons no person is considered adversely affected by siting buildings outside the registered platform, as such they are also not considered adversely affected by the consent notice change.

6.4 Conclusion

The above assessment concludes that the actual and potential effects of the new garage and dwelling modification outside the platform on the environment and persons will be less than minor.

7. RMA S104 (1) (B) Matters

The application has been assessed against the relevant provisions of the documents referred to in RMA section 104(1)(b) as detailed below.

7.1 District Plan Objectives and Policies

The application is required to be assessed against the relevant objectives and policies in *Chapter 24 Wakatipu Basin* of the Queenstown Lakes Proposed District Plan (PDP).

7.1.1 Chapter 24 Wakatipu Basin

Provision	Assessment
24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.	
Policies: *24.2.1.6* *Ensure subdivision and development is designed (including accessways, services, utilities and*	The site is in Precinct Zoned land in the central and eastern portion of LCU 4 – Tucker Beach, identified as having Moderate-High capacity to absorb additional development.

building platforms) to minimise inappropriate modification to the natural landform. *24.2.1.7* *Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.* *24.2.1.8* *Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by: a) controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.* *24.2.1.9* *Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.*	The garage is logically clustered with the dwelling, utilising the existing access and driveway, and positioned to optimise the screening effects of established planting, in an area previously cut into the rock, thereby minimising the earthworks needed. The garage location on the site ensures the open visual amenity values of the LCU are maintained. Likewise, the dwelling extension off the platform will not introduce additional visual clutter or diminish openness values nor compromise values associated with the surrounding ONF / ONL.
24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.	
Policies *24.2.5.1* *Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.* *24.2.5.2* *Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.* *24.2.5.5* *Encourage the retention and planting of vegetation that contributes to landscape character and visual amenity values of the Precinct, particularly where vegetation is identified as an important element in Schedule 24.8, provided it does not present a high risk of wilding spread.*	As above, the proposal maintains the LCU: 4 values, representing a discrete change tucked into the site and landscape in a sympathetic manner consistent with the existing built form, and where existing planting is largely retained providing suitable screening.

7.1.2 Conclusion: Objectives and Policies

The above assessment concludes the proposed development is consistent with and not contrary to the relevant objectives and policies.

7.2 National Environmental Standards (NES)

No National Environmental Standards are relevant to this application.

7.3 National Policy Statements

Given the nature of the proposal, none of the current National Policy Statements are particularly relevant for deciding the application.

7.4 Otago Regional Policy Statement

The Otago Regional Policy Statement 2019 (**oRPS**) became fully operative on 4 March 2024, and provides a high-level policy framework for the integrated management of resources within the region, identifying regionally significant issues, and objectives and policies that direct how natural and physical resources are to be managed.

The oRPS is currently under review with the new Proposed Otago Regional Policy Statement (**pORPS**) notified on 26 June 2021. Following a determination by the High Court, the pORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, with each proceeding through a separate RMA plan change process. The ORC notified its decisions on submissions on both the freshwater and non-freshwater parts on 30 March 2024, with some aspects now subject to appeal.

The land is zoned for residential purposes within a landscape lens and is consistent, to the limited extent they are relevant, with the landscape and urban development matters in the oRPS and the pORPS.

8. Section 104D Matters

Section 104D of the Resource Management Act allows for a consent authority to grant a resource consent for a non-complying activity 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* less than 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.

As assessed earlier, this application for a garage outside a registered building platform will have less then minor effects on the environment given the discreate build location within an established residential site and is not contrary to the relevant Chapter 24 objectives and policies.

Therefore, Council is able to grant the resource consent for the proposal under s104D.

9. RMA Part II Matters

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. The ODP has already given substance to the principles in Part 2 of the RMA and, therefore, no further assessment against Part 2 matters is required for this application (Environmental Defence Society Incorporated v New Zealand King Salmon (2014) NZSC 38, (2014) 1 NZLR 593).

Regardless, the application is considered to represent a sustainable management of natural and physical resources having had regard to the section 6 and 7 matters of the RMA.

10. Application Conclusion

Resource consent is sought as a non-complying activity under the PDP to establish a residential accessory building (garage) outside a platform and within a road and internal setback, and for a discretionary activity under the RMA to change a consent notice. The proposal is a small-scale addition to the residential activity on site effectively utilising the existing environment to integrate the new built for into the surrounds. With adverse effects on the environment and persons effectively avoided, and being consistent with the plan policy framework, it is considered that the application can be granted and processed on a non-notified basis.

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