Reference	26.076
Date	4 September 2026
Location	1 Jessies Crescent, Wānaka
Legal Description	Lot 3 Deposited Plan 319220 held in Record of Title 75605
Applicant	Jessies Build Limited and Simon and Lucinda Le Heron
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Operative and Proposed
Zoning	Lower Density Suburban Residential (Proposed) and Suburban Residential (Proposed Urban Intensification Variation (UIV))
Proposal	Resource consent is sought to erect two dwellings with associated earthworks, and undertake a two-lot subdivision. Consent is also sought to enable the use of the dwellings for visitor accommodation for up to 120 nights a year. Resource consent is also sought to cancel all conditions of Consent Notice 5590070.2
Activity Status	Non-complying Activity - Proposed District Plan Discretionary Activity - Proposed District Plan UIV Discretionary Activity – Resource Management Act (1991)

1.0 INTRODUCTION

1.1 This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and

significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 3 Deposited Plan 319220 held in Record of Title 75605. Copies of the Record of Title and registered consent notice are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION

3.1 The site is located at 1 Jessie's Crescent, Wānaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The site is irregular in shape and 1,157m^2 in area. The site is currently vacant, and vegetated in grass. The site slopes down from south to north.

3.3 The site has connections to Council's existing reticulated water, wastewater and stormwater networks. There are also connections to the telecommunications and electricity networks.

3.4 Access to the site is provided via a reciprocal Right of Way (ROW). The ROW is sealed with a formed width of 4.2m and a legal width of 7m.

3.5 Consent Notice 5590070.2 was registered on the Title of the site as a requirement of the underlying subdivision consent, RM010818. It includes conditions in relation to headworks fees, vehicle crossings and foundation design.

4.0 PROPOSAL

4.1 Resource consent is sought to Construct two residential dwellings, undertake associated earthworks and undertake a subsequent subdivision. Consent is also sought to cancel al Conditions of Consent Notice 5590070.2 as they relate to Lot 3 Deposited Plan 319220. A copy of the proposed plans has been included as **Appendix B** to this application.

Buildings

4.2 It is proposed to construct 2 two-story dwellings on the site. The ground floor of both dwellings will be comprised of a two-car garage, bunk room, bedroom and an open plan dining kitchen and laundry. Two additional bedrooms and loft areas will be located on the first floor. Outdoor patios will be located to the east and west of the living portion of the dwellings.

4.3 The dwellings will be comprised of three interconnected gable roofed forms with a maximum height above original ground level of 7.2m.

4.4 House 1 will be constructed on the southern portion of the site, 1.23m from the southern boundary and 2m from the western boundary.

4.5 House 2 will be constructed 2m from the western boundary of the site and 2m from the eastern boundary, with a corner of the building extending 1m into the minimum internal setback along the west. An outdoor fire with a height of 2.2m is also proposed to the east of the covered patio 900mm from the eastern boundary.

4.6 The ends of the gables will extend through the height recession plane as follows:

House 1

- Western elevation
    - Bedroom wing - 2.4m above with an area of 6.72m^2;
    - Garage wing – 0.4m^2
- Southern elevation – the roof will extend through the recession plane by a maximum height of 0.3m.

House 2

- Garage wing gable will extend 700mm into the recession plane on the western side

4.7 The overall building coverage of the development will be 43.48%.

Earthworks

4.8 In order to accommodate the proposed dwellings, 257m^3 of cut and 67m^3 of fill are proposed, for a total earthworks volume of 324m^3. A 1.35mm high retaining wall is proposed to retain the cut on the southern and western portion of the site. Earthworks are proposed up to the boundary of the site.

4.9 An Environmental Management Plan (EMP) and an Erosion and Sediment Control Plan (ESCP have been included as **Appendix C** to this application.

Servicing

4.10 It is proposed to extend new water, wastewater and stormwater laterals to house 2. A second electricity and telecommunications connection will also be extended to the new lot. Confirmation has been obtained from the utility providers that there is sufficient capacity within the networks. These confirmations have been included as **Appendix D** to this application.

4.11 There is a fire hydrant on the corner of Jessie's Crescent and Stonebrook Drive 85m from the boundary of the site.

Access, Parking and Maneuvering

4.12 It is proposed to rely on the existing leg-in right of way (ROW) to provide vehicle and pedestrian access to the site. Each dwelling will be provided with a two-car garage and sufficient maneuvering to the east of the garage to accommodate reverse maneuvers. Novogroup have prepared maneuvering diagrams, which have been included as **Appendix E** to this application.

4.13 While the formed width of the Right of Way (ROW) access will be 3m, the legal width will be 3.8m, which is 200mm narrower than required by the plan.

Subdivision

4.14 Upon the completion of the construction, it is proposed to subdivide the site into 2 allotments, each to accommodate a residential unit, parking and maneuvering areas and outdoor living areas. A scheme plan has been included as **Appendix F** to this application.

4.33 As outlined above the development as a whole will have a building coverage of 43% and 30% permeable landscaped surfaces. Upon subdivision the building coverage on Lot 1 will be 46% and on Lot 2 it will be 47%. Permeable surfacing will be 84%.

4.15 In addition, upon completion of the subdivision, House 1 will be 1.7m from the northern boundary of the site and House 2 located immediately adjacent to the new boundary. Both houses will also extend through the recession planes created by the new boundaries.

Cancellation of Consent Notice 5590070.2

4.16 It is proposed to cancel all conditions of Consent Notice 5590070.2 as they relate to Lot 3 Deposited Plan 319220 as they are outdated and no longer relevant.

