



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL DETERMINATION UNDER s104
RESOURCE MANAGEMENT ACT 1991**

Applicant:	Nicolson Family Trust
RM reference:	RM130637
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for;</p> <p>Land use consent to construct a dwelling within the Golf Course and Open Space Activity Area of Millbrook Resort Zone and to breach a requirement regarding effluent disposal methods, and;</p> <p>Subdivision consent to subdivide Lot 2 and 3 Deposited Plan 369799 into three allotments, and;</p> <p>Application under Section 221 of the Resource Management Act 1991 (RMA) to vary Condition 4 of the Consent Notice 5079285.3 to amend the location of the covenanted residential building platform</p>
Location:	5 Millvista Lane, Millbrook
Legal Description:	Lot 2 and 3 Deposited Plan 369799 as contained in Computer Freehold Register 283272 and 283273
Zoning:	Resort Zone
Activity Status:	Non complying
Notification Decision:	Publicly Notified
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	8 January 2014

SUMMARY OF DECISIONS

1. Consent is **granted** to construct a dwelling and subdivide two allotments into three allotments at 5 Millvista Lane, Millbrook pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 1 (Land Use) and Appendix 2 (Subdivision)** of this decision imposed pursuant to Section 108 and 220 of the Act. The consent only applies if the conditions outlined are met.
2. Consent is granted pursuant to Section 221 of the Act to vary Condition 4 of Consent Notice 5079285.3 to amend the location of the covenanted residential building platform.
3. 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 Jane Sinclair, Independent Commissioner, as delegate for the Council. This decision was made and its issue authorised under this delegated authority pursuant to Section 34 of the RMA on 7 January 2014 .

1.0 PROPOSAL AND SITE DESCRIPTION

The section 42A report prepared for Council (attached as **Appendix 3**) provides a full description of the proposal and the site and surrounds.

2.0 ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is zoned Millbrook Resort Zone (Golf Course and Open Space Activity Area) and the proposed activity requires resource consent for the following reasons:

- A **controlled** activity resource consent pursuant to Rule 15.2.6.1 for subdivision within the Millbrook Resort Zone. Council's control is with respect to Lot sizes and dimensions, access, utilities.
- A **restricted discretionary** activity resource consent pursuant to Rule 12.2.3.4 as the proposed activity breaches Site Standard 12.2.5.1 (i)(d) which specifies that the Golf Course and Open Space area is restricted to outdoor recreation activities and open space. Council's discretion is limited to this matter.
- A **discretionary** activity resource consent pursuant to Rule 12.2.3.4 (i)(a) for the construction of the proposed dwelling. In the Millbrook Resort Zone all buildings which do not comply with the structure plan are assessed as a discretionary activity. The proposed dwelling is located within the Golf Course and Open Space (G) activity area.
- A **discretionary** activity consent pursuant to 87B in accordance with Section 221 of the Resource Management Act 1991 which specifies a variation to the consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. It is proposed to vary Condition 4 of Consent Notice 5079285.3 to enable the dwelling to be built in the proposed location, outside of an approved covenant area.
- A **non-complying** activity resource consent pursuant to Rule 12.2.3.5 as the proposal breaches Zone Standard 12.2.5.2 (i)(a) which species that units must be in accordance with the Structure Plan. The proposed dwelling is located within the Golf Course and Open Space (G) activity area therefore is not in accordance with the structure plan.
- A **non-complying** activity resource consent pursuant to Rule 12.2.3.5 as the proposal breaches Zone Standard 12.2.5.2 (v)(b) which species that all effluent disposal within the Millbrook Resort Zone shall be reticulated to the Shotover Sewage Treatment Plant. The applicant proposes to dispose effluent to ground.

Overall, the proposal was considered as a **non-complying** activity.

2.2 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.

3.0 NOTIFICATION

The application was publicly notified on 13 November 2013. Two submissions were received.

A decision under section 100 of the RMA to not hold a hearing was decided by Mr Marc Bretherton (General Manager, Planning and Development) on 23 December 2013, and is attached as **Appendix 5**.

4.0 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The section 42A report prepared for Council (attached as Appendix 3) and addendum (attached as Appendix 4) provides a full description of the proposal, site and surrounds, and assessment of the application. A summary of the assessment and subsequent conclusions of that report are outlined below:

Summary: Effects on the Environment

- Adverse effects of the activity can be adequately avoided, remedied or mitigated and the proposed development would not detract significantly on the character and amenity of the Millbrook zone or on views and outlook. The building design and appearance, implementation of the proposed landscape plan, mounding and recommended conditions of consent, can mitigate adverse effects to a level that they will be no more than minor.
- Effects in terms of infrastructure, parking, access, natural hazards, earthworks and nuisance are able to be adequately mitigated, subject to recommended conditions of consent.
- Any adverse effects on neighbouring properties as a result of the proposed development would be less than minor.

