LAND USE CONSENT APPLICATION
17 LORNE STREET, LAKE HAYES, QUEENSTOWN

MARCH 2026

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Contents

1.0 Introduction 3
2.0 The Land 3
2.1 Location and Legal Description 3
2.2 Topography and Vegetation 3
2.3 Consent History 3
3.0 The Proposal 3
3.1 Building 3
3.2 Earthworks 4
4.0 District Plan Provisions 4
5.0 Assessment of Environmental Effects 4
5.1 Permitted Baseline 4
5.2 Receiving Environment 4
5.3 Recession Plane 5
5.4 Effects on Persons 5
6.0 Section 104 Assessment 6
6.1 Effects (s104(1)(a)) 6
6.2 Objectives and Policies of District Plan (s104(1)(b)(vi)) 6
6.3 Urban Intensification Variation (UIV) 7
6.4 Part 2 of the RMA 8
7.0 Conclusion 8

1.0 Introduction

This application is for landuse consent to construct a residential unit at Lorne Street, Lake Hayes, Queenstown. The proposal requires resource consent due to a recession plane breach.

Note: For any questions regarding this application, please in the first instance use the contact from the application Form 9: Tony Bennett - Tab Design Ltd, tony@tabdesign.co.nz, 027 405 4501.

2.0 The Land

2.1 Location and Legal Description

The land is located at 17 Lorne Street, Lake Hayes, Queenstown. The site is situated toward the eastern side of the residential area (commonly known as Bridesdale Farm), within a small pocket of Medium Density zoned land.

The land is legally described as Lot 38, 642 DP505513, comprised in Record of Title 763087. Lot 38 comprises 475m^2 in area, and Lot 642 is 50m^2 in area.

2.2 Topography and Vegetation

Lot 38 is currently undeveloped and groundcover is grass. The site is predominantly flat, however a steep bank drops away in the south western corner, where it borders a QLDC recreation reserve. The corner of the lot is planted with native vegetation, which blends with the planting on the adjoining reserve land.

Lot 642 is a 'Garden Allotment' and is located separate to the residential lot.

2.3 Consent History

The site was created via subdivision and land use consent SH150001 (as amended by SH160148). This subdivision, via the Special Housing Areas Act 2013, created 136 residential lots, reserves and roads. Land use consent was granted for constructing a dwelling on the residential lots. SH160038 is specific to the subject site, however it was not given effect to, and lapsed on 6/3/2022.

3.0 The Proposal

3.1 Building

The proposed residential development consists of a four-bedroom, two storey dwelling, including an attached double garage. The dwelling is below the 8m maximum height limit for the zone. The site coverage proposed is 31.8%, within the allowable 45% for the zone.

The proposed construction creates an eastern side boundary recession plane infringement. The infringement is depicted on the attached elevation plans.

The proposed external building materials on the dwelling are as follows:

Exterior	Colour
Roofing	Alpine Tray – Flaxpod (LRV 6%)
Wall Cladding	Alpine Tray – Flaxpod (LRV 6%); and Vertical cedar weatherboard colour Drydens Dune (LRV <35%)
Window Joinery	Aluminium Matt Black (LRV 4%)

3.2 Earthworks

Earthworks to prepare the site for construction have been estimated as a cut to fill volume of 280m^3 and maximum cut/fill height of 0.8m. Refer to architect plans, side notes on Sheet A04.

4.0 District Plan Provisions

4.1 Proposed District Plan

The site is zoned Medium Density Residential (MDR) in the Proposed District Plan (PDP). The proposal requires resource consent for the following:

- A **discretionary (restricted)** activity consent pursuant to Rule 8.5.7 for a breach of the Eastern boundary recession plane, where 2.5m and 45 degrees is required. Council's discretion is restricted to a number of matters, listed in Section 6.0 below.

5.0 Assessment of Environmental Effects

5.1 Permitted Baseline

For this MDR site, the permitted baseline includes the construction of a residential unit which complies with the standards of the zone. This would include an 8m high building which can be constructed up to the 3m road setback (for garages 4.5m), and 1.5m from each internal boundary, and with a building coverage of 45%. Recession plane envelopes are relevant, with exemptions for gable end roofs which may penetrate the building recession plane by no more than one third of the gable height. It is considered that the permitted baseline is of some relevance in this application.

5.2 Receiving Environment

The subject lot is one of the last remaining lots in the MDR zone of Bridesdale Farm that remains vacant. The vast majority of the dwellings within the same zone surrounding the site have been constructed without the requirement for height recession planes. The sites were created via subdivision and land use consent SH150001 (as amended by SH160148). Land use consent was granted for constructing a dwelling on the residential lots, subject to specific conditions. These conditions provided for a greater building coverage of 60%, a Height of 7.5m, sideyard setbacks of 1.5m and road boundary setbacks of 1.0m. These points are noted to emphasise that the proposed

building construction will not be out of character within the existing residential development in the receiving environment.

5.3 Recession Plane

In terms of the recession plane and Rule 8.5.7, Council's discretion is restricted to the following matters:

a. *any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;*
b. *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);*
c. *external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;*
d. *in Arrowtown, consistency with Arrowtown's character.*
e. *Where Electricity Subtransmission 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.*

Point a. above is addressed in the following Section 5.4 below.

