



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	P M KING
RM Reference:	RM150512
Location:	Wanaka-Luggate Highway (State Highway 6), near Wanaka
Proposal:	Land use consent to establish and operate a vehicle depot including an associated building, wash down facility, earthworks and landscaping; and application to vary a condition specified in a consent notice.
Type of Consent:	Land Use & Variation of Consent Notice
Legal Description:	Lot 2 DP 356315 in CFR 229535
Valuation Number:	2906303502
Zoning:	Rural General
Activity Status:	Discretionary Activity
Notification:	18 May 2017
Commissioners:	W D Whitney & W Baker
Date of Decision:	18 October 2017
Decision:	Application Refused.

A. INTRODUCTION

A.1 Background

1. Mr Peter M King has applied to the Queenstown Lakes District Council to establish and operate a vehicle depot which is to include an associated building, wash down facility, earthworks and landscaping; and to vary a condition specified in consent notice CONO 6611653.1. The site subject to this application is described as Lot 2 DP 356315 as held in Computer Freehold Register Identifier 229535 in the Otago Land Registration District.
2. The site has an area of 6.6819 hectares more or less and is located on the true left of the Cardrona River upstream of the Wanaka-Luggate Highway being State Highway 6. Access to the site is achieved via Crossing Place 35 (CP 35) onto State Highway 6 which is a Limited Access Road.
3. The site can be described as a pocket of land which includes the lower portion of a terrace riser (to the west); and which is contained by State Highway 6 (to the north) and the Cardrona River (to the south and east). The northern half of the site is described in the application documentation as predominantly grazed pastoral paddock land; and the southern half of the site is described as being predominantly covered in mature willows, poplars and other exotic vegetation. It is apparent that vegetation has been cleared and earthworks undertaken on the southern portion of the site.
4. The site is subject to Esplanade Strip Instrument 6611653.4. This Esplanade Strip is described in Schedule B of the Esplanade Strip Instrument as being a strip of land 5 metres wide on the true left bank of the Cardrona River as depicted on DP 356315. DP 356315 shows the Esplanade Strip as bisecting the southern portion of the site but it is acknowledged that DP 356315 is a compiled plan based on historic survey measurements. Section 233(1) of the Resource Management Act 1991 (the Act) provides for an esplanade strip to move where the bank or any river alters for any reason.
5. The site is located in the Rural General Zone. Land to the west (including that part of the terrace riser not within the site) is in the Rural Lifestyle Zone which

contains several properties that have frontage to Riverbank Road. Land to the north (across State Highway 6) is located in the Rural Residential Zone and the Rural Zone. Land to the south and east (being the Cardrona River) is located in the Rural General Zone as is land to the east of the Cardrona River. A small flat area in pasture to the south-west of the site forms part of the Rural Lifestyle Zone (being part of 11 Riverbank Road – the Watson property).

6. The subject site was created upon the granting of subdivision consent RM 040542 on 25 January 2005. On 16 July 2009 land use consent was granted to undertake approximately 980m³ of earthworks over an area of approximately 1000m². That proposal was to infill a number of depressions on the site and to regrass the area once the works were complete.

A.2 The Proposal

7. The application as lodged disclosed that the applicant is the owner of Alpine Connexions, which is a passenger transport company serving the Central Otago region, and some parts of wider Otago. Alpine Connexions has an extensive fleet of vehicles which require land for storage and servicing along with office space for the day to day administration of the Company. The application confirms that the proposal is to establish a vehicle depot facility for Alpine Connexions.
8. At the hearing Mr King confirmed that in 2017 he sold part of his transport business to another operator (being Ritchies Coachlines). Mr King confirmed that Ritchies have a first right of refusal to lease the yard workshop and office if consent is granted to the current application.
9. It is also noted that a series of changes have been made to the application since it was first lodged with the Council. The proposal, as summarised below, is that which was presented to the Commission at the hearing:
 - Earthworks and construction work to upgrade the existing carriageway from CP 35, to create a level surface and to establish earth mounding to

the south. Earthworks will consist of 1400m³ of cut and 7800m³ of fill; amounting to 9200m³ in total.

- Removal of all vegetation that is located within the area to be used for the vehicle depot and to implement the Structural Landscape Plan; the latest version of which is dated 14 September 2017.
- Upgrading of the existing access off State Highway 6 to achieve a NZ Transport Agency Diagram E standard.
- The construction of a building for administration, vehicle storage and maintenance purposes; such building to have an area of 442m² and an overall height of 7 metres. The walls of the building are to be finished in a Resene Lichen colour; and the roof is to be Resene Ironsand.
- A vehicle wash down facility is proposed with dimensions of 8.0m x 12.0m (96m²).
- The yard area is to be metalled and will be set back 50 metres from adjacent property boundaries.
- Two water tanks are to be located off the boundary on the lower portion of the terrace riser with associated landscaping as shown on the Structural Landscape Plan dated 14 September 2017.
- The activity will provide for the movement, storage, servicing and washing of 20 coaches, 20 vans and 5 trailers. In addition staff parking is to be provided adjacent to the building and the yard entrance. The applicant estimates that on a regular service day staff parking would be required for 8 vehicles; and that on a maximum service day there will be a need for parking for 16 vehicles.
- Operations are to be permitted on 364 days per year, excluding Christmas.

- No vehicles (other than private staff vehicles) are to enter or egress the site between the hours of 1:00am to 7:00am; and workshop or outdoor maintenance works are to occur during daytime only ie. between 8:00am to 8:00pm.
- All vehicle servicing and maintenance works are to occur inside the building.
- Persons normally on-site during working hours include two mechanics and three office staff, with periodically one cleaner present. In addition three drivers will also be periodically on-site. During busy periods there are also an additional four drivers for charter work on maybe three days per week.
- Exterior lighting after 8:00pm is to be sensor lighting only.
- Fencing around the vehicle depot is to be deer fencing.
- Water supply is from an on-site bore; wastewater and stormwater disposal is to occur on-site; and electricity and telecommunication services will be provided to the facility.
- Any signage will comply with District Plan rules or may be the subject of a separate application for resource consent.
- The northern portion of the site (being that part of the site identified by blue hatching on the Structural Landscape Plan dated 14 September 2017) is to be maintained as open pasture by grazing, cropping and seasonal mowing. Parking, buildings and outdoor storage of any goods or materials are not to be permitted in this area.
- A detailed landscape plan is to be submitted for approval by the Council detailing all planting (including exact plant numbers, species, densities and spacings, and sizes of plants at the time of planting) and means of pest protection with the objective of achieving maximum practical visual

screening of the proposed activities when viewed from outside the site. The approved detailed landscape plan is to be implemented within the first planting season following approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan.

10. In the application documentation and prior to and at the hearing the applicant volunteered a range of conditions to mitigate effects. These conditions were tabled for consideration at the commencement of the hearing; and an annotated set of proposed conditions was provided by Mr Vivian on 22 September 2017.
11. The Commission confirms that it has assessed the proposal on the basis of the application as lodged and as amended subsequently and in terms of the conditions offered by the applicant.