Residential Visitor Accommodation

4.17 It is proposed to enable the use of the units for residential visitor accommodation for up to 120 nights a year. The number of guests will be limited to 2 per bedroom for a total of 8 guests per unit.

4.18 The Residential Visitor Accommodation activities will be managed by a property management company to ensure that activities onsite are undertaken in accordance with any conditions of

resource consent and a proposed Visitor Accommodation Management Plan (VAMP) is attached as **Appendix H** to this application.

4.19 A set of proposed conditions, which include conditions relating to noise, ongoing management in accordance with the management plan and monitoring and review provisions is attached as **Appendix I** to this application. The proposed conditions of consent include:

- A limit on the number of guests to 2 per bedroom;
- A prohibition on using the outdoor living areas after 10pm and before 7am;
- Prohibition of the use of the property for parties or large gatherings;
- Rubbish and recycling management; and
- Provision to allow future owners to surrender the visitor accommodation consent on a unit by unit basis should they so wish.

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

5.1 The subject site is zoned Lower Density Suburban Residential in the Proposed District Plan and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 7.5.9 as the proposed units will not have a 4m separation. Council's discretion is restricted to:
  - whether site constraints justify an alternative separation distance;
  - whether an overall better amenity values outcome is being achieved, including for off-site neighbours;
  - design of the units, with particular regard to the location of windows and doors, so as to limit the potential for adverse effects on privacy between units.
- A **restricted discretionary** activity land use consent pursuant to Rule 7.5.18 to use the properties for residential visitor accommodation for more than 90 nights a year. Council's discretion is restricted to:
  - The location, nature and scale of activities;
  - Vehicle access and parking;

- The management of noise, rubbish, recycling and outdoor activities;
- Privacy and overlooking;
- Outdoor lighting;
- Guest management and complaints procedures;
- The keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and
- Monitoring requirements, including imposition of an annual monitoring charge.

- A **discretionary** activity land use consent pursuant to Rule 7.5.5 as the proposed development will exceed the maximum site coverage.
- A **discretionary** activity land use consent pursuant to Rule 7.5.8.2 as the dwellings will extend into the minimum internal boundary setback to the south and west.
- A **non-complying** activity land use consent pursuant to Rule 7.5.1 as the proposed dwellings will exceed a height of 7m.
- A **non-complying** activity land use consent pursuant to Rule 7.5.7 as the proposed dwellings will extend through the height recession planes.

Earthworks

- A **restricted discretionary** activity land use consent pursuant to Rule 25.4.2 for the proposed earthworks exceed 300m^3 in an annual period. Council's discretion is restricted to the matters listed in Rule 25.7.1
- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.18 for earthworks exceeding a depth of 500mmm in proximity to boundaries. Council's discretion is restricted to the matters listed in Rule 25.7.1.

  The matters of discretion listed in Rule 25.7.1 are:

  - Soil erosion, generation and run-off of sediment.
  - Landscape and visual amenity values.

- Effects on infrastructure, adjacent sites and public roads.
- Land stability.
- Effects on water bodies, ecosystem services and biodiversity.
- Cultural, heritage and archaeological sites.
- Nuisance effects.
- Natural Hazards.
- Functional aspects and positive effects.

Transport

- A **restricted discretionary** activity subdivision consent pursuant to Rule 29.5.13 as the legal width of the ROW will not be 4m. Council's discretion is restricted to:
  - Effects, including positive effects on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
  - The design of the access, including the width of the formed and legal width.
  - The on-going management and maintenance of the access.
  - Urban design outcomes, including any positive effects on urban design quality.
  - The vesting of the access in Council.
  - Any positive effects on achieving planned intensification and compact urban form.

Subdivision

- A **restricted discretionary** activity subdivision consent pursuant to Rule 27.5.7 for the proposed urban subdivision. Council's discretion is restricted to:
  - subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;

- Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
- property access and roading;
- esplanade provision;
- the adequacy of measures to address the risk of natural hazards;
- fire fighting water supply;
- water supply;
- stormwater design and disposal;
- sewage treatment and disposal;
- energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
- open space and recreation;
- ecological and natural values;
- historic heritage;
- easements.

5.2 Overall the proposed development requires a **non-complying** activity consent under the Proposed District Plan.

Proposed District Plan Urban Intensification Variation (UIV)

5.3 The subject site is zoned Suburban Residential in the Proposed District Plan and the proposed development requires the following resource consent:

- A **restricted-discretionary** activity land use consent pursuant to Rule 7.5.5 as the proposed dwellings will extend through the height recession planes. Council's discretion is limited to:

- sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;

- external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;

- A **restricted discretionary** activity land use consent pursuant to Rule 7.5.9 as the proposed units will not have a 4m separation. Council's discretion is restricted to:

  - whether site constraints justify an alternative separation distance;

  - whether an overall better amenity values outcome is being achieved, including for off-site neighbours;

  - design of the units, with particular regard to the location of windows and doors, so as to limit the potential for adverse effects on privacy between units.

- A **restricted discretionary** activity land use consent pursuant to Rule 7.5.15 to use the properties for residential visitor accommodation for more than 90 nights a year. Council's discretion is restricted to:

  - The location, nature and scale of activities;

  - Vehicle access and parking;

  - The management of noise, rubbish, recycling and outdoor activities;

  - Privacy and overlooking;

  - Outdoor lighting;

  - Guest management and complaints procedures;

  - The keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and

  - Monitoring requirements, including imposition of an annual monitoring charge.

- A **discretionary** activity land use consent pursuant to Rule 7.5.3 as the proposed development will exceed the maximum building coverage.

