LAND USE CONSENT APPLICATION
RILEY STREET, LONGVIEW, LAKE HAWEA

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1.0 Introduction

This application is for landuse consent to construct a new residential unit on a site in the Longview subdivision. The proposed construction requires consent for boundary setback breach, in accordance with a consent notice registered on the Record of Title.

2.0 The Land

2.1 Location and Legal Description

The land is located at 1 Riley Street, Longview, Lake Hawea. The site is a corner allotment on the south western side of the intersection of Riley Street and Longview Drive.

The 566m^2 lot is legally described as Lot 276 Deposited Plan 589993, and held in Record of Title 1126954.

The site was created via the Housing Accords and Special Housing Areas (SHA) Act 2013, via subdivision consent RM230219 varying SH190005 (as varied by SH200004, SH200005, SH2100002, SH2100005, SH220003 and RM210946). A consent notice is registered on the Title covering aspects of building and site control requirements and visitor accommodation.

2.2 Topography and Vegetation

The vacant site is flat in topography and comprises rough grass as groundcover.

3.0 The Proposal

3.1 Building

The applicant proposes to construct a new residential unit on the site comprising a dwelling over two levels, including an attached garage. The construction involves the following breach of setback:

- The building is to be located 9.037m from the eastern boundary, where the requirement is for a minimum of 3m of building measured parallel to the road boundary must be located no more than 5.5m from the road boundary.

The site coverage comprises 30.8% including the verandah (roof overhang).

The residential unit, which meets the 5m height limit, comprises the following external materials:

- Corrugate Colorsteel roofing, New Denim Blue colour (LRV 11%); and
- Cedar weatherboard wall cladding; and Vertical Corrugated Colorsteel wall cladding, Lichen colour (LRV 28%); and
- Faux schist cladding (TBC); and
- Aluminium joinery, Sandstone Grey (LRV 27%).

3.2 Access & Services

An existing sealed vehicle crossing accesses the site from Riley Street. All services are provided via Council reticulation.

3.3 Consent Notice

This application requests the variation of condition 2. f) of consent notice 12783789.6. This condition states the following:

2. Building and Site Controls

f) All buildings shall have a minimum setback of 4.5m from the road boundary, and a minimum of 3 metres of building measured parallel to the road boundary must be located no more than 5.5m from the road boundary, except for the following:

(i) Lots 24, 25, 26 and 50 the minimum road setback from Cemetery Road shall be 4.5m. No maximum set back applies to this boundary.
(ii) Lots 192 and 259 the minimum road setback shall be 3m.
(iii) Lot 193 the minimum road setback shall be 3m from the northern boundary and 2.5m from the eastern boundary. No maximum setback applies to the eastern boundary.
(iv) Lot 258 the minimum road setback shall be 3m from the northern boundary and 2.5 from the western boundary. No maximum setback applies to the western boundary.
(v) Lots 249, 268, 269 and 286 the minimum road setback shall be 2.5m from the southern road boundary. No maximum setbacks apply to this boundary
(vi) Lot 276 and 277 the minimum road setback shall be 2.5m from the northern road boundary. No maximum setbacks apply to this boundary.

The proposed building does not comply with the above condition, in terms of the maximum setback (5.5m). The setback of the entire building is 9.037m from the eastern road boundary with Longview Drive.

4.0 District Plan & RMA Provisions

4.1 Operative District Plan (ODP)

The land is located within the Rural General 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 site is zoned Suburban Residential in the PDP. The proposal does not require consent under the PDP. Instead, the setbacks are stipulated within the consent notice, as referenced in the following section.

