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Resource Consent Application

Land Use and 3-Lot Subdivision

36-40 Deans Drive, Wanaka

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Client	Queenstown Lakes Community Housing Trust
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1. Application Details

Applicant(s)	**Queenstown Lakes Community Housing Trust**
Site Address	36 - 40 Deans Drive, Wanaka
Legal Descriptions	Lot 133 DP 608359
Record of Title	1204526 (**Appendix A**)
Site Area	1200m^2
District Plan	Queenstown Lakes Operative District Plan (ODP) Queenstown Lakes Proposed District Plan (PDP)
Zoning	**ODP:** Low Density Residential **PDP:** Lower Density Suburban Residential
Overlay	Nil
Hazards	None recorded – QLDC or ORC Hazards Portal
Resource Consent	Land Use and Subdivision
Activity Status	Non-complying

2. Background

2.1 Site Description

This site is located at 36 - 40 Deans Drive, Wanaka and legally described as Lot 133 DP 608359. A copy of the Record of Title for the site is included in **Appendix A**.

The site is a flat, vacant site, on a slightly raised platform in the emerging residential area of Stage 1 of the Alpine Meadows subdivision.

The site was created under subdivision consent RM200259 (as changed by RM230716), under which the title issued in February 2025. The site has road frontage to Deans Drive on the northern boundary, located opposite the Buttercup Street intersection. The east boundary is a 5.5m wide leg in, and future pedestrian path, that will provide pedestrian access to the adjoining balance Lot 904 which is a future residential development site located to the south of the subject site.

The site is connected to Council wastewater reticulation in Deans Drive via two 100mm uPVC laterals, and potable water is supplied via a single toby connection adjacent to the north-western boundary, and a fire hydrant is located in the road at the opposite Buttercup Street intersection.



Figure 1: Site location and surrounds (Source: QLDC GIS)

2.2 Title Interests

The property title interests are contained in **Appendix B**. These are all private Land Covenants (**LC**) except:

- LC 13147116.15 – a non-RMA covenant between the now Lot 133 landowner and QLDC pertaining to future fencing, and is not relevant to the application.
- Consent Notice (**CN**) 13147116.6 to which condition b) for stormwater design and disposal at the time a building is erected, and i) for fencing are relevant and will be complied with.
- Land Covenant 11779332.8 – Private (not relevant)
- Land Covenant 13147116.12 – Private – specifies 1.2m fence height restriction and 50% permeability along Deans Drive (public road).

2.3 District Plan Background

The site is split-zoned as shown in *Figure 2* below, with zoning applying under both the Operative and Proposed District Plans (**ODP** / **PDP**) across the site. This anomaly exists because the northern part of the site has not yet been included in the 2015 district plan review. This is due to that area being

rezoned under Plan Change 46 to the ODP, the *Ballantyne Road Industrial and Residential Extension*, that was made operative on 8 September 2016.



Figure 2: Site zone context (Source: QLDC Spatial Data Hub)

The sites northern quadrant (yellow) is zoned Low Density Residential (**LDR**) under the ODP, while the southern quadrant (brown) has been rezoned from the ODP Rural General to Lower Density Suburban Residential (**LDSR**) under the PDP.

Under the ODP the site is considered two sites, due to the 'site' definition notation *b. If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.*

Under the PDP the property is considered one site given the changed 'site' definition:

> *Any area of land which meets one of the descriptions set out below:*
>
> *a. An area of land which is:*
>
> *i. Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council;*

As the split zoning is not within a single district plan, the provisions of each are considered as relevant to the application. The exception being that as the southern portion was zoned Rural General under

the ODP, and those rules have been superseded by the PDP LDSR and district wide provisions, which have legal effect and are beyond legal challenge, the ODP Rural General zone provisions are not considered further.

3. Description of Proposal

It is proposed to construct three residential units, then subdivide into three freehold allotments as shown in **Appendix C** development plans and **Appendix D** subdivision plans.

3.1 Land Use

The proposal involves the construction of three detached single-storey residential units. Each dwelling has a gross floor area between 117–121m^2, providing three bedrooms, an open-plan living/dining/kitchen space, bathroom and WC facilities, and an attached single garage with laundry.

The units are designed with modern, low-profile gable forms with Coloursteel roofing and use a mix of Coloursteel and vertical shiplap timber weatherboard cladding, or other painted finish, such that tones and finishes including window frame finishes are varied to provide visual distinction between houses but also consistent with the surrounding residential area. Indicative finishes are shown in the development plans.

Boundary treatments include landscaping with 1.2m high fencing to the street and future reserve frontages, and 1.8-m high fencing along internal and side boundaries to provide privacy between properties and neighbours.

