LAND USE CONSENT APPLICATION
4 THEODORE COURT, WANAKA

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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 land use consent to construct a residential unit. The application proposes a boundary setback breach for a landscaping wall, and exceeds building length and building coverage standards.

2.0 The Land

2.1 Location and Legal Description

The land is located at 4 Theodore Court, Wanaka. The property is situated within an established area of low density residential development, situated immediately south west of the intersection of Wanaka - Mt Aspiring Road and Old Station Ave.

The site is 581m^2 in area and is legally described as Lot 15 DP 580193, comprised in Record of Title 1079576. The Title also contains a 1/15 share in Lot 16 DP 580193 (the private accessway of Theodore Court).

The site was created via subdivision consent RM190412 (as varied by RM220648), and a new consent notice was registered on the Record of Title, as attached. The conditions relevant to the subject site are related to management of infrastructure, minimum floor levels and foundation requirements.

Consent Notice 5095679.4 was cancelled via RM190412, however this LINZ registration process has not yet been completed, hence it is still on the current Title.

2.2 Topography and Vegetation

Lot 15 is vacant land, and is an irregular shape. The topography is generally flat for the majority of the lot, with a low raised bund along the western side, and a small slope rises up from the south eastern boundary. The ground cover is grass.

3.0 The Proposal

3.1 Building

The applicants propose to construct a two-storey dwelling on the site (total floor area 340.29m^2). The maximum height of the building meets the zone 8m height limit (with a small permitted gable end intrusion).

The ground floor FSL is noted on the Sheppard & Rout Architects Ltd plans supplied, refer Ground Floor Plan Sheet A1.06. This is in reference to the Consent Notice requirements.

The dwelling will comprise the following external materials:
Roofing: Metal tray roofing (Grey / Black colour to be confirmed, LRV not >20%); and

Walls: Schist stone cladding; Plaster render wall cladding (concrete look); Vertical cedar shiplap weatherboards; external louvre screens.

The length of the building façade above the ground floor level is 17.3m.

The total building coverage over the site is 45.44%. The dwelling coverage is 40%, however this increases to 45.44% due to the canopies / overhangs. Refer to the perspective views (Sheet A7.01), which provide a good visual indication of the canopies.

Landscape permeable surface area within the site is 33%.

3.2 Earthworks

Earthworks to prepare the site for construction are minor only, given the generally flat topography. They have been calculated by the architect as a cut volume of 193m^3 and 11m^3 of fill. This equates to a total cut to fill of 204m^3. All remaining earth is to be removed from site. The maximum cut height is 750mm and maximum fill height is 900mm. All of these aspects of the earthworks are within the permitted activity levels for the zone.

A low landscaping stone wall will breach the proximity to boundary rule on the south eastern side (internal boundary, not road boundary, due to the private ownership of Theodore Court). The proposed height of the wall is 1.0m, and is located 745mm from the boundary. Refer to Section C (Sheet A3.01), and the South East Elevation (Sheet A2.01).

The wall is proposed to provide a roughly level surface for access along the south-east end of the dwelling to a gas bottle store area.

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

3.3 Landscaping

Landscaping is proposed, and the applicants have engaged Rough & Milne Landscape Architects to provide a detailed plan, which is currently in early concept phase. The south east frontage includes a schist stone wall. The applicant has supplied perspective views of the intended finished wall and landscaping appearance (Sheet A7.01), for the purposes of this application.

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 7.5.3 for a breach of building coverage, where the maximum is 40%. The proposed building coverage is 45.44%.

- 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 ground floor level is 17.3m.

Chapter 25 – Earthworks

- A **restricted discretionary** activity consent pursuant to Rule 25.5.18 as the height of earthworks (retained), at 1.0m, will be greater than the distance from the site boundary (745mm) along the south east boundary.

