Reference	26.055
Date	29 June 2026
Location	13 McLeod Avenue, Wānaka
Legal Description	Lot 84 Deposited Plan 537105 held in Record of Title 898675
Applicant	Bartley and Angela Thomas and Aquarius Trustees (AMN) Limited
Territorial Authority	Queenstown Lakes District Council
Plan	Queenstown Lakes District Plans – Proposed and Proposed Urban Intensification Variation (UIV)
Zoning	Medium Density (Proposed) and Medium Density (Proposed UIV)
Proposal	Resource consent is sought to undertake earthworks and construct a retaining wall and fence that breach the internal setback and height recession planes
Activity Status	Restricted Discretionary Activity Land Use - Proposed District Plan Restricted Discretionary Activity Land Use - Proposed District Plan UIV

1.0 INTRODUCTION

1.1 This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

2.0 LEGAL DESCRIPTION

2.1 The application site is legally described as Lot 84 Deposited Plan 537105 held in Record of Title 898675. A copy of the Record of Title and relevant interests are attached as **Appendix A** to this application.

3.0 SITE DESCRIPTION

3.1 The site is located at 13 McLeod Avenue, Wānaka. Please refer to the location plan in **Figure 1** below.



Figure 1 : Application Site

3.2 The application site is located on the corner of McLeod Avenue and Farrant Drive. The site is irregular in shape, 700m^2 in area and slopes down from Farrant Drive towards the west. The site is currently vegetated in grass.

3.3 No vehicle crossing has been formed onto the site as part of the underlying subdivision.

3.4 The site has connections to Council's reticulated water, wastewater and stormwater networks. However Condition a) of Consent Notice 11200115.2 requires that an onsite stormwater attenuation system be designed to provide for all stormwater from impervious surfaces.

3.5 The site also has existing electricity and telecommunications connections.

3.6 The site is located within The Heights subdivision, which accommodates a number of low rise residential dwellings on standalone allotments. The surrounding environment is comprised of the three and four bedroom single family dwellings.

4.0 PROPOSAL

4.1 Resource consent is sought to undertake earthworks associated with the construction of a residential dwelling, the retaining of which will breach the internal boundary setback. Consent is also sought for the fence above the retaining to extend through the height recession plane. A copy of the proposed plans has been included as **Appendix B** to this application.

Buildings

4.2 The four-bedroom dwelling is proposed to be single level with a subfloor garage. The dwelling will include an open plan living, dining and kitchen area that has outdoor living towards the north. The master bedroom will be located over the garage with the three additional bedrooms and a media room on the eastern side of the dwelling.

4.3 The dwelling will have a maximum height of 5.5m above original ground level and be constructed from viblock, cedar and colorsteel cladding all stained or coloured black.

Earthworks

4.4 In order to accommodate the dwelling, 167m^3 of cut and 112m^3 of fill are proposed. This includes cut and fill up to the western boundary of the site. The maximum depth of cut will be 1.75m and the maximum height of fill will be 1.3m.

4.5 Retaining is proposed along the western boundary of the site. The maximum height of the retaining wall will be 1.28m, with a 1.5m fence on top. The top of the fence will extend through the height recession plane by a maximum of 280mm.

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

Servicing

4.7 It is proposed to connect the dwelling to the existing water, wastewater, electricity and telecommunications networks.

4.8 A stormwater attenuation design for all impermeable surfacing will be submitted as part of the building consent.

Access, Parking and Maneuvering

4.9 Access is proposed from McLeod Avenue. The proposed vehicle crossing will be 7m wide at the edge of the seal and 6m at the boundary of the site.

4.10 The access will be located approximately 29m to the west of the intersection with Farrant Drive.

4.11 Parking for two vehicles will be provided in the garage attached to the dwelling. A forecourt area is also proposed at grade to the west of the garage. The forecourt will accommodate boat and rubbish bin storage as well as additional parking if required.

4.12 A connection to council services is sought through this application for the proposed vehicle crossing.

5.0 DISTRICT PLAN ASSESSMENT

Proposed District Plan

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

- A **restricted discretionary** activity land use consent pursuant to Rule 8.5.6 as the proposed fence above the retaining wall will extend through the height recession plane along the western boundary. Council's discretion is restricted to the following matters:
  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;
  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);
  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
- A **restricted discretionary** activity land use consent pursuant to Rule 8.5.8 for the proposed retaining and fence, which will exceed 2m in height, being located within the minimum internal setback. Council's discretion is restricted to the following matters:

- external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
- streetscape character and amenity;
- any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;
- effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);
- parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;

- A **restricted discretionary** activity land use consent pursuant to Rule 25.5.18.2 for the proposed earthworks supported by a retaining wall adjacent to the boundary. Council's discretion is restricted to the following matters:
  - 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.

