LAND USE CONSENT APPLICATION
WEATHERALL CLOSE, HIDDEN HILLS, WANAKA

AUG 2026

NICOLA SCOTT
WANAKA RESOURCE MANAGEMENT LTD

PH 027 443 6114
nicolascott@xtra.co.nz

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1.0 Introduction

This application is for landuse consent to undertake earthworks, remove indigenous vegetation, and construct a new residential unit. The proposal requires consent to alter a consent notice condition for colour.

2.0 The Land

2.1 Location and Legal Description

The site is 6937m^2 in area and is legally described as Lot 11 DP 412843, comprised in Record of Title 471460.

The site is located at 2 Weatherall Close, Hidden Hills, Wanaka. It is situated in the Hidden Hills subdivision on the north facing lowest slopes of Little Mount Iron, and off Aubrey Road. Weatherall Close is a private right of way, accessed from Hidden Hills Drive.

2.2 Site Description

The site is irregular in shape and is moderately sloping in topography. The majority of the land is clad in mature native Kanuka. There is a small clearing in the location of the proposed dwelling.

There is a consent notice and multiple private land covenants registered on the property Title.

The site contains a Protected Vegetation Area Covenant (marked as 11a on DP 412843).

3.0 The Proposal

3.1 Building Construction

The applicant proposes to construct a new residential unit, which comprises a dwelling (269m^2), and detached accessory building (44m^2 area). The residential unit is below the maximum height of 8.0m above ground level.

The proposed dwelling will comprise the following external materials:
Roof: Corrugate profile, pre-painted steel, colour Flaxpod low gloss (LRV 7%);
Walls: Vertical, corrugate profile, pre-painted steel cladding, colour Flaxpod low gloss (LRV 7%);
Shiplap weatherboards with oil stain finish, colour 'Midnight' (close to Flaxpod);
Stacked schist stone veneer cladding.

The proposed accessory building (4.5m height) will comprise the following external materials:
Roof and walls: Corrugate profile, galvanised steel, acid washed – aged (LRV approx. 27%); and
Timber framed porch at entry.

The proposed cladding material for the accessory building is not fully compliant with the Large Lot Residential B colour rules where the maximum reflectance value for roofs is 20%. Further, it

is my opinion that there is some ambiguity whether the accessory building cladding also breaches the consent notice, as detailed further below (Sec 4.3). Therefore, I will include that as a variation to the consent notice.

3.2 Earthworks, Stormwater & Landscaping

The proposed earthworks required are an approximate cut volume of 800m^3 and fill of 1100m^3, being a cut to fill total volume of 1900m^3 (refer to Earthworks Plan Sheets 700 and 701). The difference of 300m^3 of fill will be transported in to the site. The maximum cut height from the original ground line is 2.85m, with a maximum fill height of 2.7m.

A Landscape plan is attached in accordance with the consent notice conditions.

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

A stormwater disposal system has been designed by Mt Iron Geodrill, with the report to follow shortly. A geotechnical report for the site is attached.

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:

Large Lot Residential

- 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 accessory building roof has an expected LRV of approximately 27%.

Earthworks

- A **restricted discretionary** activity consent pursuant to Rule 25.4.2, for a breach of standard 25.5.4, as the maximum volume of earthworks exceeds the zone standard of 400m^3. A total volume of 1900m^3 earthworks is involved in the site development; 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 depth is 2.85m; and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.16 for earthworks, as the maximum height of fill exceeds 2.0m. The proposed maximum fill height is 2.7m.

Indigenous Vegetation Biodiversity

- A **restricted discretionary** activity consent pursuant to Rule 33.5.3(b) and (f) for the clearance of over 50m^2 of indigenous or regenerating forest greater than 3m in height, and indigenous vegetation containing kanuka. It is proposed to clear 1357m^2 of kanuka vegetation.

4.3 Consent Notice Changes

Consent is requested to change condition 21e) of consent notice 8202701.1 as it relates to Lot 11 DP412843. This requires consent as follows:

- A **discretionary** activity pursuant to Section 221(3) of the RMA 1991 for a change of consent notice condition 21e) of consent notice 8202701.1 as it relates to Lot 11 DP412843.

Condition 21e) is worded as follows (with suggested changes shown as added text underlined):

21e) External building materials on all Lots shall be of non-shiny materials and finished in colours with a low reflectivity, which are in the natural colour range of browns, greens and greys, to blend with the hues and shades of the surrounding landscape, *with the exception of the development approved under RM26XXXX.*

5.0 Effects on Persons

The proposal will not appear out of character in the local environment, with all surrounding lots similarly developed for residential use, within the established Kanuka vegetation.

