Resource Consent Application

To:
Queenstown Lakes District Council

A & J Stewart

Earthworks + New Residential Unit + Accessory Buildings

24 Anglesea Street, Arrowtown

11 February 2025

PRAGMATIC PLANNING
Effective Resource Consent and Town Planning Solutions

Application Summary

Applicant: Alan and Judith Stewart

Application: Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to undertake earthworks and construct a residential unit with accessory buildings.

Location: 24 Anglesea Street, Arrowtown

Legal Description: Lot 1 Deposited Plan 586482 as held in Record of Title 1109646

District Plan (Operative) Zoning: Residential Arrowtown Historic Management Zone

District Plan (Proposed) Zoning: Arrowtown Residential Historic Management Zone

Activity Status: Non-Complying

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991 (RMA). The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

1. PROPOSAL AND SITE DESCRIPTION

Background & Proposal Description:

The property at 24 Anglesea Street has recently been enlarged via way of a boundary adjustment with the neighbouring property to the north-west (RM220889). The Applicant now seeks to develop this portion of the site with an additional residence and accessory buildings. An overview of the proposal is as seen in Figure 1:

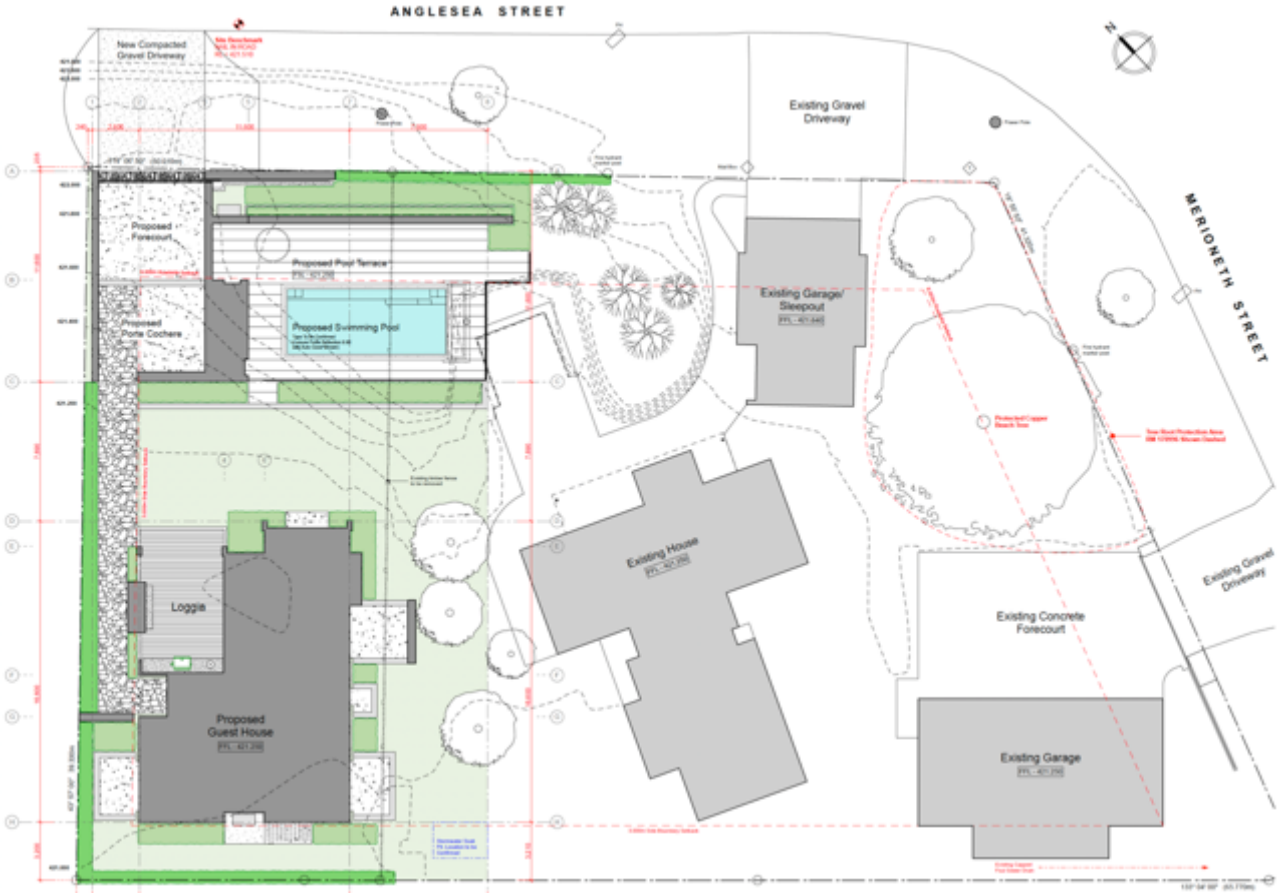


Figure 1 – Development Overview

Enabling Earthworks

In order to prepare the site for development, earthworks are required. The design of the earthworks is of a general shallow excavation over the western portion of the site, formation of the vehicle crossing, plus a dig-out of the swimming pool. Details of the proposed earthworks are as follows:

- Approximate Volume of Cut: 592m³
- Approximate Area of Exposed Cut: 975m^2
- Maximum depth of Cut: 2.9m (Swimming Pool)

A short-form environmental management plan (EMP) has been prepared and is attached to this application. This EMP details the proposed environmental protection measures/operating procedures that will be installed/undertaken to ensure the earthworks

are contained within the site, and undertaken in a manner that minimises adverse effects on the environment.

Upon completion of earthworks, all disturbed areas will be stabilised and re-seeded.

Proposed Residential Unit

Upon completion of earthworks, a new residential unit (which will be used as a guest house) will be constructed in the western extent of the property. The guest house will have an area of 145.5m² as measured over the foundations, and a maximum height of 5m (other than chimney flues which will protrude above this).

The zone rules of the Arrowtown Residential Historic Management Zone (ARHMZ) permit one residential unit per 650 square metres of net site area, so the property is of sufficient size to accommodate two residential units under the rules of the District Plan.

The residential unit will contain two bedrooms, open-plan kitchen/living/dining areas, a semi-enclosed loggia, laundry and storage areas.

The building will be positioned 3.2m from the south-western boundary and 3.47m from the north-western boundary. A small portion of the loggia outdoor fireplace/cooking appliance structure will encroach the 3m setback from the north-western boundary by 0.45m for an area of 1.2m^2.

The building form will be comprised of two gables interconnected by a near-flat roof structure. Proposed colours and materials will be as follows:

- Roof: Corrugated Colorsteel in ‘Flaxpod’

- Wall cladding: Cluden schist stone veneer and horizontal rusticated cedar Weatherboards stained with: Resene Woodsman ‘*Shadow Match’*

- Joinery: Aluminium in Duralloy ‘Flaxpod Matte’

- Painted Steel Structure including Chimneys Colour: Resene ‘Element’ (LRV 6%)

Subdivision of this residential unit is not proposed at this point in time.

Proposed Accessory Buildings

An in-ground swimming pool is proposed approximately 6m from the Anglesea Street boundary. This swimming pool will be surrounded by an uncovered pool terrace.

To the north-west of the pool will be a covered porte cochere building (essentially a covered car parking area) that will also contain a plant room for the swimming pool, and toilet/shower.

This porte cochere/plant/bathroom building will be of a low profile (max 4m above original ground level) and clad in schist stone veneer with a limited extent of horizontal painted steel.

Access

Access to the new residential unit and porte cochere parking area will be via a new vehicle crossing that will be formed off Anglesea Street. The vehicle crossing will be constructed from compacted gravel to match the appearance of vehicle crossings throughout Arrowtown. Once inside the site, the driveway will be exposed aggregate concrete to create a more durable surface, consistent with the Merioneth Street frontage. Exposed aggregate concrete is a listed alternative option in the Arrowtown Desgin Guidelines (4.14.1.1(a)).

The new vehicle crossing off Anglesea Street will be composed of compacted gravel and will feature a transparent sliding gate approximately 1.1 metres in height—matching the Merioneth Street entrance. It is noted that the District Plan permits two vehicle crossings (each with a maximum width of 6 metres) on a road frontage greater than 19 metres (rule 29.5.19 of the Proposed District Plan).

The forecourt will be enclosed by stone-clad walls, matching the buildings on site, with a maximum height of 2 metres.

Landscaping

The existing timber fencing on the property will be removed. Hedging will be planted around the perimeter of the building area except where schist stone walls or the porte cochere will be constructed.

Services

The new residential unit (and accessory buildings) will be connected into the existing water supply, wastewater disposal, electricity, and fibre internet networks already available to the site. There is no reticulated stormwater disposal in the area, so stormwater will be disposed of via on-site soakage. The details of these connections will be assessed and inspected by QLDC as part of the relevant Building Consent processes.

Site and Locality Description



Figure 2 – Application Site



Figure 3 – Newly Acquired North-Western Extent

The site is legally described as Lot 1 Deposited Plan 586482 as held in Record of Title 1109646, with a street address of 24 Anglesea Street in Arrowtown (as seen in Figure 2).

