LAND USE CONSENT APPLICATION
103 WEST MEADOWS DRIVE, WANAKA

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1.0 Introduction

This application is for land use consent to undertake earthworks and construct a residential unit. The application also proposes boundary setback breaches and exceeds building length.

2.0 The Land

2.1 Location and Legal Description

The land is located at 103 West Meadows Drive, Wanaka. The property is situated within an established and growing area of low density residential development. Immediately surrounding the site is a newer stage of subdivision, with many recently completed developments.

The site is 850m^2 in area and is legally described as Lot 51 DP 563778, comprised in Record of Title 1003197.

The site was created via subdivision consent RM180980, and legal instruments related to the subdivision are registered on the Record of Title, as attached.

2.2 Topography and Vegetation

Lot 51 is vacant land, and is an irregular shape. The sloping topography rises up from West Meadows Drive, to a small flat terrace located roughly central on the site, then rises again toward the rear boundary. The ground cover is rough grasses. A public walkway adjoins the southern and eastern boundaries.

3.0 The Proposal

3.1 Building

The applicants propose to construct a two-storey dwelling on the site (total floor area 413m^2). The maximum height of the building meets the 335 masl private covenant height limit.

The dwelling will comprise the following external materials:

Roofing:	Flaxpod Colorsteel, or similar colour; and
Walls:	Schist stone cladding, timber cladding (dark colour), and Plaster finish (Spanish White or similar).

The total building coverage over the site is 35.5%. The length of the building façade above the basement level is 16.315m.

A portion of the swimming pool, louvered pergola, decking and fencing extends beyond the 4.5m road boundary setback on the northern side. The pool is sized 30m^2 in area, with approximately half of the pool extending 1.5m into the road setback. The front deck area of the pool is 1.5m from the road boundary.

The aluminium louvered pergola (2.4m high) is powdercoated in Flaxpod colour and is 3m by 5m in area. The pergola extends 1.96m into the road setback.

Similarly, a proposed louvered pergola on the south courtyard extends into the 2m internal boundary setback. The aluminium louvered pergola is powdercoated in Flaxpod colour and is 4.3m by 4.3m in area.

3.2 Earthworks

Earthworks to prepare the site for construction have been calculated as a cut volume of 700m^3 and 170m^3 of fill. This equates to a total cut to fill of 870m^3. All remaining earth (530m^3) is to be removed from site. The maximum cut height is 3.1m, and maximum fill height is 2.4m.

Engineer-designed retaining walls are located in several areas on the site. Refer to the Structural Engineer's plans and specifications (Powell Fenwick). The retained earth will breach the proximity to boundary rule as follows (refer to SB Architecture Ltd cross section plans):

Rear/southern boundary:	Section A - Cut height 1.6m, located 0.9m from the boundary;
	Section B - Cut height 3.1m, located 1.729m from the boundary;
SE corner:	Section E - Cut height 3.1m, located 1.883m from the boundary;
NE side boundary:	Section D - Cut height 2.72m, located 0.9m from the boundary;
Front/northern boundary:	Section A - Retained height 1.5m, located on the boundary.

The applicant (owner/builder) advises that all excavation can be done fully within the site boundaries. The retaining walls are located to enable retaining to be built and drainage fill behind the walls to stay within the site. Included is a PS1 from the structural engineer for the boundary walls.

An Environmental Management Plan (EMP) for earthworks is attached.

3.3 Vehicle crossing

An existing vehicle crossing is to be utilised, as established via the underlying subdivision.

3.4 Foul Sewer Easement

An existing foul sewer easement is located along the western boundary of the site. The Structural Engineering plans have taken into account the zone of influence (sheets 4001 and 4002). The depth of the sewer pipe has been determined by hand excavation, and further excavation is planned to confirm this depth across the length of the site.