3.2 Subdivision

The development will be undertaken such that the three buildings are constructed first, then once fully measurable, subdivided with rights of way (RoW) and necessary easements, into three freehold titles. Following subdivision, the lots will be sized as follows:

- Lot 1: 450m^2 (375m^2 net)
- Lot 2: 375m^2 (354m^2 net)
- Lot 3: 375m^2 (333m^2 net)

3.3 Access

Access to the development is to be provided via a new vehicle crossing and right of way (RoW) from Deans Drive, which connects to individual driveways and garages. The 3m wide vehicle crossing is proposed and designed to comply with QLDC standards. The internal driveway will be formed to 3m wide as an asphalt and exposed aggregate driveway, within a 4m legal width RoW.

3.4 Services

The site is currently served by two existing wastewater laterals. The dwellings on Lots 1 and 3 will connect to the northwest lateral. The dwelling on Lot 2 will connect to the northeast wastewater

connection. Confirmation has been obtained from P & I that the dual connection is acceptable (**Appendix E**).

Each dwelling will have an on-site soak pit for stormwater disposal, with service easements provided to ensure functional servicing across lots. Stormwater from the driveway will be directed either into the Lot 2 soak pit, or separate driveway soak pit designed, with appropriate easements provided. The soak pits will be designed in conjunction with detailed design / for building consent to accord with Consent Notice 13147116.6.

An independent water toby connection will be provided to each dwelling so that each lot has its own dedicated potable water connection.

Supply confirmation letters electricity and telecommunications from Aurora and Chorus respectively are included in **Appendix F**.

4. Resource Consents Required

The site is split-zoned Low Density Residential under the Queenstown Lakes Operative District Plan, and Lower Density Suburban Residential under the Queenstown Lakes Operative District Plan. The zone purpose is essentially the same in both zones, providing for suburban housing forms that are typically one to two storeys, detached and set on sites generally between 450m^2 and 1000m^2, with the opportunity for sites down to 300m^2 under the PDP with high residential amenity.

An assessment of the proposal against the relevant district plan standards is attached in **Appendix G**. The below sets out the reasons for consent under each plan, including any land use consents needed resulting from the subdivision.

4.1 Operative District Plan

Land Uses and Subdivision consent is required under the Queenstown Lakes Operative District Plan (ODP) plan for the following:

- A **controlled** activity subdivision consent under rule 15.2.3.2.b. Council's control is restricted to subdivision design (15.2.7.1), Property Access (15.2.8.1), Esplanade Provision (15.2.9.2), Natural and other hazards (15.2.10.1), Water Supply (15.2.11.1), stormwater disposal (15.2.12.1) , sewage treatment and disposal (15.2.13.1), Energy supply and telecommunications (15.2.15.1), open space and recreation (15.2.16.1), easements (15.2.18.1), and earthworks (15.2.21.1).

- A **discretionary (restricted)** activity subdivision consent under Rule 15.2.3.3.i. as Site Standard 15.2.6.2 ii for a 15m x 15m lot dimension is not achieved. Discretion is restricted to this matter and guided by assessment matters 15.2.6.4 a.-d.

- A **non-complying** activity subdivision under Rule 15.2.3.4 as Zone Standard 15.2.6.3.i for a 700m^2 net area for each lot in the Wanaka LDR zone is not met.

- A **discretionary (restricted)** land use activity under rule 7.5.3.4.vi for non-compliance with Site Standard 7.5.5.2.iv due to the Lot 2 building location in relation to the proposed boundary between Lot 2 and 3 resulting in an 800mm boundary setback infringement. Discretion is restricted to this matter, guided by assessment matter 7.7.2.xviii(2).

- A **non-complying** activity under rule 7.5.3.5 for not meeting Zone Standard 7.5.5.3.iii as there will be more than 1 residential unit per 450m^2 net area.

- A **discretionary (restricted)** activity under rule 14.2.2.3.ii to infringe Site Standard 14.2.4.1.vi which requires a 3.5m formed and 4m legal access width. A 3m formed / 4m legal access width is proposed. The formation aligns with the PDP and the 2025 Subdivision and Development Code of Practice. Discretion is restricted to this matter.