The site is located within the Arrowtown Residential Historic Management Zone of the PDP. The site contains an existing residence, constructed around the year 2000. There is also an existing garage/sleepout accessory building on the Anglesea Street frontage, and a new garage in the south-eastern corner (as approved by RM211107).

The site also contains a protected Copper Beech Tree (#34), with a previous walnut tree (Fagus Sylvatica var. purpurea) having been removed as authorised by resource consent RM170996.

The newly acquired portion of the site is as seen in Figure 3 and is currently vacant other than an internal fence and a post/rail road frontage fence/gate (both of which will be removed to accommodate the proposal). The land gradually slopes down from the road boundary before becoming mostly flat.

The wider surrounding environment consists of primarily residential living activities.

Relevant Site History

Resource Consent RM980389 was granted on 16 February 1999 to erect a dwelling and garage at the corner of Anglesea & Merioneth Streets.

Resource Consent RM170996 was granted on 15 December 2017 to remove a character tree (walnut) and undertake works within the root protection zone of another character tree (Copper Beech - Item 34). This consent has been given effect to.

Resource Consent RM211107 was granted on 3 February 2022 for a new garage accessory building exceeding maximum height and encroaching into a road boundary setback and removal of a street tree. This consent has been given effect to.

Resource Consent RM220889 was granted on 02 December 2022 for a boundary adjustment creating Lot 1 at 2280m^2 and a balance title consisting of two amalgamated lots at 1032m^2. This consent has been given effect to and enlarged 24 Anglesea Street to the current size.

2. ACTIVITY STATUS

2.1 THE OPERATIVE DISTRICT PLAN

The subject site is zoned ‘Residential Arrowtown Historic Management Zone’ in the Operative Queenstown Lakes District Plan. However, given all relevant rules of the replacement PDP Zone are no longer subject to appeal, the ODP is deemed inoperative in relation to the proposal.

2.2 THE PROPOSED DISTRICT PLAN

Council notified its decisions on Stage 2 of the Proposed District Plan on 21 March 2019. The subject site is zoned 'Arrowtown Residential Historic Management Zone' in the PDP and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 10.4.6 for the proposed buildings. Council's discretion is restricted to the following with the Arrowtown Design guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the restrictions of discretion):

  a. how new or altered buildings make a positive contribution to the heritage character of the zone;
  b. building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch;
  c. exterior materials and colour;
  d. d. landscaping and fencing;
  e. e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:

  i. the nature and degree of risk the hazard(s) pose to people and property:
  ii. whether the proposal will alter the risk to any site; and
  iii. the extent to which such risk can be avoided or sufficiently mitigated.

- A **non-complying** activity pursuant to Rule 10.5.4 as the total area covered by building coverage and impervious surfaces will exceed 35% of the net site area, being 47.78% (note that the swimming pool and pool terrace has been included in this calculation).

- A **restricted discretionary** activity pursuant to Rule 10.5.5 to construct the proposed accessory buildings (swimming pool and associated plant/bathroom building; and porte cochere) within the road boundary setback from Anglesea Street (being closer to the road boundary than the existing dwelling in this case). These buildings will be slightly over 6m from the Anglesea Street boundary.

  Council's discretion is limited to the following with the Arrowtown Design guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):

  a. streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street;
  b. building dominance on neighbouring properties and the street;
  c. landscaping;
  d. parking and manoeuvring.

- A **restricted discretionary** activity pursuant to Rule 10.5.6 as a small part of the guest house building (chimney structure) will encroach the 3m setback from the north-western boundary by 0.45m for an area of 1.2m^2.

Council's discretion is limited to the following with the Arrowtown Design guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):

a. effects on open space, privacy sunlight access and amenity values of neighbouring properties; and
b. building dominance.

Proposed Chapter 25 – Earthworks

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2. Rule 25.5.3 in Table 25.2 specifies a maximum total volume of 100m^3 earthworks in the ARHMZ Zone.

  The proposal includes 592m³ of earthworks, thus not complying with this rule. The Council's discretion is restricted to Council's discretion is restricted to the following matters:

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

- A **restricted discretionary** activity pursuant to Rule 25.5.15 which requires that the maximum depth of any cut shall not exceed 2.4 metres. The proposed maximum depth of cut (for the swimming pool) will be 2.9m. The Council's discretion is restricted to the same matters as outlined above for Rule 25.4.2 above.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.21 as more than 300m^3 of cleanfill will be exported off the site/transported by road to or from an area subject to earthworks. Council's discretion is restricted to: Effects on infrastructure, adjacent sites and public roads; nuisance effects; functional aspects and positive effects.

