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PROPOSED RESIDENTIAL UNIT at

15 WHIO CRESCENT, WANAKA

NON-COMPLYING ACTIVITY

And an application to VARY a CONSENT NOTICE under s221 of the RESOURCE MANAGEMENT ACT 1991

LOT 19 DP 585393

For: Helen Horrell & Chris Sweeney

March 2026

1. THE PROPOSAL

1.1 The applicant wishes to apply for land use resource consent to construct a new residential unit at 15 Whio Crescent, Wanaka. It is proposed that the residential unit will be over 7.0m in height (being 8.0m). An open sided verandah is proposed which will encroach into the northern yard setback by 0.40m, for a length of 8.8m.

1.2 The proposed two storied residential unit is 215m^2 in floor area, comprising the open plan kitchen, dining and living areas, a separate laundry, a separate toilet and the main bedroom with ensuite on the ground floor. On the first floor two bedrooms, a study, bathroom and living area are proposed. No garaging is proposed at this stage, however there is ample space for a future separate garage to be constructed behind the proposed dwelling as indicated in the appended architectural plans. The proposed residential unit will be located towards the front of the lot. It will be clad in vertical fibre cement shiplap weatherboard, with feature "eyebrow" above the second storey windows. Below this "eyebrow", vertical timber battens will be integrated into the cladding line to create interest. The mono pitched roof will be pre-finished metal and all joinery will be aluminium with double glazing.

1.3 A double vehicular crossing is in place to provide vehicular access to the lot.

1.4 An up-to-date copy of the Certificate of Title is attached. Consent Notice Instrument 12836723.10-4.1c limits building height to 7m, aligned with Proposed District Plan requirements. All other Consent Notices and Encumbrances are fully complied with.

1.5 It is proposed that the wording of Consent Notice condition 4.1c be altered as follows (in ***bold italics***):

To comply with the following height restrictions:

*a) In respect of Lots 1, 2, 7, 8, 9, 15, 16, 17, 18, ~~**19,**~~ 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41,and 42 only, not to construct any Building that exceeds 7 metres in height above Ground Level;*

In other words, for Lot 19 (the subject lot) to be removed from this Consent Notice.
Such a proposal requires resource consent under s221(3) of the Resource Management Act 1991.

1.6 Plans of the proposal are attached.

2. THE SITE AND LOCALITY

2.1 15 Whio Crescent is a relatively flat, through-site of 707m^2. It has a narrow frontage (4.33m) to Kirimoko Crescent in the north east. The lot is currently vacant with no vegetation upon it. There is an up to 4.32m wide council easement running along the rear boundary (adjacent to Kirimoko Crescent) for the council stormwater main.

2.2 The new suburb is in the process of being developed, with several residential units in various stages of construction in the close vicinity to the subject site. Currently a new residential unit is being constructed on the adjoining site of 13 Whio Cresent.



Photograph 1: Location of 15 Whio Crescent (outlined in yellow).Sourced from the Google Maps.

3. ACTIVITY STATUS AND REASONS FOR THE APPLICATION

3.1 Queenstown Lakes District Council (QLDC) currently has an Operative District Plan (ODP) and a Proposed District Plan (PDP). The appropriate planning instrument for assessing the proposed activity is the (PDP), as all portions relative to the subject site have been reviewed.

3.2 Recommendations from Independent Commissioners regarding a Proposed Variation to the PDP (the Urban Intensification Variation (UIV)) were formally adopted by council and notified on 20 Feb 2026. The 30 day appeal period starts from that date and during this period, the operative PDP provisions and the UIV decisions version provisions will both apply and will be subject to weighting. As this appeal period remains open, and no decisions have been made on any appeals, more weighting should be afforded the operative sections of the PDP, bearing in mind that the UIV provisions are supported by council.

3.3 Proposed District Plan (PDP)

The subject site is zoned Lower Density Suburban Residential in the PDP.
Under the PDP, the proposed activity (a residential unit) is a Permitted Activity, pursuant to Rule 7.4.3, as the density of development will not exceed one residential unit per 450m^2 net area. However, it requires resource consent for the following reasons:

- A Non-Complying Activity pursuant to Rule-Standard 7.5.1.1 as the proposal breaches this site standard with regard to building height. It is proposed to construct the two storey residential unit to a maximum 8.0m height, where 7.0m is the maximum permitted height. The adjoining neighbour has provided their written consent to this infringement.
- A Discretionary Activity pursuant to Rule-Standard 7.5.8.2 as the proposal breaches this site standard with regard to minimum boundary setback (other than road boundary). It is proposed to encroach into the northern side yard setback with an open verandah covering an outdoor living area. The verandah will extend to within 0.40m of the boundary, whereas the minimum boundary setback required is 2.0m. The adjoining neighbour has provided their written consent to this infringement.

