



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER s104 RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Ziva Holdings Limited
<b>RM reference:</b>	RM150383
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to establish a 981m <sup>2</sup> Residential Building Platform (RBP) with a 1500m <sup>2</sup> curtilage area. The proposed RBP will be subject to design controls associated with colours, reflectance, and building height. A water supply is proposed to be sourced from an onsite bore, and domestic effluent is to be treated and disposed to ground. Earthworks are proposed to provide for a residential development on the RBP, site preparation, and servicing.
<b>Location:</b>	Coal Pit Road, Gibbston
<b>Legal Description:</b>	Section 36 Blk III Kawarau SD (being also held with), Section 39 Blk III Kawarau SD, and Section 7 – 8 Survey Office Plan 357548, and contained within Computer Freehold Registers OT15C/297 and OT15C/298. The site has an area of 17.2704 hectares.
<b>Zoning:</b>	Gibbston Character
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification Decision:</b>	Publicly Notified
<b>Delegated Authority:</b>	Blair Devlin – Manager, Resource Consenting
<b>Final Decision:</b>	<b>GRANTED SUBJECT TO CONDITIONS</b>
<b>Date Decisions Issued:</b>	10 November 2015

**SUMMARY OF DECISIONS**

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Blair Devlin, Manager, Resource Consenting, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Sections 2.0 and 3.0 of the Section 42A (S42A) report prepared for Council (attached as Appendix 2) provides a full description of the proposal, the site and surrounds and the consenting history.

## 2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 12 August 2015.

No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 10 November 2015.

## 3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 8.0 of the S42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9.3 of the S42A report outlines Part 2 of the Act.

### 3.1 RELEVANT PLAN CONSIDERATIONS

The site is zoned Gibbston Character under the District Plan and the proposal requires the following resource consents:

- A **discretionary** activity resource consent pursuant to Rule 5.7.3.3[i](b) for the proposed identification of a residential building platform of not less than 70m<sup>2</sup> in area and not greater than 1,000m<sup>2</sup> in area.

Overall, the application is considered to be a **discretionary** activity.

### 3.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

## 4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

## 5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application, section 42A report are:

- A revised landscape plan is required to identify additional planting and to omit any reference to ornamental planting and landscaping outside of the defined curtilage area.
- Conditions of consent can adequately address all considerations associated with infrastructure and servicing.

- Conditions are required to ensure that potential effects on Rural Character and amenity are mitigated. Conditions principally relate to defining curtilage activities, design controls and landscaping.

The findings relating to these principal issues of contention are outlined in Section 9.1 of the attached S42A report.

## **6. ASSESSMENT**

### **6.1 Actual and Potential Effects (s104(1)(a))**

Actual and potential effects on the environment have been addressed in Section 9 of the S42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- Conditions of consent can ensure that the proposal will not result in adverse effects on the character of the Landscape.
- Subject to appropriate mitigation of effects associated with maintaining the character of the landscape, the proposal will not have more than minor effects on the environment; and
- The proposal is consistent with the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

### **6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))**

As outlined in detail in Section 9.2 of the S42A report, overall the proposed development is in accordance with the relevant policies and objectives of the District Plan.

### **6.3 PART 2 OF THE RMA**

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9.3 of the S42A report.

## **7. DECISION ON LANDUSE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 108 of the RMA.

## **8. OTHER MATTERS**

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

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. This shall be paid prior to registration of the Residential Building Platform.

Please contact the Council if you require a Development Contribution Estimate.

### *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.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. 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 RMA.

If you have any enquiries please contact Aaron Burt on phone (03) 441 0499 or email [aaron.burt@qldc.govt.nz](mailto:aaron.burt@qldc.govt.nz)

Report prepared by



Aaron Burt  
**PLANNER**

Decision made by



Blair Devlin  
**MANAGER, RESOURCE CONSENTING**

**APPENDIX 1 – Consent Conditions**

**APPENDIX 2 – Section 42A Report**

## **APPENDIX 1 – CONSENT CONDITIONS**

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- Proposed Building Platform: Job 11331, Drawing No. 03\_01 Rev B. 04.05.15
- Proposed Building Platform: Job 11331, Drawing No. 03\_02 Rev B. 04.05.15
- Plan of Planting Stage 1.

**stamped as approved on 10 November 2015**

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 \$240. This initial fee has been set under section 36(1) of the Act.

### Landscape and Design Control Conditions

3. The submitted landscape plan shall be amended and resubmitted to council for certification within 6 months of granting consent. The amended plan shall achieve the following objectives:
- Identify only the indigenous species, *Ulmus glabra horizontalis* and existing monterey pines near the northern boundary of the property on the plan. The pines shall be identified that if removed they shall be replaced with non-wilding species of an evergreen tree, green in colour and of a mature height of no less than 6m.
4. The exterior materials and colours of all buildings shall be in the natural tones of greys, greens or cool browns with a light reflectivity value (LRV) of between 7% and 36% for walls and a LRV of between 7% and 20% for the roof or, alternatively a living (green) roof or a local stone chip consistent with the surrounding colouring and textures of the pastoral landscape. Materials and colours shall have a matt finish.
5. Any building within the Residential Building Platform shall not exceed 6 metres above existing ground level.
6. All fencing shall be standard farm fencing of either post and wire or post and netting (including rabbit netting).
7. Domestic structures, including but not limited to, vehicle parking areas, pergolas, clotheslines, barbeque areas, amenity gardens and highly ornamental trees (such as variegated or bright red species), garden sheds, and pools shall be located within the curtilage area defined on the certified site plan.
8. Access drive gateways shall avoid monumental structures and be of a standard farm gate of timber or steel construction and no higher than 1.5m.
9. All external lighting shall be located within the curtilage area and shall be down lighting only. Lighting attached to buildings or structures shall not exceed 3m above surrounding ground. Lighting shall not be used to highlight buildings, garden structures, walls, fences or trees. Lighting not attached to buildings shall be bollard or similar type lighting no higher than 1m above surrounding ground.

10. All planting as identified on the certified landscape plan shall be maintained in perpetuity. Should any tree die or become diseased it shall be replaced as per the certified landscape plan within 12 months and irrigated and maintained as necessary.
11. Planting shall exclude wilding species (*Pinus contorta*, *P.nigra*, *P.sylvestris*, *P. pinaster*, *P.radiata*, *Larix decidua*, *Psuedotsuga menziesii*, *Acer pseudoplatanus*, *Crataegus monogyna*) and problematic weed species such as birch.

### Engineering Conditions

#### **General conditions**

12. 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.

#### **To be completed prior to the commencement of any works on-site**

13. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

#### **Prior to the registration of the building platform on the Computer Freehold Register**

14. Prior to the building platform being registered on the Computer Freehold Registers, the consent holder shall complete the following:
  - a) A digital plan showing the location of the building platform as shown on the Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - b) The construction of a vehicle crossing to the lot from Coal Pit Road to be in terms of Diagram 2, Appendix 7 of the District Plan. This 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. Provision shall be made to continue any roadside drainage by way of a 200mm minimum diameter culvert with stacked stone headwalls.
  - c) The construction of an access way to the building platform that complies with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
  - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
  - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.
  - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

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

15. 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. Following the completion

of all works in Condition (14) above, the consent holder shall register this "Land Transfer Covenant Plan" on both Computer Freehold Registers OT15C/298 and OT15C/298, and shall execute all documentation required to register this plan. The costs shall be borne by the consent holder.

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

16. At the time that the building platform is registered on both Computer Freehold Registers for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 to be carried out at the time a dwelling is proposed:
- a) No building/dwelling shall be erected within 10m from the top of the terrace edge of Franks Creek.
  - b) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012 and provided with compliant separation distance to Franks Creek. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the dwelling.
  - c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
  - d) In the event that the number of persons to be accommodated on the lot is to be greater than 3, then the Queenstown Lakes District Council will require commensurate increases in the water supply to that lot at the rate of 700 litres per extra person per day.
  - e) Prior to the occupation of any dwelling on the lot, domestic water and fire fighting storage is to be provided. 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 18km 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 each new dwelling.

#### Accidental Discovery Protocol

9. Under the Heritage New Zealand Pouhere Taonga Act (2014) an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. For pre-contact Maori sites this evidence may be in the form of bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Burials/koiwi tangata may be found from any historic period.

In the event that an unidentified archaeological site is located during works, the following applies;

- (i) Work shall cease immediately at that place and within 20m around the site.
- (ii) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
- (iii) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
- (iv) If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
- (v) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
- (vi) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
- (vii) Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
- (viii) Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.