2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on our review of the Queenstown Lakes District Council and Otago Regional Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

Overall, the application is considered to be a **non-complying** activity.

3.0 SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

- We are not requesting public notification of the application.
- Provided a request is reasonable, we are unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act.
- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification precluded

- Public notification is not required by any rule of national environmental standard.
- The proposal is not a controlled activity or (solely) a boundary activity.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

- Public notification of this application is not specifically required under a rule or national environmental standard.

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is therefore made in Section 5 below.

Step 4 - public notification in special circumstances

In this case it is considered that no special circumstances exist.

4.0 EXCLUSIONS FROM ASSESSMENT (s95D(D))

a) The Council must disregard any effects on persons who own or occupy:

ii) the land in, on, or over which the activity will occur; or
iii) any land adjacent to that land; and

In this instance the persons considered to be those listed above are marked with a red 'X' in Figure 4 below:



Figure 4 – Subject Site & Adjacent Persons

b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; "the permitted baseline":*

In this case there is no relevant permitted baseline given a resource consent is needed to undertake significant external alterations to buildings in the zone and to construct new buildings.

c) *in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion:*

N/A – overall the application is considered to be a non-complying activity.

d) *must disregard trade competition and the effects of trade competition:*

There are no effects of trade competition relevant to the current proposal.

e) *must disregard any effect on a person who has given written approval to the relevant application:*

N/A – No person has provided written approval to the application, nor are any written approvals considered necessary.

5.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

The following assessment of effects on the environment a) includes the information required by clause 6 (Schedule 4 of the RMA); and (b) addresses the matters specified in clause 7; and (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

For readability the following assessment does not use the specific wording outlined in clauses 6 and 7. However this assessment has been prepared to address the requirements of these clauses.

Enabling Earthworks

Erosion and generation/run-off of sediment is a key potential adverse effect resulting from any earthworks. The residential development of the site is anticipated by the subject zoning. Inherently this means a degree of earthworks are also anticipated to give effect to this land use. They key is to ensure the sufficient avoidance and mitigation of effects of earthworks, particularly above and beyond the permitted baseline.

When assessed against the *QLDC Guidelines For Environmental Management Plans*, the project is determined to be of a 'low risk', and accordingly a short-form Environmental Management Plan (EMP) is required.

A short-form EMP has therefore been prepared and is attached to this application. This EMP details, in particular, the proposed erosion/sediment control measures along with other measures design to manage water quality, dust emissions, and noise/vibration.

Dirty/sediment-laden water will be filtered by silt fencing along the side and downslope extent earthworks as the over-arching method to avoid the potential for adverse run-off / sedimentation effects.

These mitigation measures will be installed in general accordance with *Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).*

Any nuisance effects associated with earthworks will be temporary and cease after the works have been completed. While truck movements will be required to export earth material, the surrounding road network is existing and will suitably accommodate these temporary truck movements.

Conditions of consent restricting works to reasonable daylight hours, compliance with the NZ construction noise standard, and implementation of dust suppression and environmental protection measures are all anticipated. These measures would all effectively avoid and mitigate adverse nuisance effects – ensuring that such effects are less than minor.

Overall adverse effects on the environment are concluded to be less than minor with respect to earthworks.

Proposed Buildings

The principal tool to be used when considering the proposed buildings are the Arrowtown Design Guidelines 2016 (ADG).

The site is identified in Neighbourhood 4 - Top Terrace. Threats identified from inappropriate development include:

- Loss of character and spaciousness through vegetation removal and increased building size.
- Loss of simplicity of the narrow roads, grass verges, gravel shoulders, street trees and hedges.
- Loss of visual supremacy of the Churches.
- Loss of early cottages and small-scale appearance of the cribs
- Owners not looking after heritage buildings.
- Loss of heritage buildings.

As a starting point, extensive consultation on the proposal has been undertaken with the Arrowtown Planning Advisory Group (APAG) during the development of design. This resulted in a number of changes from the design originally sought to ensure greater alignment with the ADG. The APAG report is attached to this application for reference, however the summary is as follows:

"The property was previously subdivided by boundary adjustment to create a larger than typical ARHMZ lot. This proposal follows a recent new garage on the property, and the extended property now allows the space for this proposed guest house. The guest house design is reasonably subservient to the main residence yet can be considered as a dwelling in its own right in terms of the design in relation to the Arrowtown Design Guidelines (ADG).

The buildings largely do follow the ADG in elements, however the scale of the proposal exceeds the max cottage element dimensions.