5.2 Overall the proposed development requires a **restricted discretionary** activity resource consent under the Proposed District Plan.

Proposed District Plan Urban Intensification Variation (UIV)

5.3 The subject site is zoned Medium Density Residential in the Proposed District Plan (UIV) and the proposed development requires the following resource consent:

- A **restricted discretionary** activity land use consent pursuant to Rule 8.5.7 as the proposed fence above the retaining wall will extend through the height recession plane long the western boundary. Council's discretion is restricted to the following matters:
  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;
  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);
  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
- A **restricted discretionary** activity land use consent pursuant to Rule 8.5.9(b) for the proposed retaining and fence, which will exceed 2m in height, being located within the minimum internal setback. Council's discretion is restricted to the following matters:
  - external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
  - streetscape character and amenity;
  - any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;
  - effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);
  - parking and access layout: safety, efficiency and impacts on on-street parking and neighbours;

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

Operative District Plan

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

Application Scope

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

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

6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

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

Permitted Baseline

6.2 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline). In this case the permitted baseline includes the construction of a residential dwelling provided it complies with the following bulk and location controls:

- A maximum height of 7m (noting the covenant limits height to 5.5m);
- Compliance with the recession planes as follows:

- Northern boundary – 2.5m up and 55 degrees
- Western boundary – 2.5m up and 45 degrees

- A minimum internal boundary setback of 2m;
- Continuous above ground façade length of 24m;
- Building coverage of 45%
- 25% landscaped permeable surfacing

6.3 In addition accessory buildings (including garages) may be located within internal boundary setbacks where they do not exceed 7.5m in length, there are no openings within 1.5m of the boundary and they comply with recession planes. A solid fence or wall up to 2m in height could also be constructed along the full length of the site boundaries.

6.4 In this instance it is considered that the permitted baseline is of relevance to the below assessment and has been referenced where applicable.

Actual and Potential Effects on the Environment

Residential Amenity and Character

6.5 The dwelling will comply with the relevant bulk and location controls and be consistent with what is provided for and what has been constructed in the area. The length and height of the retaining wall and fence will not be readily visible from the street and will not, therefore, be dominant when viewed from this vantage.

11 McLeod Avenue

6.6 The retaining wall and associated fence will be visible from the west. The wall will be immediately adjacent to the leg in driveway that provides access to 11 McLeod Avenue. Therefore the owners or occupiers of 11 McLeod Avenue will experience the retaining wall and fence as they drive along the leg-in to access their dwelling.

6.7 The plan enables the construction of accessory buildings adjacent to the internal setbacks with a length of up to 7.5m long and/or the construction of a solid fence or wall up to 2m in height along the full length of the boundary. While the retaining and fence will be longer than 7.5m, the fence will be visually permeable and less imposing than an accessory building. The wall and fence would only be experienced for a short period of time as people drive or walk down the

accessway. The wall and fence will have no noticeable effect on the dwelling itself or the associated outdoor living areas. As a result, it is considered that the wall and fence will not result in minor or more than minor effects on the owners or occupiers of 11 McLeod Avenue in relation to dominance or loss of outlook. Likewise the proposal will not affect privacy as experienced by the owners or occupiers of this property.

6.8 The wall and fence will extend 280mm above the height recession plane along the western boundary. The sliver of fence that projects through the recession plane will not, however, affect sunlight access as experienced along the length of the leg-in driveway.

6.9 Overall, given the above, it is considered that adverse effects on the owners or occupiers of 11 McLeod Avenue will be less than minor.

9 McLeod Avenue

6.10 The property at 9 McLeod Avenue is located to the west of the leg-in driveway that connects 11 McLeod Avenue to the street. This property is occupied by a three bedroom dwelling that has resource consent, RM220273, to be used for residential visitor accommodation for up to 180 nights a year. The layout of the house is such that it is oriented to the north and west, with the garage, laundry and ensuite bathroom facing the application site. The master bedroom opens out towards the north but also has a window facing the leg-in driveway. A fence has been erected on the northern boundary of this site screening views of the application site.