#### **Advice Note:**



- This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
- There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact Heritage New Zealand for further information. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.
- In order to ensure compliance with the Heritage New Zealand Pouhere Taonga Act 2014 it is recommended that prior to the commencement of works, a qualified archaeologist should visit the site and check for evidence of archaeological material in any areas that will be disturbed during earthworks associated with the proposed building platform, landscaping and service trenching. The archaeologist should provide a recommendation as to whether an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014.

**APPENDIX 2 – SECTION 42A REPORT**

**FILE REF: RM150383**

**TO** Blair Devlin: Resource Consents Manager

**FROM** Aaron Burt

**SUBJECT** Report on a publicly notified consent application.

**SUMMARY**

**Applicant:** Ziva Holdings Limited

**Location:** Coal Pit Road, Gibbston

**Proposal:** Establish a 981m<sup>2</sup> Residential Building Platform (RBP) with a 1500m<sup>2</sup> curtilage area. The proposed RBP will be subject to design controls associated with colours, reflectance, and building height. A water supply is proposed to be sourced from an onsite bore, and domestic effluent is to be treated and disposed to ground.

Earthworks are proposed to provide for a residential development on the RBP, site preparation, and servicing.

**Legal Description:** Section 36 Blk III Kawarau SD (being also held with), Section 39 Blk III Kawarau SD, and Section 7 – 8 Survey Office Plan 357548, and contained within Computer Freehold Registers OT15C/297 and OT15C/298. The site has an area of 17.2704 hectares.

**Zoning:** Gibbston Character

**Public Notification Date:** 12 August 2015

**Closing Date for Submissions:** 9 September 2015

**Submissions:**

1. Dr J. Shearer: 136 Coal Pit Road (in opposition)
2. Heritage NZ (neutral)

Neither submitter seeks to speak at a hearing

**Implications For:**

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

## RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. The adverse effects of the activity can be adequately mitigated so that effects on the wider environment are less than minor.
2. The application is consistent with the Objectives and Policies of the District Plan.
3. The proposal is consistent with Part 2 of the Resource Management Act 1991 (the Act).

## REPORT

### 1.0 INTRODUCTION

My name is Aaron Burt and I hold the qualification of Bachelor of Resource Studies from Lincoln University. I have approximately seventeen years experience as a planner in roles within the Department of Conservation, various Councils in New Zealand and the United Kingdom. I have worked for Lakes Environmental/Queenstown Lakes District Council as a Resource Consents Planner since September 2007. I am a Full Member of the New Zealand Planning Institute and have appeared before the Environment Court as an expert witness.

In my role I have processed a large number of resource consents, including notified rural subdivisions.

### 2.0 SITE & ENVIRONMENT

I refer to paragraphs 4 - 7 of Mr Denney's report, which provides a description of the site and surrounding environment.

I accept Mr Denney's advice as accurate and adopt that description for the purposes of this report.

Noting that the application site is comprised of multiple allotments, Figure 1 below identifies the location of Section 8 SO 357548 and Section 36 Blk III Kawarau SD (shaded red thatch) and the greater application site (shaded blue), within the context of its surrounds:



Figure 1: Identification of Site and Surrounds

### 3.0 PROPOSAL

Consent is sought to establish a 981m<sup>2</sup> Residential Building Platform (RBP) with a 1500m<sup>2</sup> curtilage area, on Section 36 Blk III Kawarau SD (being also held with), Section 39 Blk III Kawarau SD, and Section 7 – 8 Survey Office Plan 357548, and contained within Computer Freehold Registers OT15C/297 and OT15C/298. The site has an area of 17.2704 hectares.

The proposed RBP will be subject to design controls associated with colours, reflectance, and building height. A water supply is proposed to be sourced from an onsite bore, and domestic effluent is to be treated and disposed to ground.

Earthworks are proposed to provide for a residential development on the RBP, site preparation, and servicing.

The applicant has provided a comprehensive description of the proposal under section 1.0 of the submitted application report, prepared by Emma Dixon of Clark Fortune McDonald & Associates, titled and referenced "*Ziva Holdings Ltd – Establish a Residential Building Platform*", dated May 2015. This is accepted and is considered to be sufficient for the purposes of this report.

### 4.0 SUBMISSIONS

#### 4.1 SUBMISSIONS

Two submissions have been received. These are summarised below.

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Dr Jane Shearer	136 Coal Pit Road	<p>Notes that a potential earlier development concept of four RBPs has been since been reduced to one RBP.</p> <p>Concerned that landscape screening might not be effective from certain vantages, and that there may be greater impacts if further RBPs are sought.</p> <p>Suggests that a restrictive covenant to preclude further development would be logical.</p> <p>Concerns about the formation of Coal Pit Road and effects associated with increases in traffic generation.</p>	<p>Seeks an undertaking upon any grant of consent, that no further building platforms or subdivision are sought.</p>
Heritage NZ	Not applicable	<p>Informs that the property is quite old in terms of past use, and that one archaeological site and a possible site may be located on the property.</p> <p>Informs that Site F41/238 is an old chimney with the SRF implying it lies on the southern edge of the property. There may be other archaeological features associated along the creek.</p> <p>Informs that meeting the northern boundary of the property is a Crown Water Race land parcel seen in Quickmap. SO 735 from 1885 shows a water race along this alignment moving into the property. This might relate to an old race intake or an old dam in Franks Creek which again may be assorted with related features.</p> <p>Informs that it's worth getting the house platforms and any related driveways and where landscaping may occur checked for sites. From the amount of space on the properties, any sites or features</p>	<p>Seeks to inform of potential obligations under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) associated with the development.</p> <p>Requests that an Accidental Discovery Protocol is included as a condition of consent.</p>

		could be avoided and it could be that the only features present are the chimney and water race related features in the creek.	
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The image below identifies land within the ownership of Dr Shearer (shaded yellow), and those parcels of the application site described as Section 8 SO 357548 and Section 36 Blk III Kawarau SD (shaded blue).



Figure 2: Location of Submitter

## 5.0 CONSULTATION AND WRITTEN APPROVALS

The applicant has provided Affected Persons Approval forms in support of the development, albeit that the approvals relate to a different hypothetical development concept that is for a four lot subdivision and the creation of four RBP's.

Whilst the single RBP proposed by this application is identified as part of the greater hypothetical proposal, the approvals are mostly incomplete, and given that they relate to a different proposal, are of limited applicability.

The approvals provided are as follows:

1. G. Hunt of Gibbston Valley Station: Part Section 4 SO 24636 Title Ref 348959. *Note: The director of Gibbston Valley Station is P. Griffith and the written approval is therefore incomplete.*
2. A & K Peren of Greener Pastures Trust Limited: Sections 41 & 42 Blk III Kawarau SD OT10C/78. *Note: the written approval is from only two of the three Directors and is therefore incomplete.*
3. M. Ferguson & P. Anderson of Matagouri Stand Limited: Lot 3 DP 26546 OT18C/219
4. C Biggs & M Miller: Lot 2 Rapid 144, Coal Pit Road. *Note: the approval is conditional and therefore invalid.*
5. T & L Fleming: 48 Coal Pit Road
6. R Dunphy of Tiwha Limited/Coal Pit Wines Ltd: Pt Lot 26 DP 23709 OT18C/220

The image below identifies the location of written approvals (3), (5) and (6). Aside from the fact that they relate to a different hypothetical development proposal, they are otherwise complete and contain the signatures of all necessary persons.



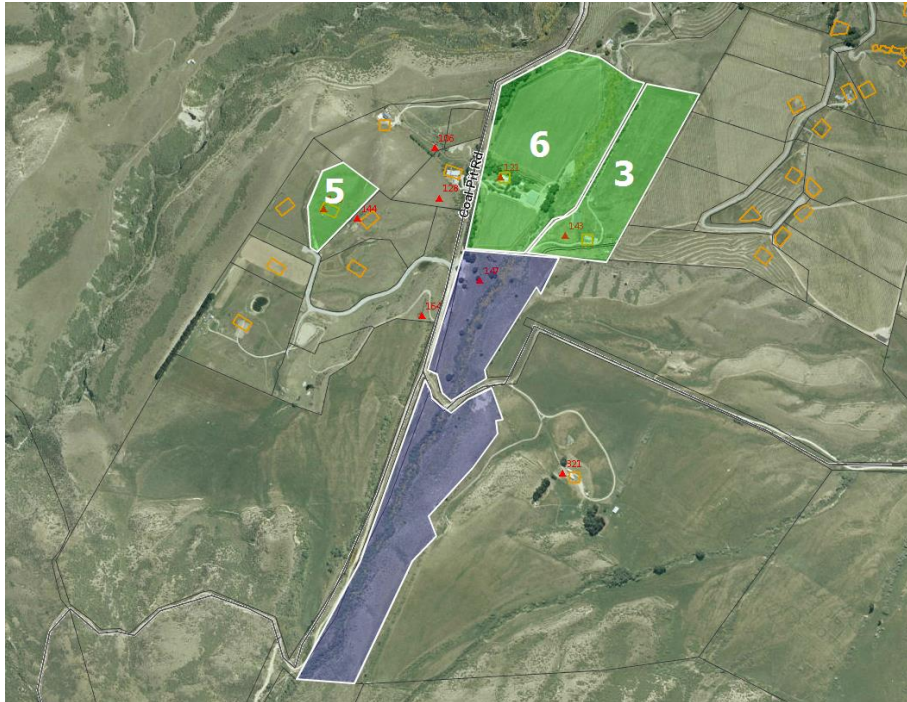


Figure 3: Location of Written Approvals (shaded green)

No other written approvals have been provided in support of the application.