3.4 Urban Intensification Variation (UIV)

The subject site is zoned Suburban Residential in the UIV.
Under the UIV, the proposed activity (a residential unit) is a Permitted Activity pursuant to Rule 7.4.3 as the density of development will not exceed one residential unit per 450m^2 net area. However, it requires resource consent for the following reasons:

- A Discretionary Activity pursuant to Rule-Standard 7.5.8.2 as the proposal breaches this site standard with regard to minimum boundary setback (other than road boundary). It is proposed to encroach into the northern side yard setback with an open verandah covering an outdoor living area. The verandah will extend to within 0.40m of the boundary, whereas the minimum boundary setback required is 2.0m. The adjoining neighbour has provided their written consent to this infringement.

3.5 Variation of Consent Notice

The proposal to remove the subject lot from Consent Notice Instrument 12836723.10-4.1c is undertaken under s221(3) of the RMA, and an activity status determination is not applicable.

3.6 It is noted that the subject site is not a HAIL site, and therefore no assessment under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES) is required.

3.7 Overall, the proposed activity at 15 Whio Crescent has been assessed as a Non-Complying Activity under the PDP, with additional commentary provided relative to the UIV.

3.8 Permitted Baseline

Sec104(2) of the RMA states:
"when forming an opinion for the purpose of subsection 1(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect."

3.9 Under the PDP, a residential unit less than 7m in height, with no covered outdoor living area extending into the yard setback would be a comparable permitted baseline. A 20m long single storey building could be built up to 2m from each side boundary, with roof pitches designed to fully comply with the relevant recession plane angles, and rising to be 7m tall. The attached plans show a permitted baseline building as viewed from each boundary (page 1000 of the plans).
Under the UIV, having no covered outdoor living area extending into the yard setback would be a comparable permitted baseline.
For this proposal, the effects of the proposed variation to the Consent Notice can not be disregarded under the permitted baseline.

3.10 The following assessment will show that the proposed residential unit will produce no adverse effects on the environment, any such effects having been avoided, remedied or mitigated, and will be less than minor and no more than minor.

3.11 Public Notification and Affected Persons Analysis

It is considered the proposal is not required to be publicly or limited notified under s95A of the Resource Management Act (RMA), for the following reasons:

a) The applicant is not requesting public notification;
b) Public notification is not required under s95C;
c) The application does not involve exchanging to recreation reserve under the Reserves Act 1977.
d) The application has not been made jointly with an application to exchange recreation reserve.
e) The application is not subject to a national environmental standard, infrastructure design solution, stormwater or wastewater environmental performance standard that requires public notification.

f) The full application is not for a boundary activity.
g) The activity (proposed residential unit) will not have adverse effects on the environment, as evidenced by the following assessment (Sections 4, 5, 6 and 7 of this report).
h) It is considered there are no special circumstances specific to this application that would require this proposal to be publicly or limited notified.
i) The proposal is not affected by any Act specified in Schedule 11.

3.12 Section 95B states that if a consent authority does not publicly notify an application, it must decide if there are any affected persons.
There are no affected customary rights groups or customary marine title groups, and the subject site is not on, adjacent to, or may affect land which is the subject of a statutory acknowledgement. The application is not precluded from notification by a rule of national environmental standard and is for a Non-Complying under the Proposed District Plan (and a Discretionary Activity under the UIV).

3.13 Section 95E applies when a consent authority is deciding if a person is an affected person. A consent authority must decide that person is affected if the activity's adverse effects on the person are minor or more than minor but not less than minor. A consent authority must disregard an adverse effect on a person if the effect does not relate to the matter for which a rule reserves control, and if the person has provided their written consent to the proposal (s95D). The owner of 13 Whio Crescent has provided their written consent to the height and yard setback intrusions. Therefore any potential adverse effects on that property regarding these intrusions must not be considered.

3.14 In accordance with the findings in the following sections of this report, it is concluded that no person is considered to be adversely affected, and the application should proceed on a non-notified basis.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 The applicant wishes to construct a two storey, architecturally designed residential unit at 15 Whio Crescent. The possibly affected persons would be 13 Whio Crescent to the north, 6 Whio Crescent to the west (across Whio Crescent), 10 Kirimoko Crescent to the east (across Kirimoko Crescent) and 17 Whio Crescent to the south.