Flaxpod colour is proposed for the roofing, which is a dark almost black tone, and APAG notes that dark/ black roofs are rare in the ARHMZ. The application notes that the roof is not facing the Anglesea elevation, and is towards the rear of the section. While this is true, APAG recommends a softening of the tone to Grey Friars or similar to better fit into the existing character of the ARHMZ.

The Porte Cochere is an understated flat roofed building that is subservient to the current Anglesea St garage, and the building is set back the full 6m of setback"

Rule 10.4.6 of the PDP sets out specific matters of discretion, which are useful in terms of structuring an assessment of effects on the environment:

a. *How new or altered buildings make a positive contribution to the heritage character of the zone;*

At a high level, the new residential unit has been designed to be sympathetic to (but not imitate) the historical 'cottage' nature of the subject area of Arrowtown. This is achieved by

constructing a form that appears ‘cottage-like’ with a mix of high-quality stone and timber weatherboard claddings.

APAG confirm that the buildings do largely follow the ADG in elements, but exceed the max cottage element dimensions. However, this is counterbalanced by the existing nature of the site with a (relatively) modern existing two-level residence (one of the few two-storey dwellings in the zone), and the large area of the site, being greater than 2000m^2.

APAG also note that the guest house design is reasonably subservient to the main residence yet can be considered as a dwelling in its own right in terms of the design in relation to the ADG (a positive).

The design process has intentionally located the new dwelling toward the rear of the property with the smaller/flat roof porte cochere/swimming pool building closer to the streetscape. While the swimming pool is defined as an accessory building in the PDP, it will be positioned beneath ground level and not be visible from outside the site once the stone walls and hedging are established.

The site is currently vacant and contains a contemporary timber fence that does not align with the heritage values of the AHRMZ. The proposed redevelopment will ensure this land, in time, makes a positive contribution to the heritage character of the overall zone despite the contemporary design and materials.

Finally, while the proposed building coverage and impervious surfaces will exceed 35% of the net site area (being 47.78%) it is noted that the swimming pool and pool terrace has been included in this calculation, which is at or below ground level. APAG have not raised concerns in this regard, and it is noted that the site is large in the context of the ARHMZ – capable of absorbing the coverage proposed. Stormwater will be adequately disposed of via on-site soakage and the proposed landscaping will also assist in mitigating adverse effects in this regard - such that these effects are deemed to be less than minor.

b. Building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch;

As previously outlined, the building has been designed to fit well within the historical context of the ARHMZ, despite the contemporary construction and function.

While appearing sympathetic to the traditional ‘cottage’ built form in Arrowtown, it will be identifiable as contemporary – as sought by Arrowtown Design Guideline 4.6.1.3 - nor will introduce a false history (4.6.1.5).

While the dimensions of the residential unit will be larger than generally sought by design guideline 4.7.2.2, the building will be viewed in context with the larger existing dwelling on the property, and positioned away from the street in order to reduce the perceived mass. On balance, APAG accept the building dimensions.

While a small portion of the building will be positioned within the north-western setback, the level of encroachment is very small and is unlikely to be readily apparent from public places.

The swimming pool, pool bathroom/plant room, and porte cochere will all be setback just over 6m from the road boundary - however will be low-profile in nature, ensuring they will not adversely impact streetscape character or amenity values.

The overall appearance of all buildings will be very high quality with stone veneer cladding and timber weatherboards as the predominant visual elements visible from public places. The roof pitches of the gables (being the primary roof forms) will align with the ADG.

Overall, the proposed building form, appearance, scale and layout will be appropriate in the context of the site and surrounds, resulting in adverse effects on the environment that are less than minor.

c. Exterior materials and colour;

Guideline 4.27 seeks buildings to be constructed from materials traditionally used in the area. The external material and colour selection was re-worked after initial consultation with APAG in order to reduce the extent of stone veneer cladding to be used on the new residential unit. The Applicant and APAG are now in agreement on all materials/colours, other than the roof colour where APAG note:

> *"Flaxpod colour is proposed for the roofing, which is a dark almost black tone, and APAG notes that dark/ black roofs are rare in the ARHMZ. The application notes that the roof is not facing the Anglesea elevation, and is towards the rear of the section. While this is true, APAG recommends a softening of the tone to Grey Friars or similar to better fit into the existing character of the ARHMZ."*

The Applicant has genuinely considered the request, however has decided to retain the roof as 'Flaxpod'. Section 3.22.1.2 of the ADG seeks that 'paint colours should be selected from Resene or Aalto Heritage Colour Charts, or closely compatible with these. Colours brighter in hue to those in the charts should be avoided.'

Both the Resene or Aalto Heritage Colour Charts include colours with a very dark tone, and the Applicant considers alignment has been achieved with these with the use of 'Flaxpod'. While a recommendation of APAG, this matter was not of sufficient importance for APAG to refuse to support the proposal.

