LAND USE CONSENT APPLICATION
KANUKA RISE, WANAKA

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Contents

1.0 Introduction 3
2.0 The Land 3
2.1 Location and Legal Description 3
2.2 Site Description 3
2.3 Consent History 3
3.0 The Proposal 3
3.1 Building Construction 3
3.2 Earthworks & Landscaping 4
4.0 District Plan & RMA Provisions 4
4.1 Operative District Plan (ODP) 4
4.2 Proposed District Plan (PDP) 4
4.3 Consent Notice Changes 5
5.0 Effects on Persons 5
6.0 Assessment of Environmental Effects 6
6.1 Permitted Baseline 6
6.2 Roof Design & Colour 6
6.3 Earthworks 8
7.0 Section 104 Assessment 9
7.1 Effects (s104(1)(a)) 9
7.2 Objectives and Policies of District Plan (s104(1)(b)(vi)) 9
7.3 Part 2 of the RMA 10
8.0 Conclusion 10

1.0 Introduction

This application is for landuse consent to undertake earthworks and construct a new residential unit. The proposal requires consent to alter a consent notice condition for roof pitch and colour.

2.0 The Land

2.1 Location and Legal Description

The site is 1.1912ha in area and is legally described as Lot 6 DP342092, comprised in Record of Title 173123.

The site is located at 69 Kanuka Rise, Albert Town, Wanaka. Kanuka Rise is a private right of way, accessed off Aubrey Road. The site is on the north facing lower slopes of Little Mount Iron.

2.2 Site Description

The site is rectangular in shape and is moderate to steeply sloping in topography. The majority of the land is clad in mature native Kanuka. A building platform has been established on the lot, located in the northern quarter, with a sealed access driveway. Earthworks were undertaken in this area as part of an approved earlier consent, see further below.

2.3 Consent History

The site and building platform were originally established via subdivision consents RM000680 and RM030070. Consent Notice 5746110.4 was registered in accordance with the subdivisions, within which the subject site is referred to as Lot 3, with the building platform registered as Covenant Area G. For reference a copy of Title Plan DP 323144 is attached.

Subsequently the subject site Lot 6 was established via subdivision consent RM030967, with the same building platform, Area G, carried over to the new Record of Title. Consent notice 6339728.6 was registered via this subdivision.

A previous consent RM180189 was approved to construct a new dwelling and garage with associated services and earthworks; and to change conditions of Consent Notice 5746110.4 to enable a height breach and roof pitch design of 5^0 – 8^0. The majority of the earthworks approved within this consent were undertaken in 2019 however no building construction commenced and the consent has now lapsed. The site is under new ownership.

3.0 The Proposal

3.1 Building Construction

The applicant proposes to construct a new residential unit, which comprises a dwelling (144.4m^2), and attached carport (22.6m^2 area). The residential unit is below the consent notice maximum height of 6.0m above ground level.

The proposed building will comprise the following external materials:
Roof: Long run, corrugate profile, pre-painted steel, colour Sandstone Grey (LRV 27%);
Walls: Vertical, tray profile, pre-painted steel cladding, colour TidalDrift Matte (LRV 13%); and
Timber weatherboards with oil stain finish; and
Stacked local schist stone.

The roof pitch is proposed as 8 degrees, however the consent notice requires roof pitch between 25^0 to 45^0. The proposed roof colour is not fully compliant with the consent notice listed colours (although the wording does provide for 'similar natural colours'), nor the Large Lot Residential B colour rules where the maximum reflectance value for roofs is 20%.

3.2 Earthworks & Landscaping

The majority of the earthworks approved within the original consent (RM180189) were undertaken on the site in 2019. The proposed further earthworks required are a cut volume of $230m^3$ and fill of $100m^3$, being a cut to fill total volume of $330m^3$. The maximum cut height from the original ground line is 2.4m, with a maximum height of 3.48m to the top of the cut batter. Maximum fill height is 1.5m. Cut and fill areas behind the dwelling and toward the front will be battered. Concrete masonry retaining walls will be constructed around the carport.