3.5 Landscaping

Landscaping is proposed, as indicated on the Site Plan. This includes evergreen hedging and mixed native planting, focused along the western boundary. The road frontage includes a dry Schist retaining wall, stepped back to a timber retaining wall with planting between. The applicant has

supplied indicative photos of the intended finished wall and planting appearance (albeit without the timber retaining), as below in Figures 1 and 2.



Figure 1: Example frontage finish, site in same area/subdivision.



Figure 2: Example frontage finish, site in same area/subdivision.

4.0 District Plan Provisions

4.1 Proposed District Plan (PDP)

The site is zoned Suburban Residential in the Proposed District Plan (PDP). The proposal requires resource consent for the following:

Chapter 7 - Suburban Residential

- A **discretionary** activity consent pursuant to Rule 7.5.6.1 for a breach of the 4.5m road boundary setback. The swimming pool, louvered pergola and decking extend to within 1.5m – 3m of the road boundary; and

- A **discretionary** activity consent pursuant to Rule 7.5.6.2 for a breach of the 2m internal boundary setback at the southern boundary. The proposed louvered pergola on the south courtyard extends to within 1.026m of the boundary.

- A **restricted discretionary** activity consent pursuant to Rule 7.5.8 for a breach of the length of any building facade above the ground floor level that exceeds 16m. The length of the building façade above the basement level is 16.315m.

Chapter 25 – Earthworks

- A **restricted discretionary** activity consent pursuant to Rule 25.5.15 as the maximum depth of cut exceeds 2.4m. The proposed maximum cut is 3.1m; and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.15 as the maximum fill height exceeds 2.0m. The proposed maximum fill depth is 2.4m; and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.18 as the height of earthworks (retained) will be greater than the distance from the site boundary along the north, south and east boundaries (refer Section 3.2 above for details); and

- A **restricted discretionary** activity consent pursuant to Rule 25.5.21, where no more than 300m^3 of cleanfill shall be transported by road to or from an area subject to earthworks. It is proposed to transport 530m^3 of earth away from the site.

Overall, the proposed activity status is a **discretionary** activity.

5.0 Effects on Persons



Figure 3: Neighbouring sites, referenced in this section, marked with red star.

The above Figure 3 indicates the adjoining or neighbouring lots, and those lots across West Meadows Drive which have been considered in this section.

General Comments

Only part of the pool, decking and pergola will be located within the road setback on the northern side of the lot. Given the proposed evergreen planting, it is considered this minor breach will not adversely affect adjoining lots. The pool and decking will be screened, providing privacy for the site occupants and adjoining neighbours. The dark colour of the pergola and its simple structure will ensure it is not a dominant feature in the site frontage. As seen in Figures 1 and 2, earlier in this report, the intended streetscape appearance is to be a visually pleasing finish, and in keeping with other similar developments on sloping sites in the vicinity.

The earthworks are to be retained with engineer-designed walls, addressing stability. It is not considered that the proposed earthworks and retaining will be dominant in views from surrounding properties, or adversely affect the amenity enjoyed by the surrounding lots. With the proposed finished ground levels and subsequent built development, any potential adverse effects on privacy, outlook and amenity on adjoining properties are considered to be less than minor. Earthworks will

be of a temporary timeframe, and with provision for sediment and dust control and appropriate hours of operation, nuisance effects will be lessened.

102 and 104 West Meadows Drive

These two sites are located across the other side of West Meadows Drive. Their main outlook is in the opposite direction to the subject site. It is not considered they will be adversely affected by the road setback breach as described above. The very minor building length breach will be imperceptible in views from these sites. Number 104 has a carport constructed up to the road boundary, so the proposal is not out of character with this development. The earthworks EMP is expected to manage and mitigate the temporary effects of earthworks on these adjoining properties.

101 West Meadows Drive, 50 Huia Terrace, 5 Highridge Terrace

These properties are located east and south of the subject site, respectively. They are all well set back from the proposed development, with outlooks above and over the subject site. The minor building and setback breaches will be imperceptible in views from these sites. The earthworks EMP is expected to manage and mitigate the temporary effects of earthworks on adjoining properties.