6.11 The proposed retaining wall and fence will not, therefore, be highly visible from the living areas associated with dwelling at 9 McLeod Avenue. The wall will not be dominant and will not affect privacy or outlook. Likewise given the separation provided by the leg-in and the small extent of the breach to the recession plane, shading effects will be negligible on the owners or occupiers of this property.

6.12 Overall, given the above, it is considered that adverse effects on the owners or occupiers of 9 McLeod Avenue will be less than minor.

33 Farrant Drive

6.13 The property at 33 Farrant Drive is located to the north of the application site. This site is occupied by a three bedroom dwelling. The retaining wall and fence would be visible from this dwelling. From this vantage the wall and fence would have a maximum height 2.8m sloping

down to ground level. The portion of the wall and fence that will exceed 2m will be approximately 2.6m in length.

6.14 Given that the plan enables the construction of an accessory building in this location up to the boundary of the site, it is considered that any adverse effects on the owners or occupiers of 33 Farrant Drive would be less than minor when compared to what can be constructed as of right.

Access and Parking

6.15 The proposed vehicle crossing will be located a sufficient distance from the intersection of Farrant Drive and McLeod Avenue to ensure no adverse effects in relation to safety or efficiency result on the wider transportation network.

6.16 There will be sufficient space onsite to accommodate parking and manoeuvring.

6.17 Overall, adverse effects in relation to access and parking will be less than minor.

Earthworks

6.18 The earthworks volumes will be within the limits of the District Plan. An EMP has been included with the application and will ensure that no sediment laden water leaves the site.

6.19 The retaining along the western side of the property and beneath the house will be designed to accommodate the required surcharge loads through the building consent process.

6.20 Overall, adverse effects associated with earthworks will be less than minor.

Summary of Effects

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

7.0 OBJECTIVES AND POLICIES

Proposed District Plan

7.1 The objectives and policies of the Proposed District Plan of particular relevance to the consideration of the proposed development are contained in Chapter 8 – Medium Density Residential Zone and Chapter 29 – Transport and are as follows:

<u>Chapter 8 – Medium Density Residential Zone</u>

8.2.1 Objective - Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies:

8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.

8.2.1.2 Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.

8.2.1.4 Enable medium density development through a variety of different housing forms including terrace, semi- detached, duplex, townhouse, low rise apartments.

7.2 The proposed development will provide additional medium density housing in close proximity to the schools and lake. The development is located within easy cycling distance of the town centre. The proposal is considered to be consistent with, and not contrary to, these provisions.

8.2.2 Objective – Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies:

8.2.2.1 Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).

8.2.2.2 Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.

8.2.2.3 Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.

8.2.2.4 Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

8.2.2.5 Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

8.2.2.6 Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2021.

7.3 The dwelling has two street frontages and will address the street with glazing and high quality cladding materials. The outdoor living area will open out towards Farrant Drive. The building has been designed with significant variation across the façades. The development will also be consistent with the Residential Zone Design Guide 2021. Overall, the proposal is considered to be consistent with this objective and the associated policies.

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies

8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.

8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.

7.4 The proposed dwelling will comply with the bulk and location controls of the zone so as to ensure the maintenance of residential amenity and privacy. Privacy as experienced by neighbours and future residents will largely be protected in a manner that is consistent with what is anticipated in the Medium Density Residential Zone. The proposal will create a high quality residential living

environment and amenity values will be reasonably maintained. Overall, the proposal is considered to be consistent with, and not contrary to this objectives and associated policies.

8.2.5 Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies:

8.2.5.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

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

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

7.5 The proposal will not affect the availability of on street vehicle parking and the access design will provide safe efficient access into the site. The infrastructure network has sufficient capacity for the development. There is no public transport in Wānaka, but the site is well connected to the active transport network. Overall the proposal is considered to be consistent with this objective and the associated policies.

7.6 Overall, the proposal is considered to be consistent with the objectives and policies of Chapter 8.

Chapter 25 - Earthworks

25.2 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, including through mitigation or remediation, and protects people and communities.

Policies:

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

25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that

a. Protects the values of Outstanding Natural Features and Landscapes;

b. Maintains the amenity values of Rural Character Landscapes;

c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;

d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wānaka Basin and Cardrona alluvial ribbon aquifers;

Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.

e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;

f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and

g. Maintains public access to and along lakes and rivers.

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

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

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

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

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

25.2.1.8 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

25.2.1.9 Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.