## 6.0 DISTRICT PLAN PROVISIONS

### 6.1 THE DISTRICT PLAN

The site is zoned Gibbston Character under the District Plan and the proposal requires the following resource consents:

- A **discretionary** activity resource consent pursuant to Rule 5.7.3.3[i](b) for the proposed identification of a residential building platform of not less than 70m<sup>2</sup> in area and not greater than 1,000m<sup>2</sup> in area.

Overall, the application is considered to be a **discretionary** activity.

## 7.0 INTERNAL REPORTS

### 7.1 LANDSCAPE ARCHITECT'S REPORT

This report, prepared by Richard Denney, is attached as **Appendix 1** and concludes:

*“An application has been received by council for resource consent to establish a residential building platform and carry out associated earthworks at Coal Pit Road, Gibbston. The site is zoned Gibbston Character Zone. The proposed platform would be located within close proximity to Coal Pit Road but sufficiently distant from the road as not to be overtly prominent. Existing pine trees and parts of the proposed planting would offer softening of a future dwelling and provide a small increase in indigenous biodiversity. Proposed earthworks for the access drive and services would be minimal and not alter the landform to any discernible degree.*

*Most of the proposed boundary planting (partly planted) is lineal planting of domestic ornamental species and includes areas of silver birch an invasive and problematic species. In terms of mitigation value of the development and maintaining the character of the Gibbston Valley the boundary planting is of very limited value. The submitted landscape plan should be amended to remove the birch and only identify those species of mitigation value to the development.*

*The proposed platform would enable a future building to be located in a position in the landscape that would be consistent with similar rural living developments in the surrounding landscape and would be relatively contained within the gully landform. The proposed extent and nature of boundary planting would introduce ornamental and invasive species to this landscape that would heighten the effects of domestication within the pastoral landscape. Any further such planting should be avoided outside of the proposed curtilage area.”*

Mr Denney’s assessment is adopted and referred to within this report.

## **7.2 ENGINEER’S REPORT**

This report was prepared by Michael Wardill, Council’s Engineer, and is attached as **Appendix 2**. Mr Wardill recommends conditions with regard to servicing, access, and earthworks.

Mr Wardill’s assessment is adopted and referred to within this report.

## **8.0 STATUTORY CONSIDERATIONS**

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- Any actual and potential effects on the environment; and
- The Regional Policy Statement and Proposed Regional Policy Statement; and
- The QLDC District Plan and proposed plan.

Overall, the application is for a Discretionary Activity, as such the application must be considered under Section 104B which provides for the consent authority to grant or refuse consent, and in granting consent may impose conditions under Section 108.

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9.3 of this report outlines Part 2 of the RMA in more detail.

## **9.0 ASSESSMENT**

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment guided by Assessment Criteria District Plan Provisions
- (ii) Objectives and Policies Assessment

### **9.1 EFFECTS ON THE ENVIRONMENT**

#### **9.1.1 The Permitted Baseline**

Where applied, the permitted baseline test is a tool that provides for a comparison of effects of a proposed activity against those that could be undertaken as a permitted activity under the District Plan or a national environmental standard (provided it is not a fanciful use). Any activity that could occur on site pursuant to a valid resource consent is within the scope of a consented baseline, and forms part of the receiving environment.

Those activities that could occur as of right in the Gibbston Character zone are:

- Farming activities (except factory farming);
- Viticulture and wine-making activities;
- Horticulture activities;
- A fence of less than 2 metres height anywhere within the site; and



- Earthworks that do not breach Site Standard 5.7.5.1[iv], including less than 1,000m<sup>3</sup> volume of earth moved, over an area of less than 2,500m<sup>2</sup>, cuts at an angle of no more than 65 degrees, and fill up to 2m in height.

The identification of any sized residential building platform requires resource consent to establish lawfully in the Gibbston Character zone. Therefore the District Plan does not provide a permitted activity status for the identification of the building platform.

### **9.1.2 Existing Environment and Receiving Environment**

There are no current or unimplemented resource consents on the application site.

The receiving environment includes land to the west and north that contains residential building platforms and dwellings.

### **9.1.3 Actual and Potential Effects on the Environment**

I consider the proposal raises the following actual and potential effects on the environment:

- a) Gibbston Valley's character
- b) Visibility of Development
- c) Rural Amenities
- d) Form and Density of Development
- e) Cumulative Effects of Development on the Landscape
- f) Infrastructure
- g) Natural Hazards
- h) Earthworks
- i) Traffic Generation and Vehicle Movements
- j) Consideration of Effects on Persons

I note that this assessment has been guided by the relevant assessment matters of the District Plan.

### **9.1.4 Effects on Gibbston Valley Character**

Mr Denney has conducted an assessment on the potential effects on Gibbston Valley Character in paragraphs 11-15 of his attached report.

The platform will be located within a relatively secluded area, and the scale and nature of the proposed platform and curtilage area will be in keeping with similar development in the vicinity. The presence of domestic activity and buildings from the road will be reasonably prominent. Proposed ornamental plantings have the potential to result in adverse effects, and would increase the level of domestication. The ornamental plantings would also be out of character with the landscape, and would represent an over domestication.

Mr Denney advises that all domestic elements should be restricted to within the curtilage area, including clotheslines, manicured lawns, amenity gardens, external lighting etc. Conditions of consent can ensure that this occurs, and that effects will be less than minor.

The applicant has advised that they accept the recommendations and associated conditions of the Landscape Report.

### **9.1.5 Visibility of Development**

Mr Denney has assessed the potential visibility of the proposal from different vantage points to ascertain the degree and extent of potential effects. This assessment is contained in paragraphs 16-21 of his report.

He advises that the proposed platform would enable a potential building to be highly visible from Coal Pit Road. It would be in direct line of sight as travelling down the road upslope of the site. However, with recessively coloured external materials for future buildings, and landscaping in keeping with the rural location, Mr Denney considers that a building, although visible, could be sufficiently integrated

onto the Gibbston landscape at this location. He recommends that a standard external colouring condition should be a condition of consent. The proposed planting of indigenous beech and kowhai in the southwest corner of the site will be sufficient to break views towards a future dwelling. A future dwelling will not be visible from the highway.

Mr Denney advises that he considers the bulk of the landscape planting identified on the submitted landscape plan would be inappropriate for this location. Proposed indigenous planting, existing pines near the northern boundary, and the *Ulmus glabra horizontalis* would however offer some mitigation in terms of visually buffering built form and the associated curtilage area and should be identified on an amended landscape mitigation plan.

Conditions of consent to ensure appropriate design controls and landscaping can ensure that effects in regard to visibility of development are able to be appropriately mitigated. The applicant advises that they accept the recommendations and associated conditions of the landscape report.

#### **9.1.6 Rural Amenities**

Mr Denney provides an analysis on Rural Amenity in paragraphs 22-25 of his report.

He advises that proposed boundary planting would not maintain rural and pastoral views and would include planting that is inappropriate at this location. He also identifies that some of this planting has already been recently planted. Mr Denney recommends that the landscape plan is amended to identify only planting relevant to mitigation. This can be required as a condition of consent, and will ensure that adverse effects on rural amenity otherwise associated with inappropriate landscaping can be appropriately mitigated.

Conditions of consent can ensure that the proposal will not result in significant adverse effects associated with rural amenities.

#### **9.1.7 Form and Density of Development**

Mr Denney provides an analysis of form and density of development in paragraph 26 of his report. He considers that the proposed platform and curtilage area would be located within an area with higher potential to absorb development compared to possible alternative locations upslope of the site and closer to the road. The development would not reflect densities of urban character.

I rely on Mr Denney's assessment and consider that any effects associated with form and density of development will be less than minor.