4.2 The subject through lot is basically rectangular in shape, with a cut off at the eastern end, tapering to Kirimoko Crescent. The lot has an 18.5m road frontage to Whio Crescent and is 34.8m long to the council easement. The proposed residential unit will be aligned with the northern boundary (being just over 4.2m to the adjacent 13 Whio Crescent). A wide 4.60m yard setback is proposed for the southern yard (adjacent to 17 Whio Cresent), to allow for a future driveway and vehicular access to the rear of the property.

4.3 Internal Boundary Setback

It is desired to have outdoor living areas adjacent to the indoor living areas, with a northerly orientation. An 8.8m long outdoor living area is proposed within the northern yard setback, with a wrap-around dining and barbeque area to the rear of the residential unit.

4.4 It is proposed to cover this outdoor living area with a verandah roof. All the sides will be open. The verandah roof will extend from the residential unit 1.6m into the required 2.0m yard setback (being 0.40m from the common boundary with 13 Whio Crescent). It is important to note that the actual residential unit itself will be just over 4.20m from the boundary (for both stories), being fully compliant, as is the verandah attached to the rear of the residential unit. A 1.8m high close boarded timber fence will be erected on the side boundary.

4.5 The proposed verandah meets the recession plane angle from this northern boundary.

4.6 The adjoining neighbour at 13 Whio Crescent has provided their written consent to this yard setback encroachment, and as such, any potential adverse effects on this property arising from the encroachment have to be disregarded.

4.7 It is proposed to have an outdoor, open staircase to a first floor deck. This staircase will not be covered, and will be 2.449m from the boundary. The deck will face the front of the property, being accessed from the upstairs living area, and will be 4.675m from the front boundary. (The proposed residential unit will be 8.9m from the front boundary.) Both the deck and outdoor access staircase are fully compliant with all relevant rules and standards. Therefore there will be no adverse effects arising from the proposed side yard setback encroachment on the property across the road at 6 Whio Crescent, as the proposed residential unit is fully compliant from the front boundary; or on the neighbour at 10 Kirimoko Crescent as the proposed residential unit is fully compliant from the rear boundary.

4.8 Therefore, any potential adverse amenity effects associated with a reduced (0.40m) side yard setback width for a length of 8.80m have been mitigated, and will be no more than minor.

4.9 Height

A mono-pitched roof is proposed for the residential unit, with a south to north pitch (the tallest point being to the north). It is noted that the Residential Design Guidelines 2021 advocate for simple, un-complex roof forms, and what is proposed for 15 Whio Crescent conforms to this suggestion. An up to 8.0m high residential unit is proposed. The majority of the proposed residential unit will be between 6.0m and 7.0m in height, with approximately 3.3m of the roof being above 7.0m (as a result of the mono-pitch roof).

4.10 The upper-level roof form of the proposed residential unit will be clad in the same material as the primary wall cladding, with the omission of the timber battens to provide a refined variation in texture and detailing. This approach maintains material continuity across the building envelope while allowing subtle differentiation across the elevation. Internally, the expressed roof form enables sloping ceilings, enhancing the perception of volume within the upper-level spaces and facilitating improved penetration of natural light. These design outcomes contribute to a greater sense of openness and amenity for occupants. Externally, the monopitch roof form introduces visual interest and modulation to all elevations, reinforcing the overall architectural character and contributing positively to the building's form and streetscape presence.

4.11 The Lower Density Suburban Residential Zone of the PDP is designed to allow for primarily one residential unit per site with sites typically ranging in size from 450m^2 to 1000m^2. Despite having a 7.0m height restriction, the explanation of the zone anticipates two storey residential units will be constructed. By proposing to have a two storey dwelling, the open space nature of the neighbourhood that the PDP anticipated, can occur. The proposed residential unit has a small footprint for a 215m^2 home (being 125m^2). Building coverage is proposed to be 33%. A wide southern side yard setback is provided. The streetscape afforded by the proposed residential unit and the subject site will be one of openness.

4.12 The proposed residential unit will be located basically in the middle of the allotment, with a generous (8.9m distance from the front boundary to the actual unit) front yard setback. Interesting elevations are provided by the proposed first floor deck, the open carport underneath to provide glimpses of the ground floor façade, the vertical cladding with timber battens, the mono-pitched roof and the feature "eyebrow" flashing above the first-floor windows. These combine to create a visually interesting roof form and help to disguise any perceived bulk which may be caused as a result of the proposed height. As well, long, linear walls have been avoided, replaced instead with walls clad with interesting vertical and horizontal elements, and broken up with the proposed verandah and the first-floor deck/carport.