The comments made by the Applicant to APAG remain true – the building will be well setback from public places and oriented such that the roofing will not be readily visible face-on. Therefore, it is considered that the use of 'Flaxpod' on the roof is appropriate in the context of the site and surrounds, and will result in adverse effects on the environment that will be less than minor.

Overall, the external colours and materials proposed are deemed to be appropriate and will result in adverse effects on the environment that will be less than minor.

d. Landscaping and fencing;

With respect to landscaping, the primary landscaping proposed is hedging along the boundaries of the lot (where the new developments will be constructed). As noted in the ADG, hedges are an integral part of the Old Town (Arrowtown Town Centre and

Arrowtown Residential Historic Management Zone), and the proposed hedging will enhance this character and represent a significant improvement over the current situation on the property.

With respect to fencing, the existing timber fence bisecting the site constructed prior to the boundary adjustment will be removed. The timber post and rail fence abutting Anglesea Street will also be removed.

Stone-clad walls are also proposed partially along the north-eastern and north-western boundaries. The ADG seeks to not use concrete block or brick masonry walls (plastered or un-plastered) - but rather traditional stone walls. This is why local stonework walls have been selected.

The current landscaping and fencing design has resulted from consultation with APAG, and APAG have no concerns with the proposal in this regard.

Overall, the proposed landscaping and fencing is considered to represent a good outcome for the site and surrounding context, and will align with the outcomes sought by the ADG. Adverse effects on the environment will be less than minor in this regard.

e. *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:*

The subject site is identified on the Council's GIS natural hazard maps as Domain 'A' in the Seismic Liquefaction Otago 2019 categories: *"The ground is predominantly underlain by rock or firm sediments. There is little or no likelihood of damaging liquefaction occurring. In MBIE (2017) terms, liquefaction damage is unlikely"*

It is also identified as Liquefaction Susceptibility risk LIC 1 (P) *"Probably Low Risk"* in the older Queenstown Lakes District 2012 Liquefaction Hazard Assessment.

Given the more recent Domain 'A' categorisation that also applies to the wider area, adverse effects on the environment are likely to be less than minor in this regard. However, it is acknowledged that the Processing Engineer may make comment in this regard.

Summary – Adverse Effects on the Environment

Overall the proposed activity is considered to generate adverse effects on the environment that are minor or less than minor.

6.0 EFFECTS ON PERSONS

6.1 MANDATORY EXCLUSIONS FROM THE S95E ASSESSMENT

Section 95B(1) requires a decision whether there are any affected persons. The following steps set out in this section, in the order given, are used to determine whether the Council should limited notify the application, if the application is not to be publicly notified.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- Limited notification is not required under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

- Limited notification is not required under Step 2 as the proposal is not a controlled activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has provided their approval.

- Limited notification is not required under Step 3 as the proposal falls into the '*any other activity*' category and the effects of the proposal on persons are assessed in section 6.2 below and will be less than minor.

Step 4: Further limited notification in special circumstances

- Special circumstances do not apply that require limited notification, given the proposal is for the residential development of the site as anticipated by the District Plan.

6.2 ASSESSMENT: EFFECTS ON PERSONS AND CONSULTATION



Figure 5 – Subject Site & Adjacent Persons

All Persons – Proposed Earthworks

With respect to earthworks, EMP measures are proposed that will effectively avoid and minimise these adverse effects on all neighbours, such that they will be less than minor. This includes the implementation of erosion/sediment control measures, dust suppression, and limiting earthworks activity to reasonable daylight hours - all to protect the amenity of these persons.

As such, adverse effects on neighbours resulting from the proposed earthworks will be less than minor.

All Persons – Proposed Residential Dwelling and Accessory Buildings

The proposed residential dwelling and accessory buildings are anticipated by the PDP – with the zone rules, matters of discretion, and policy framework seeking development that is complimentary to the historic character of Arrowtown's 'Old Town'.

While the proposal will result in a second residential unit on the property, the site is of sufficient size to accommodate two dwellings while still complying with the zone density standards.

Extensive consultation has been undertaken with APAG to ensure the design does align with the outcomes sought by the ADG, or any departures to the guidelines sufficiently justified.

As determined in the s95A assessment above, the outcome for the site and surrounding context will be a good one, and will align with the outcomes sought by the ADG.

While further assessment will be made in respect of the north-western neighbour (20 Anglesea Street) in relation to an element of the dwelling within the boundary setback, it is concluded that adverse effects on the owners/occupiers of all neighbouring properties will be less than minor in relation to the proposed residential dwelling and accessory buildings.

