



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	T Rold
<b>RM reference:</b>	RM130264
<b>Location:</b>	793 Malaghans Road, Wakatipu Basin
<b>Proposal:</b>	Land use consent is sought to establish a 1000m <sup>2</sup> residential building platform.
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lot 1 Deposited Plan 22979 contained within Computer Freehold Register OT16A/417
<b>Valuation Number:</b>	2907109804
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification:</b>	Non-notified
<b>Commissioner:</b>	Jane Sinclair
<b>Date Issued:</b>	25 July 2013
<b>Decision:</b>	<b>Granted with conditions</b>

This is an application for resource consent under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to establish a 1000m<sup>2</sup> residential building platform. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 24 July 2013 after a site visit by the Commissioner on the 24<sup>th</sup> July 2013. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

### **Notification, Assessment and Section 100 of the RMA**

The application was publically notified at the applicant's request on 12 June 2013. The submission period closed on 10 July 2013 and no submissions were received. A S42A report has been prepared (attachment 1), which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and Resource Management Act 1991 (RMA).

The RMA allows for consideration of this application without a hearing under Section 100 which states:

**100. Obligation to hold a hearing**

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard. No submissions were received in respect to this application during the notification period.

Given the conclusions contained in the s42A report (attachment 1) it is considered that a formal hearing of the application is not necessary for the substantive determination of the application.

In this particular case, and given the circumstances outlined above, the consent authority does not consider a hearing necessary.

### **Decision**

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans, 'Structural Landscape Plan L1C, dated 30.05.13; Proposed Building Platform on Lot 1 DP 22979 Rev E drawing No. 01\_01; Proposed Building Platform on Lot 1 DP 22979 Rev E drawing No. 01\_02' **(stamped as approved on 23 July 2013)** and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

#### **Building Platform to be registered**

3. To give effect to this consent, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per the Clark Fortune McDonald &

Associates plan titled "Proposed Building Platform on Lot 1 DP 22979", Job No. 10888, Drawing No. 01\_01 & 01\_02, Revision E, dated 14/03/2013). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register OT16A/417 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

4. A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Engineer at Lakes Environmental. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

#### Landscape Conditions

5. Planting shown on the approved landscape plan 'Rold, *Structural Landscape Plan, Rev C*', dated 30.05.13, shall be implemented prior to the completion of Condition 3 above, and shall be subject to confirmation from Council's landscape architect that it has been implemented on site prior to registration of the platform on the title in accordance with this condition.

#### Engineering Conditions

##### **General Conditions**

6. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

##### **On-going Conditions/Covenants**

7. At the time that the building platform is registered on the certificate of title, the consent holder shall also register the following as covenant conditions under s108(2)(d) of the Act to be complied with on an on-going basis:
  - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X on Land Transfer Covenant Plan XXXXX. *[Note: covenant and plan reference details to be advised]*
  - b) All buildings erected within the residential building platform on the site shall be constructed in compliance with the height restrictions as shown on the approved plan under RM130264 which determines Area A to have a building height restriction of 4 metres above existing ground level, and Area B to have a building height restriction of 5 metres above existing ground level.
  - c) Landscaping approved and implemented on the site in accordance with the landscape plan approved 'Rold, *Structural Landscape Plan, Rev C*', dated 30.05.13' shall be maintained and irrigated if required, in accordance with this plan. If any tree or plant shall die or become diseased, or in the opinion of the Council's landscape architect becomes defective it shall be replaced within six months.
    - a) Any proposed development or additionally structural landscaping within the curtilage area to the south west of the building platform containing the stone ruins shall be shown on a landscape plan and submitted as part of a resource consent application for any future development within the building platform. The objective of this landscape plan is to show integration of development with the stone ruins.
    - b) Any proposed development or additionally structural landscaping within the curtilage area to the south west of the building platform containing the stone ruins shall be shown on a landscape plan and submitted as part of a resource consent application for any future development within the building platform. The objective of this landscape plan is to show integration of development with the stone ruins.

- c) All existing wilding pines are to be removed from the terrace face below the building platform in the first year after completion of the dwelling. Trees are to be felled or hand released. Following initial removal the terrace face must be monitored for further establishing seedlings and any establishing wilding pines trees are to be felled or hand released at 5 yearly intervals.
- d) All domestic activities, structures and ornamental gardens shall be restricted to the designated curtilage area as defined on the approved landscape plan under RM130264. Domesticating elements includes such items as clotheslines, tennis courts, swimming pools, formal lawns, car parking areas, and children play equipment.
- e) Exterior lighting attached to any future building shall be no higher than 3m above ground level and shall not be located on the southern or eastern facing elevations that have an outlook towards Malaghans Road. All other exterior lighting shall be no higher than 1m above ground level and shall be located within the curtilage area only. All exterior lighting shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur. Exterior lighting shall not be used to highlight built form or structures that are visible from beyond the subject property.

### **General Engineering Conditions**

- 8. At the time a dwelling is erected on the lot, the owner for the time being shall construct an access way to the dwelling that complies with Council's standards.
- 9. At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably qualified expert to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take into account the site specific report and recommendations by Hadley Consultants Ltd, report reference 122362 and dated 18/05/2012. The proposed wastewater system shall be subject to the review of the Principal Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- 10. At the time a dwelling is erected on the lot, the owner for the time being shall provide a water supply from the existing supply source on the Lot approved under RM070749 to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005.
- 11. At the time a dwelling is erected on the lot, the owner for the time being shall provide electricity and telecommunications connections to the dwelling, these shall be underground and in accordance with the network providers requirements.
- 12. At the time a dwelling is erected on the lot the, domestic water and fire fighting storage is to be provided by the owner for the time being. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

13. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Operational Planning Officer for the Southern Fire Region is obtained for the proposed method.

The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

**Advice Note:** The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 8km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.

**Advice notes:**

- This site falls within an Otago Regional Council (ORC) ground water protection zone and consent will need to be granted by the ORC for onsite waste disposal.
- Prior to any excavations for any future buildings or any earthworks, or works in general within the vicinity of the stone ruins, an Archaeological Authority is required under the Historic Places Act as the area is in close proximity to the stone ruins that predates 1900.
- This consent shall have a lapse date of 18 July 2018.

## Reasons for the Decision

### Assessment

The section 42A report prepared for Council (attached as appendix 1) provides a full description of the proposal, site and surrounds, and assessment of the application. A summary of the assessment and subsequent conclusions of that report is outlined below:

That the application by T Rold for land use consent to establish a 1000m<sup>2</sup> residential building platform be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

The location of the proposed building platform will result in adverse effects on the rural environment which will be minor, and will not detract significantly from the surrounding rural character.

This is partially due to the proposed mitigation measures which will help provide additional landscape screening, introduce a wilding pine management plan, include a staggered restriction to the height of any future building within the building platform, and include a curtilage area to cluster domestic activities around the building platform. Additionally, the existing receiving environment will allow the proposed development to be absorbed into the site.

The proposed development will maintain the existing landscape character and rural amenity within the site to ensure that the proposal is consistent with the relevant objectives and policies of the District Plan which seek to avoid, remedy and mitigate inappropriate land use within the District.

The proposal will not detract from the nature conservation values, or landscape and visual amenity within the District, and will align with Part 4 District Wide Issues (Visual Amenity Landscapes and Natural Hazards) and Part 5 Rural Areas.

In terms of Part 2 of the RMA, the proposal is considered to be consistent with Section 5, the overall purpose and principles of the RMA.

With regard to the matters raised in Section 7 of the Act, it is considered that the proposal constitutes an efficient use of natural resources and will not have adverse effects on amenity values or the quality of the environment.

Overall the development as proposed is considered to result in sustainable development in the Queenstown Lakes District and therefore it is considered appropriate.

### **Other Matters**

#### *Local Government Act 2002: Development Contributions*

This proposal will generate a demand for network infrastructure, transportation and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant to Section 208 of the Local Government Act 2002 the Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.

**Administrative Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

Should you not be satisfied with the Commission's decision an appeal may be lodged with the Environment Court, Justice Department, PO Box 2069, Christchurch, telephone 03 9624170 and all parties, not later than 15 working days from the date this notice is received.

You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Lucy Millton on phone (03) 450 0350 or email [lucy.millton@qldc.govt.nz](mailto:lucy.millton@qldc.govt.nz).

Prepared by

Reviewed by



Lucy Millton  
**PLANNER**

Paula Costello  
**SENIOR PLANNER**

Appendix 1: Section 42A report: Description and Assessment of Proposal

**FILE REF: RM130264**

**TO** Independent Commissioners  
**FROM** Lucy Millton  
**SUBJECT** Report on a publicly notified consent application.

**SUMMARY**

**Applicant:** Thomas Rold  
**Location:** 793 Malaghans Road, Wakatipu Basin  
**Proposal:** Establish a 1000m<sup>2</sup> residential building platform  
**Legal Description:** Lot 1 Deposited Plan 22979 contained within Computer Freehold Register OT16A/417  
**Zoning:** Rural General (District Plan)  
**Public Notification Date:** 12 June 2013  
**Closing Date for Submissions:** 10 July 2013  
**Submissions:** Nil

**Implications For:**

i)	Policy	No
ii)	Annual Plan	No
iii)	Strategic Plan	No



## **RECOMMENDATION**

That the application by T Rold for land use consent to establish a 1000m<sup>2</sup> residential building platform be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

The location of the proposed building platform will result in adverse effects on the rural environment which will be minor, and will not detract significantly from the surrounding rural character.

This is partially due to the proposed mitigation measures which will help provide additional landscape screening, introduce a wilding pine management plan, include a staggered restriction to the height of any future building within the building platform, and include a curtilage area to cluster domestic activities around the building platform. Additionally, the existing receiving environment will allow the proposed development to be absorbed into the site.

The proposed development will maintain the existing landscape character and rural amenity within the site to ensure that the proposal is consistent with the relevant objectives and policies of the District Plan which seek to avoid, remedy and mitigate inappropriate land use within the District.

The proposal will not detract from the nature conservation values, or landscape and visual amenity within the District, and will align with Part 4 District Wide Issues (Visual Amenity Landscapes and Natural Hazards) and Part 5 Rural Areas.

In terms of Part 2 of the RMA, the proposal is considered to be consistent with Section 5, the overall purpose and principles of the RMA.

With regard to the matters raised in Section 7 of the Act, it is considered that the proposal constitutes an efficient use of natural resources and will not have adverse effects on amenity values or the quality of the environment.

Overall the development as proposed is considered to result in sustainable development in the Queenstown Lakes District and therefore it is considered appropriate.