4.13 The proposed verandah, combined with the balustrade for the first floor deck, create a stepped elevation illusion up to the top of the roof, effectively disguising the overall height. This is a deliberate architectural design feature, to assist with reducing any perceived issues with bulk that may have occurred as a result of the proposed height.

4.14 The increased height above 7.0m meets the recession plane angles from each boundary, therefore more than adequate sunlight access will be afforded neighbouring properties.

4.15 The adjoining neighbours at 13 Whio Crescent have provided their written consent to the proposed height encroachment, and as such, any potential adverse effects on this property arising from the encroachment have to be disregarded. The proposed residential unit meets the maximum height of 7m at the closest point to the southern boundary (17 Whio Crescent). The distance between the proposed residential unit and 6 Whio Crescent and 10 Kirimoko Crescent is so great, that the non-compliance with the maximum height standard will not be noticeable. Once planting of the site has occurred, the additional height of the unit will be put into perspective.

4.16 The proposed 8.0m high residential unit will comply with the UIV height requirement.

4.17 Therefore, there will be no adverse effects arising from the proposed additional up to 1.0m height of the proposed residential unit.

4.18 Positive Effects

The proposed residential unit will create positive effects on the environment, by enabling the principles of the NPS-UD to be carried out – utilising an existing residential area for development, within an identified urban growth area. It will contribute to a well-functioning urban environment, add to the variety of housing stock in the area, and provide employment for the construction industry.

4.19 Summary of Effects

Due to the above described mitigation methods, the encroachments into the yard setback and height standards by the proposed residential unit will not create any adverse effects on the environment.

4.20 Residential Design Guidelines 2021

In accordance with Rules-Standard 7.5A.1 of the PDP, all Discretionary Activity applications need to include a statement confirming the relevant design elements from the Residential Design Guidelines 2021 (RDG2021) have been considered. For this application, this provision only relates to the proposed yard setback encroachment, as the proposed height encroachment is deemed to be a Non-Complying Activity. Reference to the RDG2021 is not made in the UIV or in the Consent Notices.

4.21 The proposed residential unit has been architecturally designed to appear to be a compact built form on the outside, with spacious rooms provided on the inside, due in part to the high ceiling stud. The location of the proposed unit

more or less in the middle of the site provides for open space around the unit. This is in keeping with the developing character of the neighbourhood.

4.22 The proposed side yard setback infringement will be barely seen from the street, as the proposed compliant first floor deck and outside stair access effectively screen it. Having the outdoor living areas located in the northern portion of the lot, with direct access from the internal living areas of the residential unit allows the inhabitants to connect with the outdoors, in a weather protected environment.

4.23 The creative architectural design of the proposed residential unit adds diversity to the developing neighbourhood. The proposed open sided verandah provides an interesting elevation for this portion of the unit.

4.24 Therefore, the proposed side yard setback encroachment conforms to the principles of the Residential Design Guidelines 2021.

5. DISTRICT PLAN OBJECTIVES AND POLICIES

5.1 Proposed District Plan

There are several PDP Objectives and Policies which are relevant to this proposal, contained in the Lower Density Residential Zone chapter.

5.2 Objective 7.2.1 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, 7.2.1.2, 7.2.1.3

Objective 7.2.6 Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.
Policies 7.2.6.1, 7.2.6.2

5.3 The proposed residential unit is located in a new subdivision which has received council approval, and is well serviced with public infrastructure. There is an existing stormwater detention tank underground in the front of the site (as per the subdivision design requirements), which will be connected to.

5.4 The proposed residential unit maintains suburban residential amenity values by proposing a detached, two storey building, with interesting facades, set in the middle of its allotment. Access to sunlight is maintained, with the adjoining neighbours providing written consent to the proposed relevant height and yard setback infringements.

5.5 Whilst no garage is proposed with this application, provision is made for vehicular access to the rear of the site, where there is ample space for a double garage to be constructed at a later date. An existing compliant vehicular crossing is located to the southern side of the allotment.

5.6 UIV

There are several UIV Objectives and Policies which are relevant to this proposal, contained in the Suburban Residential Zone chapter.