A.3 Zoning

Operative District Plan

12. The site is zoned Rural General as shown on Map 18 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).
13. Rule 5.3.3.3i(a) confirms that the construction of any building is a discretionary activity in the Rural General Zone. Proposed buildings include the 442m² building to be used for administration, vehicle storage and maintenance purposes and the two water tanks.
14. Site Standard 5.3.5.1iii(a) stipulates that the maximum gross floor area of all buildings on the site which may be used for activities other than farming and other listed activities shall be 100m². A breach of Site Standard 5.3.5.1iii(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
15. Site Standard 5.3.5.1iii(b) stipulates that no goods, materials or equipment shall be stored outside a building. A breach of Site Standard 5.3.5.1iii(b) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.

16. Site Standard 5.3.5.1vi(a) stipulates a minimum setback from internal boundaries for buildings of 15 metres. This site standard is breached with respect to the location of the two water tanks. A breach of Site Standard 5.3.5.1vi(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
17. Site Standard 14.2.4.2iv(a) establishes the minimum sight distance from any access. A breach of Site Standard 14.2.4.2iv(a) is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
18. Site Standard 22.3.3i stipulates the maximum total volume of earthworks permitted. A breach of Site Standard 22.3.3i is a restricted discretionary activity pursuant to Rule 22.3.2.3(a).
19. The application as lodged advised that land use consent was sought to establish a commercial activity which is a non-complying activity in terms of Rule 5.3.3.4i. It was subsequently confirmed that the vehicle depot activity is a service activity that is defined in the Operative District Plan as follows:

“Service Activity Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.”
20. For the purposes of this definition the “goods” referred to are the vehicles to be stored and maintained at the site.
21. As “service activity” is not listed as an activity requiring resource consent in Rules 5.3.3.2 – 5.3.3.4 such activity is a permitted activity in terms of Rule 5.3.3.1 provided it complies with all the relevant site and zone standards. In this instance the service activity breaches certain site standards (as listed above) and accordingly resource consent is required for these breaches as a restricted discretionary activity.
22. The application as amended seeks a variation to Condition 1 as specified in consent notice CONO 6611653.1. This variation is to make explicit reference

to service activity as a purpose for which the land is permitted to be used in terms of that condition. A variation to a condition subject to a consent notice is a discretionary activity under section 221(3) of the Act.

23. The Commission has considered the proposal as an application for land use consent and as an application to vary a condition specified in a consent notice, both being for a discretionary activity.

Proposed District Plan

24. The Proposed District Plan was publicly notified on 26 August 2015 being a date prior to the date when the application was lodged, that being on or about 6 November 2015. The subject site is proposed to be zoned as Rural in the Proposed District Plan but there are no rules with immediate legal effect relevant to the proposal. Accordingly no further consideration is given to the rules of the Proposed District Plan.

A.4 Submissions

25. Seven submissions were received within the statutory submission period which closed on 16 June 2017. The submissions by Gillian & Peter Watson, Shirley George, Peter Dorrington, Mary O'Reilly-Dowdall, Graham Dowdall and The Otago Fish & Game Council oppose the proposal. The NZ Transport Agency made a neutral submission which neither supported nor opposed the application.
26. The Commission has given consideration to the submissions received in response to the application.
27. For completeness it is noted that Mr Warren Hanley of the Otago Regional Council provided written comment on the proposal in an email dated 16 June 2017.

A.5 Reports and Hearing

28. The Commission has had the benefit of a planning report dated 28 August 2017 prepared by Ms Sarah Gathercole, a Senior Planner with the

Queenstown Lakes District Council; an Engineering Report dated 27 July 2017 prepared by Mr Tim Dennis, Engineer, of Southern Land Ltd (which had been reviewed by Ms Lyn Overton, Resource Management Engineer with the Queenstown Lakes District Council); and a Landscape Report prepared by Mr Richard Denney, Consultant Landscape Architect, dated 12 August 2017. The Commission has also had the benefit of email comments from Dr Stephen Chiles, an Acoustic Engineer, of Chiles Limited dated 21 August 2017 with respect to acoustics.

29. At the hearing on Tuesday 19 September 2017 the Commission was assisted by Ms Gathercole, Ms Overton and Mr Denney. Ms Charlotte Evans, Planning Support with the Queenstown Lakes District Council, provided administrative support at the hearing.
30. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A report and appendices thereto; and the pre-circulated written evidence prepared by Messrs McCartney, Bartlett, Espie and Vivian for the applicant. It is also noted that expert evidence prepared by Ms McMinn for the NZ Transport Agency was circulated prior to the hearing. In the company of Ms Gathercole the Commission made a site inspection on the morning of the hearing on 19 September 2017.
31. At the hearing the applicant was represented by Ms Jayne Macdonald, Counsel, of Macalister Todd Phillips; Mr Peter King, the applicant; Mr John McCartney a Consulting Civil Engineer and Director of Civilised Limited; Mr Jason Bartlett, Traffic and Transportation Engineer of Bartlett Consulting; Mr Ben Espie Landscape Architect and Director of Vivian + Espie Limited; and Mr Carey Vivian Resource Management Planner and Director of Vivian + Espie Limited. The Commission also had the benefit of technical reports commissioned by the applicant including a Noise Impact Assessment dated 16 August 2017 prepared by Malcolm Hunt Associates.

32. Three submitters appeared at the hearing. Ms Gillian Watson represented herself and Mr Peter Watson; and Ms Mary O'Reilly-Dowdall and Mr Graham Dowdall appeared in support of their submissions. In an email dated 18 September 2017 Ms McMinn advised that the NZ Transport Agency is no longer calling evidence as the Agency is in agreement with the applicant's proposed conditions. For completeness it is noted that Mr Nigel Paragreen advised in an email dated 29 August 2017 that The Otago Fish & Game Council was not able to send a representative to the hearing.
33. The planning, engineering and landscape reports were taken as read and Ms Overton, Mr Denney and Ms Gathercole were invited to comment following the presentation of the evidence. Ms Macdonald gave a verbal reply and leave was granted for her to file a written reply with respect to the Esplanade Strip and riverbed issues.
34. Following Ms Macdonald's verbal reply the hearing was adjourned.
35. Ms Macdonald's written reply and a supporting report dated 27 September 2017 relating to the Esplanade Strip prepared by Mr Matthew Suddaby, a Registered Professional Surveyor and Director of C Hughes and Associates Limited, were received on 29 September 2017.

A.6 Principal Issues in Contention

36. The principal issues in contention are the effects on the environment of permitting the proposed land use activity on the subject site.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted Baseline

37. Farming activities, planting (with specific exclusions), fencing and earthworks which do not breach the site standards contained within Site Standards 22.3.3i-viii are permitted activities in the Rural General Zone. Within the Rural General Zone any building that exceeds 5m² in area and a height of 2 metres requires resource consent and is therefore not a permitted activity.

B.2 Affected Persons Approvals

38. No affected persons approvals from any parties have been received.

B.3 Assessment Matters

39. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 5, 14 and 22 that are relevant to development in the Rural General Zone.
40. The officers' reports and the evidence have assessed the effects of the activity in terms of the relevant assessment matters. This approach is appropriate in this instance, and the Commission has assessed the actual and potential effects of the proposed activity having regard to relevant assessment matters, particularly those presented in Part 5 of the Operative District Plan.

B.4 Part 5

41. Clause 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.
42. Mr Espie (by adopting the findings and conclusions of the Landscape and Visual Effects Assessment Report dated 26 January 2017 prepared by Mr Paul Smith) and Mr Denney agree that the subject site is in the Visual Amenity Landscape (VAL). The Commission has determined that the proposal should be assessed on the basis of being in a VAL.
43. Clause 5.4.2.2(3) contains assessment matters that apply to development in the Rural General Zone on land categorised as VAL. Each assessment matter stated in the District Plan is presented in italics below, followed by the Commission's assessment of the proposal in terms of these matters, including a discussion of effects.
44. The opening paragraphs of Assessment Matter 5.4.2.2(3) state as follows:
"These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

- (a) was either
 - planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places
- shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.
- nor shall removal of such vegetation be considered as a positive effect of any proposal.”