## **REPORT**

### **1.0 INTRODUCTION**

My name is Lucy Millton. I am a planner with Queenstown Lakes District Council. I have worked at Lakes Environmental/QLDC since July 2007. Prior to this I worked for Environment Canterbury, where I was employed as an Environmental Protection Officer. I have also worked in the United Kingdom where I was employed as a Development Control Officer (Planner) and Enforcement Officer. I hold the qualification of a Bachelor of Resource Studies from Lincoln University.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

### **2.0 SITE & ENVIRONMENT**

I refer the Commission to paragraph 6 of Mr Richard Denney's (Council's Landscape Architect) report which provides a detailed description of the site and surrounding environment.

### **3.0 PROPOSAL**

A copy of the application and accompanying assessment of effects and supporting reports can be found in the "Application" section of the Agenda.

Resource consent is sought to establish a residential building platform (RBP).

The subject site currently contains an existing residential unit within an existing building which is also used for commercial activities (paragliding activities and café activities). The proposal seeks to allow for a separate stand along dwelling to be constructed separate from the existing commercial and residential building. The applicant states that the intention is to provide accommodation for the lessee of the existing commercial activities, whilst the owner of the property can continue to reside on site.

The proposed RBP is to be located to the southeast of the existing buildings next to the stone ruins at the top of the terrace within the site. The stone ruins are a pre1900 feature. The applicant has undertaken consultation with NZHPT with respect to the location of the RBP in this respect.

The proposed RBP will be 1000m<sup>2</sup> in area, and will be divided into two parts. The southern portion (referred to as the 'front' portion) will have a volunteered height restriction for any building of 4 metres above existing ground level. The portion to the north (referred to as the 'rear' portion) will have a volunteered height restriction for any building of 5 metres above existing ground level.

### *Design Controls*

Design controls have been volunteered to be imposed by way of conditions of consent for any future buildings within the RBP. These will include the following:

- Any future building located on the platform shall not be visible from Malaghans Road or Hunter Road.
- The height of any building shall be no greater than 4.0m above ground level within Area A and 5.0m above ground level in Area B as shown on the Survey Plan 'Drawing No. 01-02 Rev C' prepared by Clarke Fortune McDonald and Associates.

Any earthworks or landscaping to achieve either of the points above must be shown on a landscape plan and submitted to Council for approval prior to any application for consent to build within the platform;

- All buildings (including accessory buildings) shall be located within the approved building platform;
- The colour of the roof and cladding of any future building shall have a reflectance value of no greater than 36%.

### *Access*

The existing access to the existing building on the site will be utilised for the proposed RBP. An extension to the access will be required to the south of the existing building to the RBP. This will be formed as part of a future consent for building on the RBP. The current access to the wider site is a shared right of way with the property at Lot 1 Deposited Plan 361094 (791 Malaghans Road).

### *Infrastructure*

An on-site wastewater disposal system has been proposed for wastewater from the RBP. A report by Hadley Consultants has been submitted with the application. A separate consent from the Otago Regional Council will be required for the discharge of sewerage to land as the site is located within the Lake Hayes Catchment.

Potable water will be provided from the existing system that supplies the existing café on the site. The applicant states that there is adequate capacity to supply an additional 2,100 litres per day for the proposed RBP.

Both telecom and electricity providers have provided confirmation that both services can be supplied to the proposed RBP.

### *Landscaping*

Landscaping has been proposed between the existing buildings and the proposed RBP, and along the southern edge of the embankment to provide for screening of future buildings within the platform from views from the south. No fencing has been proposed between the RBP and the existing area of building.

The applicant has volunteered that all existing wilding pines are to be removed from the terrace face below the building platform in the first year after completion of the dwelling. Following the initial removal the terrace face must be monitored for further establishing seedlings, and any establishing wilding pines trees are to be felled or hand released at 5 yearly intervals.

### *Earthworks*

Earthworks will not be required for the proposed establishment of the RBP. Earthworks required for the extension of the access from the existing right of way to the RBP will be undertaken at such time a dwelling is proposed.

### *Natural Hazards*

The QLDC Hazards Map identifies three hazards in close proximity to the site of the building platform being; Alluvial Fan, Liquefaction and Slope Stability. A report by Geoconsulting Limited has been submitted with the application to address any potential effects as a result of these identified hazards.

## **4.0 SUBMISSIONS**

### **4.1 SUBMISSIONS**

No submissions were received during the submission period following public notification of the application.

## **5.0 CONSULTATION AND WRITTEN APPROVALS**

Consultation has been undertaken with the Historic Places Trust (NZHPT) due to the proposed RBP being located within close proximity to the stone remains on the site which predate 1900.

The applicant has provided written approvals from some of the directly adjoining neighbours. It is noted that during the application process the ownership of one property has changed. No approval (or submission) has been provided from the new owners (Kin Shyan Fam & Winnie Cheuk Wing Ho) of 791 Malaghans Road.

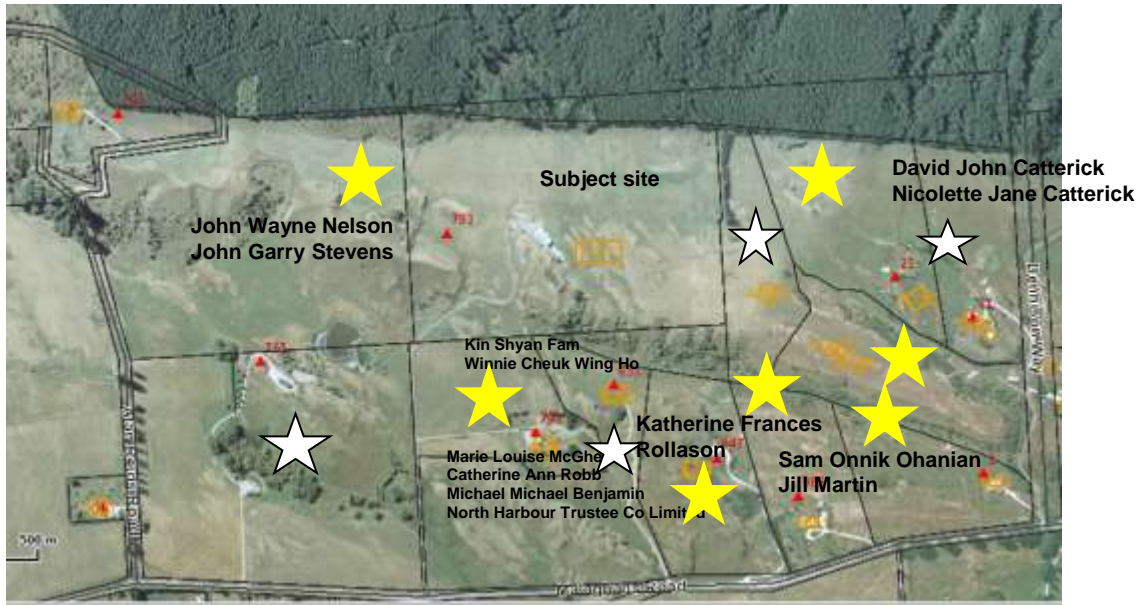


Figure 1: shows location of adjacent neighbouring property

- White Star – written approvals received
- Yellow Star – written approvals were not received

No further evidence of consultation has been submitted with the application.

## 6.0 DISTRICT PLAN PROVISIONS

### 6.1 THE DISTRICT PLAN

The site is zoned Rural General under the District Plan.

The Zone Purpose, as set out in Section 5.3.1.1 of the Plan, is to manage activities so that they can be carried out in a way that:

- *Protects and enhances nature conservation and landscape values;*
- *Sustains the life supporting capacity of the soil and vegetation;*
- *Maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*
- *Ensures a wide range of outdoor recreational opportunities remain viable within the Zone.*

Section 5.3.1.1 also notes that the Zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The relevant objectives and policies are contained within Part 4 (District Wide Issues), Part 5 (Rural Areas) and Part 15 (Subdivision) of the District Plan.

The proposed activity requires resource consent pursuant to the following District Plan rule:

- A **discretionary** activity consent pursuant to Rule 5.3.3.3 (i) (b) for the identification of a building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area. The proposed building platform will be 1000m<sup>2</sup> in area.

## 7.0 INTERNAL REPORTS

### *Landscape*

A landscape assessment has been received from Mr Richard Denney (Council's landscape architect). Mr Denney's report is appended as Appendix 1 and has been summarised below:

*"The proposed platform will have views over Malaghans Road and the wider Wakatipu Basin, and will provide for landscaping within the site which will retain a large willow and additional planting. The staggered height of the proposed building platform and the combination of proposed planting will restrict views from outside the site towards a future building. The existing stone ruin will provide heritage and character value to the landscape. A landscape plan is recommended to be submitted with an application for a future dwelling. This is to ensure future development within the platform and associated curtilage area are responsive to landscape and heritage values of the site, and is adequately integrated into the landscape. The proposed landscaping is considered to be appropriate planting on the fore-slope to adequately diffuse such views and limit potential adverse effects of a building".*

Landscape matters will be addressed below in the relevant sections of this report. I rely on Mr Denney's advice for the following assessment of landscape effects of the application.

### *Engineering*

An assessment of the proposed servicing, access and potential hazards has been provided by Mr Steve Hewland (Council's Principal Resource Management Engineer). Mr Hewland's report is appended as Appendix 2 and identifies that the necessary services can be provided to the proposed subdivision, and this can be secured by way of conditions of consent. The report identifies that the site is subject to possible liquefaction, alluvial fan and slope stability which the applicant has addressed by providing a report which concludes that the proposed building platform location is not at risk from these hazards. Mr Hewland has identified that the existing access is formed to Council standards and will be acceptable to also cater for this proposal.

Engineering matters will be addressed below in the relevant sections of this report. I rely on Mr Hewland's advice for the following assessment of engineering effects of the application.

## 8.0 STATUTORY CONSIDERATIONS

This application must be considered under section 104 of the Resource Management Act 1991.

Subject to Part 2 of the Act, section 104 sets out those matters to be considered by the consent authority when considering a resource consent application as follows:

- a) *Actual and potential effects on the environment of allowing the activity;*
- b) *Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and*
- c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Following assessment under Section 104, the application must be considered under Section 104B of the Act. Section 104B states:

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*

- a) *may grant or refuse the application; and*
- b) *if it grants the application, may impose conditions under section 108.*

The application must overall be assessed with respect to the purpose of the Act which is to promote the sustainable management of natural and physical resources. Section 9.6 of this report outlines Part 2 of the Act in more detail.

Section 108 empowers the Commission to impose conditions on a resource consent.

## **9.0 ASSESSMENT**

The proposal therefore requires assessment in terms of the following:

- (i) Landscape Classification
- (ii) Permitted Baseline
- (iii) Effects on the Environment
- (iv) District Plan Matters
- (v) Other Matters
- (vi) Part 2 of the Act

### **9.1 LANDSCAPE CLASSIFICATION**

Lakes Environmental's landscape architect, Mr Richard Denney outlines at paragraph 9 of his report that according to the District Plan the landscape is classified as being within a Visual Amenity Landscape (VAL) of the Wakatipu Basin. This classification is also adopted by the applicant. Therefore there is no disagreement that the site falls within a Visual Amenity Landscape.

