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PROPOSED RESIDENTIAL UNIT and an APPLICATION TO VARY A CONSENT NOTICE

at

38 RUA STREET, WANAKA

DISCRETIONARY ACTIVITY

LOT 166 DP 587915

For: Lliam Forsyth

April 2026

1. THE PROPOSAL

1.1 The applicant wishes to apply for land use resource consent to construct a new 229.4m^2 residential unit at 38 Rua Street, Wanaka. It is proposed to site the internally accessed double garage 0.85m in front of the front façade of the residential unit. As well, the residential unit will be over 16m in length, and it is proposed to have a stepped side elevation which encroaches into one setback rule.

1.2 It is proposed to locate the sealed double vehicular crossing in a position different to that specified in the Consent Notice (Instrument No: 12761365.2). This Notice requires a crossing to be located against the boundary farthest from the nearest intersection (condition 1a). It is proposed to locate the crossing close to boundary closet to the nearest intersection. All council requirements and specifications will be adhered to for this crossing.

1.3 The proposed single storied 229.4m^2 residential unit, comprises three bedrooms, three bathrooms (two ensuite) with an open plan kitchen, living and dining area, and a separate living space. A laundry is located in the double garage, which has internal access to the residential unit. The residential unit will be 4.1m to the top of the gable roof, and it will be located towards the rear of the lot. It will be clad in a mix of naturally stained or oil finished vertical timber cladding, painted fibre cement weatherboards interspersed with prefinished vertical trapezoidal metal cladding. The roof will be pre-finished trapezoidal metal, and all joinery will be thermally broken aluminium with double glazing.

1.4 The residential unit will be constructed to the highest energy efficiency specifications.

1.5 An up-to-date copy of the Certificate of Title is attached. There are no encumbrances or easements on the title which would inhibit the proposal. All consent notices (apart from the location of the vehicular crossing as described above) are complied with.

1.6 Plans of the proposal are attached.

2. THE SITE AND LOCALITY

2.1 38 Rua Street is a flat rectangular shaped allotment of 574m^2. The lot is currently vacant with no vegetation upon it, and is part of a large subdivision granted approval in 2023 (RM220008). There is currently no vehicular crossing for the lot.

The subject site is within Activity Area B5 of the Northlake Special Zone of the Operative District Plan.

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. To the north and east is a large block of undeveloped land with a Northlake Special Zoning. Across the road to the west is 17 Moonstone Street/35 Rua Street, a flat, rectangular corner site which is currently vacant. To the south is an identical shaped lot of 36 Rua Street. It is also vacant, and is directly opposite the Moonstone Street intersection. There is a pedestrian path to the road carriageway leading from in front of this lot.

2.3 The street has footpaths on both sides, with a narrow grass berm between the footpath and the street, and a very narrow strip of grass between the footpath and the allotments.



Image 1: Location of 38 Rua Street (outlined in black and white), at the end of Rua Street. Sourced from the QLDC District Planning Maps



Image 2: Aerial photograph of 38 Rua Street (outlined in black), at the end of Rua Street. Sourced from Google Maps

3. ACTIVITY STATUS AND REASONS FOR THE APPLICATION

3.1 The appropriate planning instrument for assessing the proposed activity is the Operative Queenstown Lakes District Plan (ODP). Queenstown Lakes District Council (QLDC) currently has an ODP and a Proposed District Plan (PDP). The Northlake subdivision and development area is in an area of the ODP that has not yet been reviewed, and does not form any part of the PDP, other than in relation to any relevant strategic directions and wāhi tupuna.

3.2 Operative District Plan (ODP)

The subject site is zoned Northlake Special Zone (Activity Area B5) in the ODP planning maps, and the proposed activity requires resource consent for the following reasons:

- A Discretionary Activity pursuant to Rule 12.34.2.4.i as the proposal breaches site standard 12.34.4.1.iii with regard to internal boundary setbacks. It is proposed to construct the residential unit to within 2.010m of the northern yard boundary (a 4.5m setback is required) for a length of 7.105m.
- A Discretionary Activity pursuant to Rule 12.34.2.4.i as the proposal breaches site standard 12.34.4.1.iv with regard to continuous building length. It is proposed to construct a 20.4m long building adjacent to the

side boundaries, where a maximum of 16m is permitted, unless 0.5m setbacks are provided every 6.0m (which they are not).

- A Discretionary Activity pursuant to Rule 12.34.2.4.i as the proposal breaches site standard 12.34.4.1.vi with regard to garages being located forward of a front façade. It is proposed to locate the garage 0.85m forward of the front façade, where it is required to be set back at least level.

3.3 Proposed District Plan (PDP)

The Northlake area has not yet been reviewed as part of the current District Plan review, and as such, there are no operative PDP rules.