45. The Commission simply acknowledges that the assessment matters in Assessment Matter 5.4.2.2(3) are to be read in light of the above guiding principle.

“(a) Effects on natural and pastoral character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) *where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;*
- (ii) *whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;*
- (iii) *whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;*
- (iv) *whether any adverse effects identified in (i) – (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive*

instruments) having regard to the matters contained in (b) to (e) below;”

46. The site is located on a low river terrace and contains part of the riverbed of the Cardrona River which is a braided river within an active flood plain. The Cardrona River has not been specifically categorised as an Outstanding Natural Feature (ONF) or an Outstanding Natural Landscape (ONL) in the Operative District Plan. Mr Denney noted that the nearest ONF is Mt Iron and that the Mata-au/Clutha River is sufficiently distant and separated from the landscape of the subject site to not be affected by the proposed development.
47. Mr Denney noted that the scale of built form and the associated yard [which will be used for the storage of vehicles] will be relatively large in the context of the river landscape and will be of an industrial character. The Commission concurs with Mr Denney that the scale and concentration of built development would be in contrast to the surrounding VAL which is otherwise relatively devoid of built form due to flood plain constraints.
48. The proposed activity (which includes a large building and the outdoor storage of up to 40 vehicles and 5 trailers) is more industrial and urban in nature and the Commission finds that this activity is out of context in this rural setting in a VAL. The Commission notes in this context that industrial activities and service activities are explicitly provided for as permitted activities in the Industrial B Zone in the Operative District Plan. While service activities (and not industrial activities generally) are permitted activities in the Rural General Zone it is likely, in most instances, that land use consent would be required for a service activity in the Rural General Zone due to the need for an ancillary building and because of breaches of those site standards which relate to building size and outdoor storage.
49. The proposed earthworks will modify the existing natural braided riverbank edge to provide for the full extent of the yard as shown on the Structural Landscape Plan. Mr Denney noted that this would modify the natural landform edge to the river margins and the Commission notes in this context

that it appears that some of the proposed earthworks have been undertaken prior to the hearing.

50. Plantings are proposed adjacent to the fenceline of the vehicle depot enclosure and on part of the riverbed as shown on the Structural Landscape Plan. Mr Denney has noted that the proposed planting will visually highlight the division and fragmentation of land for the purpose of the yard. Mr Denney advised the Commission at the hearing that overall he considers that the scale and nature of the development will compromise the natural and arcadian pastoral character of the surrounding VAL to a moderate degree; and the Commission concurs with this assessment.
51. Mr Espie noted that in landscape planning the term “domesticate” is usually used when describing a proposal to add residential use to a vicinity via subdivision and/or building. He emphasised that there is [now] no domestic aspect to the proposal.
52. Mr Denney noted that while the term “domestication” is usually associated with residential activities; it can simply refer to the human use of land. He observed that in this instance the proposal will modify the landscape through the removal of established trees and pastoral land, levelling the land, the formation of a large gravel yard, the fleet vehicle storage and servicing, and the establishment of a large building incorporating an office and associated activity. Mr Denney considered that adverse domesticating effects within the context of the river landscape would represent over-domestication. The Commission concurs.
53. An open space pastoral covenant is now proposed on the road side paddock. The Commission concurs with Mr Denney that while this will assist in reducing adverse effects it will not adequately mitigate or avoid those effects.
54. The Commission’s conclusion is that the proposed development will have an adverse effect on the natural and pastoral character of the VAL landscape in this vicinity.

“(b) Visibility of Development

Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and*
- (ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;*
- (iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;*
- (iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;*
- (v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;*
- (vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;*
- (vii) any proposed new boundaries and the potential for plantings and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;*
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;*
- (ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.”*

55. Mr Denney observed that the proposed development would be highly visible from an approximate length of 330 metres of State Highway 6 from the Cardrona River Bridge to the cutting in the terrace towards the west. Submitters Ms O'Reilly-Dowdall and Mr Dowdall described the Cardrona River Bridge as being the "portal" to Wanaka as seen by tourists and locals who travel on State Highway 6.

56. The Cardrona River, the Crown Land adjacent to the river and the Esplanade Strip which bisects the site are all public places. The term "public place" is defined in the Operative District Plan as follows:

"Public Place Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any trail as defined in this Plan."

57. Mr Denney advised that the development would be highly visible nearer to the south of the site [which forms part of the Cardrona River riverbed]. He has advised that the proposed planting once established would partially filter views from the south but that this would take 10 years or more; and would not be of sufficient density to offer total screening. As a consequence the vehicle depot yard and the vehicles stored at the yard would be clearly visible from the Cardrona River riverbed.

58. Mr Denney advised that the development would be partially visible through existing and proposed trees as viewed from the Crown Land adjacent to the Cardrona River to the east of the site. Crown Land is also located adjacent to the area of pasture which forms part of the Watson property, to the south of the site.

59. Mr Denney noted that the development will be highly visible from the Esplanade Strip that passes through the subject site. It appears that the

Esplanade Strip may no longer remain in the position shown on DP 356315 and that a new Esplanade Strip may have been created pursuant to section 233(1) of the Act (on the basis that the bank of the river has altered). The development will be highly visible from the Esplanade Strip in its new position which is adjacent to the vehicle depot yard. Again it is noted that plantings between the Esplanade Strip and the yard will take several years to partially filter views from the Esplanade Strip.

60. The Commission's conclusion is that the development will be highly visible from State Highway 6, from the Cardrona River and from the Esplanade Strip, all being public places.
61. The Commission concurs with Mr Denney that the proposed development is likely to be visually prominent such that it detracts from public views otherwise characterised by natural and arcadian pastoral landscapes as viewed from State Highway 6 and the Cardrona River (and adjacent Crown Land) as well as from the Esplanade Strip. The development will detract from such public views.
62. Mr Denney noted that the property at 11 Riverbank Road, being the Watson property, has a relatively uninterrupted rural outlook over the river corridor including the subject site. The development will be prominent as viewed from this property within the curtilage to the east of the dwelling, from the track that passes down the terrace riser and from the paddock which is located on the low river terrace, adjacent to the subject site. From elevated vantage points at 11 Riverbank Road a full view would be available of the vehicle depot yard, vehicles stored in that yard and the proposed 442m² building. It is emphasised that these views will be experienced from parts of the property at 11 Riverbank Road but not from the Watson dwelling which is set back from the terrace edge on that property; and therefore those in the dwelling cannot look down onto the subject site. The Commission concurs with Mr Denney that the development will be visually prominent such as to detract from the private views otherwise characterised by natural or arcadian pastoral landscapes as viewed from the property at 11 Riverbank Road.