- A **discretionary** activity land use consent pursuant to Rule 7.5.6.2 as the dwellings will extend into the minimum internal boundary setback to the south and west.

Subdivision

- A **restricted discretionary** activity subdivision consent pursuant to Rule 27.5.7 for the proposed urban subdivision. Council's discretion is restricted to:

  - subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;

  - Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;

  - property access and roading;

  - esplanade provision;

  - the adequacy of measures to address the risk of natural hazards;

  - fire fighting water supply;

  - water supply;

  - stormwater design and disposal;

  - sewage treatment and disposal;

  - energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;

  - open space and recreation;

  - ecological and natural values;

  - historic heritage;

  - easements.

5.4 Overall the proposed development requires a **discretionary** activity consent under the Proposed District Plan (UIV).

Operative District Plan

5.5 The site is zoned Low Density Suburban Residential under the Operative District Plan however none of the Proposed District Plan rules under which resource consent is required are subject to appeal. As such all relevant Proposed District Plan rules are operative pursuant to s86F of the Act and the corresponding Operative District Plan rules are inoperative. The proposed development does not therefore trigger a consent under the Operative District Plan.

Resource Management Act 1991

5.6 The proposed development also involves the cancellation of all conditions of Consent Notice 5590070.2 as they relate to Lot 3 Deposited Plan 319220 which requires the following resource consent:

- A **discretionary** activity consent pursuant to s87B, and in accordance with s221, of the Act which states that the cancellation of a consent notice must be processed in accordance with s88 to s121 and s127(4) to s132 of the Act.

Application Scope

5.7 This application is for all resource consents required to undertake the proposed development. While the above list of activities and/or rule breaches is intended to cover all matters requiring consent it is acknowledged that Council may consider that additional consents are required. If Council determines that additional consents are required beyond those outlined in this application it has discretion to grant those consents as part of the overall consent package.

5.8 If it is determined that the activity status of the proposal differs from that set out in this application Council has the ability under Section 104(5) of the Act to grant consent as a controlled, restricted discretionary, discretionary or non-complying activity regardless of the activity status expressly applied for.

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

6.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this instance the permitted baseline includes the construction of one dwelling per 450m^2 net, so two dwellings on the lot provided they comply with the following bulk and location controls:

PDP

- A maximum height of 7m;
- A minimum internal boundary setback of 2m;
- Continuous above ground façade length of 16m;
- Building coverage of 40%
- 20% landscaped permeable surfacing ;
- Compliance with the height recession planes as follows:
    - Northern boundary – 2.5m up and 55 degrees;
    - Western and eastern boundary – 2.5m up and 45 degrees;
    - Southern boundary 2.5m up and 35 degrees
- A total earthworks volume of 300m^3 with a maximum height of cut of 2.4m and depth of fill of 2m

6.3 In addition accessory buildings (including garages) may be located within internal boundary setbacks where they do not exceed 7.5m in length, there are no openings within 1.5m of the boundary and they comply with recession planes.

6.4 A gable roof may likewise extend through the height recession planes by no more than 1/3 it's total height.

6.5 Under the provisions of the PDP UIV the height limit has been amended to 8m and recession planes apply to sloping sites.

6.6 In this instance it is considered that what the plan provides for in the zone is of relevance to the below assessment and has been referenced where applicable.

Receiving Environment

6.7 There are a couple of duplex developments on Jessies Crescent locate at 11 and 15.

6.8 In addition to the above activities, the decisions on submission for the QLDC's Urban Intensification Variation (UIV) have recently been issued. No appeals have been lodged and therefore all the rules with the UIV form the environment as it will exist in the future. This is relevant to the proposed development in relation to the height limit becoming 8m.

6.9 The above forms the receiving environment into which the development will be absorbed.

Actual and Potential Effects on the Environment

Design

6.10 The proposed development will be comprised of two residential units with a mix of claddings including schist and shiplap timber. The buildings will have gable roofs and maximum height of 7.2m. An assessment against the Residential Desing Guidelines has been undertaken by Figure and Ground and is included as **Appendix G** to this application.

6.11 The proposed development will support a high level of residential amenity and contribute positively to the existing character of the neighbourhood. The scale of the proposed development is compatible with the existing urban fabric and what is provided for the in the Suburban Residential Zone. The development will be located on a rear lot and not highly visible from public viewpoints.

6.12 Car parking and manoeuvring is proposed to the east of the dwellings. Glazing will provide passive surveillance over the accessway.

6.13 Glazing and outdoor living have been included which open out onto the shared pedestrian access areas, further providing a human scale to the buildings. Given the established and anticipated amenity in this area, and the proposed use of the buildings, this is considered to provide for sufficient internal residential amenity.

6.14 The proposed development will be highly accessible by foot and bike. It is anticipated that residents may have limited need of private vehicles. As such parking supply will not be a dominant feature of the development.

6.15 Rubbish and recycling will be stored in the garages where it will be screened from views outside the site.

6.16 Overall, it is considered that the proposed development will maintain a reasonable level of internal and external amenity. Adverse effects in this regard are anticipated to be less than minor.

Earthworks

6.17 In order to accommodate the proposed dwellings, 257m^3 of cut and 67m^3 of fill are proposed, for a total earthworks volume of 324m^3. The excess material will be transported off the site in trucks. The works will be temporary and stabilized upon completion of the project. No earthworks will be undertaken beyond the boundary of the site with the exception of those required to trench for new services.

6.18 Retaining will be constructed along the boundary of the site. The retaining will be suitably designed and PS1 will be submitted at the time Building Consent is lodged.