#### **9.1.8 Cumulative Effects of Development on the Landscape**

Mr Denney provides an analysis on Rural Amenity in paragraphs 27-29 of his report.

He finds that subject to appropriate design controls, curtilage and revised landscaping, the development would not have a significant adverse effect on the landscape.

I rely on Mr Denney's assessment and accept that conditions of consent can ensure that the proposed development will not result in cumulative adverse effects on the landscape.

#### **9.1.9 Infrastructure**

##### *Water Supply, Effluent Disposal, Stormwater and Fire Fighting Provision*

Mr Wardill has provided a comprehensive assessment of all matters associated with infrastructure, in addition to providing a suite of proposed conditions that are deemed necessary to ensure the development is adequately serviced.

I accept Mr Wardill's assessment and advice and find that subject to conditions, the development can be appropriately serviced.

Overall, any effects in terms of infrastructure are able to be appropriately mitigated through conditions of consent.

### **9.1.10 Natural Hazards**

The site is identified on Council Hazard mapping as subject to several alluvial fan hazards.

A previous application for the site (RM070993) provided information relevant to the onsite hazards. It is noted that the RM070993 proposal has not progressed and no decision has issued.

The RM070993 geotechnical report was prepared by Geoconsulting Limited on 10<sup>th</sup> November 2006 and additional comments provided by Jeff Bryant (Geoconsulting Limited) in an email dated 31<sup>st</sup> January 2008. Geoconsulting Limited has recommended that a 10m building line restriction from the terrace edge of the riverbank be imposed within the building platform for Lot 2. Following review of the RM070993 engineering assessment, Mr Wardill is satisfied the proposed building platform remains feasible subject to the recommended separation. A consent notice condition is recommended in this regard, and this will ensure that any associated effects are avoided.

### **9.1.11 Earthworks**

Mr Wardill is satisfied that the proposed earthworks will not result in instability beyond the boundary of the site and any typical effects can be mitigated through specific consent conditions.

### **9.1.12 Traffic Generation and Vehicle Movements**

Mr Wardill is satisfied that crossing and access to the RBP can be constructed in accordance with the appropriate standards and that conditions of consent can ensure that any potential effects can be appropriately mitigated. This includes the construction of headwalls and a crossing upgrade to also provide for sufficient roadside drainage.

### **9.1.13 Consideration of Effects on Persons**

In addition to being publically notified, the proposal was directly served upon surrounding properties and information was provided inviting those persons to make a submission if they so required. This was in response to Council's determination that those persons were affected within the meaning of section 95E in relation to the activity.

Having regard to the submissions, the applicant accepts the information and advice provided by Heritage NZ. These can be carried over into any conditions of consent.

The submission by Dr Shearer is acknowledged, and it is recognised that the applicant is now only applying for a single Residential Building Platform. Any subsequent development proposals would be similarly subject to the requirements of the Resource Management Act 1991, and the necessary processes and considerations. This would also include an assessment on potential cumulative effects.

It is determined that conditions of consent can appropriately mitigate any potential effects associated with rural character and amenity. This will ensure that the character of the area is not degraded, and the any effects associated with rural amenity will be mitigated so that they will be less than minor.

### **9.1.14 Conclusion to Actual and Potential Effects on the Environment**

Having considered the findings of the Landscape and Engineering Assessments, it is my opinion that recommended conditions of consent can ensure that any adverse effects of the proposed activity can be appropriately mitigated so that they are not significant.

## **9.2 OBJECTIVES AND POLICIES**

The relevant objectives and policies are contained within Part 4 (District Wide Issues) and Part 5 (Gibbston Character) of the District Plan

Part 4 objectives and policies related to Landscape and Visual Amenity seek to ensure that development is undertaken in a manner that avoids, remedies or mitigates adverse effects on landscape and visual amenity values. Landscape mitigation will be effective in mitigating the effects

associated with landscape character and rural amenity. Council's Landscape Architect confirms that effects on the cultural character of the environment can be adequately mitigated. The proposal is determined to be in accordance with policies relating to rural amenity.

Part 4 objectives and policies associated with earthworks seek to avoid, remedy or mitigate adverse effects from earthworks on the nature and form of existing landscapes, landforms, amenity values of neighbourhoods and cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites. It is determined that the proposal is in accordance with objectives and policies associated with earthworks and that conditions can provide for cultural and archaeological values.

Objectives and policies contained within Part 5 (Gibbston Character) of the District Plan seek to ensure the maintenance of character and landscape value (Objective 1), the life supporting capacity of soils and water (Objectives 2 and 3) and the maintenance of the Gibbston Valley amenity values (Objective 4).

Proposed landscape mitigation will ensure that the development will not have any significant adverse effects on the character and landscape value of the Gibbston zone area. It is determined that design controls and revised planting will adequately mitigate adverse effects on the rural and cultural character of the Gibbston valley, and the development will not be inappropriate in the context of the landscape. The establishment of a dwelling will not result in an over domestication of the landscape.

The development will not diminish the life supporting capacity of soils and water.

It is considered that in this case, for the reasons outlined in this decision, the adverse effects of the proposed development have been appropriately mitigated, remedied or avoided and the proposed development accords with the relevant objectives and policies of the District Plan.

### 9.2.1 Summary of Objectives and Policies

Overall, where adverse effects are identified, the proposal can avoid, remedy or mitigate those effects, and the proposed development is overall consistent with the relevant objectives and policies of the District Plan.

## 9.3 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. Sustainable management is defined 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 proposal sufficiently avoids, remedies or mitigates potential adverse effects on the environment and will not compromise the life-supporting capacity of air, water, soil or ecosystems.

The residential development will provide for the future use of the land, thereby enabling the applicants and/or future purchasers of the lot to provide for their social and economic well-being.

It is considered that the proposal promotes the sustainable management of natural and physical resources and as such is consistent with the purpose and principles of the Act.

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

- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values.*

*(f) Maintenance and enhancement of the quality of the environment.*

It is my opinion that the proposal constitutes an efficient use of natural resources as the location of the RBP and proposed landscaping and development controls will not materially lessen those resources. In addition the domestication of the site will not materially degrade amenity values, nor will it diminish the quality of the environment.

Overall I consider the application meets the purpose and principles of sustainable management set out in Part 2 of the Act.

## 10.0 CONCLUSION

Ziva Holdings Limited has applied for resource consent to establish Residential Building Platform with curtilage area. Earthworks are proposed to provide for a residential development on the RBP, site preparation, and servicing.


Having regard to the matters set out in section 104 and foregoing assessment, it is my conclusion that the proposal is appropriate in this location. The reasons for this conclusion are as follows:

- Conditions of consent can ensure that the proposal will not result in adverse effects on the character of the Landscape.
- Subject to appropriate mitigation of effects associated with maintaining the character of the landscape, the proposal will not have more than minor effects on the environment; and
- The proposal is consistent with the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

Therefore, in accordance with Section 104B of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.

In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan and can meet the purpose of the Act.

**Prepared by:** Aaron Burt  
Planner



**Reviewed by:** Blair Devlin  
Resource Consents Manager



**Attachments:** Appendix 1 - Landscape Architect's Report  
Appendix 2 - Engineering Report

**Report Dated:** 3 November 2015

**APPENDIX 1 – LANDSCAPE ARCHITECT'S REPORT**

**LANDSCAPE REPORT**                      **RM150383 Ziva Holdings**

**TO:**    Aaron Burt, Planner,  
Queenstown Lakes District Council

**FROM:**    Richard Denney, Landscape Architect,  
Denney Landscape Architecture

**DATE:**    August 9<sup>th</sup> 2015

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## INTRODUCTION

1. An application has been received by council for resource consent to establish a residential building platform and carry out associated earthworks at Coal Pit Road, Gibbston. The site is legally described as *Secs 708 SO 357548 Secs 36 39 Blk III Kawarau SD* and is 16.1467 hectares in area. In terms of the Queenstown Lakes District Council - District Plan (the District Plan) the site is within the Gibbston Character Zone. Following advice from council's planner I understand that the activity status of the application is discretionary.

## PROPOSAL

2. It is proposed to establish a 949m<sup>2</sup> building platform near the northwest corner of the property approximately 30m from Coal Pit Road. A short access gravel drive would be formed 3.5metres wide and a water tank installed. Proposed volunteered design controls for the platform would be as follows:
  - Dwelling will not exceed 6m in height above current ground.
  - Dwelling is to be clad in the earth tones of grey, brown or green.
  - Reflectivity of non-glass surfaces will not exceed 36%.
3. The submitted landscape plan identifies a boundary planting of predominantly mixed exotic trees and shrubs, with a boundary corner clustering of mixed indigenous tree and shrub species.