5.0 S104 ASSESSMENT

5.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 and s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

5.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The proposed development is not contrary to the relevant objectives and policies of the District Plan which seek to avoid, remedy and mitigate the adverse effects of inappropriate land use within the District. The proposal will not detract from the nature conservation values, or landscape and visual amenity within the District, and aligns with Part 4 District Wide Issues, Part 12 Resort Zone and Part 15 Subdivision, Development and Financial Contributions.

5.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be consistent with section 5, the overall Purpose and Principles of the RMA. With regard to the matters raised in section 7 of the RMA, it is considered that the proposal constitutes an efficient use of natural resources and will not have adverse effects on amenity values or the quality of the environment that are more than minor.

5.4. DECISION A – LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to construct a dwelling within the Golf Course and Open Space Activity Area of Millbrook Resort Zone pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA.

5.5 DECISION B - SUBDIVISION CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to subdivide Lot 2 and 3 Deposited Plan 369799 to create three allotments pursuant to Section 104 of the RMA, subject to the conditions outlined in **Appendix 2** of this decision imposed pursuant to Section 220 of the RMA.

5.6 DECISION C – VARIATION TO CONSENT NOTICE PURSUANT TO SECTION 221 OF THE RMA

That the application by Nicolson Family Trust to vary Condition 4 of Consent Notice 5079285.3 as it relates to Lot 3 Deposited Plan 369799 be granted pursuant to Section 221 of the Resource Management Act 1991, such that:

- 1 Condition 4 of Consent Notice 5079285.3 is amended to read as follows (deleted text ~~struck-through~~, added text underlined):

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- (a) The location of any dwelling is restricted to the building areas shown as “D” and “E” and identified in the Schedule of Covenants on Deposited Plan 27027 in relation to Lots 4 and 5 Deposited Plan 27027.
- (b) The location of any dwelling is restricted to the building areas shown as “A” and “B” and identified in the Schedule of Covenants on Deposited Plan 324795 in relation to the land contained in Lots 1, 2 and 3 Deposited Plan 27027 with the exception of the dwelling approved by RM130637.

- 2 At the time consent is given effect to, the consent holder and Council shall vary the consent notice and shall execute all documentation and attend to the registration of a new or varied consent notice. All costs shall be borne by the consent holder.

Advice Note

- All other conditions of Consent Notice 5079285.3 shall continue to apply.

6.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

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

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

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

Administrative Matters

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

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

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1 and 2. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.


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

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

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

If you have any enquiries please contact Nathan Keenan on phone (03) 4500362 or email Nathan.Keenan@qldc.govt.nz.

Prepared by



Nathan Keenan
PLANNER

Reviewed by



Hanna Afifi
SENIOR PLANNER

- APPENDIX 1** Decision A - Land Use Consent Conditions
- APPENDIX 2** Decision B - Subdivision Consent Conditions
- APPENDIX 3** Section 42A Report
- APPENDIX 4** Addendum to Section 42A Report
- APPENDIX 5** Decision under section 100 of the RMA

APPENDIX 1

DECISION A - LAND USE CONSENT CONDITIONS

APPENDIX 1 – DECISION A - LAND USE CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans
 - 'Site Plan A001 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Plan A100 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Roof Plan A101 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Elevations A200 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Sections A300 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 1 A800 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 2 A801 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 3 A802 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 4 A803 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 5 A804 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 6 A805 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Nicolson Concept Landscape Master plan dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Concept Landscape plan dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Section A-A dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Section B-B dated 11 December 2013 by Baxter Design Group'

(stamped as approved on 23 December 2013) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
3. Prior to development the consent holder shall execute all documentation and attend to the registration of the varied consent notice.
4. 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.
5. Prior to commencement of works on site, the consent holder shall submit to Council's Manager; Resource Consenting for certification the final colour of the building joinery. The final colour shall be in the natural range of browns, greens or greys and have an LRV of less than 36%.
6. Prior to construction commencing on site the consent holder 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. The design shall take into account the site and soils investigation report and recommendations by Grant Railton Plumbing and Drainlaying, dated 25/09/2013. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to construction commencing on site and shall be installed prior to occupation of the dwelling.
7. The consent holder shall implement, to the satisfaction of Council's Engineers, suitable measures to prevent deposition of any earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the streets, the consent holder shall take immediate action at their expense, to clean the streets. The loading of earth and other materials shall be confined to the subject site.

8. The consent holder shall install measures to control/and or mitigate any silt runoff and sedimentation that may occur. These measures shall be implemented prior to the commencement of any earthworks on site any shall remain in place for the duration of the project.
9. All earth worked areas shall be re-grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as the earthworks are completed.
10. Prior to the occupation of the dwelling, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all roads (including right of ways and access lots), water, wastewater and stormwater reticulation (including private laterals and toby positions).
 - b) Provision of a minimum supply of 2,100 litres per day of potable water to the dwelling that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - c) Any power supply connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
 - d) Any wired telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
 - e) Either the developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.

- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
11. The consent holder shall ensure that the proposed landscaping/mounds shown on the approved landscaping plan (Baxter Design Group Landscape Plan Ref 8571 dated 11 December 2013) shall be implemented within the first planting season following the completion of construction of the dwelling. All landscaping shown on the approved plan shall be maintained and irrigated in accordance with that plan. All mounding shown on the plan shall be retained. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
 12. Exterior lighting attached to any building shall be no higher than 1.8m above ground level and all other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from the property area boundary, and shall not be used as highlighting or accent lighting of any buildings or vertical landscape elements including but not limited to trees, retaining walls or landforms features.
 13. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Historic Places Trust, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the New Zealand Historic Places Trust and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993 and;

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

14. Within one month of consent being granted the consent holder shall confirm to Council in writing, the withdrawal of resource consent RM090558.

APPENDIX 2

DECISION B – SUBDIVISION CONSENT CONDITIONS

APPENDIX 2 - DECISION B - SUBDIVISION CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans
 - 'Lot 1, 2 & 3 Being a Proposed Subdivision of Lots 2 & 3 DP369799 Dwg Q1036 1R 1A'

(stamped as approved on 23 December 2013) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. 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 before Council approval of the Survey Plan

3. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide "as-built" plans and information required to detail all Water infrastructure (including private laterals and toby positions) installed in relation to or in association with this subdivision to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standard.
 - b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The consent holder shall provide a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 3 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - d) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
 - e) 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 net area of lot 3 and that all the network supplier's requirements for making such means of supply available have been met.
 - f) 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 net area Lot 3 and that all the network supplier's requirements for making such means of supply available have been met.
 - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - h) The consent holder shall confirm to Council in writing, the withdrawal of resource consent RM090558.

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall register a consent notice on the relevant title of Lot 3 detailing the following conditions to be complied with in perpetuity pursuant to s221 of the RMA.

- a) 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. The design shall take into account the site and soils investigation report and recommendations by Grant Railton Plumbing and Drainlaying, dated 25/09/2013. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- b) At the time a dwelling is erected on Lot 3 fire fighting storage is to be provided. To ensure the provision of this supply either;

The developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.

- c) The landscaping/mounds shown on the landscaping plan (Baxter Design Group Landscape Plan Ref 8571 dated 11 December 2013) and stamped as approved under Condition 1 of Appendix 1 (Land Use conditions) shall be implemented within the first planting season following the completion of construction of any dwelling. All plants shall be maintained and irrigated in accordance with that plan. All mounding shall be retained. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
- d) Exterior lighting attached to any building shall be no higher than 1.8m above ground level and all other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from the property area boundary, and shall not be used as highlighting or accent lighting of any buildings or vertical landscape elements including but not limited to trees, retaining walls or landforms features.

APPENDIX 3

SECTION 42A REPORT

FILE REF: RM130637

TO Independent Commissioner, Jane Sinclair

FROM Nathan Keenan (Planner)

SUBJECT Report on a publicly notified consent application to construct a dwelling within the Golf Course and Open Space Activity Area of Millbrook Resort Zone, subdivide two allotments into three allotments and vary condition 4 of consent notice 5079285.3 to amend the location of the covenanted residential building platform.

SUMMARY

Applicant: Nicolson Family Trust

Location: 5 Millvista Lane, Millbrook

Proposal: Construct a dwelling within the Golf Course and Open Space Activity Area of Millbrook Resort Zone, subdivide two allotments into three allotments and vary condition 4 of consent notice 5079285.3 to amend the location of the covenanted residential building platform.

Legal Description: Lot 2 and 3 Deposited Plan 369799 as contained in Computer Freehold Register 283272 and 283273, respectively

Zoning: Resort Zone

Public Notification Date: 13 November 2013

Closing Date for Submissions: 11 December 2013

Submissions: Two

The following submissions have been received neither in support or opposition to the application:

1. Rebecca Lucas of 509 Speargrass Flat Road, Wakatipu Basin
2. David and Wendy Clarke of 513 Speargrass Flat Road, Wakatipu Basin

Implications For:

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

RECOMMENDATION

That the application by Nicolson Family Trust to construct a dwelling and subdivide two allotments into three allotments be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the adverse effects of the activity can be adequately avoided, remedied or mitigated and the proposed development would not detract significantly on rural amenity or views and outlook. This is due to the articulated design, implementation of the proposed landscape plan and in combination with the appropriate conditions of consent to will ensure that adverse effects are appropriately mitigated to a level that they will be no more than minor
2. The proposal is not contrary to the objectives and policies of the District Plan.
3. The proposal is considered to overall be consistent with the Purpose and Principles of Part 2 of the Resource Management Act.
4. Overall, the proposal will result in sustainable development in the Queenstown Lakes District and therefore is considered appropriate, subject to the recommended conditions of consent.

REPORT

1.0 INTRODUCTION

My name is Nathan Keenan. I am a planner with Queenstown Lakes District Council (formerly Lakes Environmental Limited). I have worked with Lakes Environmental Limited since 19 November 2007 until 30 June 2013 and Queenstown Lakes District Council from 1 July 2013.

I hold the qualifications of a Bachelor of Arts with Honours in Geography from the University of Canterbury and a Postgraduate Diploma in Resource and Environmental Planning from Massey University. I am an associate member of the New Zealand Planning Institute.