63. The Commission also concurs with Mr Denney that while the properties at 7 and 29 Riverbank Road overlook the site to some extent; this will be to a much lesser degree than the effects on 11 Riverbank Road. The Commission notes in this context that a substantial Oregon pine plantation is located on the terrace riser which forms part of 7 Riverbank Road being the O'Reilly-Dowdall/Dowdall property. This plantation will largely block views from the dwelling and curtilage at 7 Riverbank Road towards the subject site.
64. Mr Denney noted that the development will be visible from private properties within the rural lifestyle type cluster to the south-east and south of the site at the end of Black Peak Road (across the Cardrona River). Mr Denney noted that such views are intermittently filtered through existing trees within private properties and from the public areas of the river corridor. The proposed building and yard would sit low on the landscape as seen from these vantage points; and such development would be seen in the visual context of buildings that are visible on the terrace edge above the site. The Commission concurs with Mr Denney that the proposed development will not be visually prominent so as to detract from views otherwise characterised as natural or arcadian pastoral landscape as viewed from these private properties to the east of the Cardrona River.
65. Planting is proposed to provide screening as depicted on the Structural Landscape Plan dated 14 September 2017; and Mr Espie provided a Planting Schedule and Management Strategy with his pre-circulated evidence.
66. An evergreen hedge is proposed adjacent to the northern perimeter fence of the depot facility which is intended to provide screening from State Highway 6. Mr Espie advised that these plantings would provide a knitted together hedge 7 metres high within seven years of planting. Given that State Highway 6 climbs adjacent to the site (between the Cardrona River Bridge and the cutting to the west) the vehicle depot facility (including the building and vehicles parked in the yard) will be highly visible from State Highway 6 until such screening becomes effective. Mr Denney observed that the planting on

the northern boundary of the yard is lineal in nature and would visually fragment the existing openness of the subject site.

67. Planting is proposed adjacent to the southern and south-eastern boundary of the yard, between the yard and the lower paddock of the Watson property and the Esplanade Strip adjacent to the Cardrona River. As previously noted Mr Denney estimated that such planting once established would partially filter views but would take 10 years or more, and would not be of sufficient density to offer total screening.
68. The access carriageway is to be upgraded between State Highway 6 and the vehicle depot yard compound. The majority of this access carriageway will pass through the area to be managed as open pasture and vehicles travelling to and from the depot yard will be clearly visible to those passing on State Highway 6.
69. In terms of any enclosing or confining elements of the subject site and wider VAL Mr Denney noted that the natural terrain of the terraced river valley and associated trees along the river margins provide a degree of visual confinement of the site to the local context of the river. The site forms part of the riverine environment which is confined, to the west, by the terrace riser and again it is noted that the site is located on a low river terrace and includes part of the riverbed within the active flood plain of the Cardrona River.
70. In terms of Assessment Matter 5.4.2.2(iii)(b)(v) no building platform is proposed pursuant to Rule 15.2.3.3 as no subdivision is proposed. It is unlikely that the proposed development would give rise to breaches of skylines, ridges, hills or prominent slopes. Mr Denney suggested that such a breach may occur from the Esplanade Strip within the site and potentially from Crown Land immediately adjacent to the site. The Commission considers that any such breach, if it were to occur, would be no greater than minor. Mr Denney acknowledged that the yard and building sit low in the landscape and are sufficiently offset from public roads to avoid breach of skylines, ridges, hills or prominent slopes.

71. Earthworks are proposed as depicted on plans prepared by C Hughes & Associates which were provided in response to the Council's request for further information prior to notification of the application. Mr Denney noted that the proposed earthworks will modify the natural riverbank margin to a small to moderate degree; and would not result in prominent changes to topography. Mr Denney observed that the proposed topographical variance of up to 1.6m beyond existing levels would be relatively small and that the riverbank margins would be partially retained in existing vegetation and supplemented with additional planting to buffer changes in landform [as depicted on the Structural Landscape Plan dated 14 September 2017]. As previously noted the proposed northern boundary of the yard with its hedge plantings would introduce fragmentation to the landscape albeit that the planting of additional trees, as proposed, will assist in visually softening this.
72. Mr Denney's overall opinion was that the proposed landscape and planting works will change the line and affect the naturalness of the landscape to a small degree.
73. In terms of Assessment Matters 5.4.2.2(3)(b)(vii) and (viii) no new boundaries are proposed. The proposed deer fence around the vehicle depot yard and landscape planting will create arbitrary lines in the landscape but these will be softened by the proposed planting regime.
74. The development will not constitute sprawl of built development in the sense of extending such existing built development along State Highway 6. Instead the proposal will result in the development of part of the site to accommodate a substantial service activity in a location that is separated in terms of both distance and topography from the town of Wanaka.
75. The proposal will result in a form of urban development occurring within the Cardrona River valley which is confined by the terrace riser to the west; and the depot will be some distance from the Wanaka urban area. The Commission notes in this context that Map 18 of the Proposed District Plan

indicates an Urban Growth Boundary which is located approximately 500 metres (as the crow flies) to the south-west of the site. The Commission also notes that the properties in the Rural Lifestyle Zone at Riverbank Road separate the Cardrona River valley (including the site) from the urban area of Wanaka. The Commission does not concur with Mr Espie and Mr Vivian that the site can be more accurately described as being on the edge of Wanaka town.

“(c) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:

- (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;*
- (ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);*
- (iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;*
- (iv) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.*
- (v) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:*
 - (a) within a 500 metre radius of the centre of the building platform, whether or not:*
 - (i) subdivision and/or development is contemplated on those sites;*

(ii) the relevant land is within the applicant's ownership; and

(b) within 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council

- must be taken into account.

(vi) recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large."

76. While the terrace riser to the west of the site provides a degree of visual containment, this topography is not able to be utilised to ensure that the development is not highly visible when viewed from public places. The vehicle depot will be highly visible from State Highway 6, from the Cardrona River and from the Esplanade Strip.
77. In this instance built development is not to be aggregated. The development is to occur in isolation on a site within the Cardrona River valley and access is to be achieved via an existing carriageway (to be upgraded) off State Highway 6. The vehicle depot activity is to be concentrated in the southern half of the site some distance back from the State Highway. As previously noted the roadside paddock is to be managed as open pasture albeit that vehicle access to the depot facility is to occur across this open area. Mr Denney considers that the small scale of the property, its open nature and location adjacent to State Highway 6 results in limited ability to absorb the scale of the development within the local context whilst retaining a natural and arcadian pastoral character.
78. The proposed development will result in the introduction of a service activity which incorporates a large building, a large gravel yard and the storage of up to 20 buses, 20 vans and 5 trailers on the site. This is in addition to staff parking. This development will be highly visible from State Highway 6, the

Cardrona River and Esplanade Strip; and from the private property to the west being the Watson property at 11 Riverbank Road. The vehicle depot facility will represent a density of development which reflects those characteristic of urban areas.

79. Assessment Matter 5.4.2.2(3)(c)(v) is not relevant as a residential building platform is not proposed in this instance.
80. As previously noted the subject site is located on a river flood plain and it is likely that the neighbouring land in the Rural Lifestyle Zone is more likely to be developed for residential purposes on the terrace tread rather than the terrace riser. Given this topographical separation the Commission is satisfied that the proposal would not preclude residential development and/or subdivision on neighbouring land albeit that Ms O'Reilly-Dowdall was concerned that the possible subdivision of her land may be compromised as an allotment may overlook the subject site.

“(d) Cumulative effects of development on the landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:

- (i) the assessment matters detailed in (a) to (d) above;*
- (ii) the nature and extent of existing development within the vicinity or locality;*
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;*
- (iv) whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;*

- (v) *the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;*
- (vi) *whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;*
- (vii) *whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).*

...”