## SITE AND LANDSCAPE DESCRIPTION

4. The site is located within a gully (Franks Creek) on the upper north facing fan slopes at the toe of the steep slopes of Mt. Rosa (1334masl) and Mt Edward (1322masl) within the Gibbston Valley. The land is on the upper part of the fan slope where the vineyards and smaller paddocks begin to give way to the more open and exposed rougher land of the higher slopes of the valley.
5. Franks Creek and the immediate gully slopes are rough terrain with an assortment of exotic and indigenous vegetation typical of the gully environments (briar rose, broom, matagouri, coprosma, willow and scattered wilding pines). The strip of land between the creek and Coal Pit Road within the subject property is gently sloping and open with clusters of about 12 semi mature to mature monterey pines, *Pinus radiata*. A line of power poles follows the road boundary and cuts across the site and gully towards the east to link up to the Gibbston Back Road beyond the gully ridge. A water tank and small shed have been recently installed on the property near the crest of the creek bank. Along the property boundary with Coal Pit Road and a small part of the Gibbston Back Road recent boundary planting of mixed indigenous and exotic trees and shrubs

has been carried out.

6. The lot of the subject site is irregular in shape. Coal Pit Road straight ascends the slope along the western boundary of the lot and winds up into the steep hill country to the south. Gibbston Back Road branches off the road and arcs around the subject site's southern boundary to cross Franks Creek. The road then ascends up the eastern gully side and beyond the gully ridge to the open and gentler pastoral land to the east. Down slope of the site the pines continue as a mature shelterbelt alongside the roadside boundary of the neighbouring property and forms a dense canopy that screens much of the neighbouring dwelling and sheds from view from the road.
7. Most of the surrounding lots to the southeast and southwest are large open pastoral lots (40 hectares and above) with few buildings. To the west and northwest generally on the upper fan slope above the gully is a cluster of smaller lots (1.57 to 5.88 hectares in area) of a rural lifestyle character with recent dwellings. A few of these dwellings can be seen just peeking above the western ridgeline of the gully as viewed from Coal Pit Road.

## BACKGROUND

8. Resource consent application RM070993 was lodged with council in 2007 to subdivide into two allotments and identify a building platform within each allotment with a maximum building footprint of 250m<sup>2</sup>. This application has since been on hold.
9. Affected party approval has been obtained from a number of neighbouring properties in regards to a proposal for a four-lot subdivision with four building platforms that was presented to neighbours. Those neighbours are identified on the following plan submitted with the application:





## ASSESSMENT

10. The appropriate assessment matters are within the section 5.8.2 Assessment Matters of the District Plan.

### 5.8.2 Assessment Matters

#### i Landscape and Amenity Values – General

##### *Effects on Gibbston Valleys character*

11. The Gibbston Character Zone boundary is about 1km upslope of the subject site (proposed platform). Rural General land beyond this boundary would be part of the broader Outstanding Natural Landscape (District Wide)(ONL), which includes much of the high country of the upper slopes of the Gibbston Valley. The land between the subject site and Rural General Zone boundary is rustic and naturalistic in character with a backdrop to the south of the high ridges and slopes of Ben Cruachan (1905masl). The proposed building platform would be within a relatively secluded area. Neighbouring properties are generally on more open and cultivated land with rural dwellings sheds etc., either down slope or out of the gully either side of the property. The proposed platform would be sufficiently distant and visually separated from the ONL upslope so as to not compromise the open character of the ONL upslope.
12. The scale and nature of the proposed platform and curtilage area would be in keeping with similar rural development adjacent and within an area of land relatively separated from the more open parts of the viticulture landscape of the Gibbston Valley.
13. The proposed platform and curtilage area would be located within a relatively open field adjacent to Coal Pit Road. The presence of domestic activity and buildings from the road would be reasonably prominent. The curtilage area would offer some containment of domestic activity associated with a dwelling. Proposed and existing landscaping recently planted, and some of the existing pines proposed to be retained, would offer visual softening of a future dwelling from the road.
14. The landscape plan submitted with the application however identifies a garden amenity type lineal planting alongside the roadside boundary. The planting includes ornamental hedging and various trees and shrubs that to a degree would increase the level of domestication of the site beyond that of the platform and curtilage area. I consider that parts of this planting would be out of character with the surrounding landscape. The planting also includes birch a problematic and invasive species that should be avoided within such close proximity to the ONL. The indigenous species within the mix would be of small ecological value and would be of a more appropriate character to the landscape setting. Overall I consider the proposed landscape planting would represent over domestication of the site and that the ornamental and problematic species should not be considered as mitigation towards the platform or protected via an approved landscape plan. I recommend that the plan is amended and resubmitted to council for certification to only identify the indigenous planting, pines to be retained near the northern boundary and the *Ulmus glabra horizontalis* to provide softening of future built form and domestication. Existing pines should be noted on the plan that if they are removed they are to be replaced with non-wilding evergreen species, as the existing pines are wilding species.
15. I recommend that all domestic elements be restricted to within the curtilage area including clotheslines, manicured lawns, amenity gardens, external lighting etc.



*Photo 1 and 2. Subject site viewed from Coal Pit Road downslope of entrance (looking south) and from upslope above the junction with the Gibbston Back Road (looking north). Proposed platform height poles highlighted (50mm and 18mm lens, context photo only, 19<sup>th</sup> June 2015)*

#### *Visibility of development*

16. The proposed platform would enable a potential building to be highly visible from Coal Pit Road. It would be in direct line of sight as travelling down the road upslope of the site. With recessively coloured external materials for future buildings, and landscaping in keeping with the rural location I consider a building although visible could be sufficiently integrated onto the Gibbston landscape at this location. I recommend a standard external colouring condition as a condition of consent. The proposed planting

of indigenous beech and kowhai in the southwest corner of the site would be sufficient to break views towards a future dwelling. A future dwelling would not be visible from the highway.

17. I consider the proposed platform would not enable a building to be overtly visually prominent such as to distract from views of the Gibbston landscape.
18. As discussed above I consider the bulk of the landscape planting identified on the submitted landscape plan would be inappropriate for this location. Proposed indigenous planting, existing pines near the northern boundary and the *Ulmus glabra horizontalis* would however offer some mitigation in terms of visually buffering built form and the associated curtilage area and should be identified on an amended landscape mitigation plan.
19. The gully environment provides some confinement to the site that limits views towards future development within the platform to within a local area and along Coal Pit Road.
20. As the site sits within a natural depression of the gully it would sit relatively low in the broader landscape. There would be potentially very small breaches of local ridgelines and the skyline, as viewed travelling along from Coal Pit Road, but these would be fleeting travelling along the road and would not significantly interfere or distract with views of the broader landscape.
21. The proposed access road formation would not affect the line of the landscape or be inconsistent with the natural topography.

#### *Rural Amenities*

22. I consider the location of the platform and extent of curtilage area would maintain adequate and appropriate visual access across the pastoral landscape as viewed from Coal Pit Road and Gibbston Back Roads. Proposed boundary planting would however not maintain such views and would include planting that is inappropriate at this location. Some of this planting has already been recently planted. I recommend as above that the submitted landscape plan is amended to identify only planting relevant to mitigation.
23. The proposed development would not affect the ability to undertake viticultural activities on surrounding land.
24. The proposed development would not require elements consistent with urban characteristics.
25. As discussed above proposed landscaping would not be consistent with traditional rural elements and would include birch a problematic weed species. As above I recommend that the submitted landscape plan be amended to avoid ornamental planting alongside the boundary and remove birch to ensure planting is in keeping with the rural Gibbston character.

#### *Form and density of development*

26. The platform would be located within a natural depression where the natural topography of the gully would limit views towards a future dwelling to within a confined local area. The proposed access way would be relatively short with only one building platform and there would be no need to aggregate built development in this instance given the nature of the development. I consider the proposed platform and curtilage area would be located within an area with higher potential to absorb development compared to possible alternative locations upslope of the site and closer to the road. The development would not reflect densities of urban character.

*Cumulative effects of development on the landscape.*

27. I consider the platform and curtilage area would be consistent with similar residential development within the surrounding area. I consider that the proposed curtilage area and building platform would not likely lead to further development such that existing development would represent a threshold for the vicinity's ability to absorb further change.
28. Further development as proposed, excluding the ornamental boundary planting, would not compromise the existing viticultural and Arcadian pastoral character of the landscaping by exacerbating existing and potential adverse effects. I consider the high level of domestication proposed by the boundary planting would exacerbate domestication of the rural landscape.
29. I recommend that any further ornamental garden planting be contained within the curtilage area and that the planting of birch be avoided at this location and that this should be a condition of consent.