4.2 Proposed District Plan

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

- A **restricted discretionary** activity under Rule 7.4.8 for density of residential units between 300m^2 to 450m^2 net area. All proposed lots have a net site area between 333m^2 – 375m^2 net area. Discretion is restricted to:
  a. *how the design advances housing diversity and promotes sustainability either through construction methods, design or function;*
  b. *privacy for occupants of the subject site and neighbouring sites;*
  c. *in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016;*
  d. *street activation;*
  e. *building dominance;*
  f. *parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;*
  g. *design and integration of landscaping;*
  h. *where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:*
  i. *the nature and degree of risk the hazard(s) pose to people and property:*
  j. *the nature and degree of risk the hazard(s) pose to people and property;*
  k. *whether the proposal will alter the risk to any site; and*
  l. *the extent to which such risk can be avoided or sufficiently mitigated.*
  m. *In Kawarau Heights, consistency with the Kawarau Heights Design Guidelines 2020 and Structure Plan contained in Section 27.13.15.*
  n. *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.*

- A **non-complying** activity under Rule 27.5.22 for a subdivision where the minimum lot size for subdivision is not met. As the land use is sought concurrently the minimum lot size exemption under 27.7.38.1 is not met because the resource consent for the land use has not yet been granted.

- A **non-complying** infill subdivision activity pursuant to 27.7.36 as the proposed allotments do not each accommodate a 15m x 15m square within the LDSR zoned portion, as required under Rule 27.7.35, and the exemption is not met due to the combined land use and subdivision application.

4.3 Summary of Consents Sought

Overall, the proposal requires resource consents under the following:

- A non-complying activity under the Operative District Plan; and
- A non-complying activity under the Proposed District Plan.

Rules under operative and proposed plans are parallel legal frameworks, and as such their activity statuses are not bundled. However for this proposal the activity status is the same, and relates to the split plan zoning rather than specific site rezoning.

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 Limited 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 6.3
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 6.4
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. While the application is a non-complying activity under both plans, the relevant permitted land use standards under the ODP and PDP are set out in **Appendix D** and include residential buildings and density established as follows:

- 4.5m road and 2m for other boundary setbacks (ODP and PDP)
- 16m building length at ground level (ODP) and 16m length above ground level (PDP)
- 4m building separation between buildings on one site (PDP)
- 36m^2 outdoor area (min. 4.5m wide) (ODP)
- Non reflective cladding (ODP)
- 40% net area building coverage (ODP and PDP)
- 30% landscaped permeable area (PDP)
- 7m building height (ODP and PDP)
- 1 unit per 450m^2 net area (ODP and PDP) with maximum 300m^2/unit under the PDP
- 3.5m formed (ODP) and 2.75m formed (PDP), and 4m legal minimum access width (ODP/PDP)

6.2 Receiving Environment

The surrounding receiving environment is an establishing residential community with a mixture of developed and to be developed lots under the ODP to the north ranging between 600-800m^2 and under the PDP are developed sites further to the east and to be developed land immediately south of the site. The buildings constructed or being constructed in the immediately visible surrounds are generally single story with gable roof forms, though there is wide architectural variation in terms of the complexity of the built form and articulation as viewed from streets and neighbours.

6.3 Effects on the Environment

As a non-complying activity, the Council may consider all actual and potential effects associated with the proposal. To structure the assessment of effects, guidance has been taken from:

- Relevant objectives and policies of the District Plan
- The matters of control or discretion as identified in Section 4 (where applicable)
- Subdivision assessment matters in PDP Chapter 27.9.3.1 and in the ODP as set out in Section 4.1.
- The permitted baseline and receiving environment, where relevant

The following sections address the identified effects with reference to this framework.

6.3.1 Subdivision and Urban Design

The site sits within an established suburban part of Wānaka, surrounded by establishing low-density residential housing and directly adjoining what will become public reserve and walkway. The surrounding character is defined by modest dwellings within an establishing suburban neighbourhood.

The site is split-zoned, with the northern portion identified as LDR under the ODP and the southern portion rezoned to LDSR under the PDP. Considered as a whole, the site provides a logical and

coherent setting for sensitively scaled housing that responds to both existing suburban character and the future direction anticipated by the PDP. Although the site is subject to different zoning under the ODP and PDP, it functions as a single residential parcel. The development has been designed with shared access and a consistent architectural language, meaning it will be experienced as one coherent outcome. Both the ODP's urban design protocol matters, and the PDP's Residential Design Guide share the intent of achieving high-quality, contextually responsive residential environments. Assessing the site holistically therefore provides the most practical and robust evaluation of effects, avoiding artificial distinctions and ensuring the proposal is considered in the way it will be lived in and perceived in practice.