### **9.2 EFFECTS ON THE ENVIRONMENT**

#### **9.2.1 The Permitted Baseline/Existing Environment**

When determining the actual and potential effects of an application for resource consent it is relevant to firstly consider the potential permitted baseline and if it is relevant in assisting with a comparison of the effects of the proposed activity.

The permitted baseline is a description of what is permitted as of right under the District Plan (provided it is not a fanciful use).

Section 104 (2) of the Resource Management Act states that in forming an opinion on whether there are adverse effects from an activity on the environment, the consent authority may disregard adverse effects if the plan explicitly permits such effects.

In this case, all buildings or alterations to buildings in the Rural General zone (as well as any physical activity associated with any building such as roading or landscaping) require resource consent under the District Plan. Hence, the District Plan does not provide a comparative permitted baseline for any building or associated activity.

Tree planting, including exotic species, within the site can be undertaken as permitted activity, providing the species are not listed as any which are prohibited, and were planted after; or self-seeded and less than 1 metre in height at 28 September 2002. Any trees established after this cannot be considered to form part of the permitted baseline.

A number of sporadic wilding pine species exist within the site. These are very likely to have travelled from the adjacent Council pine plantation.

Therefore, the permitted baseline for this site is limited to activities such as minor earthworks, planting, horticultural and other agricultural activities permitted by the District Plan. While the consent authority may disregard the permitted baseline, it is in this instance there are few effects arising from the permitted baseline that are directly comparable with the proposed activity.

#### Existing Environment and Receiving Environment

##### *Existing Environment*

The site is currently utilised primarily for commercial recreational activities with the open space being used as a landing area for paragliders. The site contains an existing residential unit within a building

previously used as a hanger. This building also contains a café and office (established under RM070749) which is utilised in conjunction with the commercial paragliding activity.

The overall building existing on the site does not appear residential in character as it lends more towards an industrial type rural building. The existing activities are screened from public roads in the vicinity behind a hummocky slope. An existing implement shed is also located within the site, between the main building and the proposed RBP site.

The remnants of an old stone building are located on the top of the edge of the terrace of the site in close proximity to the proposed RBP. The ruins appear to predate 1900, and therefore are subject to assessment by NZHPT.

### *Receiving Environment*

Surrounding properties are of similar scale and contain residential dwellings. Typical farming activities are evident within many of the sites. The subject site differs from those surrounding properties given its open character and sometimes mown pasture to allow for landing areas for paragliders. The remainder of the site is left in its natural state which is similar to those surrounding properties.

Although some of the surrounding lot sizes are relatively small (by Rural General standards) they do not appear to take on a character similar to a Rural Lifestyle property. This is due to the undulating nature of the surrounding topography which screens much of the residential activities, and evidence of pastoral grazing within each of the sites, as opposed to manicured landscapes, which are characteristic of Rural Lifestyle properties.

An existing, mature pine plantation (owned by QLDC) is located on the slope immediately to the north of the subject site. It occupies the entire south face of the slope with a number of areas outside of the plantation containing areas of wilding pines.

Mr Denney describes the surrounding landscape within his landscape report. He states that:

*“The landform is characterised by the shallow Malaghans Road valley. A protruding ridge of schist known as the ‘spiny back lizard’ is to the south and with another somewhat more rounded and lower ridge to the north with rocky hummocks, small tarns and a distinct undulating landform in which the subject site is located. Between these two features the land slumps into a low lying valley that is historically part of a swamp that drains into the Millbrook area to the east. To the north is Coronet Peak and an associated long lower ridge that runs to the east (dominates over the site). The slope of the long ridge is managed as a conifer plantation by council. The subject site is upon the of the low ridge crest that overlooks the Malaghans Road area. There is a cluster of buildings associated with the flight park café and facilities including a small car park. A large willow sits near the ridge edge and adjacent to this is stone ruin of a cottage known to pre-date 1900. The bulk of the terrace behind the ridge is open, slightly undulating, rough grassland. The openness of the landscape ends abruptly at the property boundary where a dense Douglas fir plantation cloaks the steep slope up to near the summit of the long eastern ridge. Appendix 8A – Map 2 of the District Plan identifies the site as being within a Visual Amenity Landscape (VAL) with which I concur as it is adjacent to an outstanding natural landscape and displays the characteristics associated with an arcadian landscape in the form of open rolling exotic grasslands, buildings, hedgerows and in this instance the ruins of a stone cottage from the cultural heritage of the landscape”.*

## **9.3 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT**

The actual and potential effects on the environment will be assessed below using the listed assessment matters of the District Plan for development in the Rural General zone.

### **9.3.1 Process for application of assessment matters**

The District Plan within Section 5 (Rural Areas) sets out a three step process for applying the assessment criteria: firstly, an analysis of the site and surrounding landscape; secondly, a determination of the appropriate landscape category; and thirdly, application of the assessment

matters. The first two of these steps have been undertaken by Mr Denney as outlined above, and it has been found that the VAL matters apply to this application.

The assessment of environmental effects below has been guided by, and is found under the headings used as assessment matters in the District Plan

## **Section 5 – Rural Areas**

### **(3) Visual Amenity Landscapes (VAL)**

#### *(a) Effects on natural and pastoral character*

Paragraphs 8 – 18 of Mr Denney’s landscape report outline potential landscape effects on the natural and pastoral character of the site. Mr Denney states that although the site is adjacent to an Outstanding Natural Landscape (ONL) the visual effects resulting from a future building within the proposed RBP are unlikely to result in adverse effects on the openness of the adjacent ONL. This is due to the ONL upslope of the subject site being densely covered in a pine plantation.

Mr Denney further states that the scale and nature of the development has the potential to compromise the natural and arcadian pastoral character of the surrounding visual amenity landscape. This is due to the location of the existing stone ruin on the southern side of the proposed RBP. The stone ruin is considered to form part of the natural and arcadian pastoral character of the site and by having the RBP located within close proximity, Mr Denney states the heritage and landscape character could be affected.

However, to mitigate these effects, conditions of consent have been recommended which will require the location of a future building within the platform to take into consideration the relationship with the stone ruins as part of that application. It is proposed to require that the design of the dwelling within the platform shall integrate the landscape and heritage values of the site and existing stone ruins into the overall design. Given the overall size of the platform, it is considered that there is adequate room to construct a dwelling whilst still maintaining the integrity of the stone ruins. Additionally, an application for a dwelling within the platform will require further consideration from NZHPT with respect to its location and the above mentioned goals of integration with the existing ruins.

The applicant has confirmed their intention to include a wilding pine management plan to ensure that the existing wilding pines are removed from the terrace face below the proposed RBP in the first year of completion of the dwelling. Wilding pines will then be controlled on an on-going basis. This will ensure that the natural and pastoral character of the site is maintained. A condition of consent is recommended to ensure this.

Effects on natural and pastoral character are therefore considered to be minor.

#### *(b) Visibility of Development*

Mr Denney confirms that the proposed platform location is unlikely to lead to a dwelling that would be highly visible when viewed from Malaghans Road, and one which would not be visible from Alan Reid Road. Proposed landscaping and the retention of the large willow tree in the southern part of the site will ensure that a building would not be visually prominent within the landscape context. Additionally Mr Denney states that the proposed development would not detract from private and public views.

Proposed planting will not comprise the natural form of the land. Mr Denney states that the landscaping will provide for clusters of indigenous species along the ridge to the south of the RBP location. This will not change the line of the landscape or affect the naturalness of the landscape nor create arbitrary lines or patterns.

Overall, the applicant has proposed appropriate mitigation through building height restrictions, and landscaping to ensure that sufficient mitigation is achieved. In terms of visibility, adverse effects will be no more than minor.



*(c) Form and Density of Development*

The proposal has been specifically located within the site so that the future building is somewhat perceived as connected to the existing commercial activity within the site. This will also allow for the proposal to utilise the existing services and access.

The proposed RBP will however result in an additional node of built form within an existing cluster of building within the same property. Mr Denney states that this would increase the domestication within the site. However as much of the built form within the site is largely unnoticeable or difficult to view from surrounding roads or properties, it is considered that the additional built form will be perceived as consistent with the existing development. The proposed location is close enough to the existing development on the site to be perceived as forming part of the existing cluster of buildings without resulting in a visible sprawl of development within the site.

Overall, the proposed RBP will result in adverse effects on form and density of development which will be no more than minor.

*(d) Cumulative effects of development on the landscape*

The proposed RBP will provide for future residential development and associated landscaping which will maintain adequate and appropriate visual access to open space and views across arcadian landscapes.

The subject site itself is not currently utilised for agricultural purposes, however the proposed platform would not compromise the ability to undertake any agricultural activities on the surrounding land if required in the future.

Although the proposal will result in increased built form within the site, the level of development will not lead to characteristics of urban areas. No additional infrastructure would be required that would be consistent with urban landscapes.

Additionally, the removal of wilding pines and ongoing management of wilding pines within the site, will ensure that the site is maintained in an open state which will ensure that cumulative effects in terms of enclosing the development in exotic vegetation are avoided.

Overall, it is considered that appropriate mitigation of adverse effects can be achieved to ensure that the proposed development will not result in cumulative adverse effects which would be any more than minor. To ensure ongoing landscape requirements are achieved it is recommended that conditions are imposed by way of a land covenant on the title. This will ensure that future owners of the property are aware of the requirements to be undertaken at such time buildings are constructed within the proposed RBP.

*(e) Rural amenities*

The location of the RBP is appropriately setback from adjacent property boundaries and is located upon the crest of a ridge behind a small rocky ridge. This will ensure a level of separation between neighbours. Mr Denney states that although this is acceptable, it would be further highlighted by supplementary planting. A condition of consent is recommended to this extent.

The location of the proposed platform is of a sufficient distance from Malaghans Road to ensure that the proposal does not constitute sprawl along the roads of the District.

Overall, a sufficient setback distance from property boundaries, together with landscaping proposed and recommended by way of a condition of consent will ensure that adverse effects on rural amenity will be no more than minor.

### **5.4.2.3 Assessment Matters General**

#### ***ii Natural Hazards - General***

The subject site has been identified on the QLDC hazard map as being possibly susceptible to liquefaction, alluvial fan and slope stability. Council's engineer, Mr Hewland has confirmed that the geotechnical hazards assessment report prepared by Geoconsulting Ltd is adequate in determining that the proposed building platform location is not at risk from these hazards and on this basis no mitigation measures are required. Mr Hewland accepts these findings and has not recommended any conditions of consent. This advice is accepted.

