Unity Planning
RESOURCE MANAGEMENT CONSULTANTS

Assessment of Effects on the Environment



Kristin Anne Bowman, Michael Robert Bowman and Janice Catherine Urlich

10 Penrith Park Drive, Wanaka

Application under s127 of the Resource Management Act 1991 to change Condition 1 of resource consent RM230970 to enable the addition of a detached garage to the approved development plans, and;

Application under Section 88 (1) of the Resource Management Act 1991 for the construction of a new building located within minimum internal boundary setbacks

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RESOURCE MANAGEMENT CONSULTANTS

Resource consent application prepared for

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1.0 INTRODUCTION

1.1 This Assessment of Effects on the Environment (AEE) is provided in accordance with the requirements of Section 88 (2) of the Resource Management Act 1991 (the Act). It is prepared to enable the AEE to be adopted.

1.2 Kristin Anne Bowman, Michael Robert Bowman & Janice Catherine Urlich, the "applicant", apply for resource consent under Section 88 (1) of the Act to change Condition 1 of land use consent RM230970 pursuant to Section 127 of the Act to enable a change to the approved development which is to include a new detached garage. Land use resource consent is also sought for the new detached garage alongside the variation. A copy of the RM230970 decision is attached as **Appendix A.**

1.3 Sections 127 of the Act enables the holder of a resource consent to apply to a consent authority for a change or cancellation of a resource consent as a discretionary activity.

1.4 Section 88 of the Act sets out the particular requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:

> *"an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, 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*".

1.5 The following assessment of environmental effects is made in accordance with these requirements.

2.0 APPLICATION SITE AND LOCALITY DETAILS

2.1 The application site is located at 10 Penrith Park, Wanaka. It is legally described as Lot 1 DP 338801 held in Record of Title (RT) 159864. The site has an area of 1,100m^2 more or less. A copy of the RT is provided as **Appendix B**.

2.2 The site zoned Penrith Park (Special Zone) under the Operative Queenstown Lakes District Plan (ODP). The site does not form part of the Proposed Queenstown Lakes District Plan (PDP). Refer to Figure 1 below.

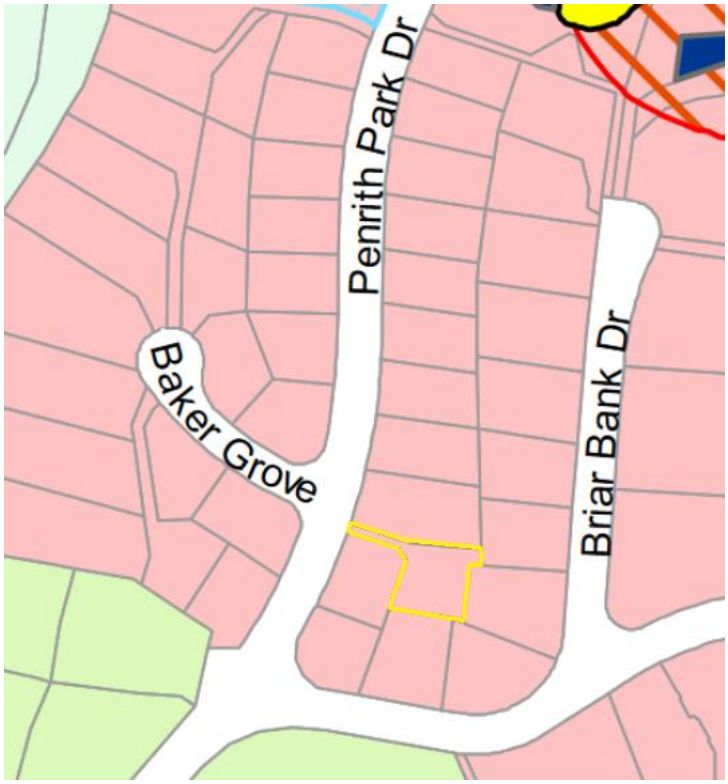


Figure 1. ODP Zoning - Penrith Park Zone (pink) – application site – yellow outline

2.3 The site is a residential lot located to the east of Penrith Park Drive. The dwelling approved under RM230970 has been constructed on site. Established landscaping also exists around the periphery of the site as the landscaping existed prior to development commencing. Access to the site is gained by a leg-in strip from Penrith Park Drive, which provides access to the rear site along the northern boundary. Penrith Park Drive is classified as a Local Road. Refer to Figure 2 below for an aerial view of the site and surrounds prior to the construction of the dwelling.