6.19 An EMP has been prepared and included in **Appendix C.** The plan and its implementation will ensure that not sediment laden water enters the stormwater network during works.

6.20 Overall, adverse effects resulting from the proposed earthworks will be less than minor.

Parking, manoeuvring and access

6.21 The site will be accessed by the existing leg-in which is formed and sufficiently sized to accommodate the anticipated level of vehicle movements. While the accessway will have a legal width of 3.8m rather than 4m, it can comply with the minimum legal width in the Subdivision Code of Practice and can accommodate vehicle movements to the dwellings.

6.22 It is proposed to provide 2 car parks within each garage. Sufficient manoeuvring room has been provided within the forecourt area to the east of the garages to ensure all vehicles can exit the site in a forward direction.

6.23 Overall it is considered that adverse effects in this regard will be less than minor.

Servicing

6.24 It is proposed to provide a new wastewater, water and stormwater connection to the development.

6.25 Telecommunications and electricity connections will also be extended under the shared driveway to each unit. Service confirmations from Chorus and Aurora have been provided and are attached as **Appendix D** to this application.

6.26 Easements are proposed to protect the services as required.

6.27 Overall, it is considered that the proposed servicing arrangements are appropriate and will result in less than minor adverse effects on infrastructure and service capacity.

Subdivision

6.28 The proposed subdivision design reflects the built form layout and design, with each unit to be located within its own freehold title.

6.29 It is considered that the proposed subdivision design is practical and responds to the constraints and opportunities of the site, especially given the level of density proposed.

6.30 Each lot to be created will include outdoor living space with reciprocal Rights of Way providing for pedestrian access. Similarly easements will cover the parking and servicing arrangements for the development.

6.31 Overall adverse effects associated with the proposed subdivision design will be less than minor.

Natural Hazards

6.32 A Geotechnical Assessment has been undertaken by Tetrad and included as **Appendix H** to this application. The geotechnical investigations indicate that the site's ground conditions are comprised largely of glacial deposits and till. They have made foundation design recommendations accordingly.

6.33 The site is also subject to debris flow from an alluvial fan. Tetrad considers this hazard to be managed regionally and no risk is considered posed to the site.

6.34 Overall, adverse effects in relation to natural hazards are considered to be less than minor.

Cultural Effects

6.35 Although identified on the District Plan maps as being Wāhi Tūpuna the site is within an urban area. Therefore it is considered unlikely that adverse cultural effects would arise from the

proposal and the associated earthworks. The accidental discovery protocol will be followed should anything unexpected by discovered during site works.

6.36 Overall, adverse effects in relation to cultural matters will be less than minor.

Consent Notice matters

6.37 It is considered that the conditions on the Consent Notice are no longer relevant or have outdated requirements. As such it is proposed to cancel all conditions of the Consent Notice and rely instead on the geotechnical assessment for foundation design. No adverse effect will result from cancelling the consent notice conditions.

Residential Visitor Accommodation

6.38 The proposed development will include 8 bedrooms across the 2 units with up to 16 guests, noting that the future owners may not wish to use the dwelling for visitor accommodation. A Visitor Accommodation Management Plan and associated conditions have been volunteered and are included as **Appendices H** and **I** to this application.

6.39 The site is located within easy walking distance to the Wānaka Town Centre and on a rear site. The proposed use will be consistent in scale and nature to the existing activities in the area and not result in adverse effects on the character or amenity of the area.

6.40 Sufficient car parking has been provided to ensure on street car parking is not required. .

6.41 Conditions have been volunteered to ensure that no parties are held on site. Provision is made within the proposed conditions of consent to allow future owners of the units to surrender the visitor accommodation consent on a unit by unit basis if they so wish.

6.42 Overall, give the above, adverse effects in relation to visitor accommodation will be less than minor.

Positive Effects

6.43 The proposed development would enable the construction of two high end residential dwellings in close proximity to the lake and town centre.

Summary of Effects

6.44 Overall, it is considered that the actual and potential adverse effects of the proposed development will be less than minor.

7.0 ASSESSMENT OF EFFECTS ON PERSONS

7.1 The properties located at 34 Stonebrook Drive, 8 Stonebridge Close, 48 and 52 Mount Aspiring Road, and 3 Jessies Crescent are located adjacent to the application site. The properties located at 5 Jessies Crescent and 32 Stonebrook Drive are located adjacent to the accessway, as shown in Figure 2 below.



Figure 2 – Application site and surrounding properties

7.2 When viewed from most of these properties, the development will be consistent with the level of residential development provided for in the zone. The dwellings will be below the 8m height limit and consistent with the permitted density. Sufficient parking and manoeuvring has been provided on each site. Although the proposal will exceed the maximum building coverage, the exceedance relates to just under 4% which will not result in a perceivable difference from outside the site.

7.3 Likewise the buildings will be separated by less than 4m. However there is still separation between them and the bulk and form of the built form will be modulated and broken down when viewed from outside the site.

7.4 The visitor accommodation use of the dwellings will be intermittent. While vehicle movements will be perceivable from this vantage they will be no different from residential movements. The use of the unit for residential visitor accommodation will not result in perceivable effects from this vantage.

7.5 Overall, adverse effects on the owners or occupiers of 52 Mount Aspiring Road, and 3 and 5 Jessies Crescent and 32 Stonebrook Drive will be less than minor.

34 Stonebook Drive

7.6 The property at 34 Stonebrook Drive is located to the south of the application site. This property is occupied by a residential dwelling with outdoor and indoor living oriented towards the north. Views are of establish residential development and mature vegetation, with the mountain peaks in the distance.