6.3.1.1 Design Response to ODP Urban Design Protocol Matters

The development is consistent with the ODP's urban design protocol assessment matters. It responds to context by adopting a scale and form that is compatible with surrounding suburban housing. Residential character is reinforced through the low-profile design, with an indicative material palette and well-articulated elevations that avoid blank façades, and structural landscaping and fencing. Connections are supported through the subdivision layout and shared accessway, which reduce the number of vehicle crossings and maintain safe pedestrian movement. The principles of choice and custodianship are reflected in the delivery of modest, well-designed homes that increase housing supply while retaining generous permeable areas and incorporating on-site stormwater management.

6.3.1.2 Design Response to PDP Residential Design Guide

The development achieves strong alignment with the PDP Residential Design Guide. The site coverage and permeable surfaces exceed minimum requirements, maintaining a balance of built form and open space. The single-storey dwellings adopt simple roof forms and remain within height and recession plane controls, avoiding dominance or adverse shading. Each dwelling incorporates a consolidated, north- or west-facing outdoor living area directly accessible from principal living rooms, ensuring high-quality residential amenity. Fencing is designed to balance privacy with passive surveillance and consent notice requirements, contributing positively to the streetscape and future walkway.

The indicative materials and colours provide both variety and cohesion, with timber and muted steel claddings selected for durability and contextual fit, and waste areas are all appropriately screened from public places and neighbours. Garages are incorporated into the building design and open perpendicular to Deans Drive ensuring that street character is not dominated by vehicle storage.

6.3.1.3 Internal Setback Breach

The subdivision design, and building layout, results in an internal infringement to the rear boundary setback between Lot 2 and 3. While this is a deemed approval given it relates to the application site, a 1.8m high fence will be constructed on the boundary between the two units effectively screening the bulk of the Lot 2 building from Lot 3. This combined with low building height and gable roof form that slopes away from the boundary effectively reduces potential dominance and amenity effects. As such the effect of this boundary encroachment on the future amenity of the occupiers of Lot 3 will be less than minor.

6.3.1.4 Effects on Future Reserve Users

Users of what will become the adjoining public reserve, and walkway will continue to experience a suburban edge consistent with the planning framework. The design presents active elevations, and open fencing to the reserve interface, ensuring passive surveillance without undue intrusion on privacy.

6.3.1.5 Conclusion on Subdivision Design Effects

Overall, the development represents a well-integrated and contextually appropriate urban design outcome. It achieves the objectives of both the PDP Residential Design Guide and the ODP urban design protocol matters, while also responding to the split-zoning context in a coherent and holistic way. The proposal provides modest, sensitively scaled housing supported by quality outdoor living with streetscape presence.

On this basis, the effects associated with the subdivision design and integration into the residential character of the emerging neighbourhood are considered acceptable, with any potential adverse effects no more than minor.

6.3.2 Residential Intensity and Character

The is a mixture of residential intensity establishing in the receiving environment, influencing the emerging residential character. For example, across Deans Drive Lot 85 (under construction) is a 678m^2 site containing a larger 267m^2, 3-bedroom dwelling and residential flat in a more complex layout and simple mono-pitch roof form. Lot 83 (north on Packer Road) also contains a larger 234m^2 3-bedroom dwelling, with architectural step in and gable roof. Lot 105 (under construction opposite on Deans Drive) contains a 293m^2 pod style 3-bed dwelling with mixed simple and more complicated gable ends facing Deans Drive. Lot 131 on Deans Drive to the east, also contains a pod style 3-bedroom dwelling with more complex gable roof form.

In the receiving environment, the establishing residential intensity can be considered looking at the potential number of occupants / bedrooms, not just the plan permitted bulk and location requirements. As viewed from Deans Drive the units on Lots 2 and 3 will stack behind each other, at the same level and height, with only the driveway being the obvious sign of an additional dwelling. The buildings are all within the requisite height limit and respecting boundaries. The proposed intensity is low given the very modest size of each dwelling (117–121m^2 and 5.5m high) compared to other standalone dwellings in the receiving environment. Considering the size of the site, building size, height, number of bedrooms and single integrated garages the residential intensity resulting from the three additional units will be similar that evolving in the surrounding low-density environment, where a mixture of 3-4-bedroom dwellings are being establish, some with residential flats. The potential adverse effects from the intensity of residential development are considered less than minor, and the residential character is maintained.

6.3.3 Servicing

As there are no known capacity constraints it is considered the site and the number of units / lots proposed can be appropriately serviced.

Supplier letters (**Appendix F**) confirm telecommunications and electricity supply can be increased to accommodate the three units.

Being located entirely within the PDP urban growth boundary, the site is served by reticulated wastewater and potable water. The site is partially set up for servicing the additional units already with two wastewater laterals; P&I have confirmed it is satisfactory for Lots 1 and 3 to both connect into the 100mm northwest lateral, demonstrating the additional development is suitable (**Appendix E**). Easements will secure rights for the shared wastewater and as this is only proposed for two of the lots, is considered an appropriate solution as it sustainably integrates a suitably shared service.