The rear boundary setback requirements due to geotechnical restrictions reduces the available buildable area on the lot. However, the appropriate internal boundary setbacks have been maintained and the building coverage is low at 31.8% compared to the zone limit of 45%.

It is unlikely that the proposed recession plane infringement will adversely affect significant public views, over and above that of a compliant dwelling. Views of the Remarkables mountain range are available over the top of the dwelling, as seen travelling south down Lorne Street. Public viewpoints from the recreation reserve will be unaffected by the location of the recession plane infringement.

Addressing streetscape character and amenity, there is minimal impact due to the recessive colours and materials and building design which is in character with residential developments in the vicinity. Varied use of materials on the front façade, combined with differing roof pitch and form provides variety and interest in the streetview. It is considered that the overall design will not be visually dominant when viewing the residential unit from the road. There is a reasonable and appropriate level of space and openness on the site contributing to the overall visual amenity.

Overall, it is considered that the potential adverse effects on the environment from this development are less than minor.

5.4 Effects on Persons

The only adjoining property considered to be potentially adversely affected by the height recession plane breach is located at 15 Lorne Street, to the east. This dwelling's external appearance is of a similar height and design, with solid walls and minimal window openings along the shared

boundary. With the orientation of the lots, it is likely that the subject site will experience more shading from the dwelling on 15 Lorne Street, than vice versa. An existing fence provides for some degree of privacy. The appropriate internal boundary setbacks are maintained.

The architectural plans for 15 Lorne Street indicate that the predominant glazing, and hence views/sunlight available to the dwelling are on the north and south sides of the building, and into the living areas. Glazing on the west elevation is limited to garage, laundry, ensuite (ground floor) and a head-height window in the living area (first floor). The first floor deck on the western side has a colorsteel clad wing wall for privacy and shelter. A small degree of privacy effects may be experienced from the deck area, however, the portion of the subject dwelling adjacent to the neighbours deck area only contains one small higher window on the first floor. Overall, the habitable room windows on each building are off-set.

Taking into consideration that the surrounding neighbourhood character is one where no recession planes are provided, and any original (up to 2022) expectations of anticipated built-form for the subject site, it is considered unlikely that the proposed dwelling will create adverse effects in terms of shading, dominance or privacy to the adjoining property, that are of a minor or more than minor nature. There are no other parties considered to be potentially adversely affected, therefore the assessment has been limited to the eastern adjoining lot.

Overall, it is considered that any adverse effects on persons from this activity will be less than minor.

6.0 Section 104 Assessment

6.1 Effects (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 6 of this report.

6.2 Objectives and Policies of District Plan (s104(1)(b)(vi))

In terms of the **Proposed District Plan**, the application has been assessed in relation to the Policies and Objectives contained within *Chapter 8 (Medium Density Residential).*

The objectives of Part 8, among other things, aim to ensure protection of amenity values in recognition of the zone's higher density character, whilst encouraging development close to employment centres, and enabling a diverse housing supply. Quality urban design solutions are sought which positively respond to the site, neighbourhood and wider context. In particular, the policies associated with Objective 8.2.2. are relevant.

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.

Appropriate visual mitigation in the form of recessive colours and materials, variation in roof forms and provision of outdoor space, ensure the development will contribute positively to the streetscape and the character of the area. Appropriate internal boundary setbacks ensure the maintenance of amenity values on adjoining sites. The recession plane infringement can be appropriately mitigated due to the minimal glazing along the adjacent boundary and similar design styles between adjoining sites. The proposed design is complementary to that of the surrounding environment, where no recession planes are provided on the majority of dwellings.

The overall development will not detract from the coherence and attractiveness of the site as viewed from the street or public spaces.

The proposal maintains the character consistent with that anticipated for the zone. The proposal is in accordance with the relevant objectives and policies of the District Plan.

6.3 Urban Intensification Variation (UIV)

Council notified the decision on the UIV on 20 February 2026. The UIV provisions are currently subject to appeal. The Operative PDP provisions and the UIV decisions version provisions both apply to this application. In relation to the recession plane infringement, the following UIV provisions (which differ to the above PDP listed ones) are relevant:

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites, while taking into account the changing 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.

Appropriate internal boundary setbacks ensure the maintenance of amenity values on adjoining sites. The recession plane infringement can be appropriately mitigated due to the minimal glazing and placement of windows along the adjacent boundary, building orientation relative to sunlight, and similar design styles between adjoining sites. The proposed design is complementary to that of the surrounding environment, where no recession planes are provided on the majority of dwellings, creating somewhat of an expectation of anticipated built-form for the zone. It is considered that the proposal ensures reasonable maintenance of neighbours' privacy and amenity values. The conclusions reached regarding the UIV provisions are the same as those of the PDP, and therefore no weighting exercise has been undertaken.

6.4 Part 2 of the RMA

The proposal will promote the purpose and principles of the Act. The development will result in sustainable management of natural and physical resources, whilst avoiding, remedying or mitigating adverse effects on the environment. The development mitigates adverse effects on the environment through optimal design and recessive colour/material mitigation measures.

7.0 Conclusion

This application seeks approval to construct a residential unit, with a recession plane infringement along one boundary.

Overall, it is considered that the proposal is an appropriate development for this site, with less than minor adverse effects on the surrounding environment.



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