North-Western Neighbour (20 Anglesea Street)

In addition to the above general assessment, it is noted that a small part of the guest house building (chimney structure) will encroach the 3m setback from the north-western boundary by 0.45m for an area of 1.2m^2. This area is shown shaded in blue in Figures 6 and 7. Additional assessment is therefore warranted on this person in this regard.

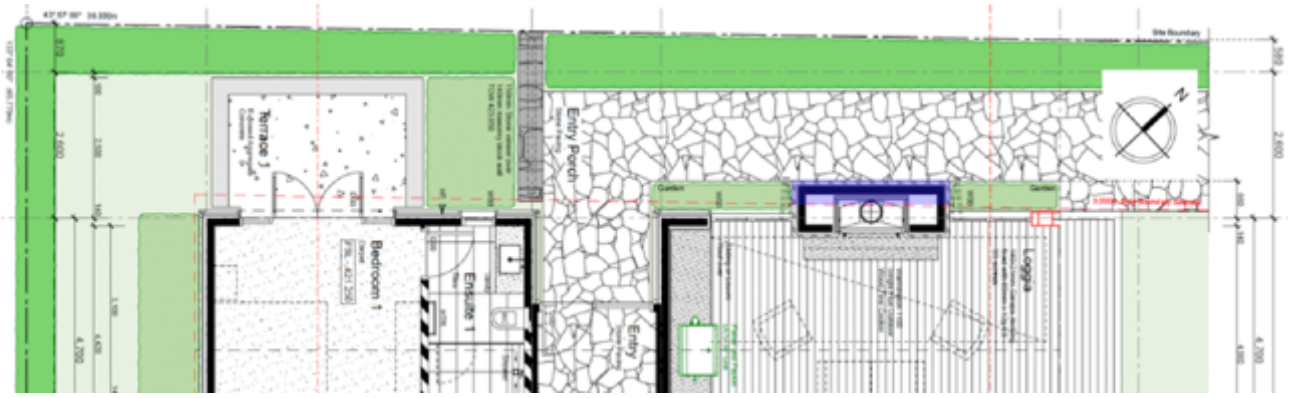


Figure 6 – Boundary Setback Encroachment (Shaded Blue)



Figure 7 – Boundary Setback Encroachment (Shaded Blue)

From an adverse effects standpoint, it is noted that Rule 10.5.6.2 exempts accessory buildings within the setback distance, providing they do not exceed 7.5m in length and comply with a recession plane of 2.5m vertical measured at the boundary, and a 35-degree plane inwards.

While the subject area of the building is not an 'accessory building', this rule does create a permitted baseline of buildings within setbacks, and the proposed encroaching area of the chimney does comply with the recession plane.

The subject area is low-profile/single level (ensuring shading effects would not be of concern) and does not contain any windows or openings – protecting the privacy and residential amenity of this neighbour.

While not considered to be necessary for mitigation purposes, the proposed hedging will, in time, grow to completely screen this element of building from view of the neighbouring property.

Overall, it is concluded that the small area of encroachment of the building into the north-western setback will result in adverse effects on the owners/occupiers of 20 Anglesea Street that are less than minor. This person is not considered adversely affected.

Summary – Adverse Effects on Persons

Overall, adverse effects resulting from the proposal on the owners/occupiers of all neighbouring properties are concluded to be less than minor. No person is deemed adversely affected.

7.0 OVERALL NOTIFICATION ASSESSMENT

Given the assessments undertaken and conclusions made in Sections 3-6 above, it is considered that the Council should proceed with processing the application on a non-notified basis.

8.0 RELEVANT DISTRICT PLAN PROVISIONS

8.1 OBJECTIVES AND POLICIES - OPERATIVE DISTRICT PLAN

Chapter 22 (Earthworks)

The relevant objectives and policies of Part 22 seek to avoid, remedy or mitigate the adverse effects of earthworks on rural landscapes and visual amenity areas, and ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding.

In this case the proposed earthworks are necessary to facilitate the zoned and anticipated residential use of the land and are not considered to be excessive. The above assessment has determined that the adverse visual effects of earthworks will be mitigated and works are unlikely to lead to instability or affect neighbouring sites, subject to standard conditions of consent. Environmental protection and nuisance avoidance measures will be put in place during earthworks.

Accordingly, the proposal considered to align with the relevant objectives and policies of Chapter 22.

8.2 OBJECTIVES AND POLICIES – PROPOSED DISTRICT PLAN

The relevant objective and policies of the Proposed District Plan are as follows:

Proposed Chapter 10 – Arrowtown Residential Historic Management Zone

10.2.1 **Objective — Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger sites, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.**

Policies

10.2.1.1 Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.