Potable water will the secured for each unit and lot via separate water lines and toby located in the Deans Drive road ensuring each unit/lot has access and supply security.

Stormwater is not reticulated in this area and is controlled for the site via Consent Notice registered against the title requiring specific design in response to a proposed build at the time of building consent. This will be complied with for the buildings noting the indicative location for each soak pit is shown on the development plan (**Appendix C**). The final stormwater solution for the access will be confirmed though detailed design either into its own soak pit or shared with a dwelling, and easements applied as necessary.

As the existing reticulated service networks can be extended, the development can be adequately serviced for the number of units and lots proposed. The effect of the increased density with respect to servicing is less than minor.

6.3.4 Access

The proposed RoW access complies with the PDP dimension requirement and the Code of Practice 2025 (CoP), but not the ODP dimension. There is no adverse effect from not meeting the ODP dimension requirement. In practice this zoning is outdated and has been superseded by the CoP.

6.3.5 Positive Effects

A positive effect of the proposal is that it will deliver three well-designed homes in Wānaka through the Queenstown Lakes Community Housing Trust, providing housing at a price point more affordable than the open market can achieve. The development contributes directly to addressing local housing needs by increasing supply in a location identified for residential growth, while ensuring high-quality amenity for future residents and neighbours. This represents a tangible social benefit that complements the broader community outcomes sought by both the Operative and Proposed District Plans.

6.3.6 Precedent

In relation to precedent effect, it is acknowledged that the ODP anticipates a different density outcome depending on the stage of development. At the land use stage, the LDR Zone provides for one dwelling per 450m^2, while at the subdivision stage in Wānaka this threshold increases to one dwelling per 700m^2. On this basis, the proposed subdivision of the northern portion of the site into lots more aligned to the land use density of approximately 375-450m^2 could be viewed as more intensive than what the ODP contemplates.

However, the broader planning context demonstrates that this proposal does not create an undesirable precedent. The southern portion of the site has been rezoned to LDSR under the PDP, where smaller lots and more efficient land use are expressly provided for. The design also achieves a high level of compliance with the PDP Residential Design Guide, ensuring that amenity values are maintained. Importantly, the proposal seeks to deliver three affordable units that are modest, single-storey dwellings with generous permeable areas and quality outdoor living spaces, consistent with both the ODP's urban design protocol matters and the PDP's residential design outcomes.

Granting consent would therefore not signal that subdivision of all sub-700m^2 sites is appropriate, but rather that on this particular split-zoned site, a carefully designed outcome has been achieved which aligns with both existing and emerging residential environment. The integrity of the District Plan will be maintained, and no undesirable precedent effect arises.

6.3.7 Summary: Effects on Environment

The above assessment concludes that the environmental effects of from this residential development and subdivision on the environment will be acceptable and less than minor.

6.4 Effects on Persons

6.4.1 Assessment of Affected Persons

Following consideration of the actual and potential effects of the proposal, the following assessment has been made in relation to potentially affected persons:

In terms of potential effects on persons, the proposal is considered to result in effects that are less than minor. The adjoining residential properties are being established within an established suburban setting, and the proposed dwellings are modest in scale, single-storey, and contained within the relevant height and recession plane controls. This ensures there will be no unreasonable shading, loss of privacy, or visual dominance for neighbours. Fencing is proposed along external boundaries, providing a clear but sympathetic edge treatment, and aligned with title bound legal requirements.

Accordingly, the proposal is not expected to give rise to any effects on adjoining landowners or occupiers that are minor or more than minor, and the threshold for effects on persons is satisfied.

6.5 Conclusion

The above assessment concludes that the actual and potential effects of the proposed 3-unit residential development and subdivision 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, including under both the Operative and Proposed District Plans given the sites split zoning.

7.1 Operative District Plan

The application is required to be assessed against the objectives and policies of Queenstown Lakes Operative District Plan (ODP).