A Landscape and Vegetation plan is attached in accordance with the consent notice conditions. The site is extensively landscaped. Some minor additional landscaping is proposed upon completion of earthworks.

An earthworks Environmental Management Plan (EMP) has been prepared by Steve Hewland, Hewland Projects Ltd.

4.0 District Plan & RMA Provisions

4.1 Operative District Plan (ODP)

The land is located within the Rural Residential Zone in the ODP. Under s86F the rules of the ODP are treated inoperative, and therefore there are no relevant rules in the ODP in relation to the proposal.

4.2 Proposed District Plan (PDP)

The subject site is zoned Large Lot Residential B (LLR B) in the Proposed District Plan (PDP). The proposal requires resource consent for the following:

- A **restricted discretionary** consent pursuant to Rule 11.5.10 b. for Building Materials and Colours, where pre-painted steel, and all roofs shall have a reflectance value not greater than 20%. The proposed Sandstone Grey roof has an LRV of 27%; and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.15 for earthworks, as the maximum depth of cut exceeds 2.4m. The proposed maximum cut height (to the top of the batter) is 3.48m.

4.3 Consent Notice Changes

Consent is requested to change condition (f) (iv) and (v) of consent notice 5746110.4 as it relates to Lot 6 DP342092. This requires consent as follows:

- A **discretionary** activity pursuant to Section 221(3) of the RMA 1991 for a change of consent notice condition (f) (iv) and (v) of consent notice 5746110.4 as it relates to Lot 6 DP342092.

Condition (f) of consent notice 5746110.4 is worded as follows (with suggested changes shown as added text underlined):

(f) That the design and external appearance of any future dwelling located on the building platforms located on Lots 1-2 and covenant area 'G" within Lot 3 shall be in accordance with the following building controls offered by the applicant:

(i) Height – no structure shall exceed 6 metres above the existing ground level. The definition of the height shall be as defined in the Queenstown Lakes District Council Proposed District Plan 1998.
(ii) Wall claddings shall be in timber, concrete, plaster or schist stone generic to the area or colour steel in recessive colours.
(iii) Wall colours shall be natural or in the range of mid to dark browns, tussock, greens or greys.
(iv) Roof pitch shall be between 25 to 45 degrees. Flat roofs are permitted as connections between structures and shall not exceed 20% of the total roof area, with the exception of the development approved under RM26XXXX.
(v) Roof cladding shall be in colour steel or natural products such as timber shingles.
(vi) Roof colours shall be of low reflectivity and natural. Corrugated iron shall be one of the following colours: Lignite, Ironsand, Kauri, Grey Friars, or New Denim Blue (Coloursteel Colours) or similar natural colours, with the exception of the development approved under RM26XXXX.

5.0 Effects on Persons

The development will not appear out of character in the local environment, with both 65 Kanuka Rise (adjoining lot to the south west) and 56 Kanuka Rise (to the west) also having a mono-pitch roof design. Further, the dwelling at 34 Kanuka Rise (adjoining lot to the north) comprises a Sandstone Grey roof colour.

The mono-pitch roof design allows for a lower overall building height which is considered to have a positive benefit to surrounding properties, in lessening dominance and outlook effects. The roof pitch slopes away from the slope of the hill, which reduces visibility of the top surface of the roof.

Appropriate internal boundary setbacks are maintained and the lots are large in size. Building coverage is low for the site, located within the approved platform, and substantial existing Kanuka vegetation provides good screening between properties.

The resulting effect will be of a high quality finished development that does not detract from the pleasantness of the site as viewed from the adjoining sites.

In regards to earthworks, expected consent conditions limiting hours of operation to standard earth-working hours, and Environmental Management Plan (EMP) conditions related to noise and nuisance, should satisfactorily mitigate any short-term noise effects on persons, provided contractors adhere to the restrictions. Land stability is expected to be addressed via the structural engineering undertaken for the development and building consent process.

Overall, it is considered that any adverse effects on persons from this activity will be less than minor.

6.0 Assessment of Environmental Effects

6.1 Permitted Baseline

Sections 95D(b) and 95E(2)(a) provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'.