3.4 Vary a Condition of Consent

A Discretionary Activity application is required to vary a condition of consent of a previously granted resource consent application.
Under s127(3)(a) of the Resource Management Act (RMA), any application made under s127 is to be assessed as a Discretionary Activity, with reference only to the requested changes to condition/s. In this case, this relates only to the location of the proposed vehicular crossing

3.5 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. It is acknowledged that Consent Notice Instrument No: 12761365.2. identifies uncontrolled fill across the site and requires a site specific Geotechnical investigation be undertaken. This investigation has been undertaken and a copy of the report is appended to the application.

3.6 Overall, the proposed activity at 38 Rua Street has been assessed as a **Discretionary Activity**.

3.7 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."

3.8 A residential unit less than 16m in length, set back a minimum 4.5m off one side boundary and 2.0m off the other, with a garage set back at least level with the front façade, would be a comparable permitted baseline. The garage and front of house could be as close as 4.5m from the front boundary, and the residential unit could have a partial second storey. The residential unit could be home to a large family of teenagers, each with their own vehicle, with car parking associated with the residential unit taking up street space. This permitted baseline is considered to be of assistance when assessing the application, and the adverse effects of the permitted baseline need to be discarded.

3.9 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.

3.10 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 for a Controlled Activity or a boundary activity.
f) The application is not subject to a national environmental standard that requires public notification.
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.

3.11 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 Discretionary Activity under the District Plan.

3.12 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.

3.13 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 single storey, architecturally designed residential unit at 38 Rua Street. The possibly affected persons would be 35 Rua Street/17 Moonstone Street to the west (a vacant site across the street) and 36 Rua Street to the south (a vacant site).

4.2 Internal Boundary Setback

The subject rectangular lot is 20.87m wide, with a north-west to south-east orientation. It is desired to have outdoor living areas adjacent to indoor living areas, with a northerly orientation. With required side yard setbacks of 4.5m and 2.0m, the available building platform width of this lot is reduced to 14.4m.

4.3 In order to provide for maximum outdoor living space on the northern portion of the lot, the dining area of the proposed residential unit (7.105m in length) has been pushed into the northern 4.5m yard setback by 0.72m. The roof of the building will extend a further 1.77m into the yard setback, to provide an outdoor covered verandah which will link the outdoor living and outdoor dining areas. This extended roof line is an architectural feature, designed to balance the front elevation of the residential unit.

4.4 The height in relation to boundary standard is met from this northern boundary. A 1.8m close boarded boundary fence will be erected along this boundary, thus providing privacy. The building coverage for the lot will be 39.9.%, which does not exceed the 40% maximum permitted.

4.5 Therefore, any potential adverse amenity effects associated with a reduced side yard setback width have been mitigated, and will be no more than minor.

4.6 Building Length

The proposed residential unit will be 20.4m long, with an asymmetrical gable roof. The use of setbacks and varied cladding treatments help to mitigate against any perceived bulk of building associated with the length. All boundaries will be fenced with a 1.8m high close boarded timber fence. The length of building will not be visible from the street, with landscaping treatments effectively screening the residential unit.

4.7 From the adjoining northern property of undeveloped land, the proposed fencing will screen the proposed residential unit from view. The elevation consists of the 6.1m long dining area, a 2.6m setback to an 8.2m long living area, and a 0.6m step towards the boundary to a 3.7m long master bedroom. This elevation will have a mix of cladding and window sizes, with a single roof plane with a step back, which will create interest.

4.8 From the southern boundary (adjoining 36 Rua Street), the 7.1m long garage with a single access door facing the adjoining property will be more than the required 2.0m from the boundary (being 2.6m). A 1.7m setback to two bedrooms and a bathroom (a total of 8.8m in length) and then a 1.4m step back to the boundary for another living space (for a length of 4.5m) will complete the

elevation. Again, the mix of cladding and window sizes, with a single roof plane with a step back, which will create interest. The accompanying landscape plan shows the yard setback area to be partially grassed with a paved service courtyard, and clothes drying may take place within this space.

4.9 The provision of generous setbacks (albeit not at the required intervals), the varied cladding to be used, the simple roof plane, and the 1.8m boundary fences to be erected all result in any potential dominance or adverse amenity effects associated with a building over 16m in length, have been mitigated, and will be no more than minor.

4.10 Garage Forward of Front Façade

The proposed internally accessed double garage will be located 0.85m forward of the front line of the residential unit. It will be 4.7m from the front boundary (a minimum 4.5m setback is required), providing vehicle parking spaces off the street, in front of the garage. This also allows for increased landscaping, reducing any perceived visual dominance of the garage. The architectural feature of extending the roof line of the building out past the dining room to create an outdoor covered verandah provides balance to the building and a sense that the built form of the residential unit does extend in front of the garage. The 0.85m front façade encroachment will therefore be barely perceptible from off site.

4.11 Extensive vegetation plantings are proposed, to offset any perceived bulk of building. These are shown on the accompanying plans, and will greatly assist in maintaining a pleasant streetscape. The location of the garage will enable more useable, north facing outdoor living areas to be developed on the lot, and will result in a smaller portion of the lot being taken up with a sealed driveway treatment. The garage façade will use the same cladding treatments as the residential unit (metal finished garage door and trapezoidal metal cladding). The total height of the garage will be 4.1m at its highest point, in keeping with the low key, single storey streetscape that is developing in this new subdivision.