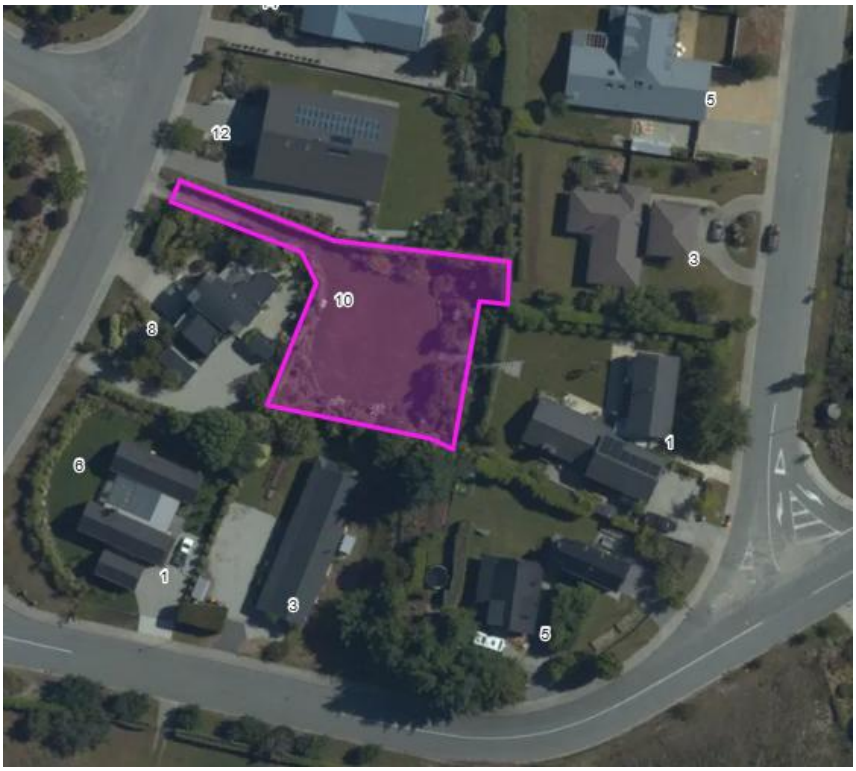


Figure 2. Aerial photo of site and surrounds prior to construction of dwelling

2.4 The site is neighboured by established residential lots within the Penrith Park subdivision on all boundaries. These lots are of a similar area to the application site and all contain established dwellings.

2.5 There are no consent notices or Council related covenants on the RT. The site is subject to a private covenant which restricts the height of buildings and plantings. While not a matter relevant to the resource consent, a copy of the covenants are available to view under the RM230970 file.

3.0 THE PROPOSAL

3.1 RM230970 approved the construction of a residential unit with decking located within the northern and eastern internal setbacks and a breach to the maximum building height. The proposal also included associated earthworks.

Change to Land Use Consent Condition of RM230970

3.2 It is proposed to add a new detached garage to the plans of the residential unit development. The garage will be located towards the southwest corner of the site. The garage proposal requires a change to the architectural plans approved under Condition 1 of RM23097 to reflect the addition of the garage to the plans.

3.3 The new garage will require a change to the internal driveway, shortening the driveway such that it only reaches the new garage. On-site maneuvering will still be provided on site to ensure that vehicles can exit the site in a forward gear.

3.4 It is proposed to change Condition 1 of land use consent RM230970 as follows (added text in bold underline and deleted text struck-through):

1. That the development must be undertaken/carried out in accordance with the plans:

   - ~~'Proposed Site Plan, Sheet Number RC1 0, Dated 23/11/23'~~
   - **'Proposed Site Plan', Drawing No. SK1-1, Date July 2026**
   - 'Proposed Cut and Fill, Seet Number RC1-1, Dated 23/11/23'
   - 'Level 1 & 2 Floor Plan, Sheet Number RC1-2, Dated 23/11/23'
   - 'Level 3 Floor Plan, Sheet Number RC1-3, Dated 23/11/23'
   - 'Roof Plan, Sheet Number RC1-4, Dated 23/11/23'
   - 'Elevations, Sheet Number RC1-5, Dated 23/11/23'
   - 'Elevations, Sheet Number RC1-6, Dated 23/11/23'
   - 'Schematic Sections, Sheet Number RC1-7, Dated 23/11/23'
   - 'Schematic Sections, Sheet Number RC1-8, Dated 23/11/23'
   - 'Schematic Sections, Sheet Number RC1-9, Dated 23/11/23'
   - 'Schematic Sections, Sheet Number RC1-10, Dated 23/11/23'
   - Erosion and Sediment Control Plan
   - **Proposed Floor Plan/Proposed Elevations – Drawing No. SK1-2, Date 21 July 2026**

   stamped as approved on 22 January 2024 **or xx August 2026.**

   and the application as submitted, with the exception of the amendments required by the following conditions of consent.