81. While in topographical terms the site is isolated on the low river terrace and riverbed within the Cardrona River flood plain existing development in the vicinity is diverse. This includes the Rural Lifestyle Zone subdivision and development which has occurred on the terrace tread at Riverbank Road; and Rural Residential Zone subdivision and development which has occurred to the north of State Highway 6 which extends towards Albert Town. Mr Denney noted that the area immediately north of the State Highway 6 intersection includes a cluster of rural residential dwellings, a vet clinic, and a community church hall which create a node with a semi-urban character.
82. To the east of the Cardrona River land is generally in larger agricultural blocks with areas of small rural lifestyle type development to the east and south-east of the subject site across the Cardrona River on the lower river terraces. Mr Denney has also noted that the Cardrona River valley corridor between the river terraces is a mix of agricultural land on the lower flats and conservation and recreational land use associated with the Cardrona River; with much of the land within the river margins having a less managed appearance with scrubby vegetation and disturbed gravel beds.

83. Mr Denney noted that a temporary gravel extraction and processing area is consented just north of the subject site (RM 110491/RM 110839 - The Roding Company) adjacent to the river; and that that site is also subject to resource consent RM 150361 which was granted on 26 November 2015 (re-issued) to Inderlee Limited which enables development of a commercial salmon fishing and recreation centre. The Commission notes that a cafe associated with the Inderlee development is to be located approximately 400 metres to the north of State Highway 6 and that this would not feature in views of the subject site. Mr Denney also noted that between the Inderlee development and State Highway 6 is a smaller lot (Lot 1 DP 424902) which is the Dorrington/George property which has a consented dwelling (RM 150230).
84. Mr Denney considered that the vicinity of the site does have ability to absorb further change but not of the nature proposed. Mr Denney observed that the site is within a pastoral and natural rural context with a relatively prominent position in the Cardrona River landscape. Mr Denney considers that the proposed development will introduce a contrasting land use and built development that will not contribute to rural character or amenity. The Commission accepts Mr Denney's opinion that the proposed development will go beyond the threshold with respect to the vicinity's ability to absorb development of the nature proposed which will result in domestication of the landscape (in the sense of human use of the land as discussed in paragraph 52).
85. Mr Denney considered that the proposed development is of a nature, being of a more urban character, which is not consistent with the character of the rural landscape. He considered that the proposal will blur the boundaries of the urban fringe and will compromise the natural values of the river landscape. The Commission considers that the vehicle depot facility will compromise the existing natural and arcadian pastoral character of the landscape in this instance.

86. The terrace riser to the west of the site and the Cardrona River to the east would serve to check development in the immediate vicinity of the subject site. In essence the development would be contained within the discrete landscape unit of the Cardrona River valley.
87. In terms of the need for infrastructure, upgrading of the State Highway 6 intersection to a Diagram E standard and upgrading of the carriageway within the site will be visually apparent to passers-by. Notwithstanding this the Commission accepts Mr Denney's view that such upgrading will not represent a significant change to the infrastructure such that it is consistent with urban landscapes.
88. While the proposal will have a cumulative adverse effect (in terms of adding to existing development found in this locality), the Commission finds that such cumulative adverse effects will be limited in this instance due to the topographical isolation of the subject site within the Cardrona River valley.

“(e) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:

- (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;*
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;*
- (iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb [sic] and channelling, particularly in relation to public road frontages;*
- (iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.*

- (v) *buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.”*

89. The established rural character of the landscape will be reduced by the proposal. The vehicle depot yard, building and associated activity (including the parking of a substantial number of buses, vans and trailers as well as staff parking at the site) will visually form part of the localised view from State Highway 6; and from the Crown Land, Cardrona River and Esplanade Strip, all being public places. Private properties above the site to the west (particularly 11 Riverbank Road) will overlook the development and the development will not serve to maintain the existing views of the Cardrona River and the river terraces which are available from these properties. Overall the Commission does not consider that the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained.
90. The proposed development will not compromise the ability to undertake agricultural activities on surrounding land given the topographical isolation of the subject site. In essence the site is separated from adjacent agriculture land by State Highway 6, by the Cardrona River and by the river terraces.
91. In terms of Assessment Matter 5.4.2.2(3)(e)(iii) infrastructure is not proposed consistent with urban landscapes. Upgrading the access to a Diagram E standard and upgrading of the existing carriageway will be required to accommodate the activity. Retention of the northern portion of the site as open pasture and the use of deer fencing is consistent with traditional rural elements. While the proposed planting will generally be consistent with the species found in the rural landscape it will result in some visual fragmentation of the site.
92. The proposed 442m² building is more than 150 metres from State Highway 6 and more than 120 metres from neighbouring properties to the west. The yard

will be no closer than 50 metres to the western boundary. The water tanks will be within the 15 metre internal setback; being located on the lower portion of the terrace riser.

93. While the building and yard are well set back from the boundaries the activity will be clearly visible from the properties to the west, particularly 11 Riverbank Road, as such properties will overlook the vehicle depot facility. The Commission considers that the water tanks, which are to be constructed within the 15 metre internal setback, will have no particular effect on the amenities of the neighbouring property.
94. The amenities of neighbouring properties may be adversely affected by noise associated with the proposed vehicle depot activity. Potential noise sources include maintenance activities occurring at the building, the manoeuvring of vehicles around the site (including the use of reverse warning beepers), noise associated with the opening and closing of doors, and the voices of staff members.
95. The report of Malcolm Hunt Associates dated 16 August 2017 confirms that Zone Standard 5.3.5.2v(a) and (b) will be satisfied. Notwithstanding this Mr Dowdall indicated that noise may still be an issue with respect to the amenities enjoyed by neighbours. Particular reference was made to reverse warning beepers which are likely to be used at the depot facility; and it is noted that such noise source was not explicitly addressed in the acoustic report prepared Malcom Hunt Associates.
96. Lighting effects are to be mitigated by using sensor lighting and by requiring that lighting be down lighting only. Stronger lighting is proposed for the wash down area that will operate until no later than 8:00pm. While restrictions are proposed on lighting it is likely that lighting, including lighting from vehicles entering and leaving the site during the hours of darkness, will have an adverse effect in terms of amenity values of the Rural General Zone as observed from properties to the west and from State Highway 6 in particular.

97. The Commission's conclusion following consideration of the VAL assessment matters is that adverse effects of the proposed development will be significant in the context of the VAL.

Assessment Matters - General

98. Assessment Matter 5.4.2.3 contains Assessment Matters – General which have been considered by the Commission. The Commission does not propose to reproduce these assessment matters in detail as to a considerable extent they overlap with the assessment matters specific to the VAL which are discussed above.
99. In the context of Assessment Matter 5.4.2.3i Nature Conservation Values – Mr Denney advised that the site is highly modified in terms of indigenous vegetation. He considered that there will be some modification to areas of the river flood plain and river margins. He noted that proposed planting of native beech trees would provide a very small enhancement to indigenous biodiversity; and overall he concluded that the proposed development would not offer any significant contribution to nature conservation values although there is potential to do so.
100. In the context of Assessment Matter 5.4.2.3ii Natural Hazards – General the Commission acknowledges that the subject site is shown on the Otago Regional Council Hazards Database website and on the Hazards layer of the QLDC GIS system as a flood hazard area.
101. A Flood Hazard Report prepared by David Hamilton & Associates Limited dated February 2015 was provided with the application as notified. That report advised that the largest flood over recent years was the November 1999 flood; and that the site appears to be clear of floodwaters in the image at Figure 7 of the Hamilton report. The Hamilton report noted that the site ground level is currently between RL 300.0m and RL 302.0m, compared with the assessed 500-year flood level of RL 300.6m at the upstream boundary. The Hamilton report identified several measures to provide practical mitigation of the flood risk which were offered by the applicant as conditions of consent.