7.7 When viewed from this vantage the southern portion of House 2 will be visible. The garage associated with this house will be constructed 700mm into the 2m minimum internal setback. While garages can be constructed up the boundary of the site, they are limited to a length of 7.5m. The proposed southern elevation will be 13.9m in length. The structure will have a height of 3m until the roof slopes away. The roof of the building will also slightly extend through the height recession plane on the southern boundary.

7.8 Given the design and minimal extent of the height recession plane breach it is considered that any adverse effects in relation to loss of privacy and sunlight would be less than minor.

7.9 With regard to the length of the building, it is noted that a development of a different design could have two accessory buildings in this location or closer to the boundary, both measuring

7.5m in length. Such a design would have similar if not greater effects on the owners or occupiers of 34 Stonebook drive than what is proposed.

7.10 This property will largely face the rear of the dwelling and therefore activity associated with any visitor accommodation use will not be highly perceivable from this vantage. No windows are proposed on the southern side of the building so effects on privacy will be avoided.

7.11 Overall, therefore, adverse effects on the owners or occupiers of 34 Stonebrook Drive are considered to be less than minor.

8 Stonebridge Close

7.12 The property at 8 Stonebridge is located to the west of the application site. This site is occupied by a relatively large two-storey residential dwelling with indoor and outdoor living oriented towards the east and north. Views from this property are of establish residential development and mature vegetation, with the mountain peaks in the distance and the lake to the north (away from the application site).

7.13 From this vantage the western elevations of house 1 and 2 would be visible.

7.14 While the proposed dwellings will comply with height and setbacks from this vantage, the western corners of the gables will extend through the height recession plane.

7.15 However, the permitted baseline enables gables to extend through the height recession plan to no more than 1/3 of their height. As a result of the UIV the maximum height is not 8m. Therefore one or more complying dwellings will a gable roof could be constructed in this location with higher apexes. While such an exempted design would likely be narrower than what is proposed, it would have a similar effect in relation to loss of morning sunlight and dominance to what is proposed.

7.16 Parking and manoeuvring would be screened from views from this vantage.

7.17 With regard to the proposed visitor accommodation use, the outdoor and indoor living areas will be well setback from the boundary with this site. The western elevations of both buildings have minimal glazing to ensure any adverse effects on privacy will be less than minor. Conditions have been volunteered to ensure that no parties are held on site and the use of the outdoor living areas is restricted between 10pm and 7am.

7.18 Therefore, overall, adverse effects on the owners or occupiers of 8 Stonebridge Close are considered to be less than minor.

52 Mount Aspiring Road

7.19 This property is located to the north of the application site and occupied by a large residential dwelling and tennis court. Views from this dwelling are of the lake and mountains to the north, with established residential development and mature landscaping in all other directions. The north-western elevation of the proposed development will be visible from this vantage.

7.20 The corner of the northernmost gable pavilion will extend 1m into the minimum 2m internal boundary setback and will also protrude through the height recession plane taken from this boundary. However given the angle of the boundary the height recession breach will be minimal and will not result in a noticeable loss of sunlight as experienced by the owners or occupiers of this property.

7.21 As an accessory building could be constructed up to the boundary of the site, it is likewise considered that the setback breach is minimal and will have no effect in relation to dominance or loss of outlook as experienced by the owners or occupiers of 52 Mount Aspiring Road when compared to what can be constructed as of right.

7.22 With regard to the proposed visitor accommodation use, the outdoor and indoor living areas will be face this property but are directed towards the read of the existing dwelling. The outdoor and indoor living area will be well setback from the boundary with this site. Conditions have been volunteered to ensure that no parties are held on site and the use of the outdoor living areas is restricted between 10pm and 7am.

7.23 Overall, adverse effects on the owners or occupiers of 52 Mount Aspiring Road are considered to be less than minor.

3 Jessies Crescent

7.24 The property at 3 Jessies Crescent is located to the west of the application site. This site shares the Right of Way (ROW) with the application site and is occupied by a four bedroom, two storey dwelling. From this dwelling the eastern side of the development, smaller outdoor living areas and the accessways will be visible.

7.25 The owners of this site have written to the applicant to express their concerns with the development, which include the breaches to height, boundary setback encroachments, building coverage, cumulative impacts and visitor accommodation.

7.26 Of relevance it is noted that there are no appeals to the UIV rules and therefore these can be relied upon to form the receiving environment, especially in relation to the maximum height of 8m.

7.27 When viewed from 3 Jessies Crescent, the dwellings will be substantially lower than the 8m height limit as well as setback 2m from the boundary. The dwelling will also be below the height recession plane when measured from this boundary. The portion of the roof that extends through the height recession plane measured from the southern boundary will be visible from 3 Jessies Crescent, but will be marginal enough so as to not be noticeable to the naked eye.

7.28 While an outdoor fire is proposed to be erected within 900mm of the eastern boundary, this is considered to be an accessory building being no longer than 7.5m, and could be located up to the boundary of the site. The outdoor fire place will provide some visual screening between the covered deck and the property located at 3 Jessies Crescent, reducing privacy effects.

7.29 The development is consistent with the density provided for in the zone, which is one dwelling per 450m^2 as a permitted activity. While the development exceeds the building coverage, the 3% increase in built form will not result in there being noticeably more built form or less open space than could otherwise be provided for.

7.30 It is noted that, as a permitted activity, two dwellings with attached flats could be proposed on the site which could be closer to the boundary. From a cumulative perspective, such a development could be substantially more dominant than what has been proposed when viewed from 3 Jessies Crescent.