4.3 Consent Notice Variation

A change to the consent notice is required for the road boundary maximum setback breach. Consent is requested for:

- A **discretionary** activity pursuant to Section 221(3A) of the RMA 1991 for the variation of condition 2. f) of consent notice 12783789.6, as it relates to Lot 276 Deposited Plan 589993. It is suggested that this be changed to the following (additions underlined):

2. Building and Site Controls

f) All buildings shall have a minimum setback of 4.5m from the road boundary, and a minimum of 3 metres of building measured parallel to the road boundary must be located no more than 5.5m from the road boundary, except for the following:

(vii) Lots 24, 25, 26 and 50 the minimum road setback from Cemetery Road shall be 4.5m. No maximum set back applies to this boundary.
(viii) Lots 192 and 259 the minimum road setback shall be 3m.
(ix) Lot 193 the minimum road setback shall be 3m from the northern boundary and 2.5m from the eastern boundary. No maximum setback applies to the eastern boundary.
(x) Lot 258 the minimum road setback shall be 3m from the northern boundary and 2.5 from the western boundary. No maximum setback applies to the western boundary.
(xi) Lots 249, 268, 269 and 286 the minimum road setback shall be 2.5m from the southern road boundary. No maximum setbacks apply to this boundary
(xii) Lot 276 and 277 the minimum road setback shall be 2.5m from the northern road boundary. No maximum setbacks apply to this boundary.

Except as otherwise approved for Lot 276 DP 589993 under RM26XXXX.

5.0 Effects on Persons

Based on the assessment and background provided in Section 6.0 below, the breach in maximum setback is largely contained to effects on the applicants, rather than externally.

There are still ample setbacks provided to the western internal boundary which is more than the required minimum setback. This maintains access to sunlight for the adjoining lot to the west. The location is likely to have improved the access to sunlight and views for the adjoining lot to the south, at 8 Longview Drive.

Building coverage proposed is well below the level of the zone allowance, being 30.8% of a possible 50% and therefore an appropriate level of open space is maintained, particularly toward the road frontages. The building height is at the covenanted limit and recession plane requirements are met, ensuring that access to sunlight is maintained for neighbouring allotments.

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 Road Setback

The consent notice provisions were established via the underlying SHA process. An Urban Design Assessment was submitted as part of the application for SH190005[1]. This included a set of design controls to apply to control the bulk and location matters associated with the establishment of residential dwellings on each lot. In Section 3.1 'Context' of the aforementioned report it included the following comments and image below (Figure 1).

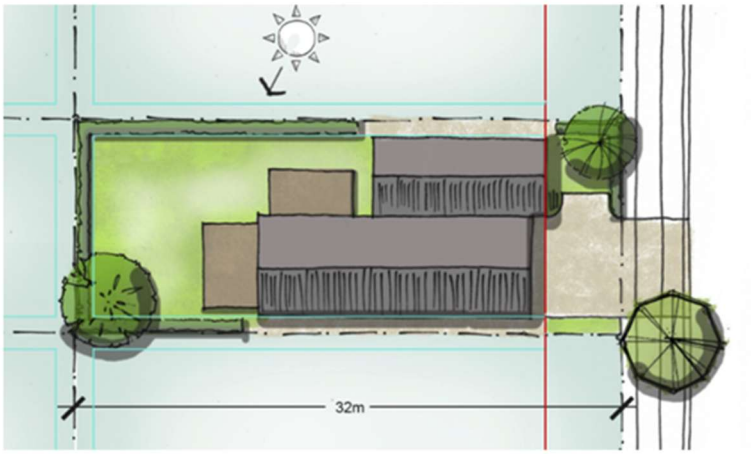


Figure 6: Typical Lot Arrangement

The resulting typical lot arrangement is shown above. As illustrated, the grid design and its width has allowed for regular lots of 32m in depth which enables good outcomes for residential living, including as lots get narrower (smaller). The depth available enables outdoor living space and orientations are favorable for solar gain to these spaces.

Its position within the grid illustrates how fronts of buildings (to the street) will face other fronts, with backyard spaces adjoining other backyard spaces.