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

2.0 SITE & ENVIRONMENT

The site consists of two square shaped lots that both have residential buildings located on them. A large residential building occupies Lot 2 while a small barn is located to the rear of Lot 3 that is consented to be used for visitor accommodation.

The applicant has provided a description of the site and environment within Sections 2-6 of the report entitled 'Landscape Assessment Report', dated September 2013 and prepared by Baxter Design Group (Attached as **Appendix 1**). This description is accurate and I adopt this description for the purposes of this report with the exception of the following Council Consultant Landscape Architect, Dr Marion Read, refers to within her report.

"In paragraph 5 (of the Baxter report) the report states that earth mounding has been formed along the 'western, south-western and southern parts of the site' and that the 'southern and south-eastern parts of the site contain mature poplar, eucalypt and conifer trees. It is my observation that these directions have been transposed, the mounding being to the east of the site and the mature trees to the west".

"The Baxter report states that the site straddles two landscape units, the Millbrook side of the ridge, and the Lake Hayes side. It is my observation that Millvista Lane runs just below the ridgeline on the Lake Hayes side and as this site is to the south of it that it is entirely within the Lake Hayes landscape unit".

Figure 1 below shows the site location

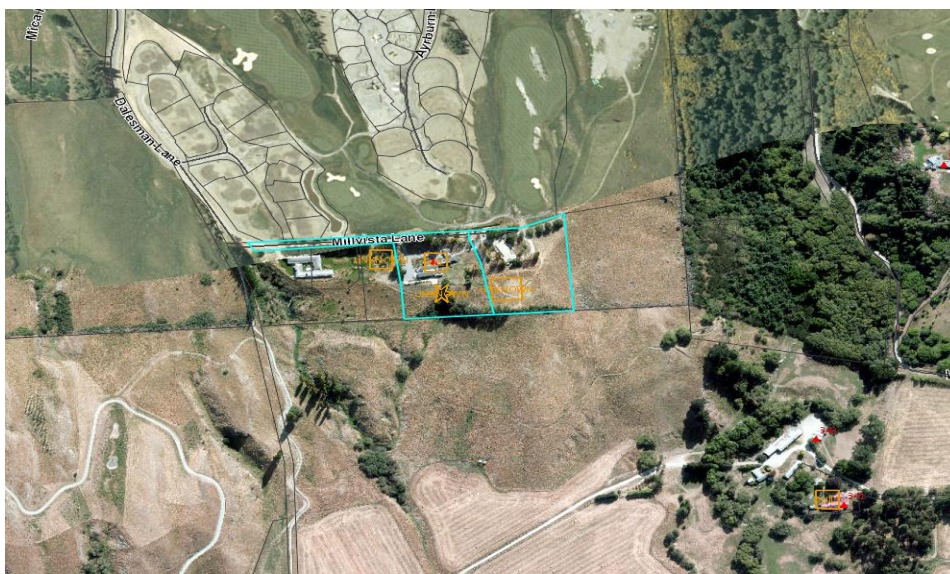


Figure 1 Location of subject site

Relevant Site History

Resource Consent RM980036 was granted on 4 November 2009 to undertake a five lot subdivision, and to establish a building platform on Lot 2 DP 369799. The subject site is part of what was formally Lot 5 of this consent (Lot 5 DP 27027). Building design controls were registered against the titles as private covenants and the building platforms were registered on the Computer Freehold Registers. This proposal breaches those covenants therefore these will need to be varied and consent notice 5079285.3 varied.

Resource Consent RM020622 was granted on 4 November 2002 to convert an existing barn into visitor accommodation and a residential building.

Resource Consent RM020910 was granted on 9 January 2003 for a boundary adjustment, residential building platform, dwelling and ancillary building.

Resource Consent RM040067 was granted on 29 March 2004 to undertake a boundary adjustment between Lot 5 DP 27027 and Lot 4 DP 20693 (owned by Millbrook). This essentially cut the eastern end of Lot 5 off creating Lot 1 and 2 DP 338753. Lot 1 retained the building platform under RM980036 and Lot 2 was amalgamated with Millbrook land. The current site is part of what was Lot 1 DP 338753 of that consent. It was alluded to within that consent that a second Council approved building platform would be sought for Lot 1 DP 338753 in the location of the existing private covenanted platform at some stage however this has yet to occur.

Resource Consent RM050637 was granted on the 6 April 2006 for a boundary adjustment between Lot 1 DP 338753 and Lot 4 DP 27027 and a subdivision of Lot 1 to create Lot 1 and 3 DP 369799. This consent resulted in the identification of three lots which became Lot 1, 2 and 3 DP 369799. Lot 1 (which was Lot 4 DP 27027) retained its building platform, Lot 2 (which was formally a part of Lot 1 DP 338753) did not have a building platform to retain however an existing barn occupied the site. The current site for the proposed dwelling is Lot 3 DP 369799 which has a private covenanted building platform. This private covenanted platform however does not give any right for residential development within it given Council is not a party to it.