Appropriate internal boundary setbacks are maintained and the lots are large in size. Building coverage is low for the site, building located centrally on the lot, and substantial existing Kanuka vegetation provides good screening between properties. Additional native planting is proposed along the western and southern boundaries. The accessory building cladding material will be suitably absorbed by the low height, small scale, distance to boundaries, and screening vegetation, such that it will not give rise to adverse effects in relation to visual amenity.

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. Of relevance, these include a maximum height of 8m, 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. Up to 50m^2 of indigenous vegetation can be cleared in any continuous period of 5 years.

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

6.2 Building Materials and Colours

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 proposed roofing on the accessory building has a higher light reflectance value (LRV) than anticipated for the zone, with the intention of the imposed 20% LRV rule to reduce visual prominence of buildings. The galvanised corrugated iron has a similar appearance to Sandstone Grey Colorsteel, which has an LRV of 27%. The proposed acid washed/aged galvanised steel has a variable surface appearance, which becomes duller over time. The finish is rustic and considered appropriate in the context of this site, being used on a small, and low height accessory building (refer Figures 1 and 2 on the following page).

Given the lack of visibility of the building within the site due to low height, large distance to the road, and screening vegetation it is considered that the cladding material will not give rise to adverse effects in relation to visual amenity.



Figure 1: Example of Galvanised Corrugated Iron

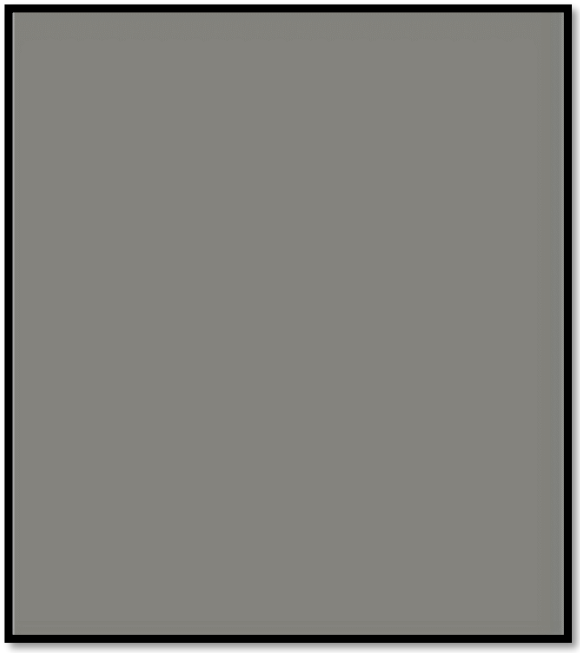


Figure 2: Sandstone Grey Colorsteel

Building coverage is very low for the site at 4.5%, and substantial existing Kanuka vegetation will assist with absorbing the development into the site. A landscape plan is provided, as required by consent notice, and this ensures long term partial screening of the development, with both existing and new planting. The proposed accessory building is also located near the area covenanted for vegetation protection.

Overall, it is not considered that the colour selections will adversely affect the external appearance of the development, and will blend in with the character of the surrounding environment.

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.

A comprehensive 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, and kanuka when viewed from off the site. Batters toward the front of the dwelling will be screened by the existing mature kanuka below the building area when viewed from off site. The fill is required to establish a usable lawn area in front of the dwelling, which will be battered down to ground level.

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, and within the context of the size of the property. 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. Mt Iron Geodrill has provided a Geotechnical Assessment and provided recommendations in terms of slope stability.

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.

6.4 Wildfire risk

The landscape plan has been developed with consideration given to the recommendations made in the New Zealand Fire and Emergency "FireSmart Home Owners Manual". Mitigation measures for wildfire risk are as follows:

- No vegetation within 1.5m of the dwelling. Any mulch shall be non-flammable;
- Plan includes a 10 metre zone from the dwelling where the vegetation is to be cleared, or is to be low fire flammability plants and mown grass. This is in accordance with the consent notice condition, registered on the Title. A 10m distance is unable to be fully achieved from the accessory building due to the vegetation protection covenant. The cladding of this building is low flammability being galvanised steel;
- The plan indicates that beyond 10m, Kanuka will be selectively removed, with some retained that are limbed up with all lower branches removed.

It is also suggested that the following consent condition and advice notes are included in the decision:

"All vegetation within the site shall be maintained in accordance with the recommendations made in the New Zealand Fire and Emergency "FireSmart Home Owners Manual" and no flammable vegetation or materials shall be left within 10m of the dwelling within the site, with the exception of the approved landscape plan."