It is also noted that the Hamilton report promoted plantings to limit the potential for future bank erosion adjacent to the yard area and that such plantings are provided for on the Structural Landscape Plan dated 14 September 2017.

102. In all the circumstances the Commission finds that any potential adverse effects in terms of flooding could be mitigated by adherence to appropriate conditions of consent.
103. Also in the context of Assessment Matter 5.4.2.3ii Natural Hazards – General Mr Dennis noted that the site is classed as LIC (2)P in the Council's Hazards Register. It is noted that a report prepared by Coffey Geotechnics (NZ) Limited dated 31 May 2016 was provided with the application as notified; and that Coffey Geotechnics considered the liquefaction risk at the site to be low, in line with a LIC 1(P) zone; and that the site is suitable for the proposed development.
104. The Commission's conclusion is that any hazard risk in terms of liquefaction can be mitigated by adherence to an appropriate condition as recommended by Mr Dennis.
105. In terms of Assessment Matter 5.4.2.3iv All Buildings – the building is to be clad in corrugated steel and finished in muted colours. Mr Denney considered that the scale of the built form, in combination with the extensive vehicle depot yard, would be relatively large for this context and would have a more industrial appearance inconsistent with rural character. As previously noted any effects in terms of skylines, ridges, hills and prominent slopes is unlikely to be significant in this instance.
106. Assessment Matter 5.4.2.3xxiii relates to the Nature of Scale of Activities. Again it is noted that the site is located on a low river terrace and riverbed within the active flood plain of the Cardrona River; and that the site is topographically isolated. As a consequence while other buildings and activities are found in the vicinity there is no built development on the low river

terrace to the south of State Highway 6 which includes the site. The vehicle depot facility has no direct association with the rural land resource.

107. The rural character of the site will not remain dominant. The scale of built form and the nature of the proposed activity (which will include the storage of a substantial number of vehicles and trailers) will have an influence on the entire site and on the surrounding landscape. The Commission concurs with Mr Denney that this would be inconsistent with the existing rural pastoral character of the site.
108. Materials and equipment associated with the activity (being the buses, vans and trailers) need to be stored outside given the limited space for storage within the building. The Commission finds that the scale of such storage activity is significantly greater than that generally found at other properties in the Rural General Zone. In terms of Assessment Matter 5.4.2.3xxiii(a)(iv) repairing of goods (ie. vehicles) is to be carried out within the proposed 442m² building.
109. Visual impact and noise has been discussed above in the context of VAL Assessment Matters. The vehicle depot activity consisting of the proposed building, large yard, storage of vehicles and the associated vehicle movements during the day and night will result in noise and visual impacts which will detract significantly from rural amenity and rural landscape character. While the traffic effects of the proposal are able to be mitigated by conditions of consent; traffic generation will have an effect on rural amenities given that traffic movements between the vehicle depot yard enclosure and State Highway 6 will be clearly visible from State Highway 6. The Commission concurs with Mr Denney's overall assessment that the nature and scale of the proposed development will be inconsistent with the surrounding rural landscape character.

B.5 Part 14

110. Rule 14.2.2.3 confirms that any activity which does not comply with the site standards in Part 14 shall be a discretionary activity, with the exercise of discretion being restricted to the matters specified in that standard.
111. Site Standard 14.2.4.2iv requires that a sight distance of 250 metres is to be achieved in a 100 kph speed limit area. Mr Bartlett confirmed that this is not achieved to the west/north (towards Wanaka) at the State Highway 6 entrance to the site.
112. Mr Bartlett has undertaken a speed survey at the site and this survey has found that the operating speed on the approach from the west/north is less than 90 kph based on the 85th percentile speed. Mr Bartlett advised that based on Austroads design guidance it would be appropriate to base the assessment of visibility sight distance at the access on the Safe Intersection Sight Distance (SISD). The absolute minimum SISD for 90 kph is 201m, and the desirable minimum SISD for 90 kph is 214m. Given that a sight distance of 240m is available to the west/north towards Wanaka Mr Bartlett confirmed that an appropriate sight distance can be achieved in this instance.
113. The Commission's conclusion is that adequate sight distances are provided having regard to Assessment Matter 14.3.2v. Accordingly the Commission considers that any adverse effects associated with the breach of Site Standard 14.2.4.2iv will be less than minor.

B.6 Part 22

114. The earthworks breach Site Standard 22.3.3i as the 9700m³ of earthworks proposed exceeds the 1000m³ specified in Table 22.1 for the Rural General Zone.
115. The Commission confirms that it has given consideration to this aspect of the proposal having regard to the matters in respect of which discretion is reserved in terms of Rule 22.3.2.3(b). It is acknowledged that the proposed

earthworks are to provide a level area of ground for the proposed yard and to upgrade the existing access drive across the property to State Highway 6.

116. Mr Denney observed that the proposed earthworks would partially reclaim part of the river flood plain and modify an existing embankment edge to the river flood plain. As previously noted it appears that at least some of the earthworks have occurred already.
117. Mr Denney noted that the proposed earthworks will have a temporary adverse effect on the visual quality and amenity values of the landscape; and that the natural landform of the river bank area will be modified within a relatively small and contained area, and that potential adverse effects will diminish as the planting establishes.
118. The proposed earthworks once completed will result in an extended flat area that will be consistent with the low terrace of the subject site. Mr Denney noted that on the periphery near the river the landform will be less consistent but once planting establishes the modified bank would potentially blend into the landscape. It appears that any adverse effects associated with the earthworks will be limited.
119. It is noted that any noise associated with construction (which will include the earthworks) will be assessed in terms of NZS 6803:1999 Acoustics Construction Noise. The Malcolm Hunt Associates report dated 16 August 2017 has recommended that the applicant ensure that such a requirement is part of the contract for the development of the site.

B.7 Positive Effects

120. The proposal will have a positive effect by providing for the establishment of a vehicle depot for the existing bus service for the benefit of the applicant, the wider community and tourism.
121. The proposal will also have a positive effect by providing for the construction of a public access walkway through the site in about the position of the new

Esplanade Strip as shown on the Structural Landscape Plan dated 14 September 2017. Any benefits associated with this aspect of the proposal are somewhat limited given that the site is already subject to the Esplanade Strip.

122. It is also noted that the plantings will provide some ecological benefit albeit that Mr Denney considers that the planting of native beech trees will provide a very small enhancement to indigenous biodiversity; and that the diversity of indigenous planting is limited.
123. The Commission considers that positive effects are outweighed by the adverse effects of the proposal in terms the effects on natural and pastoral character, the visibility of development, and on rural amenity in this VAL.

B.8 Summary : Effects and Assessment Matters

124. The Commission finds that the adverse effects of the proposal are significant and cannot be satisfactorily mitigated through adherence to appropriate conditions of land use consent. The proposal is not appropriate having regard to the relevant assessment matters stated in Part 5 of the Operative District Plan.