#### ***iv All Discretionary Activity Buildings***

Assessment matter *iv All Discretionary Activity Buildings* relates to the extent of the location of buildings, associated earthworks, access and landscaping, giving particular regard to whether the development will break the line and form of the landscape. The proposed building platform will facilitate residential use within the site, and therefore is considered appropriate to consider the above matters.

Existing, proposed and recommended landscaping within the site combined with the volunteered height restriction on the RBP will ensure that adequate mitigation is provided to ensure that the location of the proposed RBP will not result in a future building breaking the line of the ridgeline or prominent slopes. Adverse effects from the proposed building platform are considered to be no more than minor.

The applicant has volunteered specific design controls for any future buildings within the RBP. These include height and reflectance restrictions on all buildings. The reflectance value is to be no more than 36% which aligns with the Council's guidelines. Future buildings within the building platform will be subject to controls imposed if necessary by way of controlled activity resource consent where Council's control includes the external appearance of a building. In addition the controls volunteered as discussed above will be recognised by way of conditions on a land covenant to be registered on the title.

A wilding pine management plan has been volunteered which will ensure that the on-going maintenance of wilding pine control is adopted within the site. This will ensure that the site maintains a natural and pastoral character.

No further restrictions on specific materials or colours are therefore deemed necessary in this situation as the final appearance of buildings within the platform will be subsequently assessed as to if they would be appropriate within the rural context.

#### ***xxvii Residential Units – Discretionary and Non-Complying Activities***

Assessment matter *xxvii Residential Units – Discretionary and Non-Complying Activities* relates to the extent to which residential activity maintains and enhances the rural character, landscape values, heritage values, visual amenity, life supporting capacity of soils, infrastructure, traffic safety and public access to and along lakes and rivers. The proposed building platform will facilitate future residential activity within the site, and therefore the matters listed above are appropriate to consider.

Matters relating to rural character, landscape values and visual amenity have been discussed in previous sections of this report. It is considered that with the mitigation measures proposed by the applicant, the proposed building platform will not result in adverse effects which would significantly alter the existing character of the site.

In terms of infrastructure the proposal has been assessed by Council's engineer, Mr Steve Hewland, who has recommended conditions of consent to avoid adverse effects on infrastructure, should consent be granted. Confirmation has been provided from both service providers regarding the availability of telecommunications and power, and from Hadley Consultants Limited, who have outlined that the site is suitable for secondary on-site treatment system and disposal of wastewater.

Mr Hewland has also confirmed that a potable water system will be available to the RBP from a natural spring within the site. This existing supply provides water to the existing commercial use and residential use within the site. The Hadley Consulting Ltd report submitted with that application advised the ultimate source capacity for the supply was 43,200 litres per day. Mr Hewland accepts that the current supply will be more than satisfactory for the additional demand of a residence on the proposed RBP. Mr Hewland states that as the water supply is contained within the same lot as the proposed RBP, that relevant conditions can be imposed to ensure that a dwelling is connected to this supply.

Fire fighting provisions have not been proposed at this time, but Mr Hewland accepts that this can be dealt with at the time a dwelling is proposed within the RBP.

Mr Hewland has confirmed that the site is capable of disposing stormwater to ground. He states that the stormwater disposal can be adequately addressed by the Building Consent process at the time a dwelling is proposed within the RBP.

In terms of traffic safety, the proposal will generate additional vehicle movements from the site as a result of the establishment of residential activity. Mr Hewland confirms that the proposed RBP will utilise the existing right of way from Malaghans Road to the Flight Park. The access is currently formed to an acceptable standard. Additionally Mr Hewland states that he is satisfied that the proposed RBP will result in a small increase in traffic generation, but will not have any negative effects on the Council's transport network. Mr Hewland advises that because the extension to the existing right of way to the proposed platform is minor, the construction of the related manoeuvring areas can be undertaken at the time of dwelling construction.

Recommendations to ensure that the stone ruins are protected at such time a dwelling or building is proposed within the RBP will ensure that there are no adverse effects on heritage values within the site. Life supporting capacity of soils will not be affected to any significant degree, or public access to and along any lakes or rivers.

### ***Summary of Actual and Potential Effects on the Environment***

Having considered the proposal and resulting actual and potential effects against the relevant assessment matters of the District Plan, it is concluded as follows. The proposed building platform would enable additional built form within an open rural pastoral landscape, however, proposed mitigation will ensure that the proposed building platform will allow for residential development which will not unacceptably compromise the natural or arcadian pastoral character of the surrounding visual amenity landscape. A future dwelling may be visible from some neighbouring dwellings downslope against the backdrop of the pine plantation behind. The proposed landscaping however includes what Mr Denney considers is appropriate planting on the fore slope. This landscaping will adequately diffuse such views from neighbouring properties and limit potential adverse effects of future building in this location.

The combination of the reduced (and staggered) height limits and proposed planting within the site will restrict views from outside the site. Mr Denney confirms that the landscape plan submitted addresses the identification of a curtilage area, and vegetation protection. A further landscape plan will be required at the stage of any application for future buildings within the platform. The intent of this recommendation is to ensure that future development within the platform and the treatment of the associated curtilage area are responsive to landscape and heritage values of the site, and are adequately integrated into the landscape. This will be imposed on the title by way of a Land Covenant condition.

Overall Mr Denney and Mr Hewland have advised that the proposal will satisfy any concerns with respect to landscape and engineering, to ensure that adverse effects will be appropriately mitigated. I concur with the recommendations made by Mr Denney and Mr Hewland and accept that the development will not result in any significant adverse effects. Should consent be approved, appropriate conditions of consent can be imposed to ensure that adverse effects can be adequately avoided, remedied or mitigated.

### 9.3 DISTRICT PLAN MATTERS

The assessment matters of the District Plan (within Part 4 District Wide Issues and Part 5 Rural General) have been discussed above.

The relevant Objectives and Policies of the District Plan are also found within Parts 4 and 5 of the Plan as follows:

#### 4.1.4 1 - Nature Conservation Values

Objective 1 - Nature Conservation Values *seeks to protect and enhance indigenous ecosystems, geological features, rivers, lakes, wetland and natural landscapes.*

The proposal will not significantly degrade the natural conservation values of the site, as the site has been modified by previous development (Flight Park/Café). No significant geological features or water ways are located within the vicinity.

#### 4.2.5 Landscape and Visual Amenity

The objective found under the heading of Landscape and Visual Amenity seeks to *ensure that subdivision, use and development is undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.*

Policy 1 *Future Development* seeks to avoid, remedy or mitigate adverse effects of developments in those areas where the landscape and visual amenity values are vulnerable to degradation. Mr Denney has identified the proposed building platform as being located within an area which will be subject to limited views from outside of the site. This will be further achieved through the proposed height restrictions and landscaping, ensuring that the proposed development will not result in an adverse effect on the landscape or visual amenity values, as the site will have the ability to absorb this level of change.

Policy 4 *Visual Amenity Landscapes* seeks to *avoid, remedy or mitigate the adverse effects of development on the visual amenity landscapes which are highly visible from public places and other places, and visible from public roads.* Existing and proposed planting within the site, combined with a proposed restriction on the height of future buildings (4 metres in the front portion and 5 metres in the rear portion), will ensure that adequate mitigation provisions are maintained. This will ensure that the proposed building platform will not be highly visible from public roads and there is no significant loss to the natural character of the site. Linear planting has not been proposed and a level of naturalness will be maintained. On-going wilding pine management will also ensure that the site remains in its natural state, reducing the chance of exotic wilding species regenerating within the site.

Policy 8 *Avoiding Cumulative Degradation* seeks to ensure that the density of development does not result in over domestication of the landscape. The proposed RBP is located near to the existing Flight Park building which includes both residential and commercial activities. The curtilage area around the proposed RBP will ensure that domestic activities are contained within an area to the rear of the building platform. This will form a node of development within the landscape and will prevent the spread of development over the landscape to avoid cumulative degradation.

#### 4.8 Natural Hazards

Objective 1 *seeks to avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.*

Policy 1.5 requires that proposed developments have an adequate assessment completed to identify any natural hazard and methods to avoid or mitigate a natural hazard. An appropriate assessment has been undertaken by Geoconsulting Ltd who have determined that there is no risk to a future dwelling being located within an area identified as being within an alluvial fan, with potential slope instability and being susceptible to liquefaction hazards. Mr Hewland states that the (low) scale of the hazard is in this instance such that no conditions of consent are recommended.

Overall, the expert advice provided has found that the proposed building platform will be suitable for residential development and will not be subject to, or exacerbate any hazards.

## **Part 5 – Rural Areas**

The Rural Area provisions build upon the District Wide objectives and policies relating to landscape which have been discussed in detail above.

*Objective 1 Character and Landscape Value seeks 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 – 1.8 require the consideration of district wide landscape objectives and policies in terms of proposed developments, whilst allowing for the establishment of a range of activities which utilise the soil manner in a sustainable manner, by ensuring that land with potential values to be used inappropriately. District wide landscape objectives and policies have been considered above, and it is concluded that the proposed development would be consistent with these. The size of the site is of a scale that a range of rural activities could still be undertaken (if chosen to) whilst not being compromised by the establishment of the proposed building platform.

The location of the proposed building platform will ensure that the remaining land will be able to be utilised in a sustainable manner, and the development will not use land which has potential for activities aligned with the rural area.

*Objective 3 - Rural Amenity seeks to avoid, remedy or mitigate adverse effect of activities on rural amenity.* Policies 3.1 – 3.5 recognise that permitted activities in rural area may result in effects which may be noticeable to residents within the area.

The proposed building platform will result in an additional residential activity occurring within an area that is within an existing node of development (both residential and commercial). The proposed development will not form a prominent extension to the existing development within the site, as the proposed mitigation measures volunteered on the RBP will ensure that visibility is reduced to avoid the appearance of sprawl within the site. This will maintain rural amenity within the site. Internal boundary setbacks will be maintained to ensure appropriate separation from neighbouring properties. Existing and proposed planting within the site will ensure that appropriate screening is maintained from public roads to maintain the rural amenity within the site and surrounding areas.

Overall, it is considered that the proposal will be consistent with the objectives and policies within Part 5 of the District Plan.

### **Summary**

Overall it is concluded that the proposed subdivision and development will be consistent with the relevant objectives and policies set out within the District Plan.

## **9.4 OTHER MATTERS**

### **9.4.1 Precedent Effects**

The proposed landscaping, restriction on the height of a future building and identification of a curtilage area, will help mitigate adverse effects on a building in this location, and therefore will avoid any undesirable precedent effects. The circumstances of the particular site are considered relatively unique which will assist in reducing any potential for precedent effects for any further development along ridgelines within the vicinity or in other rural areas within the district.

It is my opinion that that the proposed development will not have the potential to cause a precedent effect and would not impact on the integrity of the District Plan.