New Land Use Consent

3.5 The detached garage measures 6.3m by 7m (44.1m^2) with a single-story gable roof form that sits well under the maximum building height of 7m. The external materials of the building include vertical shiplap weatherboards for the walls and *Colorsteel* alpine tray roofing, both coloured to match the existing dwelling.

3.6 The building is located within the 6m minimum internal boundary setbacks from the southern boundary (1.6m setback proposed) and the western boundary (2.075m setback proposed).

3.7 Figure 2 below shows the area on site where the garage is proposed, including the established boundary hedge planting along both the southern and western boundaries.



Figure 3. Southwest area of site with established hedge planting – red 'x' marks approximatel location of shed

3.8 The retention of the boundary planting along the western and southern boundaries is proposed. The established hedge is planted in Portuguese laurel, 3m to 4m in height. There is a slight dip in part of the hedge along the southern boundary which was caused by the removal of a large tree on the neighbour's property last summer. The hedge height will naturally correct with pruning maintenance in the next growing season. It is proposed to maintain the hedge to a height of no less than 3m. The following condition of consent is proposed:

- *The existing laurel hedge along the length of the western and southern site boundaries shall be maintained to a height of no less than 3m.*

3.9 The proposed building coverage is 22.9% which sits well under the maximum building coverage of 30%.

3.10 As seen in Figure 3 above, the building area is already formed as part of the vehicle manoeuvring area on site and therefore no earthworks are required for the construction of the garage.

4.0 MATTERS REQUIRING RESOURCE CONSENT

4.1 The change to Condition 1 of RM230970 is a **discretionary** activity pursuant to s127 of the Act.

Queenstown Lakes District Operative District Plan

4.2 The application site is zoned Penrith Park (Special Zone), Activity Area 2 of the ODP. The proposed activity requires resource consent for the following reasons:

- A **controlled** activity resource consent pursuant to Rule 12.7.3.2 (i) for the addition, alteration and construction of all buildings. Council's control is in respect of the location of the building and associated earthworks, access, external appearance and landscaping.

- A **restricted discretionary** activity pursuant to Rule 12.7.3.3 (iv) as the proposal breaches Site Standard 12.7.5.1 (ii)(b) Visual Amenity - Except for Commercial Forestry where the Resource Management (National Environmental Standard for Commercial Forestry) Regulation 2023 prevails: The planting of any other tree species shall meet the following requirements:

  i. No hedge or boundary trees are to exceed 2 m in height.

It is proposed to retain the boundary hedging along the southern and western boundaries at a height of no less than 3m. Council's discretion is with respect to this matter.

- A **non-complying** activity pursuant to Rule 12.7.3.4 (ix) as the proposal breaches Zone Standard 12.7.5.2 (iv) with respect to minimum building setbacks. The garage will be located within the setback from the southern and western internal boundaries as detailed in the proposal description above.

Queenstown Lakes District Proposed District Plan

4.1 The Penrith Special Zone is yet to be reviewed by the PDP, as such, there are no relevant rules under the PDP of relevance to this application.

Summary of Application Status

4.2 The land use proposal is a **non-complying** activity under the ODP.

4.3 In addition, this application is for all matters requiring resource consent under the ODP, rather than for the specific list of consent matters / non-compliances identified above. The Council has the discretion to grant consent to matters that are additional or alternative to those specified in this AEE.

5.0 STATUTORY CONSIDERATIONS

Resource Management Act 1991- s95-95E, s104-104B and 104D

5.1 The following matters are noted in consideration of sections 95A-95E of the Act:

i. Public notification is not requested by the applicant;

ii. There are no special circumstances necessitating public notification;

5.2 As a non-complying activity, the provisions in sections 104, 104B and 104D direct the substantive determination of the application.

Purpose and Principles of the Act

5.3 The purpose of the Act, set out in Section 5, is to promote the sustainable management of natural and physical resources. This is defined as:

> "*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 wellbeing 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*."

5.4 The broader principles of the Act are set out in sections 6 to 8. With respect to Section 6, the proposal does not affect any Matters of National Importance.