Local Purpose Reserve (Walkway)

The rear and eastern boundaries of the site adjoin a future access strip to be vested in QLDC as Local Purpose Reserve (Walkway). The walkway is currently under construction.



Figure 4: Proposed Walkway

Views of the development from users of the walkway will be seen in a transient manner by pedestrians and cyclists. It is considered that the very minor building length breach and pergola within the setback will not be dominant features, with the eye likely drawn to the mountain views across the development toward the west.

Due to the site slope, and excavation proposed, the height of the pergola at the closest point to the boundary reduces to 1.9m. With the proposed evergreen hedging, and dark colour of the pergola it is considered this small structure will have less than minor effects on users of the walkway. Similarly, any views of the retaining wall along the boundary are screened due to the site slope and proposed landscaping.

The earthworks EMP is expected to manage and mitigate the temporary effects of earthworks on users of the walkway. Engineer-designed retaining is anticipated to address land stability.

105 West Meadows Drive

The proposed length of the building façade and the pergola in the southern boundary setback will have negligible adverse effects on this adjoining site, which is located to the west.

It is not considered that the proposed earthworks and retaining will be dominant in views from this site, or adversely affect the amenity enjoyed by the owners. The pool and decking will be screened, providing privacy for the site occupants and adjoining neighbours. The proposed outdoor living area on the subject site is separated by the neighbouring driveway and the built form is away from the western boundary due to the easement along that side of the site. The low nature and scale of the built form in the road setback is such that it will not give rise to adverse effects in terms of shading or access to sunlight for the adjoining site. The dark colour of the pergola and its simple structure will ensure it is not a dominant feature in the frontage, and it is set back a good distance from the west boundary. Earthworks will be of a temporary timeframe, and with provision for sediment and dust control and appropriate hours of operation, nuisance effects will be lessened. With the proposed landscaping treatment along the western boundary, any potential adverse effects on privacy, overlooking and amenity on this adjoining property are considered to be less than minor.

No other persons are considered to be potentially adversely affected by the proposed development. 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 Building Length

Rule 7.5.8 - Discretion is restricted to:

a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
b. in Arrowtown, consistency with Arrowtown's existing character.

The length of the building facade above the ground floor level exceeds the 16m limit by only 315mm. It is only relevant to the part of the dwelling above the basement level. The north/road elevation comprises a variety of cladding materials, textures and colours, glazing and a recessed entry porch. These aspects of the design provide variety and interest in the built form as viewed

from the street and the adjoining properties. Toward the rear of the site, the south elevation is lower down the slope when viewed from the south, set in to the bank. While the cladding is more uniform on this elevation, it will largely be screened by a 1.5m high evergreen hedge. The adjoining property to the rear is separated by the 4.6m wide walkway. Views from the walkway itself will be seen in a transient manner by pedestrians and cyclists and will not be a dominant feature, with the eye likely drawn to the mountain views across the development toward the west.

The very minor breach of the building length rule is unlikely to be perceived by viewers from outside the site. Mitigation measures described present an aesthetic, modern finish to the appearance. The design includes a simple mono-pitch roof form at a low height.

Overall there will be no visual dominance of the building in relation to the façade length.

6.2 Building in Road Setback

Only part of the pool, decking and pergola will be located within the road setback on the northern side of the lot. Given the proposed evergreen planting, it is considered this minor breach will not adversely affect the streetscape. The pool and decking will be screened, providing privacy for the site occupants and adjoining neighbours. The dark colour of the pergola and its simple structure will ensure it is not a dominant feature in the frontage. As seen in Figures 1 and 2, earlier in this report, the intended streetscape appearance is to be a visually pleasing finish, and in keeping with other similar developments on sloping sites in the vicinity.

The landscaping, and the stepped retaining fronting the road, assists to provide interest and variety in the overall development as viewed from the road. Buildings located in the road setback are not out of character in the local environment, with built form encroaching the setback on both 104 and 96 West Meadows Drive.