7.31 Such a development could also include any number of windows and outdoor decks along the western elevation of the dwelling. Therefore any associated loss of privacy on the owners or occupiers of 3 Jessies Crescent from the proposal would be no greater than what could occur as of right and what is generally anticipated in a suburban residential zone.

7.32 While the future residents of the dwellings will rely on the shared accessway, this is enabled by the plan and the legal ROW arrangement. The use of the access will be no greater than is otherwise provided for by the District Plan.

7.33 The residential visitor accommodation use of the dwellings has been reduced to no more than eight guests for 120 nights a year. Conditions are volunteered to ensure outdoor areas are not used after 10pm or before 7am, and no parties or gatherings are enabled on site. The majority of the area adjacent to the dwelling at 3 Jessies Crescent will be occupied by accessways, which will be used only briefly as people enter and leave the site. When not rented out the dwellings will be used by the owners as holiday homes. Given that, as of right, the dwelling could be rented for 90 nights to nine guests as a permitted activity without the above controls, it is considered that the additional 30 nights use will not result in noticeable effects in relation to loss of privacy, noise, or loss of amenity.

7.34 Overall, adverse effects on the owners or occupiers of 3 Jessies Crescent in relation to dominance, loss of privacy or loss of residential amenity will be less than minor when compared with what could be accommodated on the site as of right.

Summary

7.35 Given the above assessment, adverse effects on the owners or occupiers of adjacent properties are considered to be less than minor.

8.0 OBJECTIVES AND POLICIES

Proposed District Plan

8.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 7 – Lower Density Suburban Residential, Chapter 25 – Earthworks and Chapter 27 - Subdivision and are as follows:

Chapter 7 – Lower Density Suburban Residential

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 height.

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.

8.2 The proposed development is located within an established urban area that is well serviced in terms of infrastructure. The character and intensity of the proposed development is consistent with the scale and character of development anticipated and provided for within the zone. The proposed dwellings will be compatible with the suburban residential amenity anticipated in the Zone and result in the efficient use of land. It is considered that the height, bulk and location of the proposed residential unit is appropriate and not inconsistent with what could be expected to occur on site and in the wider area. It is therefore considered that the proposal is consistent with Objective 7.2.1 and its associated policies.

7.2.6 Objective – Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

7.2.6.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.

7.2.6.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

7.2.6.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

8.3 The dwellings will rely on the existing access arrangement and, as four car parks will be provided with the development, the proposal will result in negligible adverse effects on the availability of on street parking. The proposed residential unit will be appropriately serviced. It is therefore considered that the proposal is consistent with Objective 7.2.6 and its associated policies.

7.2.8 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.

7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

8.4 The proposed residential visitor accommodation activity will be of a scale and character that is compatible with the surrounding neighbourhood. The proposal will maintain residential character and amenity values. The proposal will contribute to a diversity of accommodation options. Overall the proposal is considered to be consistent with this objective and the associated policies.

Chapter 25 – Earthworks

25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.

Policies

25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off- site discharge during construction activities associated with subdivision and development.

25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.

25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.

25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.

25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

25.2.1.11 Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

8.5 The application site is not on a visually prominent slope. The proposed earthworks will be minimal and stabilised upon completion of construction of the dwelling. Land instability and sedimentation will be controlled through the implementation of an EMP and through the design of the proposed retaining.

8.6 The scale and extent of the proposed earthworks are limited to those required to construct a dwelling on the application site and are not excessive. The earthworks have been designed to recognise the constraints and opportunities of the site and will be implemented and stabilised such that the amenity values and quality of the urban area is maintained.

8.7 The proposed earthworks will not adversely affect infrastructure, building or the stability of adjoining sites.

8.8 Given the small scale of the proposed earthworks, it is likely that they will be completed in one continual phase rather than being staged and the EMP that will be implemented will ensure that adverse effects on waterbodies, Council infrastructure and/or nuisance effects will be appropriately avoided, remedied or mitigated.

8.9 It is considered that the proposed earthworks and associated vehicle movements are of a residential scale and will not result in adverse effects on the safety of public roads or private access, and will not degrade the amenity or quality of the surrounding land.

8.10 The proposed earthworks will be implemented and completed so as to minimise natural hazard risks.

Chapter 27 – Subdivision

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:

21.2.1.1 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.

27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

8.11 The proposed subdivision will contribute to a residential environment that will be a desirable place to live, work and play. The associated infrastructure will be fit for purpose. The subdivision reflects the design of the development, and responds to the constraints and opportunities of the site to the extent possible. The allotments will be of a suitable size and shape to accommodate the proposed residential uses. Overall, the proposal is considered to be consistent with these provisions.

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.

27.2.2.3 Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.

27.2.2.4 Urban subdivision shall seek to provide for good and integrated connections and accessibility to:

a. existing and planned areas of employment;
b. community facilities;
c. services;
d. trails;
e. public transport; and
f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.

27.2.2.5 Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.

27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.

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.

8.12 The proposed subdivision will achieve a high level of amenity. The design responds to the characteristics of the site and the surrounding area. The site is a rear lot so buildings cannot front the road. The development will integrate well with the urban fabric and provide connections to the local transportation network. Effective lighting will also be installed. Overall the proposal is considered to be consistent with this objective and the associated policies.

8.13 Overall, it is considered that the proposed development is consistent with the relevant Objectives and Policies of the Proposed District Plan.

Proposed District Plan (UIV)

8.14 The objectives and policies of the Proposed District Plan (UIV) of particular relevance to the consideration of the proposed development are contained in Chapter 7 –Suburban Residential and are as follows:

Chapter 7 - Suburban Residential

7.2.1 Objective - 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 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 (excluding existing residential densities), and maintains suburban residential amenity values predominantly one to two storey building heights.