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

5.0 Effects on Persons

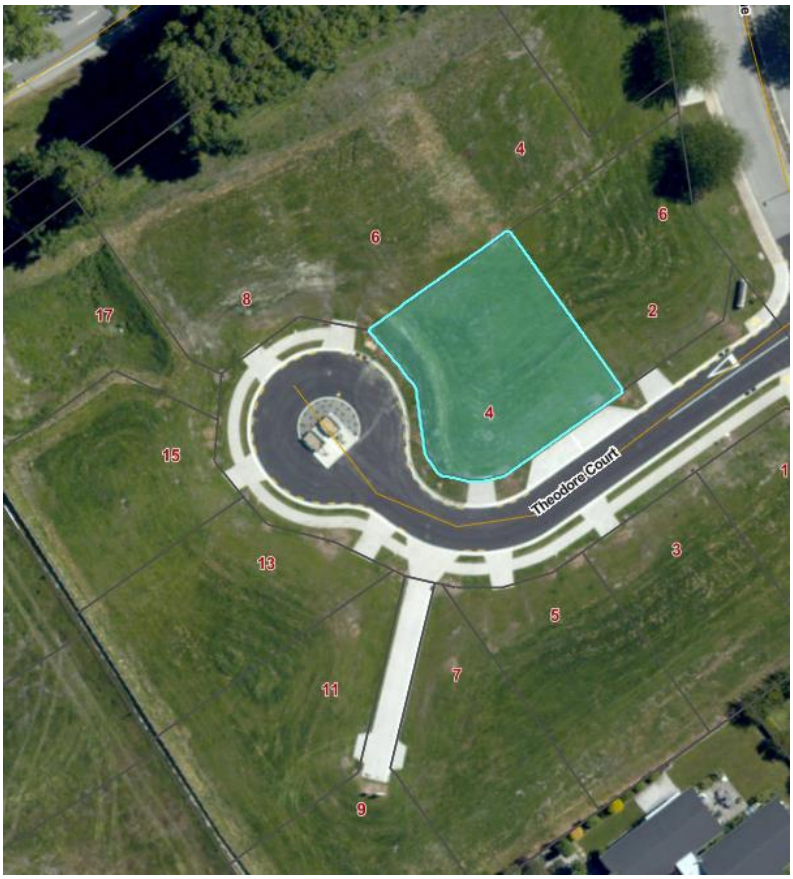


Figure 1: Surrounding properties within Theodore Court. Note that 7, 11, 13 and 15 Theodore Court contain new dwellings. The remaining sites are vacant.

The above Figure 1 indicates the adjoining or neighbouring lots which have been considered in this section.

General Comments

This high quality architectural dwelling combines a number of design features which achieve high visual amenity in views from outside the site. These include differing height in gable roof forms, a mix of varied cladding materials, colours, textures and glazing. Colours and materials are recessive and natural in nature. It is considered there is considerable visual interest and variety in the built form, contributing positively to the character of the neighbourhood.

The proposed fencing and landscaping further contribute to amenity values and provide privacy between sites.

Compliant internal setbacks are maintained between residential sites. It is not considered that the proposed breach of building coverage or building length will have adverse effects on the adjoining properties in terms of amenity, views or outlook.

The low landscaping wall of 1.0m height will be adjacent to a shared boundary of the private accessway (a short cul de sac), and adjacent to a sealed parking bay. The breach in boundary setback of 255mm is unlikely to be discernible to users of Theodore Court. This attractive site feature is unlikely to adversely affect the amenity enjoyed by the surrounding lots. 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. The earthworks EMP is expected to manage and mitigate the temporary effects of earthworks on adjoining properties.

4 Old Station Avenue, 6 and 8 Theodore Court

These sites are located to the northern side of the subject site, and are currently vacant. They form Stage 2 of the overall subdivision and are held in the same land parcel at present, understood to be owned by the developer. Their main outlook is likely to be in the opposite direction to the subject site, given the orientation and aspect. It is not considered they will be adversely affected by the building coverage breach. Internal setbacks are appropriate and the canopies provide additional privacy between the sites. The building length breach will be imperceptible in views from these sites.

7, 9, 11, 13, 15 and 17 Theodore Court

These properties are generally located south and west of the subject site, respectively. They are all well set back from the proposed development, separated by Theodore Court. The minor breach of the building length rule is readily mitigated by varied use of high quality cladding materials which overall present an aesthetic, high value finish to the appearance. These adjoining sites are unlikely to be affected by the building coverage breach, which is largely created by canopies on the north side of the site, and away from prime views and outlook.