Figure 1: Excerpt from UD Assessment

Based on the above, it is assumed that the maximum setback to the eastern road boundary was intended to provide for outdoor living space within the north west aspect of the lot. However, on this subject site, the existing vehicle crossing has been constructed in the north west corner, which has largely dictated where the driveway, entry and garage are located. If the house were moved toward the eastern boundary, this service area is increased, but it does not benefit the development in terms of outdoor living opportunity.

[1] Williams & Co. (2019). Lake Hawea SHA, Application for Qualifying Development, Urban Design Assessment (QLDC eDocs SH190005, Application, Appendix E).

The current design provides for outdoor living accessed directly from the living area, and optimum viewshafts to the Hawea mountains in the east. The proposal opens up the intersection of Riley Street and Longview Drive more, with a slight reduction in built form toward that corner.

There are still ample setbacks provided to the western internal boundary which is more than the required minimum setback. This maintains access to sunlight for the adjoining lot to the west. The location is likely to have improved the access to sunlight and views for the adjoining lot to the south, at 8 Longview Drive. Privacy is maintained with existing fencing.

Building coverage proposed is well below the level of the zone allowance, being 30.8% of a possible 50% and therefore an appropriate level of open space is maintained, particularly toward the road frontages. The building height is at the covenanted limit and recession plane requirements are met, ensuring that access to sunlight is maintained for neighbouring allotments.

The east elevation presents an attractive frontage to the road view, with an extended verandah providing all-weather outdoor living. The cedar weatherboard cladding and expansive glazing contribute to an overall quality appearance in the streetscape.

It is considered that overall, the proposed minor setback infringement is mitigated sufficiently, such that effects on the neighbours' amenity values, and public views, will be less than minor. The overall amenity provided to the site occupants in terms of outdoor living opportunities and solar gain are considered to be appropriate on this suburban lot.

6.2 Consent Notice

The assessment provided in Section 6.1 above is similarly relevant for the consent notice variation.

The use of recessive materials and colours, ensures that the development will not detract from the coherence and attractiveness of the site as viewed from the street and adjoining sites. The site maintains a good level of open space. The overall amenity provided to the site occupants in terms of outdoor living opportunities and solar gain are considered to be appropriate on this suburban lot.

Overall, given the assessment provided above it is considered that the potential adverse effects on the environment from this development are less 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 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)* 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, somewhat constrained by existing infrastructure (access), whilst maximising opportunity for views and outdoor living. The proposed breach of standards is of a minor nature and scale. Appropriate mitigation is provided by outdoor living space, and design selections, maintaining the overall residential amenity and character.

The use of recessive materials and colours, ensures that the development will not detract from the coherence and attractiveness of the site as viewed from the street and adjoining sites. Site coverage is low providing good opportunity for outdoor living and maintaining open space within the site.

Overall, the amenity values of the zone are protected and the scale and intensity of anticipated development within the Longview subdivision area is maintained. The proposal is considered to be in accordance with the relevant objectives and policies of the District Plan.

7.3 Other Matters (s104(1)(c))

The application seeks consent to construct the residential development further to the west on the site, which requires a change in consent notice conditions.

It is considered that potentially affected parties (adjoining landowners) and the public are not impacted by this change, given the degree of openness in the site and compliance with internal boundary setbacks and recession planes. The overall appearance will not detract from the streetscape, and ample opportunity is still provided to the applicant for outdoor living and solar gain. There has been no material change in circumstances requiring the change to the consent notice condition, however, the purpose of it is not undermined, given the mitigation measures described.

The proposal is not considered to give rise to potential adverse effects that are unacceptable on this lot.

8.0 Conclusion

This application seeks approval to construct a new residential unit which includes a road boundary setback breach. The design of the overall development makes efficient and practical use of the

site. The minor breach is appropriately mitigated by maintenance of a good level of open space around the dwelling, recessive colours and other mitigating factors as previously described.

Overall, it is considered that the proposal is an appropriate development for this site, with less than minor adverse effects on the surrounding environment.



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