7.2.1.3 Ensure that the height, bulk and location of development achieves a suburban-intensity character of the zone, and maintains reasonable amenity values for users of neighbouring properties, in particular, privacy and access to sunlight.

8.15 The application site is well serviced by three waters infrastructure and roading. The density of the development is consistent with what is anticipated and provided for in the area. The bulk and location of the development is suburban in character and intensity. Privacy and sunlight access to neighbouring properties will be preserved. The proposal will result in suburban density development with high residential amenity and is considered to be consistent with this objective and associated policies.

7.2.8 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.

7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

8.15 The proposed residential visitor accommodation activity will be of a scale and character that is compatible with the surrounding neighbourhood. The proposal will maintain residential character and amenity values. The proposal will contribute to a diversity of accommodation options. Overall the proposal is considered to be consistent with this objective and the associated policies.

8.16 Overall, the proposal is considered consistent with the relevant objectives and policies in Chapter 7 of the PDP (UIV).

8.17 There are no other relevant objectives or policies that have been amended by the variation. The proposed development is, therefore, considered to be consistent with the relevant objectives and policies in Chapter 7 of the PDP (UIV).

9.0 OTHER MATTERS

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

9.1 Given that the proposal involves the earthworks and subdivision of land, the applicant has elected to address the provisions of the NES by undertaking an assessment of the most up to date information about the site and surrounding area that Council holds. In addition, the applicant has undertaken an assessment of any information available from the Otago Regional Council. The findings of this assessment can be summarised as follows:

Otago Regional Council's 'Database of Selected Land Uses'

9.2 Please find below, in **Figure 3,** an extract from Otago Regional Council's contaminated land database which demonstrates that there are no records of land uses or activities have been (or are being) carried out on the site or on sites adjacent to the application site.

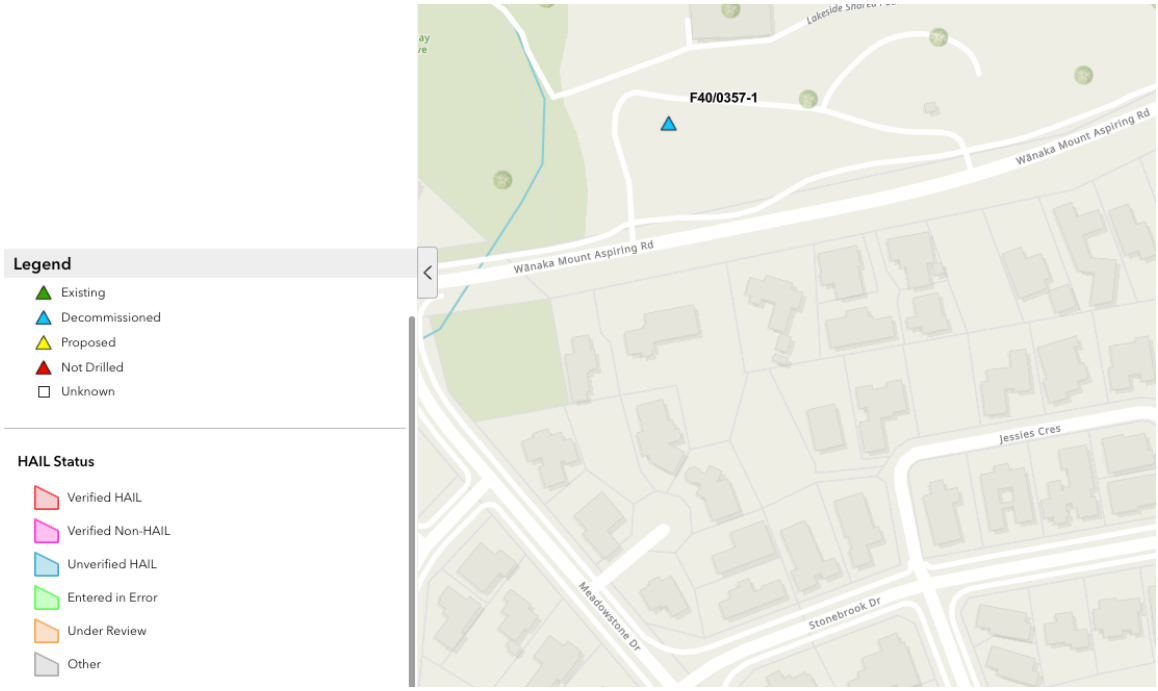


Figure 3 : Image from the Otago Regional Council Listed Land Use register GIS Database

Queenstown Lakes District Council files

9.3 No records held on Queenstown Lakes District Council's eDocs suggest that any activity or industry described in the HAIL has taken place on the land to which the application specifically relates.

QLDC – Hazards Register

9.4 Queenstown Lakes District Council's GIS shows that there are no Dangerous Goods Licences and/or Potential Contaminated Sites on the subject site or in the wider area.

9.5 It therefore appears that an activity or industry described in the HAIL, which could have resulted in the contamination of the site, is unlikely to have been undertaken on the site and as such the provisions of the NES need not apply.

National Policy Statement on Urban Development

9.6 The National Policy Statement on Urban Development 2020 (NPS UD) supersedes the National Policy Statement on Urban Development Capacity 2016 (NPS UDC) and directs local authorities to provide sufficient development capacity for housing within urban areas. Amendments to the provisions of the Suburban Residential Zone, including the increase to an 8m height, were considered and approved in light of the NPS UDC which had similar objectives to the NPS UD in terms of the provision of development capacity.