4.12 The garage has been designed to be an integral part of the residential unit, however to not be a dominant feature of the unit. The colour of the garage door has been deliberately specified to blend into the exterior cladding, whilst the front door treatment will draw the eye to that feature, rather than to the garage. The streetscape is slowly developing as more residential units are constructed, with a variety of built forms assisting to produce variance in design along the streets. Most building consents issued have garages accessed directly off the street, usually (but not exclusively) the same distance from the front boundary as the bulk of the residential unit. Passive surveillance of the street will be possible from the kitchen window adjacent to the front door.

4.13 There is currently no residential building on the property immediately opposite the subject site. The landscape and perspective plans submitted as part of this application show an aesthetically pleasing, low scale residential development. The above paragraphs detail the reasons why having the garage in front of the primary front façade of the residential unit will not adversely affect the neighbour across the street.

4.14 An Urban Design assessment has been included with this application, providing a detailed assessment of the reasons why the small encroachment (0.85m in front of the front façade of the residential unit) of the location of the double garage, will have no adverse effects.

4.15 Therefore, any potential adverse dominance, safety, residential character and amenity effects arising from having the garage façade slightly forward of the main residential front façade have been mitigated, and will be no more than minor.

4.16 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. 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. The proposed residential unit will be constructed to high energy efficiency standards.

4.17 Variation of Consent Notice

It is proposed to locate the double vehicular crossing in the southern portion of the subject lot. This location will provide direct access to the internally accessed double garage, which is an integral part of the architecturally designed residential unit.

4.18 The location will result in a non-compliance with Consent Notice Instrument No: 12761365.2 Condition 1a)

The sealed vehicle crossing to Lots 85, 86, 113, 114, 125 - 132, 166 -169, & 170 - 172 shall be to Council's standards and against the boundary farthest from the nearest intersection (e.g. for Lot 169: against the northern boundary).

4.18 This design of the streets of this area of AlbertTown is such that they provide access to residents only, and are not through roads or major thoroughfares. Therefore the volume of traffic will be light. There are few allotments served by Rua Street and Moonstone Street. The boundary fencing will be cut down in height close to the street frontage of the lot, thereby providing good driver, pedestrian and other road user sightlines. There is no front fencing proposed on the lot, which will also assist with providing visual sightlines.

4.23 Due to the above described mitigation methods, the proposed residential unit will not create any adverse effects on the environment.

5. DISTRICT PLAN OBJECTIVES AND POLICIES

5.1 Operative District Plan

There are several District Plan Subdivision Objectives and Policies which are relevant to this proposal.

5.2 Northlake Special Zone Objective 1 – Residential Development, and Policy 1.4.
The design and siting of the proposed residential unit is in keeping with the developing residential amenity of this area of Northlake. Proposed building coverage is below the maximum permitted amount, and the low key, single storey unit has the aforementioned design features which ensure it appears as a low density development.

5.3 Northlake Special Zone Objective 2 – Urban Design, and Policies 2.2, 2.5
The proposed residential unit demonstrates best practice in urban design, resulting in a high quality residential building in this developing residential suburb. This is evidenced by the high quality building materials used, the energy efficiency practices to be used, the carefully considered floor plan designed for maximum solar gain, and the extensive landscaping of the site proposed. The subject lot is within the identified residential area of the Northlake Structure Plan

5.4 Overall, the proposal is consistent with the relevant objectives and policies of the Operative District Plan.

5.5 Proposed District Plan

The application site is not included in the Proposed District Plan, however District Wide and Urban Development Objectives and Policies of the Plan are considered to be of some relevance. The proposal is considered to be in alignment with the relevant objectives and policies, as it is a residential use 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, clearly identified as being within the Future Urban Growth outline.

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 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).

7.2 The proposed residential unit offers to broaden the variety of housing stock available in this area of Northlake, Wanaka. It will enable the residents of the home to provide for their social and cultural wellbeing (provision of north facing, private, future proofed and energy efficient 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.

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

7.4 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.

7.5 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.

7.6 Therefore, the proposal at 38 Rua Street, Wanaka 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.

7.7 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, single storey residential unit at 38 Rua Street, Wanaka. It is proposed to site the internally accessed double garage 0.85m in front of the front façade of the residential unit. As well, the residential unit will be over 16m in length, and it is proposed to have a stepped side elevation which encroaches into one setback rule.

8.2 It is proposed to locate the sealed double vehicular crossing in a position different to that specified in the Consent Notice, by being closer to the nearest intersection than specified by the Consent Notice.

8.3 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. All relevant Operative District Plan Objectives and Policies are upheld, the proposal is compliant with the requirements of the NPS-UD, and Part 2 of the Act is complied with.

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