The permitted baseline for the site is that a residential unit, including accessory buildings, can be constructed as a permitted activity, provided it complies with the site and zone standards of the zone, and consent notice restrictions (which include building within a specified platform). Of relevance, these include a maximum height of 6m, building coverage of 15% and recessive colours and materials.

Earthworks are permitted up to 400m^3 within a 12 month period, with the maximum permitted cut depth 2.4m, and fill depth 2.0m.

The permitted baseline is of some relevance when considering this application.

6.2 Roof Design & Colour

Thermal Efficiency

The applicants propose as light a colour as possible on the roof for thermal efficiency reasons. Kat West, Registered Architect of Red Gecko Ltd, advises the following:

"Dark colours have implications for building performance and durability. Many cladding materials have restrictions on low LRV coatings for this reason. The darker the colour the more heat it absorbs. This translates to the material expanding and contracting on a daily basis, which adds stress to the underlying structure and fixings, as well as often causing the coating itself to crack. In addition, dark colours increase the ambient temperature inside a building by as much as 25^0C, depending on the colour and aspect. The end result of this extra transfer of heat to the inside of the building is that you need to compensate with both extra insulation and air conditioning to actively cool the building. These both require extra energy resources to compensate for the darker colour and hence have an impact on energy use and carbon footprint."

Landscape & Visual Effects

For the reflectance value breach of Rule 11.5.10, Council restricts discretion to the following matter:

a. *landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.*

The low-pitch roof design (rather than gable) allows for a lower overall building height, lessening dominance and visual effects. The roof pitch slopes away from the slope of the hill, which reduces visibility of the top surface of the roof. The overall colour scheme of the residential unit comprises recessive browns and greys. The resulting effect is a high quality design, despite not having a gabled roof form, which still maintains compatibility with surrounding existing developments.

Both 65 Kanuka Rise (adjoining lot to the south west) and 56 Kanuka Rise (to the west) also have a mono-pitch roof design. Further, the dwelling at 34 Kanuka Rise (adjoining lot to the north) comprises a Sandstone Grey roof colour. This roof colour was approved via RM120414 under the ODP Rural Residential zoning at the time. In the Council decision document it is stated:
"The proposal has been assessed by Landscape Architect for Lakes Environmental Richard Denney. Mr Denney considers that the above colours and material would be recessive."

Building coverage is very low for the site and substantial existing Kanuka vegetation will assist with absorbing the development into the site. A landscape and vegetation management plan is provided, as required by consent notice, and this ensures long term partial screening of the development.

The previously approved consent for the site RM180189 approved a low pitch roof design combined with a height breach. The Council decision for this consent includes the following paragraph (Section 3.3.4), and it is considered that some aspects of this assessment remain relevant for the current application:

The proposed roof pitch of the dwelling is 5 degrees and the garage is 8 degrees. The proposed roof pitch is not in accordance with Condition 7(iv) the consent notice, which requires roof pitch to be between 25 to 45 degrees and permits flat roof connections between structures but not exceeding 20 % of the total roof area. It is understood that the roof pitch condition and additional design controls within the consent notice were volunteered by the developer at the stage of subdivision to provide design controls for future buildings. However the controls were not proposed to reduce visibility of buildings from Aubrey Road. The proposed dwelling and garage are will not be highly visible from Aubrey Road given the significant amount of Kanuka that exists on site. Further the dwelling would be viewed be people driving, cycling or walking along Aubrey Road and therefore the dwelling would only be viewed within the kanuka for a brief moment. A dwelling that complied with height and roof pitch would likely be less visible from Aubrey Road given that it would not have a long face fronting north. The proposed dwelling may appear dominant and larger than is anticipated in this area given the flatter roof will result in a long face on the northern elevation, however it is considered the adverse effects arising from this are less than minor given that the dwelling will not be highly visible from Aubrey Road or other public places. It is noted that there are a number of other dwellings in this subdivision and surrounding area with low roof pitch.

It is considered there are some positive effects associated with energy efficiency, reduction in height (from a gabled roof form with steeper pitch), and overall visibility when considering the proposed lower pitched roof design in a mid-grey tone.

6.3 Earthworks

Matters of discretion from Part 25.7.1 of the PDP are as follows:

- 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.