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

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

7.7 The proposed excavations will be undertaken in accordance with the requirements of the EMP so as to minimise erosion or sediment laden stormwater leaving the site. There will be no visual effects from the proposed earthworks following the completion of the construction of the buildings. The earthworks are consistent with what is required to construct dwellings in the surrounding area. Should any archaeological material be found, the accidental discovery protocol will be followed. The earthworks will not exacerbate any existing natural hazards.

25.2.2 Objective - The social, cultural and economic wellbeing of people and communities benefits from earthworks

Policies:

25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:

a. Nationally and Regionally Significant Infrastructure;
b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;
c. minimising the risk of natural hazards;
d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and

e. the use and enjoyment of land for recreation, including public walkways and trails; and

f. maintaining or enhancing the operational efficiency of existing infrastructure.

7.8 The earthworks will provide for the socio-economic well-being of the applicants as they will enable them to construct a dwelling on a sloping site.

7.9 Overall, the proposal is considered to be consistent with the objectives and policies of Chapter 25 of the PDP.

Chapter 29 – Transport

29.2.2 Objective - Parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:

a. providing a safe and efficient transport network;

b. compact urban growth;

c. economic development;

d. facilitating an increase in walking and cycling and the use of public transport; and

e. achieving the level of residential amenity and quality of urban design anticipated in the zone.

Policies:

29.2.2.1 Manage the number, pricing, location, type and design of parking spaces, queuing space, access, and loading space in a manner that:

a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;

b. ...

c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development;

d. ...

e. ...

f. ...

g. avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites; and

h. provides adequate vehicle access width and manoeuvring for all emergency vehicles.

7.10 It is considered that the proposed access and parking arrangements are safe and efficient and that the development as a whole will encourage residents to use active and/or shared transport options. The access and parking arrangements will result in no adverse effect on the amenity of the streetscape or adjoining sites.

29.2.4 Objective – An integrated approach to managing subdivision, land use, and the transport network in a manner that:

a. supports improvements to active and public transport networks;

b. promotes an increase in the use of active and public transport networks and shared transport;

c. reduces traffic generation; and

d. manages the effects of the transport network on adjoining land uses and the effects of adjoining land-uses on the transport network.

Policies

29.2.4.6 Encourage compact urban growth through reduced parking requirements in the most accessible parts of the District.

7.11 The site is well positioned relative to businesses, services, schools, reserves and community facilities. It is therefore considered that the site is within part of the District that is very accessible. It is therefore considered that the proposal is consistent with Objective 29.2.4 and its associated policies.

7.12 Overall it is considered that the proposed development is consistent with and not contrary to, the relevant Objectives and Policies of the Proposed District Plan.

Proposed District Plan (UIV)

7.13 The objectives and policies of the Proposed District Plan (UIV) of particular relevance to the consideration of the proposed development are contained in Chapter 8 – Medium Density Residential Zone and are as follows:

Chapter 8 – Medium Density Residential Zone

8.2.1 Objective - Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies:

8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.

8.2.1.2 Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.

8.2.1.4 Enable medium density development through a variety of different housing forms including terrace, semi- detached, duplex, townhouse or small lot detached housing.

7.14 The proposed development will provide additional medium density housing choice in close proximity to schools and the lake front. The development is located within easy cycling distance of the town centre. The proposal is considered to be consistent with, and not contrary to, these provisions.

8.2.2 Objective – Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies:

8.2.2.1 Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).

8.2.2.2 Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.

8.2.2.3 Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.

8.2.2.4 Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

8.2.2.5 Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

7.15 The buildings will address the street with glazing and high quality cladding materials. The outdoor living area will open out towards Farrant Drive. Overall, the proposal is considered to be consistent with this objective and the associated policies.

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites, while taking into account the changing future character intended within the zone.

Policies

8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.

8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.

7.16 The proposed development will largely comply with the bulk and location controls of the zone so as to ensure the maintenance of residential amenity and privacy. Privacy as experienced by neighbours and future residents will largely be protected in a manner that is consistent with what is anticipated in the Medium Density Residential Zone. The proposal will create a high

quality residential living environment and amenity values will be reasonably maintained. Overall, the proposal is considered to be consistent with, and not contrary to this objectives and the associated policies.

8.2.5 Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

Policies:

8.2.5.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

8.2.5.2 Encourage a reduction in car parking provision where a site is located within 800m of a bus stop or the edge of the Town Centre Zone to help facilitate mode shift.