Resource Consent RM070037 was granted on 21 April 2007 to undertake alterations and additions to an existing residential building (which is located on Lot 3).

Resource Consent RM071166 was granted on 4 March 2008 to carry out extensions to an existing barn and legalise extensions to the building (This building is located on Lot 3).

Resource Consent RM090558 was applied for on 12 August 2009 to subdivide an allotment into two and erect a residential dwelling. The application was publically notified on the 13 November 2009. Eight submissions were received (five in opposition, three in support). On 10 February 2010 the applicant placed the application on hold so that the issues raised by the submitters could be addressed. This application remains on hold and this application is a result of those amendments made. The applicant has advised that RM090558 will be formally withdrawn should RM130637 be granted.

3.0 PROPOSAL

Consent is sought to construct a dwelling within the Golf Course and Open Space Activity Area of Millbrook Resort Zone, subdivide two allotments into three allotments and vary Condition 4 of Consent Notice 5079285.3 to amend the location of the covenanted residential building platform.

Subdivision

Subdivision consent is sought to subdivide Lot 2 and 3 Deposited Plan 369799 into three lots;

- Proposed Lot 1 is to be 6953m² and will contain the existing dwelling;
- Proposed Lot 2 is to be 4767m² and will contain the existing 'barn type' dwelling;
- Proposed Lot 3 is to be 1.2738 hectares and will contain an existing building platform (established by way of private covenant on a previous subdivision) and to relocate this platform 5 metres to the east.

Proposed Dwelling

The applicant proposes to erect a single level three bedroom dwelling with internal garaging on proposed Lot 3.

The proposed dwelling is configured to have a square shape and comprises of four pavilions. The maximum height will be limited to 5 metres and the approximate floor area will be 450m². The proposed materials will consist of oiled timber weatherboards, schist veneer, and similar textured materials that will weather to a dull non reflective finish. Glazing is to be blue/green tinted and or clear glazing while downpipes/gutters is proposed to be dull metal, weathered copper or zinc appearance.

Access for the proposed dwelling is gained by way of a right of way along the western boundary of proposed Lot 1. Both proposed Lot 1 and 2 will then gain access to Malaghan's Road from the right of way known as Millvista Lane via Dalesman Road.

The proposed dwelling is to be supplied with water from an existing bore and wastewater and stormwater are to be disposed to the site. As the applicant does not propose to connect to the Millbrook reticulated system (as required by the District Plan Zone standards), consent is required for this breach.

The applicant has provided a comprehensive landscape plan in order to mitigate the visibility of the proposed dwelling.

Approximately 637m³ of earthworks are proposed as part of this proposal in order to undertake the landscaping/mounds proposed.

Consent Notice Variation

Condition 4 of Consent Notice 5079285.3 is registered to the title which states;

4.

- (a) *The location of any dwelling is restricted to the building areas shown as "D" and "E" and identified in the Schedule of Covenants on Deposited Plan 27027 in relation to Lots 4 and 5 Deposited Plan 27027.*
- (b) *The location of any dwelling is restricted to the building areas shown as "A" and "B" and identified in the Schedule of Covenants on Deposited Plan 324795 in relation to the land contained in Lots 1, 2 and 3 Deposited Plan 27027.*

As the consent notice relates to the buildable area within the private covenanted platform (which is to be moved as agreed with Millbrook Resort), condition 4 of the consent notice needs to be varied to allow the dwelling to be located in the proposed location.

4.0 SUBMISSIONS

4.1 SUBMISSIONS

A copy of submissions received and map can be found in **Appendix 2 and 3** and are summarised below for the Commission's benefit.

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
Rebecca Lucas	509 Speargrass Flat Road, RD1, Queenstown	Proposal is an improvement on previous proposal however further information is required in order to fully determine the visual effects of the house and effects on landscape	Information to be provided detailing adequate planting consisting of; - Species of plants proposed - Details on the FFL of the house - Cross sections through each group of trees

			Once information has been received, submission can remain neutral.
David and Wendy Clarke	513 Speargrass Flat Road, RD1, Queenstown	<ul style="list-style-type: none"> - Proposal is more harmonious with the landscape than the original plans. - Extensive planting helps to integrate the buildings into the landscape. - Does not wish to see further fragmentation of the lots. - External lighting needs to be mitigated. 	Conditions sought to mitigate light spill and robust landscape conditions sought.