10.2.1.2 Encourage buildings to be located and designed in a manner that complements the character of the area guided by the Arrowtown Design Guidelines 2016.

The proposal will align with Objective 10.2.1 and associated policies which seek to retain and enhance the historic character and amenity values of the zone.

The proposed buildings have been designed to be compatible with the existing dwelling and surrounds, are supported by the APAG, and will generally align with the ADG 2016 – protecting the special character of the area.

10.2.1.3 Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.

Subdivision is not proposed by the current application – however the site is of sufficient size to accommodate the development and density proposed – ensuring the retention of Arrowtown's character.

10.2.3 **Objective - Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks**

Policies

10.2.3.1 Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.

10.2.3.2 Encourage low impact approaches to stormwater management.

The proposed vehicle crossing will be constructed from compacted gravel to both be consistent with the character of Arrowtown, and also assist with stormwater management. The location of the crossing will be well-suited to enable the efficient access to/from the porte cochere and will not pose safety concerns given the excellent sightlines and complying distances from intersections.

Therefore, the proposal will not be contrary to the provisions of Proposed Chapter 10.

Proposed Chapter 25 – Earthworks

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

The policies supporting Objective 25.2.1 seek to ensure earthworks minimise erosion, land instability, and sediment generation; avoid/minimise inappropriate adverse effects on sensitive landscapes/natural areas, Māori cultural values, heritage values and public access; avoid/mitigate adverse effects on visual values; do not affect infrastructure, adjoining sites, or water bodies; ensure appropriate procedures in place to protect cultural heritage; ensure related traffic effects are managed; and minimise the risks of natural hazards to people and property.

As has been assessed, the proposed earthworks will be undertaken in a way that will minimise the potential for adverse nuisance effects – particularly from erosion/sediment run-off and dust.

While temporary adverse effects on the urban landscape will occur while earthworks are undertaken, the final extent of the development will be constructed over these areas and enhance visual amenity values.

Overall, the proposal will align with the relevant objectives and policies of Proposed Chapter 25.

Summary – Proposed District Plan Objectives and Policies

Overall, the proposal is considered not to be contrary to the relevant objectives and policies of the Proposed District Plan.

8.3 OBJECTIVES AND POLICIES – WEIGHTING AND CONCLUSION

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the Operative District Plan and the Proposed District Plan, no weighting assessment between the Operative District Plan and Proposed District Plan is required.

Overall the proposal is considered to align with the relevant objectives and policies of the District Plan.

9.0 OTHER MATTERS

- **Hazardous Substances:** The activity does not involve hazardous substances or installations.

- **Contaminants:** The activity will not involve the discharge of any contaminants.

- **Mitigation Measures:** Other than anticipated standard conditions of consent, no specific mitigation measures are proposed, nor considered necessary.

- **Monitoring:** No monitoring is required for the proposal except standard conditions of consent.

- **Protected Customary Rights:** The activity will not offend any protected customary rights.

10.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES

Section 104(D) prescribes that consent can only be granted for a non-complying activity if the adverse effects of the activity on the environment are no more than minor, or the activity will not be contrary to the objectives and policies of the District Plan.

In this instance, the above assessment has determined that the adverse effects of the activity on the environment will be no more than minor, and the proposal is also not contrary to the relevant objectives and policies of the District Plan.

Therefore, it is determined that the Council can proceed to making a substantive decision on this application.

11.0 PART 2 OF THE RESOURCE MANAGEMENT ACT

Section 5 of the RMA sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Given the assessment of effects undertaken above, it is considered that the proposal will represent sustainable management.

Section 6 of the RMA sets out the matters of national importance. None of these matters is strictly relevant to the current proposal.

The proposal will align with the requirements of Section 7 of the RMA by representing kaitiakitanga, the ethic of stewardship, and the maintenance of the quality of the environment.

Finally, the proposed activity is highly unlikely to offend any of the Principles of the Treaty of Waitangi as required by Section 8.

Overall the development proposed is considered to be consistent with Part 2 of the RMA.

12.0 CONCLUSION

Consent is sought to undertake earthworks and construct a new residential unit and accessory buildings at 24 Anglesea Street, Arrowtown.

The above assessment has determined that the resulting adverse effects on the environment will be less than minor and effectively mitigated, that no party is considered to

be adversely affected, that the proposal will align with the relevant objectives and policies of the District Plan, and will adhere to the requirements of Part 2 of the RMA.

Accordingly, it is requested that the Council grant resource consent to the proposal on a non-notified basis as sought, subject to appropriate conditions of consent.



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