***ii State Highway 6***

30. The site is not visible from State Highway 6.

***iii Buildings***

31. Adverse effects from a potential future dwelling and proposed landscaping has been discussed above.

***iv General Nature Conservation Values***

32. The proposed development would introduce a small increase in indigenous biodiversity. Proposed planting of silver birch would also introduce an invasive species within a catchment that leads into the ONL of the high country upslope. I recommend that birch not be planted at this location. There is also Monterey pine on the site, a wilding species that should not be protected via a consented landscape plan. As the pines are existing I recommend if they are felled that they are either not replaced, or if replaced, replaced with non-wilding species. There are no distinct areas of rock outcrops within the area of the proposed platform and curtilage that may otherwise affect lizard populations.

***vi Controlled Activity and Discretionary Activity – All Buildings***

33. I consider the proposed residential activity would be consistent with other similar residential developments within the surrounding area. As above the degree of domestication provided by the boundary planting should be contained within the curtilage area to maintain the pastoral character of the landscape and avoid over domestication. Affected party approval has been obtained from adjoining neighbours, and therefore the effects of the proposed development on adjoining land uses are not considered.

**CONCLUSION**

34. An application has been received by council for resource consent to establish a residential building platform and carry out associated earthworks at Coal Pit Road, Gibbston. The site is zoned Gibbston Character Zone. The proposed platform would be located within close proximity to Coal Pit Road but sufficiently distant from the road as

not to be overtly prominent. Existing pine trees and parts of the proposed planting would offer softening of a future dwelling and provide a small increase in indigenous biodiversity. Proposed earthworks for the access drive and services would be minimal and not alter the landform to any discernible degree.

35. Most of the proposed boundary planting (partly planted) is lineal planting of domestic ornamental species and includes areas of silver birch an invasive and problematic species. In terms of mitigation value of the development and maintaining the character of the Gibbston Valley the boundary planting is of very limited value. The submitted landscape plan should be amended to remove the birch and only identify those species of mitigation value to the development.
36. The proposed platform would enable a future building to be located in a position in the landscape that would be consistent with similar rural living developments in the surrounding landscape and would be relatively contained within the gully landform. The proposed extent and nature of boundary planting would introduce ornamental and invasive species to this landscape that would heighten the effects of domestication within the pastoral landscape. Any further such planting should be avoided outside of the proposed curtilage area.

## RECOMMENDATIONS

37. Should consent be granted I consider that the following conditions should be included:
  - i. The submitted landscape plan shall be amended and resubmitted to council for certification within 6 months of granting consent. The amended plan shall achieve the following objectives:
    - Identify only the indigenous species, *Ulmus glabra horizontalis* and existing monterey pines near the northern boundary of the property on the plan. The pines shall be identified that if removed they shall be replaced with non-wilding species of an evergreen tree, green in colour and of a mature height of no less than 6m.
  - ii. The exterior materials and colours of all buildings shall be in the natural tones of greys, greens or cool browns with a light reflectivity value (LRV) of between 7% and 36% for walls and a LRV of between 7% and 20% for the roof or, alternatively a living (green) roof or a local stone chip consistent with the surrounding colouring and textures of the pastoral landscape. Materials and colours shall have a matt finish.
  - iii. All fencing shall be standard farm fencing of either post and wire or post and netting (including rabbit netting).
  - iv. Domestic structures, including but not limited to, vehicle parking areas, pergolas, clotheslines, barbeque areas, amenity gardens and highly ornamental trees (such as variegated or bright red species), garden sheds, and pools shall be located within the curtilage area defined on the certified site plan.
  - v. Access drive gateways shall avoid monumental structures and be of a standard farm gate of timber or steel construction and no higher than 1.5m.
  - vi. All external lighting shall be located within the curtilage area and shall be down lighting only. Lighting attached to buildings or structures shall not exceed 3m above surrounding ground. Lighting shall not be used to highlight buildings, garden structures, walls, fences or trees. Lighting not attached to buildings shall be bollard or similar type lighting no higher than 1m above surrounding ground.
  - vii. All planting as identified on the certified landscape plan shall be maintained in perpetuity. Should any tree die or become diseased it shall be replaced as per the certified landscape plan within 12 months and irrigated and maintained as necessary.

- viii. Planting shall exclude wilding species (*Pinus contorta*, *P.nigra*, *P.sylvestris*, *P. pinaster*, *P.radiata*, *Larix decidua*, *Psuedotsuga menziesii*, *Acer pseudoplatanus*, *Crataegus monogyna*) and problematic weed species such as birch.

report prepared by



Richard Denney  
**LANDSCAPE ARCHITECT (B.L.A, B.Sc)**

**APPENDIX 2 – ENGINEERING REPORT**





# ENGINEERING REPORT

**TO:** Aaron Burt

**FROM:** Michael Wardill

**DATE:** 28/07/2015

APPLICATION DETAILS	
REFERENCE	RM150383
APPLICANT	Ziva Holdings
APPLICATION TYPE & DESCRIPTION	LAND USE TO IDENTIFY A RBP
ADDRESS	Coal Pit Road, Gibbston
ZONING	Gibbston Character
LEGAL DESCRIPTION	Sections 36 and 39 Block III Kawarau Survey District and Sections 7 – 8 Survey Office Plan 357548.
SITE AREA	Section 36 is 5.7083 hectares as part of 17.27 hectare total.
ACTIVITY STATUS	Discretionary

<b>Application</b>	<b>Reference Documents</b>	Subject application
	<b>Previous Relevant Consents</b>	RM070993 Withdrawn land use application for same site.
	<b>Date of site visit</b>	19-6-2015

## Location Diagram

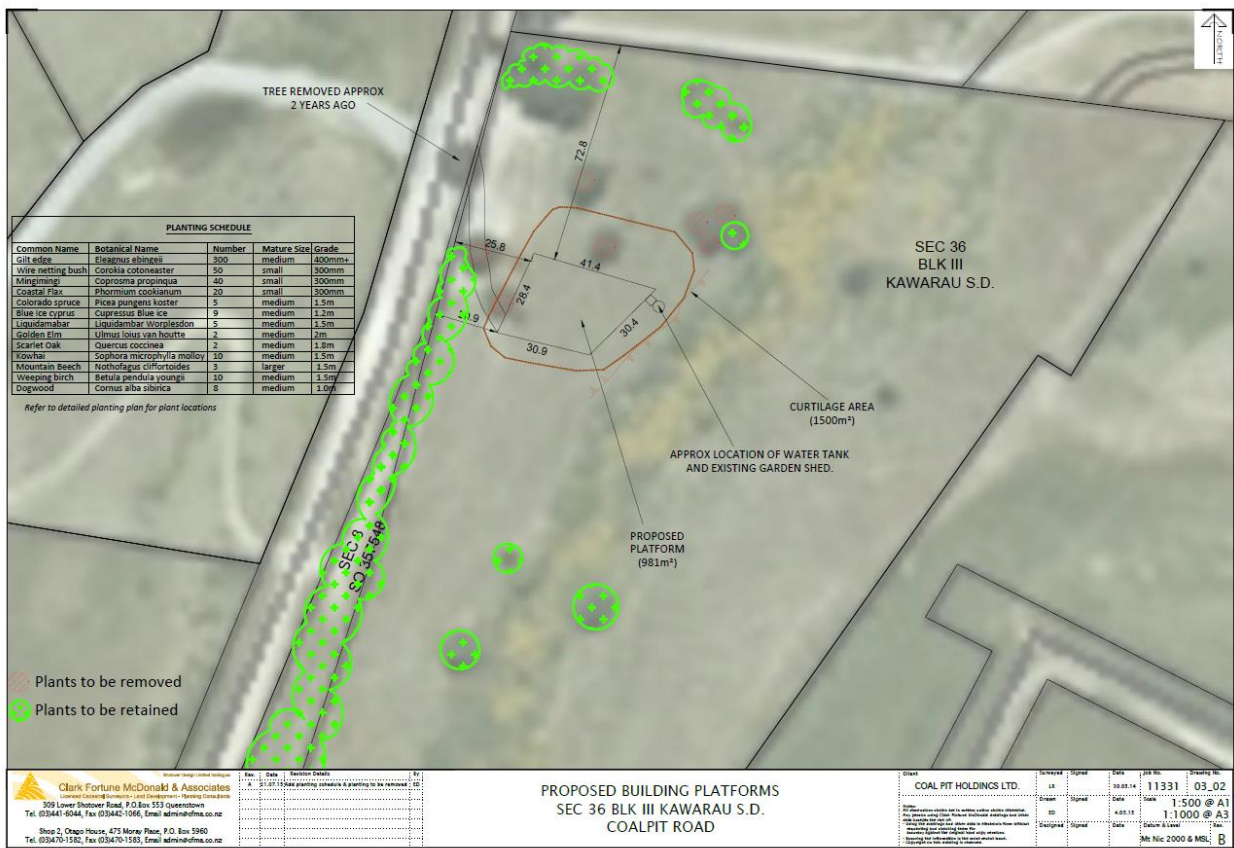




Comments	
Existing Use	Vacant rural land.
Neighbours	Rural sites with no dwellings within 200m of the proposed platform.
Topography/Aspect	Flat terrace and sloping land bisected by steep incised gully.
Water Bodies	Franks Creek bisects property.