5.5 Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are addressed in the assessment below.

5.6 Section 8 requires the consent authority to consider the principles of the Treaty of Waitangi. The proposal does not offend any Treaty of Waitangi Principals.

5.7 The proposed development meets the purpose and principles of the Act.

Section 104 Matters

5.8 Subject to Part 2 of the Act, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;
(ii) Other regulations;
(iii) a national policy statement
(iv) a New Zealand coastal policy statement
(v) a regional policy statement or proposed regional policy statement
(vi) a plan or proposed plan; and

c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

5.9 The ODP and the Partially Operative Otago Regional Policy Statement, and the Proposed Otago Regional Policy Statements are matters relevant to the assessment. There are no other relevant standards, regulations or statements that require consideration.

5.10 Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect, otherwise referred to as the permitted baseline.

5.11 Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application. No written approvals are considered necessary.

5.12 Section 108 empowers the consent authority to impose conditions on a resource consent.

6.0 WRITTEN APPROVALS AND CONSULTATION

6.1 No consultation has been undertaken as no persons are considered adversely affected by the proposal.

7.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

7.1 Case law relevant to section 127 of the Act establishes that the assessment is restricted to the effects of the change only. In this case, the effects of the proposal are limited to the insignificant change to the site plan with respect to the location of a new accessory building and the amendment to the internal driveway on site. The assessment of the new accessory building is addressed below. The change to the driveway will result in no new effect as access to the site from the legal road, Penrith Park, is not affected.

7.2 As a non-complying activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Clause 7(1), Schedule 4 of the Act provides guidance as to the types of effects that must be assessed as part of a resource consent application. These are outlined as follows:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including any landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

7.3 Additionally, relevant Assessment Matters in the ODP with respect to buildings (in areas where buildings are a controlled activity); Assessment Matters 12.7.6 (i) provide a guide as to the effects to be considered. It is also relevant to note the resource management issues related to the Penrith Park zone which is described in the ODP as being valued as a high quality environmentally sensitive environment visible from parts of the Wanaka Basin and from Lake Wanaka and with ecological values due to its proximity to Lake Wanaka and the Clutha Outlet. The relevant resource management issues listed in Clause 12.6.2 of the ODP address:

(i)Visual Amenity
The zone is visible from parts of the Wanaka Basin and Lake Wanaka. It is important that features are protected from inappropriate development, especially given the wider context of Lake Wanaka backdrop.

(iii) Protecting Amenity Values
The area is valued by the community for its amenity. Such amenity value may be adversely affected by inappropriate development. It is important to protect amenities of the area by excluding activities likely to generate noxious elements.

Effects on the Environment and Persons

The location, external appearance and design of buildings

7.4 The relevant assessment matters for buildings in Activity Area 2 address the following:

(a) Whether the building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes when viewed from the shoreline.

7.5 The site is not within parts of the special zone that are more sensitive to built form and development such as the activity areas close to and readily visible from the lake shoreline. The site is a rear lot, surrounded by established residential development on all boundaries. The built form of the new garage will not break the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes when viewed from the shoreline.

(b) Whether the building is visually obtrusive from any public road, recreation area or public place.

7.6 The garage will not be visible form any public recreation area, or place. It will be screened from Penrith Park Drive as the development will sit to the rear of a neighbouring established residential

development at 8 Penrith Park Drive, where a substantial 2-storey dwelling separates the site from the road.

(c) Whether the colours of the roofs and walls are of low reflectivity and derived from the landscape, with bright accent colours or highly reflective colours used only in small areas for visual interest.

7.7 All external building materials and colours are appropriately recessive and of low reflectivity to match the approved dwelling. No bright accent colours or highly reflective colours are proposed.

(d) The extent to which the proposed building reflects the alpine characteristic of the Wanaka area as represented by the pitched roofs with dormer windows.

(f) Whether the exterior walls are built of materials commonly found in the environs of the site.

7.8 The proposed garage design incorporates the alpine characteristic theme with the feature of traditional pitched roof, natural material cladding comprising stained cedar weatherboard, and alpine tray roofing. All materials are commonly found in the local residential area.

7.12 Overall, the form and materials of the building reflect the alpine characteristics of the Wanaka area to a high degree, while providing a high-quality modern residential architectural form.

(g) The extent to which the building preserves the existing mass of vegetation.

7.13 The site is not located within an area of the Penrith Park Special Zone where mass vegetation exists and was in place at the time the zone was created. The landscaping on site has been established since the creation of the zone and is therefore not relevant to this matter.