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

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

7.17 The proposal will not affect the availability of on street vehicle parking and the access design will provide safe efficient access into the site. The infrastructure network has sufficient capacity for the development. There is no public transport in Wānaka but the site is well connected to the active transport network.

7.17 Overall, the proposal is considered to be consistent with, and not contrary to, the objectives and policies of Chapter 8.

7.18 Overall it is considered that the proposed development is consistent with the relevant Objectives and Policies of the Proposed District Plan (UIV).

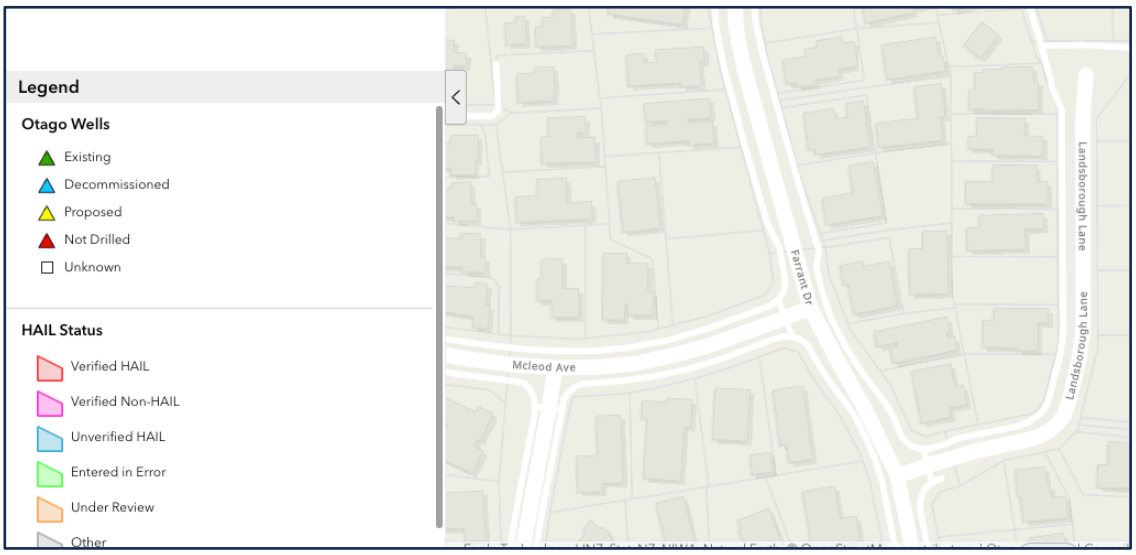
8.0 OTHER MATTERS

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

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

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

8.2 The extract below from Otago Regional Council's contaminated land database demonstrates that there are no records of land uses or activities having been or being carried out on the site and the immediately surrounding area that have the potential to contaminate land.



Queenstown Lakes District Council files

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

QLDC – Hazards Register

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

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

9.0 CONSULTATION

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

9.2 An assessment of effects on the owners and occupiers of the adjacent lots is included in Section 6 of this report. Adverse effects on these persons were determined to be less than minor. Therefore no consultation has been undertaken at this stage.

10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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

> ***5 Purpose***
>
> *(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
>
> *(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
>
> *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
>
> *(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

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

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

10.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act however none of those matters of national importance are of relevance to the consideration of the proposal.

10.5 Having had regard to the other matters set out in Section 7 of the Act, in particular 7(b), 7(c) and 7(f), it is considered that the proposal will result in the efficient use of land (being a finite resource) while maintaining and enhancing amenity values and the quality of the environment.

10.6 The proposed development will be undertaken in accordance with the principles of Te Tiriti o Waitangi. It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

11.0 CONCLUSION

11.1 Resource consent is sought to construct a dwelling with a retaining wall and fence within an internal boundary setback at 13 McLoed Avenue, Wānaka. The proposal requires restricted discretionary activity land use consents under the Proposed District Plan and the Proposed District Plan (UIV).

11.2 It is considered that the proposal will result in less than minor adverse effects on the environment and is consistent with the relevant objectives and policies of the Proposed District Plan and the Proposed District Plan (UIV).

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

11.4 Therefore, pursuant to Section 104B of the Act, it is respectfully requested that resource consent be granted for the development as proposed.

Yours faithfully,
Edgar Planning Ltd,





Erin Stagg
Planner

Scott Edgar
Planner