7.1.1 Section 7 Residential Areas

District Plan Provision	Comment/Assessment
Objective 2 - Residential Form ***A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.***	
Policies: *2.1* *To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.* *2.4* *In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*	The proposal provides for contained development in an emerging residential area that has been thoughtfully designed to integrate within its surrounds ensuring the adverse effects of the increased intensity are mitigated through subtle building design.
Objective 3 - Residential Amenity. **Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.**	
Policies: *3.1* *To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.* *3.2* *To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.* *3.4* *To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.* *3.6* *To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.* *3.7* *To ensure residential developments are not unduly shaded by structures on surrounding properties.* *3.9* *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*	While the intensity of development is subtly more than what the ODP residential zone anticipates, as demonstrated through the urban design effects assessment in **Section 6.3**, the dwellings are designed as consistent compact units, respecting boundary offsets to neighbours and height as a way to reduce the offsite impact of the increased intensity, while still providing suitable outdoor space and access for the amenity and enjoyment of future residents. The external appearance makes use of muted colours and modern, cost-effective materials that are sustainable in the long-term, and are consistent with other builds in the wider neighbourhood. In this the development maintains the dominant low-density character, while not compromising on- or off-site amenity values. As such the proposal is consistent with and not contrary to Objective 3 and related policy suite.

3.10 *To provide for and encourage new and imaginative residential development forms within the major new residential areas.* *3.12* *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.* *3.13* *To require an urban design review to ensure that new developments satisfy the principles of good design.* *3.14* *To distinguish areas with low density character where that character should be retained from areas of change located close to urban centres or adjacent to transport routes where higher density development should be encouraged.*	

7.1.2 Section 14 Transport

District Plan Provision	Comment/Assessment
Objective 2 - Safety and Accessibility ***Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.***	
Policies *2.6* *To ensure intersections and accessways are designed and located so:* • *good visibility is provided.* • *they can accommodate vehicle manoeuvres.* • *they prevent reverse manoeuvring onto arterial roads; and* • *are separated so as not to adversely affect the free flow of traffic on arterial roads.*	The proposed access point is further than 25m from the Buttercup Street intersection, in a location identified as complying for sight and intersection offset distance meaning good visibility is provided. The right of way is sized appropriately in terms of the current code of practice and provides for reverse manoeuvring within the site and can accommodate pedestrian flows. Providing a single consolidate access for all proposed units provides for safe and efficient ingress and egress to the council road network.

7.1.3 Section 15 Subdivision, Development and Financial Contributions

District Plan Provision	Comment/Assessment
Objective 1 – Servicing ***The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.***	
Policies: *1.2* *To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.* *1.5*	Safe access to the site will be constructed via a single new vehicle crossing (as above), that effectively consolidates access to all three units, meeting the necessary standards and code of practice and is therefore safe.

To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development. *1.6* *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.* *1.7* *To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.* *1.10* *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.* *1.11* *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.* *1.12* *To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.*	There are no known potable water supply constraints in the council reticulated network, nor wastewater that would limit the additional connection. Adequate firefighting water access is provided by the hydrant located in Deans Drive opposite the site. Supplier letters confirm the development can be served with electricity and telecommunications that will be extended inground and easements provided as necessary ensuring agency requirements are met.
Objective 2 - Cost of Services to be Met by Subdividers **The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.**	
2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:* *a. roading and access;* *b. water supply;* *c. sewage collection, treatment and disposal;* *d. stormwater collection, treatment and disposal;* *e. -*	As part of constructing the proposed all necessary service infrastructure and access will be installed or extended. This includes stormwater as per Consent Notice 13147116.6.

f. provision of energy; *g. provision of telecommunications.* *2.2* *Contributions will be in accordance with Council's Long Term Community Plan Development Contributions Policy.*	
Objective 5 - Amenity Protection ***The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.***	
Policies: *5.1* *To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.* *5.3* *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.* *5.5* *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*	The proposed boundaries have been identified in light of the residential dwellings to be constructed within each lot. This layout enables on and offsite amenity values to be maintained through low-scale building form, and for suitable open space around and between dwellings for future residents. A safe shared access point will be established with an appropriate offset to the closest intersection thereby avoiding adverse effects in terms of the safe and efficient functioning of roads.

7.1.4 Conclusion: ODP Objectives and Policies

The above assessment concludes that the proposal is consistent with, not contrary to, the relevant ODP objectives and policies.

7.2 Proposed District Plan

The application is required to be assessed against the objectives and policies of Queenstown Lakes Proposed District Plan (PDP).

7.2.1 Chapter 4 Urban Development

District Plan Provision	Comment/Assessment
4.2.1 Objective - Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defendable urban edges. (from Policies 3.3.13 and 3.3.14)	
Policies: *4.2.1.3* *Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.*	The proposed development is on land located inside the PDP urban growth boundary which encompasses the entire site, not just the PDP zoned land area.