Effects Setback Breaches

7.14 The breach of the internal boundary setbacks are limited to boundaries of immediately adjacent residential neighbours. The potential effects of the breach will not therefore be apparent from public or private places/sites beyond the properties (due to separation distance and the buffering and screening effect of substantial built form on neighbouring properties) who share these boundaries, being the neighbours to the south and the west, 8 Penrith Park Drive (west)and 3 Minaret Ridge (south). There will be no effects on the wider environment resulting boundary setback breaches.

7.15 While the setback breaches have the potential to adversely affect the immediately adjacent residential properties, and adverse effects on the owners and occupiers will be adequately avoided, remedied for mitigated to a less than minor degree. The adverse effects on these properties are addressed in more detail below.

3 Minaret Ridge and 8 Penrith Park Drive

7.16 3 Minaret Ridge is the adjacent property that shares the southern boundary of the site, while 8 Penrith Park Drive is the adjacent property that shares the western boundary of the site (Refer to Figure 2 above).

7.17 As seen in Figure 3 above, a high level of privacy is established between these properties and the application site by the well-established Laurel hedge boundary planting which provides an effective screen of views into the site. The garage will still be setback off both boundaries, and with the maintenance of the adjacent thick hedging, will ensure sure that views of the building from the neighbouring properties will be significantly minimised to only part of a recessive coloured roof area of a small accessory building. In a zone where 7m height buildings are anticipated 6m from an internal boundary, the presence of a low-profile accessory building closer to the boundary will not result in any significant adverse effects on visual amenity or dominance when viewed from these neighbouring properties.

7.17 As the site is a rear site, any visible parts of the garage roof will be viewed from these properties in the context and backdrop of large residential buildings including the dwelling on site and neighbouring dwellings beyond the site boundaries, and established boundaries. The existing environment, which comprises residential lots with well-established residential buildings including 2-story buildings and heavily landscaped residential curtilage areas, enables the small accessory building to be well contained within the application site to the extent that it will not affect the outlook of these neighbours.

7.18 No privacy effects will occur as the proposal does not provide for any opportunity for overlooking into the neighbouring properties.

7.19 As the garage will be contained by thick established boundary planting, which generates shading, there will be minimal change to access to sunlight or shading as a result of the proposal.

7.20 Additionally, there will be no effects on persons beyond those immediately adjacent properties discussed above due to the mitigating factors of separation by distance and the location of established development and built form within the locality which will physically screen and separate the proposed development from those properties.

7.21 In summary adverse effects of the setback breaches on persons will be less than minor.

Infrastructure and servicing

7.22 The proposed development is already connected to existing reticulated services which were installed at the time of subdivision. No adverse effects are anticipated. Council's infrastructure and servicing requirements for the lot to function in a residential capacity were covered at the time of the underlying subdivision, and the design of the garage stormwater system will be assessed as part of the building consent process. There will be no adverse effects on the environment or persons with respect to infrastructure and services.

Access

7.23 The access to the site is determined by the established vehicle crossing and dog-leg access strip along the eastern boundary. As such the site has appropriate access and all access and manoeuvring areas are already constructed to Council Standards. There will be no adverse effects on the environment or persons with respect to access.

Landscaping

7.24 As the application site had previously been part of the residential lot at 2 Briar Bank Drive, forming a lower-level garden and extensive landscape beds and boundary planting, the site was already established with tree and shrub planting prior to the construction of the dwelling on site.

7.25 While the zone has a rule which restricts the height of trees and hedges on boundaries to 2m, the established landscaping on site has always included boundary planting in excess of 2m, as does landscaping on many properties in the zone.

7.26 The applicant proposes to maintain the Laurel hedge along western and southern boundaries to a height of no less than 3m, which only exceeds the maximum height by 1m, noting that the actual current height of the hedge does not increase. The proposed condition merely enables the reliance on the screening benefits of the existing hedge enabling containment of the garage on site when viewed from the adjacent neighbours at 8 Penrith Park Drive and 3 Minaret Ridge. This is considered a positive effect of the retention of the hedge by minimising potential overlooking and impacts on privacy. The 1m exceedance of the hedge height does not impact on any view or outlook from these sites as the 3m hedge is viewed with a backdrop of built form of a significantly larger scale, area and height, being established 2-story residential dwellings in the locality and established landscaping beyond the southern and western site boundaries.

7.27 For the reasons outlined below, landscaping will result in positive effects which will outweigh and mitigate potential adverse effects of the proposed new garage. Any related adverse effects on the environment or persons will be less than minor.