## 9.5 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. The overall purpose of the RMA is detailed within section 5 of the Act as:

*managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The existing and proposed landscape mitigation, design controls and curtilage area will contain domestic activities which will ensure that there will be no adverse effect on the environment. Additionally, the removal of wilding pines from within the site will ensure on-going protection from the spread of exotic species within the Wakatipu Basin. This will ensure that resources and are safeguarded. The proposal will meet the needs for future generations by sustaining the potential of natural and physical resources, and by ensuring only appropriate development occurs.

Under Part 2 of the Act, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon*
- (i) *the effects of climate change*
- (j) *the benefits to be derived from the use and development of renewable energy*

With regard to the relevant matters outlined in section 7 of the Act, it is considered that the proposal constitutes an efficient use of natural resources and will not have unacceptable adverse effects on amenity values or the quality of the environment.

Overall, I consider the proposal does promote the overall purpose of the Act.

## 10.0 CONCLUSION

Section 104B of the Act states that after considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- a) may grant or refuse the application; and
- b) if it grants the application, may impose conditions under section 108.

Having regard to section 104 of the Act and the assessment set out in this report, it is concluded that with appropriate mitigation as proposed, including the identification of a curtilage area around the building platform, and volunteered wilding pines management plan, the proposal will be appropriate in this location.

The location of the proposed building platform will result in adverse effects which would not be more than minor, and the proposed development has been found to not detract significantly from surrounding rural character.

The proposal will therefore be consistent with the objectives and policies of the District Plan.

Overall the proposal is considered to be consistent with the purpose and principles of the RMA found within Part 2 of the Act.

Having regard to Section 104B I recommend that resource consent is granted, subject to appropriate conditions as detailed in the attached Appendix 3.

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Prepared by

Reviewed by



Lucy Millton  
**PLANNER**

Paula Costello  
**SENIOR PLANNER**

**Attachments:**            Appendix 1            Landscape Architect Report  
                                 Appendix 2            Engineering Report  
                                 Appendix 3            Recommended conditions of consent

**Report Dated:**            18 July 2013

**REPORT TO:** Lucy Milton, Planner  
**FROM:** Richard Denney, Landscape Architect  
**REFERENCE:** RM130264 – T Rold  
**SUBJECT:** Landscape Assessment  
**DATE:** 17<sup>th</sup> June 2013

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## **INTRODUCTION**

1. An application has been received for land use consent to identify a building platform at 793 Malaghans Road, Wakatipu Basin. The site is legally described as lot 1 DP 22979 and is 21.8168 hectares in area.
2. In terms of the Queenstown Lakes District Council District Plan the site is zoned Rural General. Following advice from the Lakes Environmental's planner I understand that the status of the activity is discretionary.

## **PROPOSAL**

3. A residential building platform is sought, rhomboid in shaped measuring 47.2m by 25m with a total area of 1000m<sup>2</sup>. The platform would be split creating two triangles. The northern most triangle (B) would have a 5m height control and the southernmost triangle (A) would have a 4m height control.
4. The platform would be located approximately 12m to the south east from an existing shed on the site and immediately adjacent to a stone ruin that predates 1900. The stone ruin is not listed as a heritage feature within the district plan nor is on the New Zealand Archaeological register.

## **BACKGROUND**

5. The site has a number of previous consents. Of relevance to this application is consent RM070749 to use portion of the existing residential dwelling as a café and to undertake earthworks.

## **SITE DESCRIPTION**

6. The subject site is located within the northern fringe of the Wakatipu Basin. The landform is characterised by the shallow Malaghans Road valley. A protruding ridge of schist known as the 'spiny back lizard' is to the south and with another somewhat more rounded and lower ridge to the north with rocky hummocks, small tarns and a distinct undulating landform in which the subject site is located. Between these two features the land slumps into a low lying valley that is historically part of a swamp that drains into the Millbrook area to the east. To the north is Coronet Peak and an associated long lower ridge that runs to the east (dominates over the site). The slope of the long ridge is managed as a conifer plantation by council. The subject site is upon the of the low ridge crest that overlooks the Malaghans Road area. There



is a cluster of buildings associated with the flight park café and facilities including a small car park. A large willow sits near the ridge edge and adjacent to this is stone ruin of a cottage known to pre-date 1900. The bulk of the terrace behind the ridge is open, slightly undulating, rough grassland. The openness of the landscape ends abruptly at the property boundary where a dense Douglas fir plantation cloaks the steep slope up to near the summit of the long eastern ridge. Appendix 8A – Map 2 of the District Plan identifies the site as being within a Visual Amenity Landscape (VAL) with which I concur as it is adjacent to an outstanding natural landscape and displays the characteristics associated with an arcadian landscape in the form of open rolling exotic grasslands, buildings, hedgerows and in this instance the ruins of a stone cottage from the cultural heritage of the landscape.



*Photo 1. Photo taken from hummock towards the southern boundary of the proposed platform with stone ruin and large willow adjacent.*

## **ASSESSMENT**

7. The appropriate assessment matters are as follows:

- 5.4.2.2 Assessment Matters (3) Visual Amenity Landscapes
- 8.3.2 (i) General – Nature Conservation Values
- (iii) Controlled activity – all buildings

### *Visual Amenity Landscapes*

8. The site is adjacent to an Outstanding Natural Landscape (ONL) but the visual effects of future built form within the platform would unlikely effect the openness of the ONL as it predominantly dense pine plantation some distance up slope of the site. The scale and nature of the development would potentially compromise the natural and arcadian pastoral character of the surrounding visual amenity landscape. This is due to the presence of the stone ruin immediately adjacent to the south side of the platform. The cottage ruin sits adjacent to a natural rocky ridge and is framed by the hummocky topography and a large adjacent willow.
9. Future development within the proposed platform could be undertaken within a metre of the remaining standing wall of the ruin and could potentially compromise the context and

character of the ruin and landscape context. It could also potentially conserve the ruin and surrounds and retain landscape values that the ruin currently contributes towards. Until such time as building is proposed this cannot be assessed. Conditional approval from the historic places trust has been provided.

10. I consider the contribution of the heritage site to the landscape character to be of some value. I recommend that any future resource consent application for development within the platform and curtilage area be supported by a landscape plan. The plan should be responsive to a Historic Places Trust authority and any recommendations contain within, and demonstrate that the values of the heritage site and its contribution to the landscape character are retained and appropriately integrated as part of any future development.
11. The proposed platform is unlikely to lead to a dwelling that would be highly visible as viewed from Malaghans Road. It would not be visible at all from Alan Reid Road. From existing dwellings down slope, that have not provided affected party approvals, a future dwelling may be visible. Views however would be part of much broader landscape. The retention of the large willow and additional planting to the front of the proposed platform would ensure a building would not be visually prominent within this landscape context to the point where it would detract from private or public views.
12. Proposed planting would be of indigenous species and would be planted in a group that would conform to the natural form of the land. It would not change the line of the landscape or affect the naturalness of the landscape, nor create arbitrary lines or patterns.
13. The platform is some distance from Malaghans road and a dwelling on this platform would not represent sprawl along the roads of the district.
14. The proposed platform would allow another building within close proximity to an existing cluster of buildings immediately to the north west of the site but within the same property. It would increase the extent of domestication associated with the existing building further along the low rocky ridge. Much of this built form is largely unnoticeable or difficult to view from Malaghans Road and neighbouring properties. The proposed platform would utilise an existing access to the neighbouring cluster and would not create any significant additional requirements for access that would be visible from beyond the property. Development would be behind or to the east of the low rocky ridge that separates the proposed platform and existing cluster from view from Malaghans Road.
15. The proposed platform would allow for an increase in built form densities but not to the extent associated with those characteristic of urban areas.
16. The existing café, office, residential unit and flight park facility creates an established node of activity and domestication at the site. The addition of the platform would lead to further domestication although the extent of this would be contained within the curtilage area. Much of the flight park node and the proposed location of the platform is however generally difficult to view from Malaghans with the access road, signage and landing para-gliders the only hints of the node. It is unlikely that the proposed development would lead to the need for further infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes.
17. I consider the proposed platform and associated proposed landscaping would maintain adequate and appropriate visual access to open space and views across arcadian landscapes.
18. The platform would not compromise the ability to undertake agricultural activities on surrounding land. Proposed landscaping would be consistent with the rural landscape. The platform is set back from property boundaries and is located upon the crest of a ridge that ensures a level of separation between neighbours. This would be further accentuated by supplementary planting.

#### *Nature conservation*

19. The site contains no indigenous ecosystems of particular significance. It is however adjacent to an outstanding natural landscape (ONL) although the vegetation is within the immediate location is conifer plantation managed by Council.

*Controlled activity – all buildings*

20. The platform is located in a position that uses the natural topography, the presence of a large existing willow and proposed height controls to ensure a future building would not break the skyline. This is as viewed from public places, Malaghans Road or neighbouring residential dwellings that have not provided affected party approvals. A future dwelling may be visible from some neighbouring dwellings downslope against the backdrop of the pine plantation behind. The proposed landscaping however includes what I consider appropriate planting on the fore-slope to adequately diffuse such views and limit potential adverse effects of a building.

## **CONCLUSION**

21. An application has been received to identify a 1000m<sup>2</sup> building platform at 793 Malaghans Road. The proposed platform would be located upon an elevated terrace adjacent to the Flight centre café and base and would have views over Malaghans Road and the wider Wakatipu Basin. A landscape plan identifies the retention of a large willow, supplementary planting, the proposed building platform and the location of a stone cottage ruin immediately adjacent. The platform would have a staggered height control, and in combination with proposed planting would restrict views from outside the site towards a future building. The stone ruin is off heritage and character value to the landscape and would be contained within the proposed curtilage area and would be subject to authority from the Historic Places Trust prior to any development occurring within the location. It is recommended that a landscape plan is submitted with a future dwelling consent application. This is to ensure future development within the platform and associated curtilage area are responsive to landscape and heritage values of the site, and is adequately integrated into the landscape.

## **RECOMMENDED CONDITIONS**

22. Should consent be granted I consider that the following conditions should be included:
- i. Planting shown on the approved landscape plan 'Rold, *Structural Landscape Plan, Rev C*', dated 30.05.13, shall be implemented within six months of granting of this consent and thereafter be maintained and irrigated if required in accordance with the plan. If any tree or plant shall die or become diseased, or in the opinion of the Councils Landscape Architect becomes defective it shall be replaced within six months.
  - ii. A landscape plan shall be submitted with the consent application for future development within the approved platform. The plan shall be consistent with the approved building platform landscape plan (RM130264) but shall also include the proposed dwelling, other structures and landscaping with particular attention to the integration of the proposed development and the stone ruin. The landscape plan shall demonstrate that the landscape context of the stone ruin and the ruin itself has been appropriately considered and responded to so as to maintain the landscape and heritage values of the site.
  - iii. All domestic activities, structures and ornamental gardens shall be restricted to the designated curtilage area as defined on the approved landscape plan. Domesticating elements includes such items as clotheslines, tennis courts, swimming pools, formal lawns, car parking areas, and children play equipment.
  - iv. Exterior lighting attached to any future building shall be no higher than 3m above ground level and shall not be located on the southern or eastern facing elevations that have an outlook towards Malaghans Road. All other exterior lighting shall be no higher than 1m above ground level and shall be located within the curtilage area only. All exterior lighting shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur. Exterior lighting shall not be used to highlight built form or structures that are visible from beyond the subject property.