5.0 CONSULTATION AND WRITTEN APPROVALS

Written approval has been obtained from the following parties;

1. John and Kristin Darby	270 Arrowtown-Lake Hayes Road, Queenstown
2. Christina Shaw and Steve Sanderson	12 Rutherford Road, Queenstown
3. Ian and Cynthia Wilkins	557 Speargrass Flat Road, Queenstown
4. Phillip and Sheree Newsome	237 Arrowtown-Lake Hayes Road, Queenstown
5. Helen and Duncan Forsyth and Elizabeth Farrow	253 Arrowtown-Lake Hayes Road, Queenstown
6. Ian James Todd and Susan May Todd	68 Hogan's Gully Road, Queenstown
7. Keith and Amanda Mortimer	527 Speargrass Flat Road, Queenstown
8. Yvonne and John Stevenson	265 Arrowtown-Lake Hayes Road, Queenstown
9. Hayley Stevenson and Hamish Richardson	570A Speargrass Flat Road, Queenstown
10. Mairi and David Speight	359 Slopehill Road, Queenstown
11. Ayrburn Farm Estate Ltd	Lot 1 Deposited Plan 18109 and Lots 3,4 and 5 Deposited Plan 343305 and Lot 4 Deposited Plan 319854
12. Hugh and Maureen McLellan	374 Speargrass Flat Road, Queenstown
13. Jan Andersson	3 Millvista Lane, Millbrook
14. Gillian Budden and Barry Dolman	267 Arrowtown-Lake Hayes Road, Queenstown
15. Paul and Alexandra Gamson	572 Speargrass Flat Road, Queenstown
16. Maurice and Kerry Prendergast	1 and 2 Millvista Lane, Millbrook
17. David Onions	535 Speargrass Flat Rd, Queenstown
18. Tania Cassidy	534 Speargrass Flat Rd, Queenstown
19. Nathan and Angela Imlach	388 Slopehill Rd, Queenstown
20. Claire and Andrew Brinsley	52 Hogans Gully Road, Queenstown
21. Roger and Marliese Donaldson	Lot 3 DP20693 (off Dalesman Lane)
22. Millbrook Country Club Ltd	Millbrook Resort
23. David and Samantha Matthews	546 Speargrass Flat Road, Queenstown
24. Anatole and Melissa Masfen	255 Arrowtown-Lake Hayes Road, Queenstown
25. Lee and Jaap Van der Geest	48 Rutherford Road, Queenstown

A map showing the location of the properties above is attached as **Appendix 4**.

Consultation has been undertaken with David Clarke and Rebecca Lucas following their submissions which has resulted in additional information being provided to assist the mitigation of visual effects of the development.

6.0 DISTRICT PLAN PROVISIONS

6.1 THE DISTRICT PLAN

The site is zoned Millbrook Resort Zone (Golf Course and Open Space Activity Area) under the District Plan.

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality covering approximately 200ha consisting of recreational, commercial, residential and visitor activities within high density development enclaves amongst open rural countryside and landscaped grounds.

The proposal requires the following resource consents:

- A **controlled** activity resource consent pursuant to Rule 15.2.6.1 for subdivision within the Millbrook Resort Zone. Council's control is with respect to lot sizes and dimensions, access, utilities.
- A **restricted discretionary** activity resource consent pursuant to Rule 12.2.3.4 as the proposed activity breaches Site Standard 12.2.5.1 (i)(d) which specifies that the Golf Course and Open Space area is restricted to outdoor recreation activities and open space. Council's discretion is limited to this matter.
- A **discretionary** activity resource consent pursuant to Rule 12.2.3.4 (i)(a) for the construction of the proposed dwelling. In the Millbrook Resort Zone all buildings which do not comply with the structure plan are assessed as a discretionary activity. The proposed dwelling is located within the Golf Course and Open Space (G) activity area.
- A **discretionary** activity consent pursuant to 87B in accordance with Section 221 of the Resource Management Act 1991 which specifies a variation to the consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. It is proposed to vary Condition 4 of Consent Notice 5079285.3 to enable the dwelling to be built in the proposed location outside of a covenanted building platform.
- A **non-complying** activity resource consent pursuant to Rule 12.2.3.5 as the proposal breaches Zone Standard 12.2.5.2 (i)(a) which species that units must be in accordance with the Structure Plan. The proposed dwelling is located within the Golf Course and Open Space (G) activity area therefore is not in accordance with the structure plan.
- A **non-complying** activity resource consent pursuant to Rule 12.2.3.5 as the proposal breaches Zone Standard 12.2.5.2 (v)(b) which species that all effluent disposal within the Millbrook Resort Zone shall be reticulated to the Shotover Sewage Treatment Plant. The applicant proposes to dispose effluent to ground.

Overall, the proposal was considered as a **non-complying** activity.

7.0 INTERNAL REPORTS

7.1 LANDSCAPE ARCHITECT'S REPORT

A report has been provided from Council Consultant Landscape Architect, Dr Marion Read. This report is attached as **Appendix 5** and concludes:

"A dwelling on the proposed platform would be potentially visible from a wide catchment, particularly from the Speargrass Road – Slope Hill Road vicinity. Glimpses would be possible from further east, and a dwelling would be distantly visible from points around Lake Hayes.

The proposed dwelling would not be prominent in any of the possible views owing to its design, the recessive colours and materials it is proposed to clad the dwelling with, the retention of existing trees and the intention to plant significantly more trees to the south west. Mounding and further tree planting would obscure views of the dwelling from the east.

The proposed dwelling would be contrary to the Millbrook Structure Plan but the adverse effects accruing from this would be small.

The proposed subdivision would be in keeping with the purposes of the Millbrook zone. It would have good solar advantage. No earthworks require consent to establish the subdivision or to construct the dwelling.