Summary

7.28 When taking into consideration the relevant effects of the proposed new detached garage, the adverse effects on the environment and persons will be less than minor. As such, there are no affected parties.

8.0 OBJECTIVES AND POLICIES - SECTION 104(1)(B)

Operative District Plan

8.1 The relevant objectives and policies of the ODP are contained within Section 12.6 (Penrith Park Zone) of the ODP. These are outlined below.

Section 12.6.3 Objectives and Policies

Objectives

To enable the creation of low density residential development in a rural setting which is relatively close to Wanaka town centre. To conserve the visual amenity of the locality to a significant degree.

To encourage a high standard of building design, appearance and landscape.

To avoid adverse effects of any development on the environment ensuring long term sustainable management of the area.

Policies:

1 To ensure visual amenity of the Wanaka area is protected by controlling the intensity and design of development.

8.2 As outlined in the assessment of effects above, visual amenity will be adequately protected as the proposed comprises a small, low profile accessory building associated with a larger residential dwelling.

2 To ensure visual compatibility with the Wanaka amenity through assessment of design and construction materials.

8.3 As addressed on the assessment of effects above, the garage will contribute to the high-quality residential development on site as reflected in the design and construction materials which are in keeping within the character and amenity values anticipated in the Penrith Park Special Zone. Visual compatibility will be achieved.

3 To provide for the establishment of low density visitor accommodation in a rural setting where, low density development can demonstrate compatibility with the zone objectives and where the effects on the environment will be similar to low density residential development.

8.4 N/a – No visitor accommodation is proposed.

4 To ensure all buildings and accessory structures are sited on the property in an unobtrusive manner in harmony with the natural forms and features of the landscape.

8.5 For the reasons outlined in the assessment of effects above, the proposed built form will be unobtrusive and in harmony with natural forms and features of the landscape as anticipated by residential development of the site.

8.6 In conclusion, the proposal is aligned with the objectives and policies of the ODP and is not contrary to them.

9.0 OTAGO REGIONAL POLICY STATEMENTS

9.1 Under RM230970, the proposed land use and change to consent notice conditions was considered to be aligned with high level direction of relevant regional policy statements with respect to urban form and development. The insignificance of the proposal to add a detached garage on the residential site will ensure that the development will continue to be aligned with these provisions.

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

10.1 Taking guidance from case law[1], the ODP is considered to be the mechanism by which the purpose and principles of the Act are given effect to this zone in the Queenstown Lakes District. The ODP was competently prepared through independent hearing and decision-making processes in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

10.2 Accordingly no further assessment against Part 2 is considered necessary.

11.0 NATIONAL POLICY STATEMENT FOR NATURAL HAZARDS 2025

11.1 As a non-complying activity the National Policy Statement for Natural Hazards 2025 (NPS-NH) enables the Council to assess natural hazard risk as directed by the NPS-NH with respect to the following natural hazards:

(a) flooding;
(b) landslips;
(c) coastal erosion;
(d) coastal inundation;
(e) active faults;
(f) liquefaction; and
(g) tsunami.

11.2 NPS-NH requires natural hazard risk to people and property associated with subdivision, use, and development to be managed using a risk-based proportionate approach based on the best information available. In this case the relevant consideration is whether a new garage accessory building on the residential site increases or exposes the risk to a significant hazard risk using the national risk-based framework.

11.3 Using a proportionate approach to the level of natural hazard risk as directed by Policy 2 of the NPS-NH, the addition of the accessory building is not considered to expose the development to any greater natural hazard risk. Taking into account Building Consent process which will address risk relating to the building and the design of appropriate foundations, the natural hazard risk will be sufficiently managed.

[1] *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

12.0 CONCLUSION

12.1 In conclusion, the proposal is consistent with the purpose and principles of the Act in that it will enable the applicant to provide for their economic and social and cultural well-being, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding, remedying or mitigating unacceptable adverse effects on residential character and amenity and the visual amenity values anticipated in the zone.

12.2 In terms of section 104, including Section 104D (applicable to non-complying activities) the proposal is not contrary to the objectives and policies of the ODP and will have actual or potential effects on the environment which are less than minor and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.

12.3 Accordingly, it is concluded that the Council should grant consent to the activity on a non-notified basis in accordance with sections 104, 104B, 104D, s127 and Part 2 of the Act, subject to appropriate conditions of consent that can be imposed under section 108 of the Act.