Report prepared by

Report reviewed by



Richard Denney  
**SENIOR LANDSCAPE ARCHITECTURE**



Marion Read  
**PRINCIPAL: LANDSCAPE ARCHITECTURE**

## ENGINEERING MEMO



**TO:** Katrina Ellis  
**FROM:** Steve Hewland  
**DATE:** 08/05/2013  
**SUBJECT:** RM130264 T ROLD

---

Application details	
<b>Description</b>	Land Use Consent is sought to establish a 1000m <sup>2</sup> residential building platform adjoining the existing buildings at the Flight Park on Lot 1 DP 22979.
<b>Type of Consent</b>	
<b>Zoning</b>	
<b>Previous consents relevant to this report</b>	RC940585 – to operate the Flight Park RM070749 – to operate the existing building as a café and residence

### Access and parking

The existing shared Right of Way (RoW) access from Malaghans Road to the Flight Park will be utilised for the proposed building platform. This access is formed to an acceptable standard and no upgrades are required to cater for the proposed residential building platform. The vehicle crossing has adequate sight distances in both directions and has recently been upgraded in conjunction with a QLDC upgrade on Malaghans Road. I am satisfied that the creation of this building platform and the resulting small increase in traffic generation will not have any negative effects on the Councils transport network. Because the extension to the existing RoW to the proposed platform is minor I am satisfied that the assessment and construction of this and the related manoeuvring areas can be undertaken at the time of dwelling construction. Accordingly, I recommend a condition that a covenant is placed on the title requiring the extension of the RoW to be completed at the time a dwelling is constructed.

### Services

The lot has existing telecommunications and power supply connections to the existing buildings and these will be extended to the new building platform. Power and telecommunication network providers have confirmed in writing that their networks have capacity. Because the extension of these services is a short distance and within the same lot I am satisfied that it can occur at the time a dwelling is constructed and recommend a condition requiring a covenant on the title to that effect.

The proposed potable water supply is sourced from a natural spring within the lot. This supply was assessed for water quality and demand and subsequently approved in 2007 under RM070749 for the on-site café and residence. The Hadley Consulting Ltd report submitted with that application advised the ultimate source capacity for the supply was 43,200 litres per day, I am satisfied that this is more than sufficient to provide for the additional demand of a residence on the proposed building platform. Because the extension of the water supply is a short distance and within the same lot I am satisfied that it can occur at the time a dwelling is constructed and recommend a condition requiring a covenant on the title to that effect.

No fire fighting provision for a dwelling on the proposed platform exists now and I recommend a condition requiring a covenant on the title that the fire fighting standards are met at the time a dwelling is constructed.

An on-site wastewater disposal feasibility report (ref 122362 dated 18/05/2012) has been received from Hadley Consultants Ltd confirming that due to the presence of watercourses, onsite disposal of wastewater is only feasible with a secondary treatment system. I accept the conclusions of the report and recommend a condition requiring a covenant on the title that requires the conclusions made in this report to be taken into account when designing the future wastewater system.

I am satisfied that there are no issues on-site that would preclude stormwater disposal to ground. I am therefore satisfied that stormwater disposal can be adequately addressed by the Building Consent process for any future dwelling and no related conditions are recommended.

### **Earthworks**

No earthworks are proposed for this consent and no related consent conditions are recommended.

### **Building Platform Details**

To ensure that Council and any existing or future lot owners have a clear and accurate record of the location and extents of the new building platform within the site, the building platform will need to be surveyed and recorded on the Computer Freehold Register for the site and a digital plan of the building platform will need to be submitted to Council for inclusion in their GIS database.

### **Hazards**

QLDC hazard maps identify the site to potentially be subject to the following hazards; alluvial fan, liquefaction, and slope stability. A hazards assessment report submitted with the application has been prepared by Geoconsulting Ltd and concludes that the proposed building platform location is not at risk from these hazards and no mitigation measures are recommended. Accordingly, I do not recommend any related consent conditions.

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## **RECOMMENDED CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

### ***New Building Platform to be registered***

1. At the time the consent is given effect to, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per the Clark Fortune McDonald & Associates plan titled "Proposed Building Platform on Lot 1 DP 22979", Job No. 10888, Drawing No. 01\_01 & 01\_02, Revision E, dated 19/02/2013). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register OT16A/417 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.
2. A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Engineer at Lakes Environmental. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.



### **Ongoing Conditions/Covenants**

3. At the time that the building platform is registered on the certificate of title, the consent holder shall register the following as a covenant to be carried out at the time a dwelling is proposed:
- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X on Land Transfer Covenant Plan XXXXX. *[Note: covenant and plan reference details to be advised]*
  - b) At the time a dwelling is erected on the lot, the owner for the time being shall construct an access way to the dwelling that complies with Council's standards.
  - c) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably qualified expert to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take into account the site specific report and recommendations by Hadley Consultants Ltd, report reference 122362 and dated 18/05/2012. The proposed wastewater system shall be subject to the review of the Principal Engineer at Lakes Environmental prior to implementation and shall be installed prior to occupation of the dwelling.
  - d) At the time a dwelling is erected on the lot, the owner for the time being shall provide a water supply from the existing supply source on the lot approved under RM070749 to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005.
  - e) At the time a dwelling is erected on the lot, the owner for the time being shall provide electricity and telecommunications connections to the dwelling, these shall be underground and in accordance with the network providers requirements.
  - f) At the time a dwelling is erected on the lot the, domestic water and fire fighting storage is to be provided by the owner for the time being. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow

a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Operational Planning Officer for the Southern Fire Region is obtained for the proposed method.

The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

**Advice Note:** The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 8km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.

**Advice note:**

This site falls within an Otago Regional Council (ORC) ground water protection zone and consent will need to be granted by the ORC for onsite waste disposal.

---

Prepared by:



Steve Hewland  
**PRINCIPAL ENGINEER**

Reviewed by:



**Keri Garrett**  
**ENGINEER**



### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans, 'Structural Landscape Plan L1C, dated 30.05.13; Proposed Building Platform on Lot 1 DP 22979 Rev E drawing No. 01\_01; Proposed Building Platform on Lot 1 DP 22979 Rev E drawing No. 01\_02' (**stamped as approved on 22 July 2013**) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

### ***Building Platform to be registered***

3. To give effect to this consent, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per the Clark Fortune McDonald & Associates plan titled "Proposed Building Platform on Lot 1 DP 22979", Job No. 10888, Drawing No. 01\_01 & 01\_02, Revision E, dated 14/03/2013). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register OT16A/417 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.
4. A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Engineer at Lakes Environmental. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

### Landscape Conditions

5. Planting shown on the approved landscape plan 'Rold, *Structural Landscape Plan, Rev C*', dated 30.05.13, shall be implemented prior to the completion of Condition 3 above, and shall be subject to confirmation from Council's landscape architect that it has been implemented on site prior to registration of the platform on the title in accordance with this condition.

### Engineering Conditions

#### ***General Conditions***

6. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

#### ***Ongoing Conditions/Covenants***

7. At the time that the building platform is registered on the certificate of title, the consent holder shall also register the following as covenant conditions under s108(2)(d) of the Act to be complied with on an on-going basis:
  - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X on Land Transfer Covenant Plan XXXXX. ***[Note: covenant and plan reference details to be advised]***

- b) All buildings erected within the residential building platform on the site shall be constructed in compliance with the height restrictions as shown on the approved plan under RM130264 which determines Area A to have a building height restriction of 4 metres above existing ground level, and Area B to have a building height restriction of 5 metres above existing ground level.
- c) Landscaping approved and implemented on the site in accordance with the landscape plan approved 'Rold, *Structural Landscape Plan, Rev C*', dated 30.05.13' shall be maintained and irrigated if required, in accordance with this plan. If any tree or plant shall die or become diseased, or in the opinion of the Council's landscape architect becomes defective it shall be replaced within six months.
- d) Any proposed development including buildings, structures, driveways, vehicle parking areas, and landscaping within the approved building platform curtilage area shall be shown on a landscape plan to be submitted as part of a resource consent application for a future dwelling within the platform.
- e) All existing wilding pines are to be removed from the terrace face below the building platform in the first year after completion of the dwelling. Trees are to be felled or hand released. Following initial removal the terrace face must be monitored for further establishing seedlings and any establishing wilding pines trees are to be felled or hand released at 5 yearly intervals.
- f) All domestic activities, structures and ornamental gardens shall be restricted to the designated curtilage area as defined on the approved landscape plan under RM130264. Domesticating elements includes such items as clotheslines, tennis courts, swimming pools, formal lawns, car parking areas, and children play equipment.
- g) Exterior lighting attached to any future building shall be no higher than 3m above ground level and shall not be located on the southern or eastern facing elevations that have an outlook towards Malaghans Road. All other exterior lighting shall be no higher than 1m above ground level and shall be located within the curtilage area only. All exterior lighting shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur. Exterior lighting shall not be used to highlight built form or structures that are visible from beyond the subject property.

### **General Engineering Conditions**

- 8. At the time a dwelling is erected on the lot, the owner for the time being shall construct an access way to the dwelling that complies with Council's standards.
- 9. At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably qualified expert to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take into account the site specific report and recommendations by Hadley Consultants Ltd, report reference 122362 and dated 18/05/2012. The proposed wastewater system shall be subject to the review of the Principal Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- 10. At the time a dwelling is erected on the lot, the owner for the time being shall provide a water supply from the existing supply source on the Lot approved under RM070749 to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005.

11. At the time a dwelling is erected on the lot, the owner for the time being shall provide electricity and telecommunications connections to the dwelling, these shall be underground and in accordance with the network providers requirements.
12. At the time a dwelling is erected on the lot the, domestic water and fire fighting storage is to be provided by the owner for the time being. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.
13. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Operational Planning Officer for the Southern Fire Region is obtained for the proposed method.