C. THE QLDC DISTRICT PLAN: OBJECTIVES AND POLICIES

125. Parts 4, 5, 14 and 22 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas and in relation to Transport and Earthworks, respectively. The objectives and policies from Parts 4, 5, 15 and 22 have been discussed in the Assessment of Environmental Effects lodged in support of the application and/or in Ms Gathercole's section 42A report, and to a large degree the objectives and policies relate to matters discussed in the context of the assessment matters. It is neither desirable nor necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

C.1 Part 4

126. Clause 4.1.4 contains Objective 1 which relates to Nature Conservation Values and associated Policies. In this instance the Commission considers that the site has no particular ecological value. The Commission's conclusion is that the proposal is not contrary to Objective 1 and its associated Policies.
127. Clause 4.2.4(3) confirms that the Visual Amenity Landscapes (VAL) are those landscapes which wear a cloak of human activity much more obviously [than outstanding natural landscapes] being pastoral or arcadian landscapes with more houses and trees, greener (introduced) grasses, and VAL tend to be on the District's downlands, flats and terraces. The key resource management issues for VAL are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and to enable alternative forms of development where there are direct environmental benefits.
128. Objective 4.2.5 is:
***"Objective:
 Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values."***
129. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 4 which relates to Visual Amenity Landscapes; Policy 6 that relates to Urban Development; Policy 7 that relates to Urban Edges; Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; Policy 12 that relates to Transport Infrastructure; and Policy 17 that relates to Land Use.
130. Policy 1 – Future Development – is to avoid, remedy or mitigate the effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation; to encourage development and/or subdivision to occur in areas of the District that have a greater potential to absorb change without detracting from landscape and visual amenity values; and to ensure that subdivision and/or

development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

131. This policy is not satisfied in this instance. The development would result in adverse effects on the rural character of the landscape and visual amenity. The Commission finds that the site does not have the ability to absorb a proposal of this nature without detracting from landscape and amenity values.

132. Policy 4 – Visual Amenity Landscapes states as follows:

“4. Visual Amenity Landscapes

(a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:

- highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- visible from public roads.*

(b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.

(c) To discourage linear tree planting along roads as a method of achieving (a) or (b) above.”

133. The built form and vehicles to be stored at the depot will be highly visible from State Highway 6, the Cardrona River and the Esplanade Strip, which are all public places. While landscaping has been proposed to mitigate effects, this is not considered adequate to mitigate the visual amenity effects of the proposal. Again it is acknowledged in this context that a period of several years would be required for any landscaping to become effective in terms of screening. The effects of the linear tree planting proposed parallel to State Highway 6 will be mitigated to some extent by the additional plantings proposed adjacent to the evergreen hedge. In all the circumstances the Commission concludes that the proposal is contrary to Policy 4.

134. Policy 4.2.5 6(b) is to discourage urban development in the visual amenity landscapes of the District. In this instance the scale and concentration of built

development and outdoor storage proposed for the service activity can be described as a form of urban development and again it is noted that service activity is explicitly provided for as a permitted activity in the Industrial B Zone which is found in urban areas. The proposal will provide for such development to occur on a site adjacent to State Highway 6 in a location removed from the Wanaka urban area. In all the circumstances the Commission considers that the proposal is contrary to Policies 4.2.5 6(b) and (d) which relate to Urban Development.

135. In terms of Policy 7 – Urban Edges the Commission again acknowledges that the proposal has an urban character and is to occur beyond the extent of the Wanaka urban area. Accordingly the Commission finds that the proposal is not consistent with Policy 7.
136. In terms of Policy 8 – Avoiding Cumulative Degradation – the Commission considers that in this instance the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape. The Commission does not consider that the proposal is consistent with encouraging comprehensive and sympathetic development of rural areas.
137. Policy 9 – Structures – refers specifically to preserving the visual coherence of VAL by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment. In this instance the proposed plantings will take approximately 7 years to provide screening from State Highway 6; and will take approximately 10 years or more to be effective from the Esplanade Strip and from the Cardrona River riverbed.
138. The Commission is satisfied that the proposal is consistent with Policy 12 – Transport Infrastructure. The site has an existing Crossing Place (being CP 35) to State Highway 6 and vehicular access to the yard area will be achieved utilising an existing carriageway (to be upgraded). It is noted however that while proposed plantings will serve to ultimately screen the yard area and

carparks from view to a large extent; the yard area will be clearly visible from vantage points above including adjacent properties at Riverbank Road including the Watson property at 11 Riverbank Road.

139. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. The Commission concurs with Ms Gathercole that the proposal is not consistent with this policy.

140. Objective 4.4.3.4 and its supporting policies state as follows:

Objective 4 – Esplanade Access

A level of public access to and along the District's rivers, lakes and wetlands, adequate to provide for the current and foreseeable recreational and leisure needs of residents and visitors to the District.

Policies ...

4.4 To consider, where practicable, the setting aside of esplanade strips, for the purpose of public access, where practicable, whenever subdivision occurs of lots of more than 4 hectares in area, along the margins of lakes and rivers.

4.5 To have regard to any adverse effects along the margins of the District's lakes, rivers and wetlands when considering resource consents.

...”

141. In this instance an Esplanade Strip was created in the context of RM 040542; such Esplanade Strip being depicted on DP 356315 but now being located closer to the Cardrona River. This Esplanade Strip will be immediately adjacent to the vehicle depot yard. The Commission considers that the proposed activity would have a significant adverse effect on the users of the Esplanade Strip and upon those using the margins of the Cardrona River adjacent to the site. This will adversely affect the adequacy of this strip to provide for recreation and leisure needs. The proposal is therefore considered to be inconsistent with this objective.

142. Objective 4.8.3.1 and its supporting policies state as follows:

“4.8.3 Objective and Policies

Objective 1

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

Policies:

- 1.1 *To increase community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.*
- 1.2 *To continually develop and refine a hazards register in conjunction with the Otago Regional Council, as a basis for Council decisions regarding subdivision and building development.*
- 1.3 *In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.*
- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*
- 1.5 *To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard.*
- 1.6 *To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.*
- 1.7 *To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.”*

143. As previously noted the subject site is shown on the Otago Regional Council Hazards Database website and the hazards layer of the QLDC GIS system as a flood hazard area; and the site is possibly susceptible to liquefaction. The Commission considers, having regard to the contents of the report by David Hamilton & Associates Limited dated February 2015, the report by Coffey Geotechnics (NZ) Limited dated 31 May 2016 and the report by Mr Dennis, that any effects in terms of potential flood hazard or liquefaction can be mitigated by adherence to appropriate conditions of consent as recommended

in the various reports. Accordingly the Commission finds that the proposal is not contrary to Objective 4.8.3.1 and its supporting policies.

C.2 Part 5

144. Part 5 of the District Plan contains objectives and policies that specifically relate to Rural Areas. Objective 1 and its associated policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area:

“Objective 1 – Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*
- 1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- 1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation.*
- 1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.”*

145. In terms of Policy 1.1 the district wide landscape objectives and policies have been considered fully above. In terms of Policy 1.4 the activity is not based on the rural resources of the area as it does not utilise the soil resource; and the activity will adversely impact the character of the rural area in the Cardrona River valley. The proposal is therefore contrary to Policy 1.4. The Commission also considers that the proposal is not consistent with Policies 1.6 and 1.7 having regard to the matters discussed above.
146. The Commission notes that Objective 3 and associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity. In this instance the adverse effects of the proposed development on rural amenity are not sufficiently avoided, remedied or mitigated and the Commission finds that the proposal is inconsistent with Policy 3.3.