5.7 Objective 7.2.1 Development within the zone provides for a mix of compatible suburban densities and a high amenity residential living environment for residents as well as users of public spaces within the zone.
Policies 7.2.1.1, 7.2.1.2, 7.2.1.3

Objective 7.2.6 Development efficiently utilises existing and planned infrastructure and minimises impacts on infrastructure networks.
Policies 7.2.6.1, 7.2.6.2

5.8 The proposed development is located within a newly developed subdivision, well serviced with public infrastructure. See also the comments made in paragraphs 5.3, 5.4 and 5.5 above.

5.9 Overall, the proposal is consistent with the relevant objectives and policies of the both the Proposed District Plan and UIV, and it is within the identified Urban Growth Boundary.

6. OTHER RELEVANT PLANNING PROVISIONS

6.1 The National Policy Statement – Urban Development (NPS-UD) requires territorial local authorities to plan for intended future growth and to enable development by providing sufficient development capacity for housing. The proposed residential unit will allow for the inhabitants to live within an existing residential environment and the subdivision has occurred within the Urban Growth Boundary.

6.2 There are no National Environmental Standards, other regulations, or other National Policy Statements, which are relevant to this proposal.

6.3 The proposal is considered to be in accordance with the general strategic direction of the Regional Policy Statement (RPS), noting that the District Plan is in accordance with the RPS, and this proposal meets all the relevant objectives and policies of the District Plan.

7. RESOURCE MANAGEMENT ACT (RMA) CONSIDERATIONS

7.1 Section 104D

When dealing with non-complying activities, and before granting an application, a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

7.2 This consideration for non-complying activities is commonly known as the 'threshold test' or the 'gateway test '. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under s104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test ' can be considered to be passed.

7.3 This Assessment of Environmental Effects report has clearly shown that there will be no adverse effects of the proposal (yard setback and height infringements), any such effects having been avoided, remedied or mitigated. Therefore, the first limb of the gateway test has been passed. For fullness, it has also been shown that the proposed activity will also meet all relevant objectives and policies of both the PDP and the UIV. Therefore, the second limb of the gateway test has also been passed.

7.4 Part 2 of the RMA

Part 2 sets out the purpose and principles of the RMA (section 5); matters of national importance the consent authority must recognise and provide for when determining a resource consent (section 6); other matters the consent authority must have particular regard to (section 7); and provision for the principles of the Treaty of Waitangi (section 8).

7.5 The proposed residential unit offers to broaden the variety of housing stock available in this area of Wanaka. It will enable the residents of the home to provide for their social and cultural wellbeing (provision of north facing, private, future proofed home) and for their health and safety. The proposal has many positive effects on the environment including maintaining a pleasant residential environment. Therefore, the requirements of section 5 of the Act are complied with.

7.6 There are no matters of national importance relating to the site or proposal.

7.7 Section 7 of the RMA lists a number of other matters that Council shall have particular regards to when considering an application. It is considered the proposal is not contrary to section 7 of the RMA, as per the above AEE report. The proposal represents an efficient use of an existing, residential zoned site and it enhances the residential amenity values of the neighbourhood.

7.8 Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when assessing all applications. This site has no known

cultural or historic significance and there are no principles of the Treaty of Waitangi which are relevant to this application.

7.9 Therefore, the proposal at 15 Whio Crescent is consistent with the purpose of promoting the sustainable management of the city's natural and physical resources in accordance with section 5. It is fully consistent with Part 2 of the RMA.

7.10 Other Planning Matters

This proposal does not involve the use of hazardous materials, or the discharge of contaminants. There are no sensitive ecosystems or plant or animal habitats in this area, and so no adverse effects on the natural environment are envisaged. There will be no adverse effects on the adjoining properties posed by this development and privacy will not be compromised. This is a residential development in a residential neighbourhood.

8. SUMMARY

8.1 The applicant wishes to apply for land use resource consent to construct a new residential unit at 15 Whio Crescent, Wanaka. It is proposed that the residential unit will be over 7.0m in height (being 8.0m). As well, an encroachment into one side yard setback is proposed – an open-sided verandah is proposed to be constructed 0.40m from the northern side boundary, for a length of 8.8m.

8.2 There are no adverse effects created by this proposal, as evidenced in the above AEE report. There will be no detraction from the residential amenity of the area and the high standard of residential character will be enhanced by the development of this site. The gateway test has been passed with no adverse effects on the environment being proposed, and all relevant Operative District Plan Objectives and Policies being upheld. The proposal is compliant with the requirements of the NPS-UD, and Part 2 of the Act is complied with. The requirements of s221 are met, and therefore the Consent Notice Instrument 12836723.10-4.1c can be altered to remove reference to Lot 19 from it.

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