The proposed subdivision would result in a further dwelling on a prominent ridgeline which would have a small adverse effect on the landscape and visual values of the District.”

7.2 ENGINEER’S REPORT

A report has been prepared by Council Consultant Engineer, Mr Alan Hopkins and is attached as **Appendix 6**. Overall, Mr Hopkins is satisfied that subject to conditions of consent, the proposed access and infrastructure provisions are satisfactory in terms of Council standards should consent be granted.

8.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

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

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of:*
 - (i) A national environmental standards;*
 - (ii) Other regulations;*
 - (iii) a national policy statement*
 - (iv) a New Zealand coastal policy statement*
 - (v) a regional policy statement or proposed regional policy statement*
 - (vi) a plan or proposed plan; and*
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

In addition, Section 104D (Particular Restrictions on non-complying activity) states that:

- (1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Under Section 104D, the Council may grant or refuse consent and if granted may impose conditions under Section 108 and 220.

The application must also be assessed with respect to the purpose of the Act which is to promote the sustainable management of natural and physical resources. Section 9.5 of this report outlines Part 2 of the Act in more detail.

9.0 ASSESSMENT

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

- (i) Effects on the Environment
- (ii) District Plan Provisions
- (iii) Other Matters
- (iv) Part 2 of the Act

9.1 EFFECTS ON THE ENVIRONMENT

The District Plan includes a comprehensive range of assessment matters that set out both the process for and matters to be considered for development and activities within the Resort Zone.

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

- (a) People and Built Form
- (b) Infrastructure
- (c) Access and Traffic Generation
- (d) Nuisance Effects
- (e) Natural Hazards
- (f) Positive Effects

9.1.1 PEOPLE AND BUILT FORM

The proposal has been assessed against the relevant assessment matters for the Millbrook Resort Zone.

12.5.2 (ii)(e)(i)

All other buildings and structures are to be screened by landform and/or tree planting so as not to be visibly prominent from surrounding public roads

The applicant has provided a landscape assessment by Baxter Design Group which states that the subject site and in particular the proposed dwelling would be visible from the following public places:

- Arrowtown-Lake Hayes Road especially from McEntyres Hill
- Speargrass Flat Road and associated residential areas including the public walking track
- Slopehill Road including Rutherford Road and associated residential areas
- Hogans Gully Road and associated residential areas
- Lake Hayes Track

In addition to the above, the applicant has advised that the development would potentially be visible from further afield such as the Crown Terrace Road, the Arrowtown Ridge and Remarkables Road. These locations however are a distance from the subject site thus reducing adverse effects in respect of visibility and dominance.

Council Consultant Landscape Architect Dr Marion Read has assessed the proposal from the above locations in regard to visibility. I accept Dr Read's assessment which is detailed below;

"From the Lake Hayes – Arrowtown Road, small glimpses of the dwelling would be possible from McEntyres Hill. From lower down the slope the protected avenue of trees within Ayreburn Farm (Protected Feature 276) obscure views to the subject site. Proposed planting to the west on the existing mounding would ensure that it would not be prominent in these views.

From Speargrass Flat Road the proposed dwelling would be visible on the ridgeline over a distance of approximately 700m. I consider that the articulated façade, gabled roof and low height should ensure that this dwelling is not prominent, however, and the proposed planting to its south combined with the existing trees to its south west should ensure this also.

From Slope Hill Road the proposed dwelling would be visible on the ridgeline for approximately 400m from the top of the rise to the intersection with Speargrass Flat Road. As this route directs the viewer more towards the dwelling than other viewpoints the dwelling is likely to be a little more obvious from this direction. I consider that, as with views from Speargrass Flat Road, however, the design of the

dwelling, the proposed planting and existing trees would ensure that it was not prominent in these views.

The Baxter report does not assess the visibility of the building platform from the walkway which extends from Speargrass Flat Road north up and into Millbrook. As this walkway is located on a legal road it is a public place. A dwelling on the subject site would be visible from this walking track from the point at which it leaves the Rural Residential zone and enters the Rural General zone for approximately 400m. It would not be prominent in these views and the screening effect of the existing and proposed trees in the south western portion of the site would obscure most of the proposed dwelling in these views and ensure that it was not prominent”.

In summary Dr Read has concluded that through the landscaping and articulated design of the building; the proposed development would not be prominent on the landscape. As such it is considered that that adverse effect in terms of visibility will be no more than minor.

12.5.2 (ii)(e)(ii)

Predominant Colours are to be Greys and Earth Tones.

The exterior materials are to be predominantly oiled timber weatherboard and schist veneer. Roofing is to be copper or zinc as are the guttering and downpipes. Dr Read considers these materials to be in the range of ‘greys and earth tones’ except the joinery on the wing facing Speargrass Flat Road and Lake Hayes which is not specified. In order to ensure that the colour appears recessive in the landscape Dr Read recommends that a condition of consent be imposed requiring the joinery colour to be submitted for certification and that it be a recessive colour. Through the imposition of this condition of consent adverse effects in terms of colours will be no more than minor.