The fire fighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

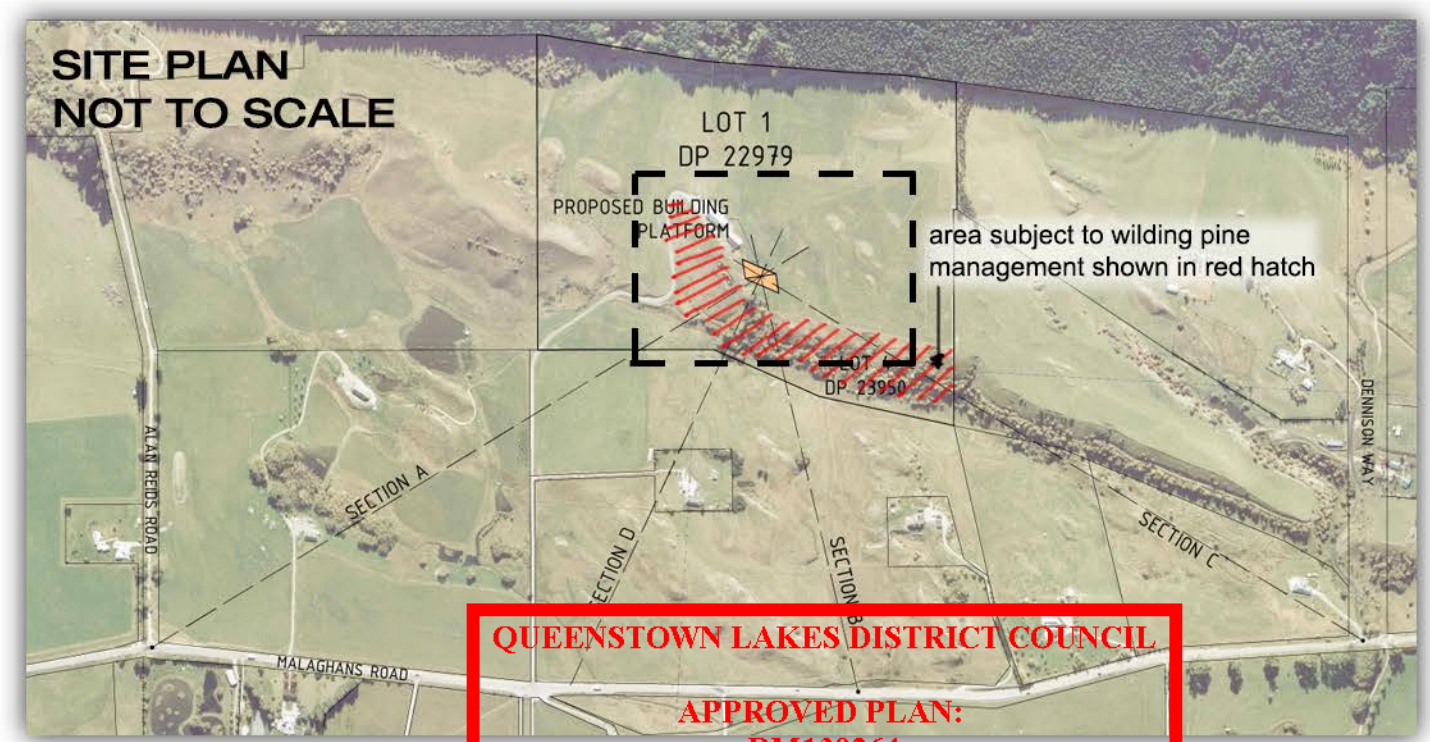
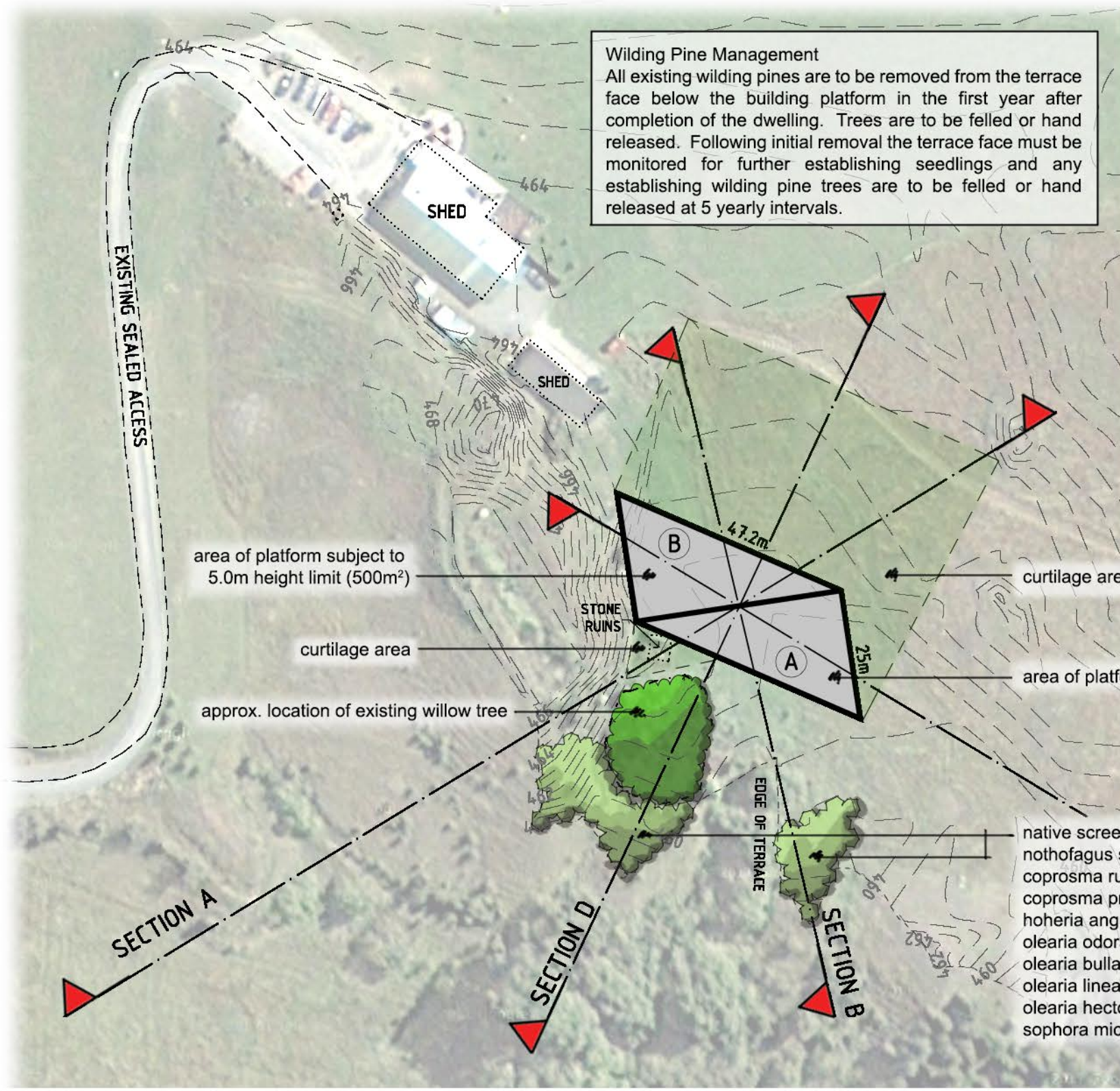
**Advice Note:** The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ 4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 8km from the nearest New Zealand Fire Service Fire Station the response times of the New

Zealand **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new dwelling.

**Advice notes:**

- This site falls with an Otago Regional Council (ORC) ground water protection zone and consent will need to be granted by the ORC for onsite waste disposal.
- Prior to any excavations for any future buildings or any earthworks in the vicinity of the stone ruins, an Archaeological Authority is required under the Historic Places Act as the area is in close proximity to the stone ruins that predates 1900.
- This consent shall have a lapse date of 18 July 2018.





**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN: RM130264**  
**Tuesday, 23 July 2013**



Project: **ROLD**  
 Title: **STRUCTURAL LANDSCAPE PLAN**

Location: MALAGHANS ROAD, QUEENSTOWN

Rev	Description	By	Date
A	Curtilage area added	JD	04.06.13
B	Curtilage area added	JD	06.06.13
C	Plant numbers added	JD	10.06.13

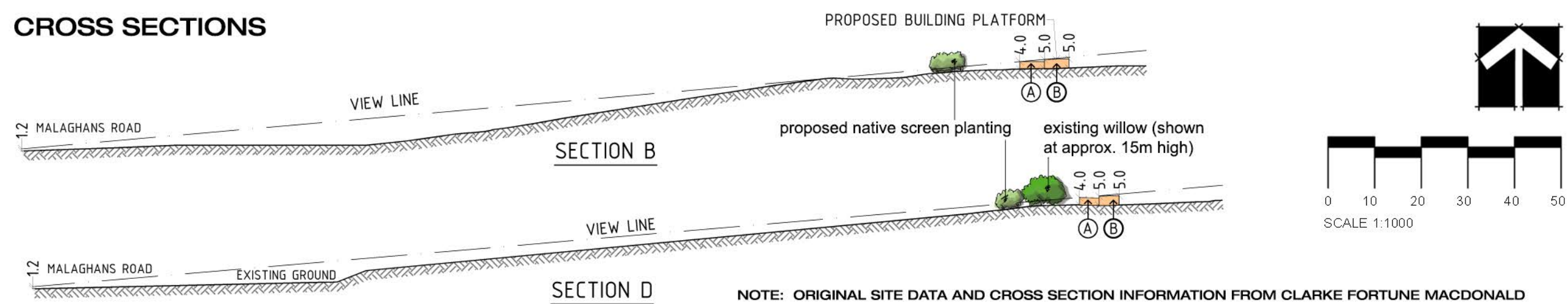
**NOT FOR CONSTRUCTION**

Scale: 1:1000 @ A3  
 Job No: 2485

Drawn / Checked: JD / RL  
 Date: 30.05.13

This drawing is supplied on the understanding that the information herein will not be passed to any other party without written permission first being obtained from LAND Ltd.  
 Drawing No: **L1C**