Advice Notes:

a) *Consideration of low flammable cladding, where a 10m separation between building and Kanuka cannot be achieved, is recommended.*
b) *The installation of a drenching system that would dampen down the Kanuka prior to the arrival of a wildfire is recommended.*

Risk from wildfire has been minimised with practical measures and a considered landscape plan, achieving a balance with vegetation retention in accordance with consent notice restrictions and indigenous vegetation clearance rules.

6.5 Indigenous Vegetation Biodiversity

Matters of discretion from Part 33.8 of the PDP are as follows:

1. *The effects that the vegetation clearance will have on:*
    a. *indigenous biodiversity values:*
    b. *soil conservation. water quality and the hydrological function of the catchment:*
    c. *landscape, natural features and natural character:*
    d. *the amenity values of any adjacent open space including trails and walkways:*
    e. *ecological corridors and linkages: and*
    f. *cultural values associated with indigenous biodiversity.*

2. *The extent to which the vegetation removal is necessary taking into account the need for, or purpose of, the proposed activity;*
3. *The minimisation of effects through the adoption of alternative locations for the activity on the site for the proposed activity;*
4. *Proposals for remediation and mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance;*
5. *Proposals for biodiversity offsets for residual adverse effects as provided for by Policy 33.2.1.6;*
6. *The risk of the increase in weed and pest species. and proposed management of pests;*
7. *Benefits resulting from the proposed activity including the extent to which the activity may protect, maintain or enhance indigenous biodiversity values; and*
8. *Effects on kaitiakitanga and the values of indigenous vegetation, taonga species and habitats, and biodiversity to tangata whenua.*

Consent notice conditions require the retention of a minimum of 50% native vegetation on the lot. The proposal is to retain approximately 73.5%, which maintains nature conservation values. A residential unit could be constructed on the site as a permitted activity, subject to standards and consent notice restrictions. Therefore, the indigenous vegetation biodiversity rules are at odds with the zoning expectations.

The house has been positioned to make use of a small existing clearing. The applicants intend to do additional supplementary planting of natives within the site as shown on the landscape plan. The landscape plan has included a 10 metre zone from the buildings where the majority of vegetation is to be low fire flammability plants and mown grass. The property is to be kept free of all weed species including pines. Rabbit proof fencing is to be installed. These mitigation measures will ensure that indigenous biodiversity values are maintained, and soil conservation managed. The site still maintains planting around the boundaries and to the covenanted vegetation protection area, such that landscape character and amenity values are maintained.

It is considered that the applicants have achieved a balance between necessary vegetation clearance for construction, access and wildfire risk management, to a point that is appropriate for the zone, particularly given the permitted baseline for residential units.

Overall, the residential unit is of an appropriate nature and scale, 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), Chapter 25 (Earthworks), and Chapter 33 (Indigenous Vegetation Biodiversity)* 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 having a low site coverage, and the dwelling is located amongst existing native vegetation. 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 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 plan is provided, as required by consent notice, and this ensures long term partial screening of the development. The external finish on the accessory building is rustic and considered appropriate in the context of this site, being used on a small, and low height building.

Policy 11.2.1.4 requires the following:
Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.
The landscape plan has included, among other mitigation measures, a 10 metre zone from the buildings where the majority of vegetation is to be cleared, or low fire flammability plants and mown grass. This is in accordance with the consent notice registered on the Title. Risk from wildfire has been minimised, as far as practicable, achieving a balance with vegetation retention in accordance with consent notice restrictions and indigenous vegetation clearance rules.

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.

Chapter 33

The objectives and policies seek to protect, maintain or enhance the District's indigenous biodiversity. The site contains a large area which is covenanted as a vegetation protection area, and no activity will occur in this part of the site.

The proposal is to retain approximately 73.5% of native vegetation, which maintains nature conservation values, along with additional supplementary planting of natives. The property is to be kept free of all weed species including pines. Rabbit proof fencing is to be installed. These mitigation measures will ensure that indigenous biodiversity values are maintained, and soil conservation managed. The site still retains planting around the boundaries such that natural character is maintained, and erosion avoided. Adverse effects are avoided as far as practicable.

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 low building coverage, use of topography and vegetation.

8.0 Conclusion

This application seeks approval to undertake earthworks and construct a new residential unit, with minor breaches of standards. Overall, the residential unit is of an appropriate nature and scale, given the permitted baseline.

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.



Nicola Scott
Wanaka Resource Management Ltd