The proposed earthworks are required to effectively bench a sloping site for construction of a residential development.

An Environmental Management Plan (EMP) is included for the site development. Mitigation measures are included in the EMP. This includes sediment and dust control and appropriate hours of operation, lessening nuisance effects. Revegetation of the site around the building will follow upon completion of the building development. Visually there are no anticipated adverse effects, with the building and landscaping to eventually mitigate visual effects of the exposed earthworks to an acceptable level.

The batters to the rear of the dwelling will be generally screened by the building when viewed from off the site. Batters toward the front of the dwelling will be planted with vegetation, and will be screened by the existing mature kanuka below the building platform when viewed from off site.

Expected consent conditions limiting hours of operation to standard earth-working hours, and Environmental Management Plan (EMP) conditions related to noise and nuisance, should satisfactorily mitigate any short-term noise effects on persons, provided contractors adhere to the restrictions. Land stability is expected to be addressed via the structural engineering undertaken for the development and building consent process. The proposed earthworks, and overall nature and scale of the residential construction, is compatible with the receiving environment. The resulting effect will be of a high quality finished development that does not detract from the pleasantness of the site.

There are no known cultural or heritage sites in the vicinity.

According to the Otago Regional Council Natural Hazards Portal, the site is not subject to any known or identified natural hazards.

Overall, the potential adverse effects of the proposed earthworks are considered to be less than minor, provided they are undertaken in accordance with the EMP and consent conditions.

Overall, the residential unit is of an appropriate nature and scale, given the established building platform and permitted baseline, with only minor breaches proposed. The site is readily able to absorb the building and activity with no more than minor effects on the surrounding environment.

7.0 Section 104 Assessment

7.1 Effects (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 6 of this report.

7.2 Objectives and Policies of District Plan (s104(1)(b)(vi))

Proposed District Plan

In terms of the Proposed District Plan (PDP), the Policies and Objectives contained within *Chapter 11 (Large Lot Residential)* and *Chapter 25 (Earthworks)* are relevant.

The Chapter 11 objectives and policies seek maintenance of a high quality of residential amenity values within the zone. Low density character is achieved with the proposed development being within the appropriate site coverage, and the dwelling is located within the previously identified building platform. Visually there are no anticipated adverse effects, with the building construction set within available topography, and substantial vegetation to provide screening. The surrounding landscape of large residential lots will retain the existing visual amenity values. The proposed roof pitch and colour will be compatible with surrounding residential developments on adjoining lots.

The combination of topography, location and building design, and existing vegetation provides effective mitigation such that the proposal is unlikely to result in adverse privacy effects, nor affect the views and outlook from neighbouring properties. A landscape and vegetation management plan

is provided, as required by consent notice, and this ensures long term partial screening of the development.

Chapter 25
The Earthworks objectives and policies, among other things, seek to ensure the activity minimises erosion, land instability, sediment generation and off -site discharge during construction activities; and encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects and nuisance effects of construction noise, vibration, odour, dust and traffic.

It is expected that consent conditions typical of such earthworks consents (including EMP requirements and noise management) will manage and mitigate any potential adverse effects and nuisance effects. The proposal is therefore in accordance with the relevant objectives and policies of Section 25.

The proposal is in accordance with the relevant objectives and policies of the District Plan.

7.3 Part 2 of the RMA

The proposal will promote the purpose and principles of the Act. The development will result in sustainable management of natural and physical resources, whilst avoiding, remedying or mitigating adverse effects on the environment. The development avoids or mitigates adverse effects on the environment through mitigation measures of recessive design, height, use of topography and vegetation. The proposal for a lighter roof colour is thermally efficient and reduces reliance on energy resources.

8.0 Conclusion

This application seeks approval to undertake earthworks and construct a new residential unit, within an approved building platform, with minor breaches of consent notice conditions. Overall, the residential unit is of an appropriate nature and scale, given the established building platform and permitted baseline, with only small breaches proposed.

The existing character and amenity values will be maintained. It is considered that the proposal can be absorbed into the local environment with no more than minor effects on the surrounding environment.



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