7.2.2 Chapter 7 Lower Density Suburban Residential

District Plan Provision	Comment/Assessment
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.*	The proposal can be served by extending the existing council reticulation, which does not have any known constraints. While only 1.5 of the 3 units is in the PDP zoned land, the proposal does represent an efficient use of the site, suburban in nature, a low-scale development consistent with the emerging low intensity urban form. Amenity values for neighbours are preserved through low building height and off set to boundaries, along with suitable fencing ensuring privacy is maintained as is sunlight access. The proposal responds to the Residential Design Guide 2021 as it provides opportunity for more affordable housing, through a consolidated built form design and layout that utilises a single shared access for efficiency and a cohesive external appearance in a muted colour palette ensuring each building is distinct but related, with sustainable materials, suitable outdoor living and building coverage for future amenity, and screened waste areas.
7.2.3 Objective - Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.	
Policies *7.2.3.1* *Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:* *a. manages dominance effects on neighbours through measures such as deeper setbacks, sensitive building orientation and design, use of building articulation and landscaping;* *b. achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping;* *c. provides activation of streets through the placement of doors, windows and openings that face the street.*	These policies that support greater than 1 unit: 450m^2 are achieved through an efficient site layout and low-scale built-form which mitigates the potential adverse external effects on neighbours ensuring the built form does not dominate and privacy is maintained through adequate setbacks, building orientation and window placement and fencing, while still providing for passive surveillance.

7.2.3.2 *Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.* *7.2.3.3* *Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.*	

7.2.3 Chapter 27 Subdivision and Development

District Plan Provision	Comment/Assessment
27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.	
Policies *27.2.1.1* *Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.* *27.2.1.2* *Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.* *27.2.1.3* *Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.* *27.2.1.4* *Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:* *a. desirable urban design outcomes;* *b. greater efficiency in the development and use of the land resource;* *c. affordable or community housing.* *27.2.1.5* *Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.* *27.2.1.6* *Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.*	As far as it is relevant to this development, the Subdivision Design Guidelines 2015 have been considered. While the PDP minimum lot size is not provided, the minimum net size is maintained, and represents an efficient use of land that provides for affordable community housing within the Wanaka urban environment. The subdivision enabling logical lot shapes around future buildings with adequate space for the future residential use, and access arrangements. The site is already provided with two connections to reticulated wastewater services and can be provided a suitable additional connection along with potable water, electricity and telecommunications with easements to protect these services where relevant. The key effects and costs of development will be addressed through the subdivision as will the requirements of other agencies. The proposal is therefore consistent with Objective 27.2.1 and relevant policies.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.	
Policies *27.2.2.1* *Ensure subdivision design in urban areas provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.* *27.2.2.2* *Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.* *27.2.2.7* *Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.*	Given the PDP part of the site is to the rear policy 27.2.2.2 has limited relevance. However, the subdivision is designed for the front units to actively front Deans Drive with informal passive surveillance provided from living spaces to the street and for unit 2 to the adjoining eastern future reserve walkway.
27.2.3 Objective - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.	
Policies *27.2.3.1* *Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.* *27.2.3.2* *While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:* *a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;* *b. where possible, locate lots so that they over-look and front road and open spaces;* *c. avoid the creation of multiple rear sites, except where avoidance is not practicable;* *d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;* ***e.*** *identify and create opportunities for connections to services and facilities in the neighbourhood.*	While the site itself is not yet developed, the subdivision is a form of infill development within a growing residential area. The lot sizes and shape adequately provide for sunlight and outdoor living, especially as this is combined with building compact, low-scale residential units. Only one rear site is created, which has some overlooking of what will become the adjacent reserve walkway from the living area, providing an element of passive surveillance.
27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.	
Policies ***Transport, Access and Roads*** *27.2.5.2*	A suitably size right of way access is proposed that provides safe and efficient access to all lots, including for vehicles, cycle and pedestrians noting the access is open, straight and unconstrained.

Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.	
Water supply, stormwater, wastewater *27.2.5.6* *All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.* *Water* *27.2.5.7* *Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.* *27.2.5.8* *Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.* ***Wastewater*** *27.2.5.13* *Treat and dispose of sewage in a manner that: maintain public health;* *a. avoids adverse effects on the environment in the first instance; and* *b. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.*	There are no known potable water supply constraints in the council reticulated network, nor wastewater that would limit the additional connection. Adequate firefighting water access is provided by the hydrant located in Deans Drive opposite the site.
Energy Supply and Telecommunications *27.2.5.16* *Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:* *a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;* *b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;* *c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.*	Supplier letters confirm the development can be served with electricity and telecommunications that will be extended inground.

Easements *27.2.5.17* *Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.* *27.2.5.18* *Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.*	Appropriate easements and shared access arrangements will be recorded against the future titles.

7.2.4 Conclusion: PDP Objectives and Policies

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

7.3 National Environmental Standards (NES)

Ten NES are currently in force, of which only the 7.2.1 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NES-CS**) is relevant to this application.