**CROSS SECTIONS**

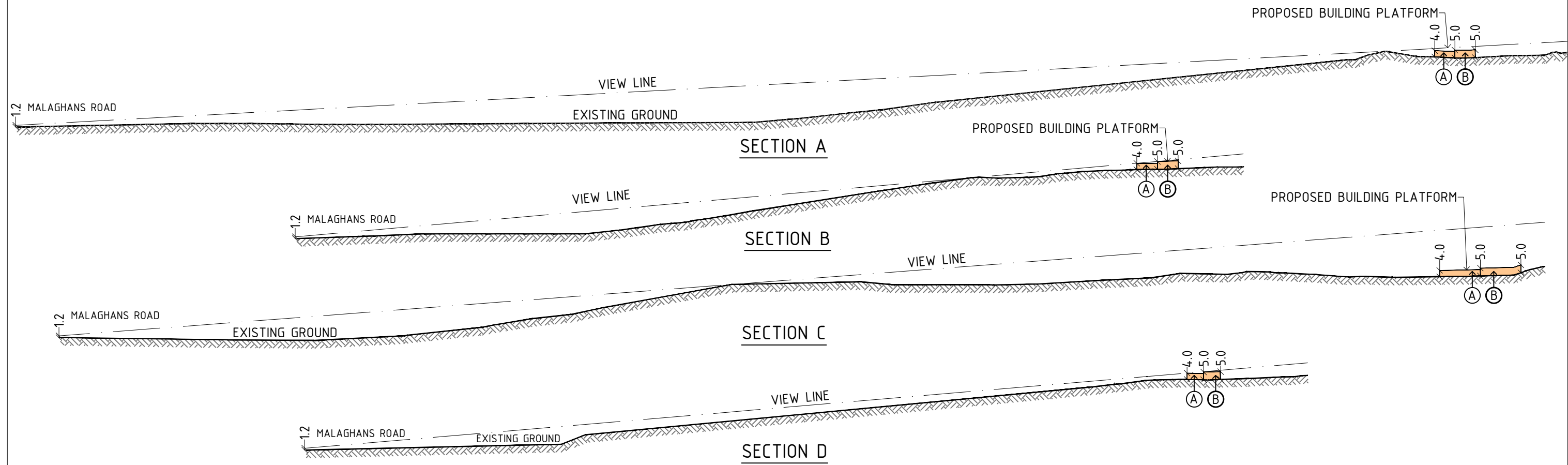
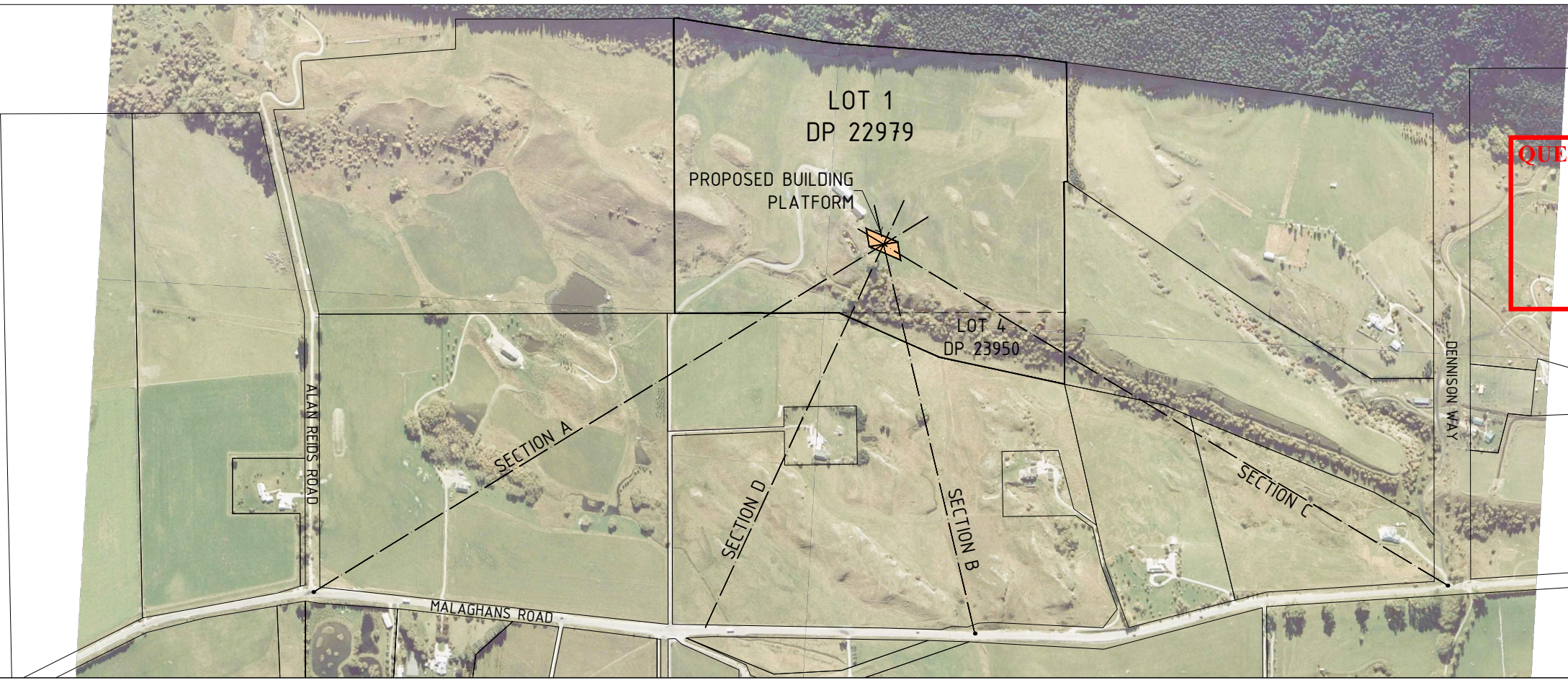


**NOTE: ORIGINAL SITE DATA AND CROSS SECTION INFORMATION FROM CLARKE FORTUNE MACDONALD DRAWINGS 10888 01\_01, 01\_02. AERIAL INFORMATION FROM GOOGLE AND FOR ILLUSTRATIVE PURPOSES ONLY**





**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM130264**  
**Tuesday, 23 July 2013**



INFORMATION 23.04.12


**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
 Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz






Rev.	Date	Revision Details	By
A	27.03.12	Platform location revised	HK
B	02.04.12	Platform location revised	HK
C	23.04.12	Plat. location revised 4/5m Height limit added	HK
D	23.07.12	Section D and mound added	HK
E	19.02.13	Mound removed	HK

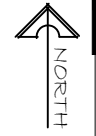
**PROPOSED BUILDING PLATFORM ON**  
**LOT 1 DP 22979**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
THOMAS ROLD	HK/CH		03.12.06.06	10888	01_01
	Drawn	Signed	Date	Scale	
	HK		14.03.12	1:3750 @ A1 1:7500 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	E



**LEGEND**

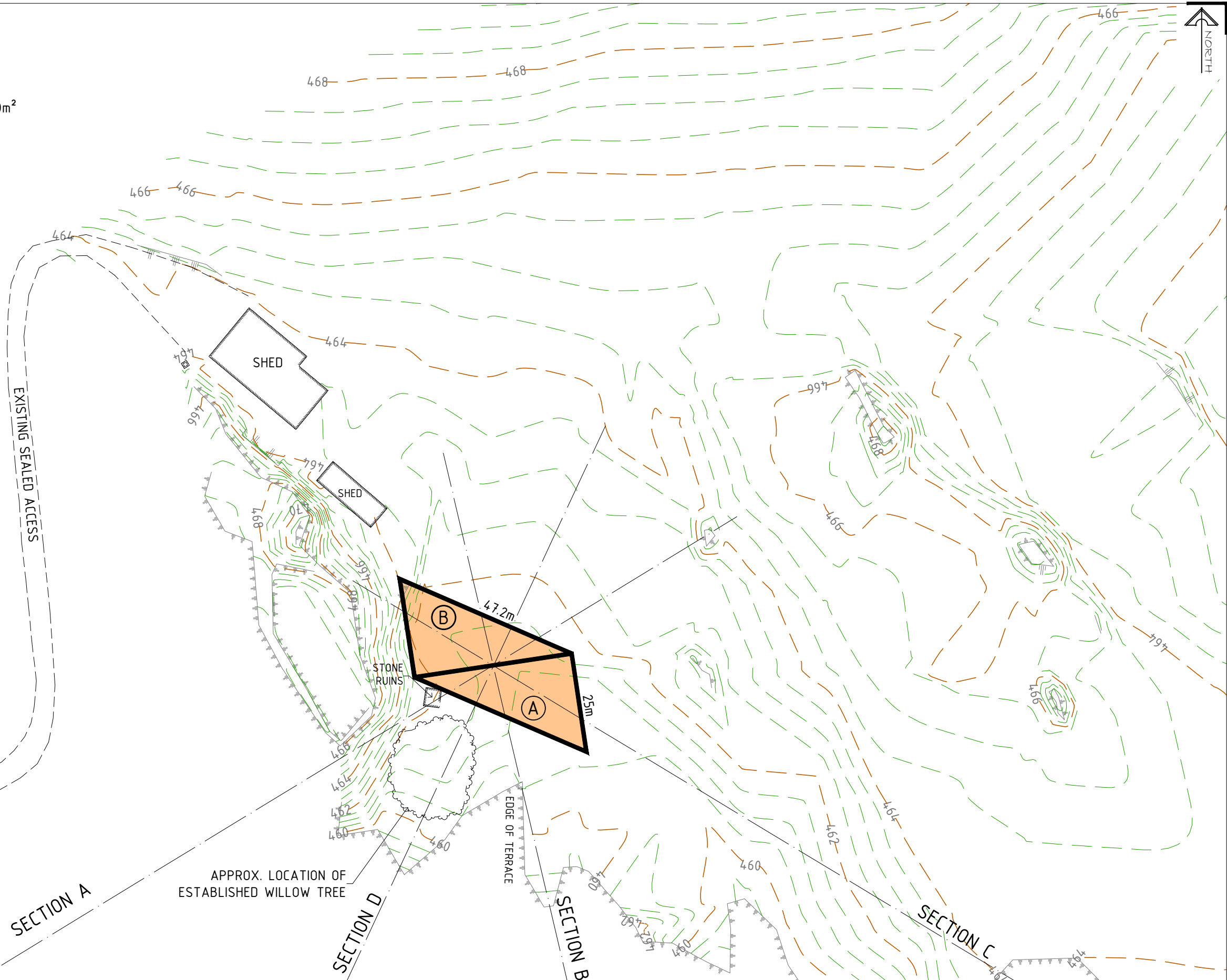
-  = PROPOSED BUILDING PLATFORM 1000m<sup>2</sup>
  -  = AREA OF PLATFORM SUBJECT TO 4m HEIGHT LIMIT (500m<sup>2</sup>)
  -  = AREA OF PLATFORM SUBJECT TO 5m HEIGHT LIMIT (500m<sup>2</sup>)
  -  = MAJOR CONTOUR INTERVAL 2.0m
  -  = MINOR CONTOUR INTERVAL 0.5m
- DATUM MARK = OIT I DP 22979 RL=461.34m



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM130264

Tuesday, 23 July 2013



INFORMATION 23.04.12

**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
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B	02.04.12	Platform location revised	HK
C	23.04.12	Plat. location revised 4/5m Height limit added	HK
D	23.07.12	Section D and mound added	HK
E	19.02.13	Mound removed	HK

**PROPOSED BUILDING PLATFORM ON  
LOT 1 DP 22979**

Client	THOMAS ROLD	Surveyed	Signed	Date	Job No.	Drawing No.
		HK/CH		03.12/06.06	10888	01_02
Drawn	Signed	Date	Scale			
HK		14.03.12	1:500 @ A1 1:1000 @ A3			
Designed	Signed	Date	Datum & Level	Rev.		
			Mt Nic 2000 & MSL	E		