### Transport

The proposed building platform is located in the northwest corner of the site adjacent to Franks Creek. Legal access to the site is provided by direct frontage with Coal Pit Road and is provided with an existing farm gate at the crossing location. Coal Pit Road is a straight alignment low volume road with good sight visibility and is unsealed along the site frontage. At the time of inspection the existing unsealed crossing point was noted as poorly formed with scouring created by the lack of continuation of roadside drainage. The crossing formation will therefore require upgrading and a condition is recommended, that compliant construction with provision for continuation of roadside drainage is completed prior to registration of the building platform. This shall include headwalls for a minimum 200mm diameter culvert.



The applicant proposes to construct an access from the crossing point to the 981m<sup>2</sup> building platform in accordance with Council standards. The access measures approximately 55m in length and is described by the applicant at a minimum formed width of 3.5m. A supporting condition of consent is recommended.

### Earthworks

Earthworks are proposed for access construction and service trench installations. The land is gently sloping throughout the proposed access and will only require a site scrape and installation of aggregates. The scrape is estimated by Council to require 44m<sup>3</sup> of cut and surplus material can either be removed from site or disposed of within this large rural site in compliance with Council standards. I recommend earthwork conditions to manage and contain sediment within the site.

In summary, earthworks for this development are feasible and in my opinion will neither result in any land instability beyond the site boundaries, nor provide effects more than a minor nuisance to neighbours, provided the recommended conditions are applied.

### **Hazards**

The site is identified on Council Hazard mapping as subject to several alluvial fan hazards. As described within RM070993 a geotechnical report was prepared by Geoconsulting Limited on 10<sup>th</sup> November 2006 and additional comments provided by Jeff Bryant (Geoconsulting Limited) in an email dated 31<sup>st</sup> January 2008. Geoconsulting Limited has recommended that a 10m building line restriction from the terrace edge of the riverbank be imposed within the building platform for Lot 2. Following review of the RM070993 engineering assessment I am satisfied the proposed building platform remains feasible subject to the recommended separation. A consent notice condition is recommended in this regard.

### **Services**

#### ***Potable Water***

As identified within RM070993 the water supply is proposed to be obtained from an existing bore located on the terrace area adjacent to the proposed building platform, and near the top of the bank of Franks Creek. The Otago Regional Council Water Plan identifies that an individual water take in this area is permitted provided that it does not exceed 25,000litres per day or a rate of 1.5litres per second. Water flow test results undertaken previously by McNeill Drilling (January 2003) identify flows at 127litres/minute provide an adequate supply rate to service the standard demand rate of 2,100litres per day.

Water quality test results undertaken by Watercare Laboratory Services on 10-07-2015 confirm that the water supply is suitable for drinking purposes. I am satisfied that potable water can be provided to the platform however further periodic water quality testing is necessary at the time a dwelling is proposed to ensure that no changes occur to the water aquifer and to confirm previous results. Conditions of consent are recommended with regard to water quality testing, and ongoing operation and maintenance.

A fire fighting consent notice is recommended to make owners of the site aware of their obligations in providing a compliant fire fighting water supply and connection point. Depending upon the final access and connection point configuration the existing water tank located adjacent to Franks Creek may require amendment.

#### ***Foul sewer***

As identified within RM070993 an on-site wastewater assessment was carried out by Southern Monitoring Services Limited dated 12<sup>th</sup> March 2007 for residential development at this location. The static ground water was described at some 49m below ground level, and the soils are freely draining gravels and sands. The report concluded that wastewater treatment and disposal can be constructed to comply with AS:NZS 1547:2000 for the site. Test pits were undertaken adjacent to the proposed building platform and it was concluded by Council that onsite disposal was feasible subject to detailed design and separation from Franks Creek. I accept the underlying assessment remains relevant, despite the standard being subsequently updated to AS:NZS 1547:2012. I recommend a Consent Notices outlining the requirements for wastewater disposal at building stage including separation from the terrace edge of the river bank to any disposal field.

#### ***Stormwater***

The application proposes onsite disposal to soakage pits at the time a dwelling is constructed. Based on the site size and underlying foul sewer assessment I am satisfied onsite disposal is feasible and this can be fully assessed at the time a dwelling is proposed. No conditions are necessary in this regard.

#### ***Power and telecommunications***

Within RM070993 confirmation letters were provided by network providers demonstrating capacity to service the proposed building platform. Based on the low level of development in the area I am satisfied that capacity still remains and no further confirmation is necessary. The applicant states a 30kVa power supply has subsequently been provided to the site and presumably services the existing water take however I recommend evidence of both power and telecommunications servicing to be provided to Council prior to registration of the building platform.

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## **RECOMMENDED CONDITIONS**

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

### ***General conditions***

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.

### ***To be completed prior to the commencement of any works on-site***

2. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

### ***Prior to the registration of the building platform on the Computer Freehold Registers***

3. Prior to the building platform being registered on the Computer Freehold Registers, the consent holder shall complete the following:
  - a) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - b) The construction of a vehicle crossing to the lot from Coal Pit Road to be in terms of Diagram 2, Appendix 7 of the District Plan. This 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. Provision shall be made to continue any roadside drainage by way of a 200mm minimum diameter culvert with stacked stone headwalls.
  - c) The construction of an access way to the building platform that complies with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
  - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
  - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.
  - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

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

4. 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. Following the completion of all works in Condition (3) above, the consent holder shall register this "Land Transfer Covenant Plan" on both Computer Freehold Registers OT15C/298 and OT15C/298, and shall execute all documentation required to register this plan. The costs shall be borne by the consent holder.

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

5. At the time that the building platform is registered on both Computer Freehold Registers for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 to be carried out at the time a dwelling is proposed:
- a) No building/dwelling shall be erected within 10m from the top of the terrace edge of Franks Creek.
  - b) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012 and provided with compliant separation distance to Franks Creek. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the dwelling.
  - c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
  - d) In the event that the number of persons to be accommodated on the lot is to be greater than 3, then the Queenstown Lakes District Council will require commensurate increases in the water supply to that lot at the rate of 700 litres per extra person per day.
  - e) Prior to the occupation of any dwelling on the lot, domestic water and fire fighting storage is to be provided. 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 18km 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 each new dwelling.

**Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.

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Prepared by:



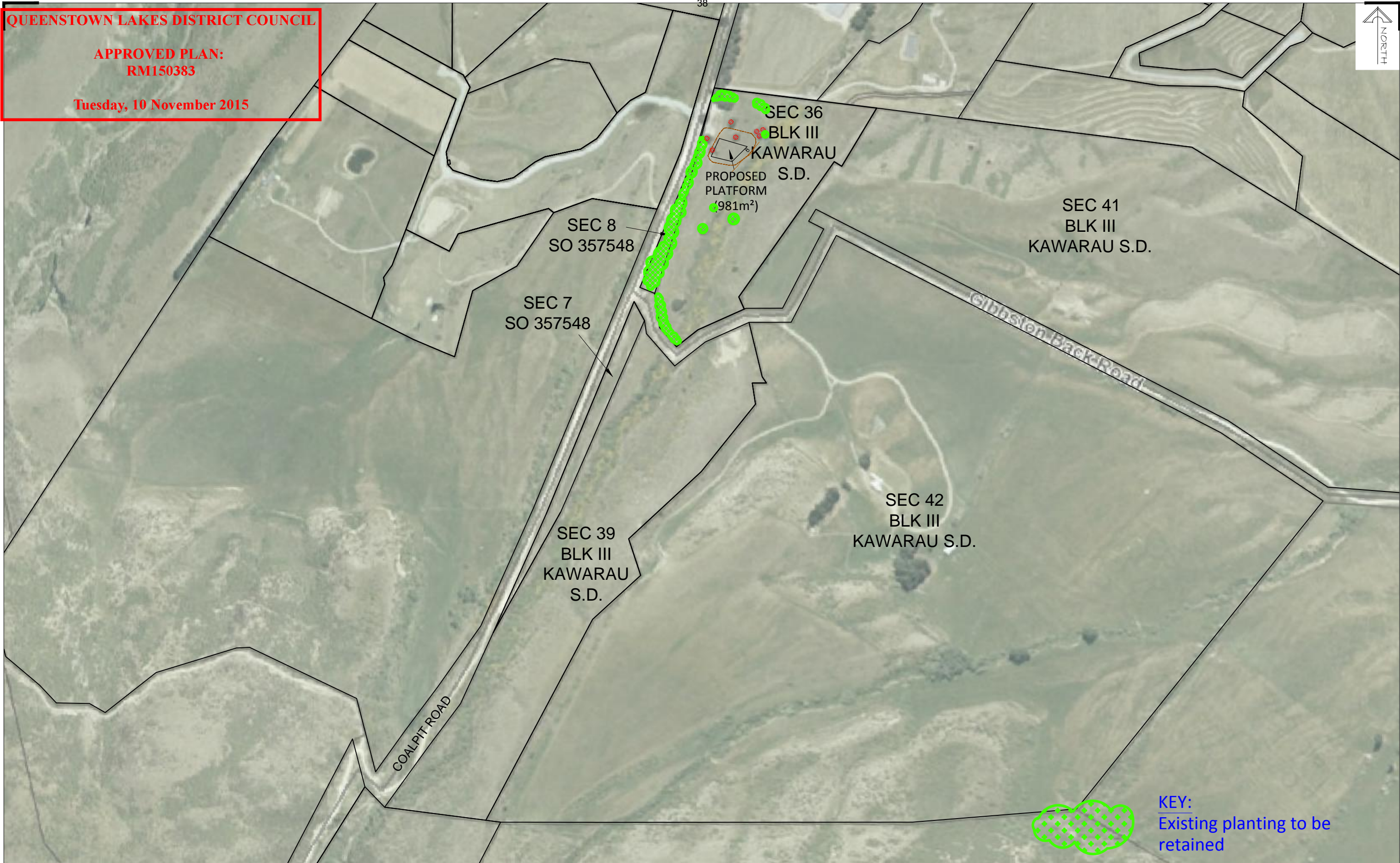
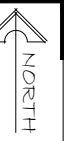
**Michael Wardill**  
**ENGINEER**

Reviewed by:



**Richard Flitton**  
**PRINCIPAL: ENGINEERING**





**KEY:**  
Existing planting to be retained

Shotover Design Limited trading as  
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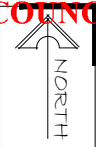
Rev.	Date	Revision Details	By
A	04.06.15	Amend platform	ED
B	21.07.15	Add planting schedule & planting to be removed	ED

**PROPOSED BUILDING PLATFORMS  
 SEC 36 & 39 BLK III KAWARAU S.D.  
 COALPIT ROAD**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
COAL PIT HOLDINGS LTD.	LR		30.05.14	11331	03_01
	Drawn	Signed	Date	Scale	
	ED		04.05.15	1:2500 @ A1 1:5000 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	<b>B</b>

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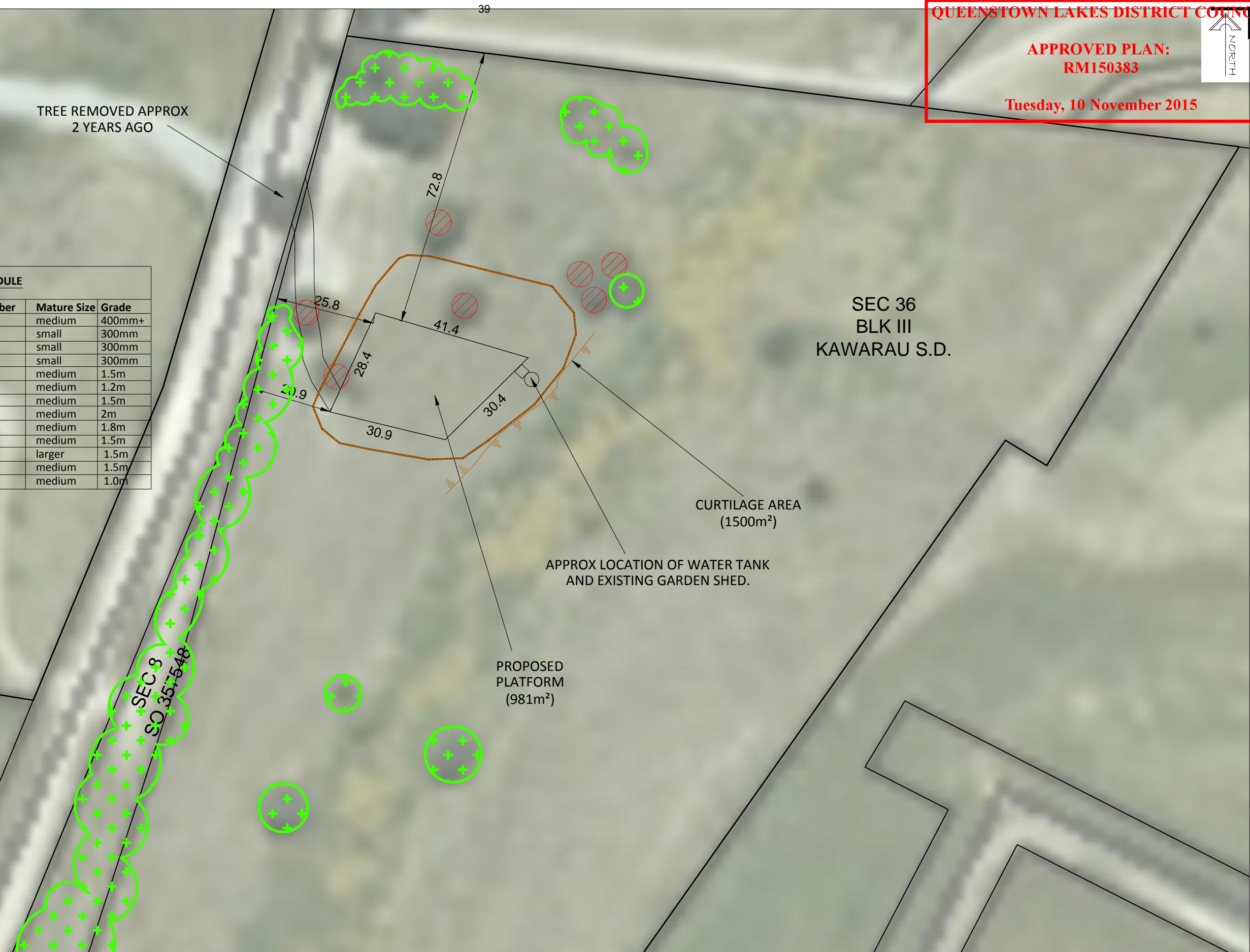


TREE REMOVED APPROX  
2 YEARS AGO

PLANTING SCHEDULE				
Common Name	Botanical Name	Number	Mature Size	Grade
Gilt edge	Eleagnus ebingeii	300	medium	400mm+
Wire netting bush	Corokia cotoneaster	50	small	300mm
Mingimingi	Coprosma propinqua	40	small	300mm
Coastal Flax	Phormium cookianum	20	small	300mm
Colorado spruce	Picea pungens koster	5	medium	1.5m
Blue Ice cyprus	Cupressus Blue ice	9	medium	1.2m
Liquidambar	Liquidambar Worplesdon	5	medium	1.5m
Golden Elm	Ulmus loius van houtte	2	medium	2m
Scarlet Oak	Quercus coccinea	2	medium	1.8m
Kowhai	Sophora microphylla molloy	10	medium	1.5m
Mountain Beech	Nothofagus cliffortoides	3	larger	1.5m
Weeping birch	Betula pendula youngii	10	medium	1.5m
Dogwood	Cornus alba sibirica	8	medium	1.0m

Refer to detailed planting plan for plant locations

- Plants to be removed
- Plants to be retained



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Rev.	Date	Revision Details	By
A	21.07.15	Add planting schedule & planting to be removed	ED

**PROPOSED BUILDING PLATFORMS**  
**SEC 36 BLK III KAWARAU S.D.**  
**COALPIT ROAD**

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COAL PIT HOLDINGS LTD.	LR		30.05.14	11331	03_02
	Drawn	Signed	Date	Scale	
	ED		4.05.15	1:500 @ A1 1:1000 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				Mt Nic 2000 & MSL	B

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APPROVED PLAN:  
RM150383

Tuesday, 10 November 2015