7.3.1 NES-CS (2011)

This NES is relevant as the proposal as it involves a subdivision. A review of the most current information available from Queenstown Lakes District Council and Otago Regional Council has been undertaken. Prior to the subdivision under RM200259, the site was used for casual sheep grazing and pastoral grass production. As per that consent the site was not considered a HAIL site. Accordingly, the NES does not apply.

7.4 National Policy Statements

Eight NPS are currently in force, of which only the National Policy Statement for Urban Development 2020 (**NPS-UD**) is considered relevant to this application.

7.4.1 NPS-UD (2020)

The NPS-UD, in effect since 20 August 2020, aims to support well-functioning urban environments across New Zealand. Its objectives promote the social, economic, and cultural wellbeing of communities, now and in the future. The NPS-UD seeks to ensure urban planning enables affordable housing through competitive land and development markets, prioritising growth in well-connected, high-demand areas. It emphasises adaptation to changing needs, the integration of planning with infrastructure, and responsiveness to opportunities that significantly increase development capacity. Planning decisions must respect Te Tiriti o Waitangi, be evidence-based, and support climate resilience and emissions reduction.

The proposal achieves the outcomes sought by the NPS-UD as it will contribute to achieving housing bottom lines in the Wanaka urban area, and the social, economic, and cultural wellbeing of people through a quality compact residential development in a growing residential neighbourhood, making use of existing zoned land and infrastructure, and a development aimed at supporting people in the Wanaka community in to more affordable housing.

7.5 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, and the development provides a consolidated development that integrates effectively with the emerging residential neighbourhood and existing infrastructure, aimed at improving affordability through intensification appropriate for the context, consistent with provisions related to urban development consistent with the oRPS (*Objective 4.5, Policies 4.5.1 – 4.5.3*) and the pORPS (*UFD-O1 (1)(2)(2A) and UFD-P3*).

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 discussed throughout the body of this application, the adverse effects of the proposed residential development on the environment can be appropriately avoided and mitigated such that they are less than minor and is consistent with and not contrary to the ODP and PDP objectives and policies.

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

9. Section 106 and 106A Matters

Section 106 of the RMA provides that the Consent authority may refuse subdivision consent in certain circumstances as follows:

(*1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:*

a. there is a significant risk from natural hazards; or

b. {Repealed}

c. sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

a. the likelihood of natural hazards occurring (whether individually or in combination); and

b. the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

c. any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

Section 106A(1) of the RMA provides that the Consent authority may refuse to grant a land use consent, or grant with conditions, where it considers there is a significant risk from natural hazards, following an assessment under:

(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:

a. the likelihood of natural hazards occurring (whether individually or in combination):

b. the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

c. whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):

d. whether the proposed use of the land would result in adverse effects on the health or safety of people.

9.1 Access

Legal and physical access is provided to each lot through the single vehicle crossing to Deans Drive and driveway with rights of way to secure legal access for all lots consistent with section 106(1)(c). As such, Council can grant consent with respect to this matter.

9.2 Natural Hazards

The application site is identified as LIC 1 being Nil to Low Risk of liquefaction. At the time of building consent, suitable foundations will adequately address this residual matter through the foundation and building design. The proposed land use and subdivision will not accelerate or worsen any potential liquefaction risk nor result in an adverse health and safety effect to people. As such, Council can grant consent with respect to this matter.

10. 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.

11. Application Conclusion

Resource consent is sought as a non-complying activity under the ODP and PDP to establish 3-residential unit and shared access, and to subdivide each as a freehold allotment. As described above, adverse effects are suitably avoided or mitigated and no more than minor, and given the unique situation, the application does not create a precedent or adversely impact the district plan integrity. The proposal has positive effects as it will result in additional new dwellings that will be made available through the Community Housing Trust as more affordable homes. Further, the proposal is consistent with and not contrary to the relevant LDR and LDSR zone and district wide objectives and policies, and no person is considered adversely affected. As such, it is considered that the application may be granted and processed on a non-notified basis.

Patersons South Island

Dunedin
(03) 477 3245
dunedin@patersons.co.nz

Cromwell
(03) 445 1826
cromwell@patersons.co.nz

Christchurch
(03) 928 1533
christchurch@patersons.co.nz

Queenstown
(03) 441 4715
queenstown@patersons.co.nz

Alexandra
(03) 448 8775
alexandra@patersons.co.nz

Other Regions
0800 128 812
enquiries@patersons.co.nz

Wānaka
(03) 443 0110
wanaka@patersons.co.nz

Oamaru
(03) 443 8727
oamaru@patersons.co.nz