1, 3 and 5 Theodore Court

These properties are generally located south and east of the subject site. The minor building length and coverage breaches will be imperceptible in views from these sites, given their location in relation to the proposed building.

2 Theodore Court

This is the adjoining site to the north east. In views from this property, the first floor component is partly screened by the north east wing which is a lower height. This provides sufficient mitigation of views of the first floor building length, as the adjoining site is indirectly exposed to the furthest wing. It is not considered that the proposed landscaping wall, or the building coverage breach, will be dominant in views from this site, or adversely affect the amenity enjoyed by the owners.

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 Coverage

The dwelling creates a 40% building coverage across the site, however, including the canopies / overhangs this increases to 45.44%. This high quality architectural dwelling combines a number of design features which achieve high visual amenity in views from outside the site. These include differing height in gable roof forms, a mix of varied cladding materials, colours, textures and glazing. Colours and materials are recessive and natural in nature. All of these design elements contribute to reducing the appearance of the bulk and scale of the development. It is considered there is considerable visual interest and variety in the built form, contributing positively to the character of the neighbourhood.

The landscape permeable surface area meets the zone requirements, and the proposed fencing and landscaping further contribute to amenity values and softening views of the development. Theodore Court is a private accessway, with public views from Old Station Road unlikely to perceive any increase in building coverage, given the separation distance. It is not considered that the proposed breach of building coverage will have adverse effects on the streetscape in terms of amenity and views.

The canopies provide for an improved all-weather outdoor living space on the north western side of the lot. The proposal still maintains a balance between building activity and landscaped area to provide for appropriate outdoor living. Landscaping of the site will contribute positively to the finished appearance. Compliant internal setbacks are maintained between residential sites. The coverage breach is unlikely to be perceived by the public, and the overall built form will not be a dominant feature in the neighbourhood.

6.2 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 1.3m. It is only relevant to the south west wing of the dwelling. As noted in the section above, there is a considerable variety in high quality building materials and colours. These aspects of the design provide variety and interest in the built form as viewed from Theodore Court and the adjoining properties. Adjoining properties which have views of the proposed dwelling from this side of the site have an increased separation provided by Theodore Court. In views from the north east side of the site, the first floor component is partly screened by the north east wing which is a lower height.

The minor breach of the building length rule is unlikely to be perceived by viewers from outside the site. Mitigation measures described present an aesthetic, high quality finish to the appearance.

Overall, it is not considered that there will be adverse effects related to visual dominance of the building in regards to the façade length.

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.

Generally, the proposed earthworks are low in volume and within permitted activity levels for the zone.

The low landscaping wall, constructed with schist stone, of 1.0m height will be adjacent to a shared boundary of the private accessway, and adjacent to a sealed parking bay. The breach in boundary setback of 255mm is unlikely to be discernible to users of Theodore Court. This attractive site feature is unlikely to adversely affect the amenity enjoyed by the surrounding lots.

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

landscape retaining 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. The resulting effect will not detract from the pleasantness of the site as viewed from the adjoining sites and 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 RM190412 (as varied by RM220648), with a geotechnical assessment by Geosolve, and Flood Assessment by Fluent Solutions. The area was subsequently approved by Council to be suitable for residential development. Foundation recommendations are included in a consent notice and can be covered by the subsequent building consent process.

It is not considered there will be adverse effects on the wider environment from the proximity of the retained earth (landscaping wall) to the boundary.

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 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 RM190412 (as varied by RM220648). The Council decision document (Sec 2.4) 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 relatively small

site, and maximising opportunity for outdoor living. The proposed breaches of standards are considered to be of a minor nature and scale. Appropriate mitigation is provided by landscaping and high quality varied design selections, maintaining the overall residential amenity and character.

Given the varied 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.

The low landscaping wall feature is unlikely to adversely affect the amenity enjoyed by the surrounding lots. 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.

8.0 Conclusion

This application seeks approval to construct a residential unit, with earthworks. The development mitigates adverse effects on the environment through optimal design, using high quality, modern architectural forms and cladding materials. The proposal achieves an efficient use of land and infrastructure.

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.



Nicola Scott
Wanaka Resource Management Ltd