C.3 Part 14

147. Part 14 contains objectives and policies with respect to Transport. The Commission considers that the proposal is consistent with the objectives and policies that relate to the efficiency, safety and environmental effects of the transportation system of the District. The Commission notes that the access to State Highway 6 exists; and that this access is proposed to be upgraded to NZ Transport Agency's Diagram E standard. The carriageway within the site is also to be upgraded. The Commission also acknowledges that Mr Bartlett has concluded that the proposed development along with the recommended consent conditions are appropriate to manage any transport effects to the point that potential traffic effects are acceptable.

C.4 Part 22

148. Part 22 contains objectives and policies that relate to Earthworks. Objectives 1 and 2 and associated policies seek to ensure that the effects of earthworks are mitigated, to protect the nature and form of the existing landscape and to avoid remedy or mitigate adverse effects on rural landscapes and visual amenity areas.

149. The proposed earthworks may affect the naturalness of the landscape to a small degree, but will not be inconsistent with these objectives and policies.
150. Objective 3 is to ensure that earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding. Ms Gathercole has advised that the proposed earthworks are not considered to cause or exacerbate flooding and therefore the proposal is considered to be generally consistent with this objective and its associated policies.

C.5 Summary: Objectives and Policies

151. Following the above analysis, the Commission finds that the proposal is not consistent with a number of the objectives and policies presented in Parts 4 and 5 of the Operative District Plan that are relevant to the application; and the Commission has concluded that this is not a location in the VAL where the proposed activity is appropriate in terms of Clause 1.5.3iii(iv) of the District Plan.

D. PROPOSED DISTRICT PLAN

152. The Proposed District Plan was publicly notified on 26 August 2015 being a date prior to the lodging of the application on or about 6 November 2015.
153. Ms Gathercole discussed the proposal in terms of Chapter 3 (Strategic Direction); Chapter 6 (Landscape); Chapter 21 (Rural Zone); and based on this analysis Ms Gathercole has advised that whilst consistent with some of the objectives and policies, overall the proposal is not consistent with the objectives and policies relating to the Rural Zone given that the proposal will adversely affect character, landscape and rural amenity values.
154. The Commission accepts Ms Gathercole's assessment.
155. For completeness the Commission notes that given the inchoate status of the provisions of the Proposed District Plan minimal weight can be given to these provisions at this early stage.

156. The Commission has concluded that the proposal will not be consistent with objectives and policies of the Proposed District Plan.

E. REGIONAL POLICY STATEMENT AND PROPOSED REGIONAL POLICY STATEMENT

157. The Regional Policy Statement for Otago became operative on 1 October 1998. Ms Gathercole and Mr Vivian discussed relevant objectives and policies from the RPS. Ms Gathercole drew our attention to Objective 6.4.4 and Objective 6.4.8 and noted that the proposal will adversely affect the character, landscape and amenity values of the Cardrona River and the surrounding rural area included in the VAL. Accordingly Ms Gathercole considered that the proposal is not consistent with these objectives.
158. The Commission notes that the objectives and policies contained in the RPS are expressed in general terms and are therefore of limited assistance in assessing the current proposal. The Commission notes however that these objectives and policies are given effect to through the District Plan.
159. The Proposed Regional Policy Statement (PRPS) was notified on 23 May 2015 and decisions were released on 1 October 2016. Again objectives and policies from the PRPS were discussed by Ms Gathercole and Mr Vivian.
160. Given that many of the objectives and policies are subject to appeal the Commission considers that minimal weight can be given to these provisions of the PRPS at this stage.

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

161. The National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into effect on 1 January 2012. The applicant has advised that a comprehensive review of District and Regional Council records has been undertaken and that no records suggest that an activity on the Hazardous Activities or Industries List (HAIL) has taken place on the site; and that therefore it is highly unlikely that

the soil is contaminated. In all the circumstances the Commission is satisfied that no HAIL activities are being, have been, or are more likely than not to have been, undertaken on the subject site. The proposal can therefore be considered as a permitted activity under the NES.

G. OTHER MATTERS

162. Section 104(1)(c) of the Act requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.
163. Precedent is a matter of relevance in terms of section 104(1)(c) for discretionary activities in the Operative District Plan as confirmed by the Environment Court in John Scurr v QLDC Dec C060/2005.
164. The Commission observes that if consent is granted in this instance then other substantial service activities which require buildings and which breach relevant site standards may also choose to locate in the Rural General Zone given the more modest cost of land when compared, say, to land in the Industrial B Zone that is found in urban areas.
165. Accordingly a precedent would be established if consent were granted to the current proposal.

H. PART 2 OF THE ACT

166. The Commission records here that it is aware of the developing caselaw around the relevance of Part 2 to resource consent applications. Until such time as the caselaw is further settled, the Commission considers it prudent to undertake an assessment in terms of Part 2 matters.
167. Part 2 of the Act contains sections 5 to 8. The Commission refers to these in reverse order.

168. Section 8 requires the Commission, in exercising its functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised in reports or evidence in relation to section 8.
169. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters which include, of relevance here, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. The Commission is satisfied, having regard to the matters addressed in Parts B and C of this decision that the proposal will not serve to maintain and enhance amenity values or the quality of the environment being relevant matters stated in section 7(c) and (f) of the Act. There are no other matters stated in section 7 which are of any particular relevance to the current application.
170. Section 6 sets out a number of matters which are declared to be of national importance and directs that these be recognised and provided for. Section 6(a) and section 6(d) confirm that the following are matters of national importance:
- “
...
(a) *The preservation of the natural character of ... rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (d) *The maintenance and enhancement of public access to and along... rivers.”*
171. The Commission finds that the proposal, which is to establish a vehicle depot on a low river terrace within the active flood plain of the Cardrona River, is not consistent with preserving the natural character of the Cardrona River and its margins; and that the proposal represents inappropriate use and development in this location. The proposal is therefore contrary to section 6(a) being a matter of national importance.
172. As previously noted an Esplanade Strip bisects the site. The Commission acknowledges that the applicant proposes to provide for a public access

walkway through the site between the yard fence and associated landscaping and the site boundary, generally along the new Esplanade Strip adjacent to the Cardrona River. As a consequence the Commission has concluded that the proposal is consistent with maintaining and enhancing public access in terms of section 6(d) of the Act.

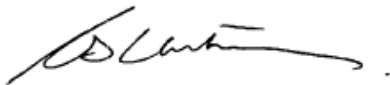
173. There are no other matters stated in section 6 which are of any particular relevance to the application.
174. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission considers that the application will not achieve the purpose of the Act. In this instance the adverse effects of the land use activity cannot be sufficiently avoided, remedied or mitigated.

I. OUTCOME

175. Section 104 of the Act directs that when considering an application for resource consent and any submissions received in response to it, the Commission must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan and of the Proposed District Plan. In the course of considering the application and submissions and in reaching this decision the Commission has followed this process. Under section 104B the Commission has discretion to grant or refuse consent to the application. Following consideration of the application and submissions the Commission hereby refuses land use consent to the application for the reasons detailed in this decision.
176. As land use consent is refused the application to vary Condition 1 as specified in consent notice CONO 6611653.1 is also refused as the variation was

intended to make reference to service activity in the condition specified in that consent notice.

This decision on RM 150512 is dated 17 October 2017.



W D Whitney
COMMISSIONER



W Baker
COMMISSIONER