The design mitigation measures described will result in an aesthetically pleasant development which will not detract from the coherence and attractiveness of the site as viewed from the street. This proposal enables the applicant to make functional use of a sloping site, providing opportunities for outdoor living on the northern aspect, maximising sunlight access and views.

Overall it is considered that there are no more than minor adverse effects on the streetscape from the proposed road setback intrusion.

6.3 Building in Internal Setback

The proposed louvered pergola on the south courtyard extends to within 1.026m of the boundary. Of relevance is that pergolas are exempt from the definition of a ‘building’ if they do not exceed a height of 2.5m from ground level. The pergola is considered a building as the height at the furthest point from the boundary is 2.7m above the existing ground level. However, due to the slope, and excavation proposed, the height at the closest point to the boundary reduces to 1.9m. With the proposed evergreen hedging, and dark colour of the pergola it is considered this small structure will have less than minor effects on the adjoining property.

6.4 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 earthworks cut and fill are to be retained with engineer-designed walls, which is expected to address land stability. Mitigation measures are included in the Environmental Management Plan (EMP) provided as part of this application. This includes sediment and dust control and appropriate hours of operation, lessening nuisance effects. Visually there are no anticipated adverse effects, with the building and retaining construction to eventually mitigate visual effects of the exposed earthworks to an acceptable level. The overall nature and scale of the residential construction is compatible with the receiving environment, and the required excavation on sloping sites. The resulting effect will not detract from the pleasantness of the site as viewed from the adjoining sites and public roads.

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

Natural hazards were addressed in the underlying subdivision consent RM180980 (Alpha Series Stage 3), with a geotechnical assessment by Geosolve, and the area determined to be suitable for residential development.

It is not considered there will be adverse effects on the wider environment from the proximity of the retained earth to the boundaries.

Overall, the potential adverse effects of the proposed earthworks are considered to be no more than minor, provided they are undertaken in accordance with the EMP, and engineering design, and consent conditions.

Overall, given the assessment provided above it is considered that the potential adverse effects on the environment from this development are no more than minor.

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 Relevant Provisions (s104(1)(b))

In terms of the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011:
This was addressed in the underlying subdivision consent RM180980. The Council decision document (Sec 2.3) states: *"Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply."*

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

The application has been assessed in relation to the Policies and Objectives contained within *Chapter 7 (Suburban Residential)* and *Chapter 25 (Earthworks)* of the Proposed District Plan.

Chapter 7 policies encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing development, and maintains residential amenity values. This proposal provides for optimal building design on a sloping site, stepping the building back into the slope, and maximising opportunity for views and outdoor living. The proposed breaches of standards are of a minor nature and scale. Appropriate mitigation is provided by landscaping and design selections, maintaining the overall residential amenity and character.

Given the low building height and varied use of construction materials, it is not considered that the proposed breaches will have adverse effects on adjoining properties or the environment in terms of amenity, views, outlook or visual dominance. The scale and residential character will not appear out of place in the surrounding residential zone.

The Chapter 25 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.

Based on the proposed retaining walls being engineer-designed, it is anticipated this will mitigate potential adverse effects on adjoining lots. The overall earthworks are at a scale typical of sloping sites in this area. EMP requirements will mitigate potential temporary earthworks effects on neighbouring properties. The proposal is therefore in accordance with the relevant objectives and policies of Section 25.

Overall, the amenity values of the zone are protected and the proposal is in accordance with the relevant objectives and policies of the Proposed District Plan.

7.4 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 mitigates adverse effects on the

environment through optimal design, within topography constraints, using simple but modern architectural forms and cladding materials. The proposal achieves an efficient use of land and infrastructure.

8.0 Conclusion

This application seeks approval to construct a residential unit, with earthworks. The breaches are appropriately mitigated by building height and design, landscaping, and engineered retaining design.

Overall, it is considered that the proposal is an appropriate development for this site, with no more than minor adverse effects on the surrounding environment.



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