9.7 Policy 6 of the NPS UD is of particular relevance to the consideration of the proposal and is as follows:

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(a) The planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement.

(b) That the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) May detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) Are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

9.8 Local authorities must give effect to the provisions of the NPS UD through District Plans and decision making on development proposals. Policy 6 directs local authorities to have particular regard to the planned urban built form anticipated by the planning documents that give effect to the NPS. In this instance the recent changes made by the UIV inform the planned built environment. As outlined above, the proposal is consistent with the density and extent of built development anticipated and provided for in UIV. Overall, it is considered that granting consent for the proposal will assist Council in achieving its obligations in terms of giving effect to the NPS UD and realising the necessary development capacity for housing.

National Policy Statement on Natural Hazards 2025

9.9 An assessment in relation to the proposal against the National Policy Statement for Natural Hazards 2025 (NPSNH) is as follows:

2.1 Objective- Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.

Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

9.10 The northern portion of the site is located within a debris flow from an alluvial fan, however the geotechnical engineers have noted the site is in a heavily built up residential area and any risk will be minimised by regional management. Liquefaction risk is identified as low to moderate. Utilising the risk matrix included in the NPS NH, debris flow from the alluvial fan is unlikely. Given the location of the site on the edge of the fan, the damage from an event would be moderate at most.

9.11 Liquification risk is considered rare, with associated damage provided the foundations of the buildings are appropriately designed, minor.

9.12 Relying on the risk matrix in the NPSNH as shown in **Figure 4** below, the site has a low risk level from the alluvial fan and a low risk from liquefaction.

Consequence Level	Likelihood Level						
	Almost Certain	Very Likely	Likely	Possible	Unlikely	Rare	Very Rare
ARI (years)	up to 10	10-20	20-50	50-100	100-500	500-5000	> 5000
AEP	10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Catastrophic	Very High	Very High	Very High	High	Medium	Medium	Medium
Major	Very High	Very High	High	High	Medium	Medium	Medium
Moderate	High	High	High	Medium	Medium	Low	Low
Minor	Medium	Medium	Medium	Medium	Low	Low	Low
Negligible	Low	Low	Low	Low	Low	Low	Low

Figure 4 : NPS NH risk matrix

9.13 Given the low risk, it is considered the management of the risk by ensuring ground work and foundation design are undertaken in accordance with the geotechnical recommendations will be sufficient to manage the associated risks.

9.14 The proposed use of the site will not increase the significance of the risk on other sites. Climate change could increase the likelihood of flooding on the alluvial fan, but this would occur after the completion of works and not to the extent where it would substantively change the risk profile. It is considered that the associated risks will be managed in manner proportionate to the risk.

9.15 Overall, therefore, the proposal is considered to be consistent with the direction of the NPS NH.

10.0 CONSULTATION

10.1 Section 95B of the Act requires that, should the consent authority determine that public notification is not necessary, it must decide whether there are any affected persons in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor) and affected party approval has not been provided.

10.2 An assessment of effects on persons has been included in Section 7 above. Adverse effects on persons have been determined to be less than minor. Therefore no consultation has been undertaken.

11.0 SECTION 106 OF THE RMA

11.1 Any risk from natural hazards is minimal and reasonably mitigated by foundation design.

11.2 All proposed lots will be provided with both legal and physical access.

11.3 Therefore it is considered that the proposal complies with both Sections 106(1)(a) and 106(1)(b) of the RMA.

12.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

12.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

> ***5 Purpose***
>
> *(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
>
> *(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
>
> *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

12.2 In order to achieve the purpose of the Act, the proposed development must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

12.3 It is considered that the proposal appropriately sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations while avoiding adverse effects on the life-supporting capacity of air, water, soil and ecosystems and adverse effects on the environment generally. It is therefore considered that the proposed development represents the sustainable management of the District's natural and physical resources as defined in Section 5 of the Act.

12.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. There are no relevant Section 6 matters.

12.5 Having had regard to the other matters set out in Section 7 of the Act, the proposal will result in the efficient use and development of urban land in close proximity to the town centre (s7b) and maintain and enhance amenity values (s7c).

12.6 The proposed development is considered to be in keeping with the principals of Te Tiriti o Waitangi.

12.7 It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

13.0 CONCLUSION

13.1 Resource consent is sought to construct two residential dwellings with associated earthworks, undertake a subsequent subdivision and cancel all conditions of Consent Notice 5590070.2 as it relates to Lot 3 Deposited Plan 319220 at 1 Jessies Crescent, Wānaka. The proposal requires a non-complying activity resource consent under the Proposed District Plan, a discretionary activity land use consent under the Proposed District Plan UIV and a discretionary activity resource consent under the RMA.

13.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is not contrary to the relevant objectives and policies of the Proposed District Plan and Proposed District Plan UIV.

13.3 The proposal is not precluded from public or limited notification under s95A and s95B of the Act however it is considered that the proposal will result in less than minor adverse effects on the environment and therefore can be processed without public or limited notification.

13.4 With regard to the consideration of applications for non-complying activities Section 104D of the Resource Management Act 1991 states:

"Particular restrictions for non-complying activities

1. *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only 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 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."

13.5 As outlined above it is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with, and not contrary to, the relevant objectives and policies of the Proposed District Plan. Therefore it is considered that the proposal passes both limbs of the threshold test set out in Section 104D of the Act and, pursuant to Section 104B of the Act, resource consent can be granted for the development as proposed.

Yours faithfully,
Edgar Planning Ltd,





Erin Stagg
Planner

Scott Edgar
Planner