12.5.2(iv)(a) Structure Plan - Resort Zones

The extent to which the siting of the building is inconsistent with the Structure Plan and the impact it would have on the open and rural character.

The building is to be located within the Golf and Open Space Area of the Structure Plan which is not intended for any buildings or residential activities. The proposed dwelling is therefore inconsistent with the Structure Plan. The subject site is an anomaly in that it sits within the Millbrook Resort Zone, however, has no other connection to the Millbrook Resort. As the subject site is located on a ridge and is located in private ownership, the likely hood that this land would be used by Millbrook Resort for golf or recreation purposes is limited. This is emphasised by Millbrook providing written approval to the application.

The proposed dwelling will be closely clustered with the existing barn and residence to the west which ensures that the parcel of land to be removed from the area designated as golf course and open space will be small. Given the location of the development in proximity to Millbrook’s provision for recreation activities and the private status of the Millvista Lane residences; it is considered any impact on the open character of the activity area as viewed from inside the zone will be small to indiscernible.

12.5.2(iv)(b) Structure Plan - Resort Zones

The effect the siting of the building would have on the consistent design theme and visual amenity of the Zone both from within and outside the Zone boundaries.

The dwelling is separated from the remainder of the zone and the dwelling would not appear consistent with the design of other dwellings in Millbrook. From a visual point of view this dwelling does not appear to be part of the Millbrook development and as such it would not impact significantly on the overall visual amenity of the Millbrook zone from within the zone boundaries.

Outside the zone boundaries equally, a large area of Millbrook is not visible from public places and there are no viewpoints from which the proposed dwelling would be seen in combination with the dwellings that have followed the Millbrook design theme. It is considered the effects of not following the design theme for the dwelling are insignificant. The visual amenity from outside the zone from the visibility of development however will be adversely affected to a minor degree as this area was intended to be open space.

Subdivision

The purpose of the Millbrook zone is, *'To provide for a visitor resort of high quality'* and the, *'General amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds'*. Dr Read considers the proposed lots are of sufficient size to effectively fulfil this purpose. The lots are similar in size to the other lots existing to the west of the site along Millvista Lane and the greater Millbrook west development. As such it is considered that the development would be compatible with the existing pattern of development.

Visibility

The proposed creation of this lot however would enable another dwelling on a prominent ridgeline which in Dr Read's opinion, *"Will detract from the landscape and visual values of the District"*. Dr Read however also considers that given the design of the dwelling and the mitigation planting proposed, any adverse effect on landscape and visual amenity values of the District will be small. Dr Read's assessment is accepted. Through the imposition of conditions of consent regarding the use of recessive materials and protection of existing landscaping and implementation of the landscape plan submitted; it is considered that adverse effects associated with the subdivision can be mitigated to a level that they will be no more than minor.

9.1.2 INFRASTRUCTURE

Water Supply

The applicant proposes to service proposed Lot 3 via an existing bore and associated reticulation which currently serves Lots 1 & 2. Council's consultant engineer Mr Alan Hopkins has assessed the proposal and considers the bore proposes to service proposed Lot 3 has sufficient capacity to meet Council standards. A condition of consent is subsequently recommended that prior to 224c certification; this connection is made.

Fire Fighting

The proposed dwelling on proposed Lot 3 is located greater than 135 metres from the closest reticulated fire fighting hydrant. The applicant therefore proposes to service the site through static on site storage. Mr Hopkins therefore recommends a condition of consent that prior to construction of the dwelling, either a 20,000 litre static water storage tank be installed in accordance with NZS4509:2008 or confirmation be provided that details that the existing underground water storage tanks located at the head of Millvista Lane provides sufficient static storage and access to comply with the requirements of NZS4509:2008. Through the imposition of this condition of consent adverse effects in terms of fire fighting will be avoided.

Wastewater

The applicant proposes to service proposed Lot 3 for wastewater via on site treatment and effluent disposal to ground. The applicant has provided a site soils assessment prepared by Grant Railton Plumbing and Drainlaying that detail that disposal to ground is feasible in accordance with NZS1547:2012. A condition of consent is therefore recommended that prior to occupation of the dwelling, an onsite wastewater treatment and disposal system shall be installed in accordance with NZS1547:2012. While the disposal method breaches District Plan rules as it will not be connected up to reticulation; given the topography of the site and proximity to water bodies, it is considered that the proposal will not adversely affect water quality. In addition, the subject site is not part of the main Millbrook Resort, and therefore has no association with the infrastructure established at Millbrook. As such, it is considered that enabling an alternative method of effluent disposal will not result in adverse effects more than minor.

Stormwater

The applicant proposes to dispose of all stormwater from future impervious areas on proposed Lot 3 via soakage to ground. Mr Hopkins considers this to be feasible and will be assessed later under the building consent.

Power and Telecommunications

The applicant has provided letters from Aurora and Chorus that confirm electricity and telecommunication reticulation can be provided to the proposed dwelling. A condition of consent is therefore recommended that prior to 224c certification power and telecommunication connections are provided to the proposed building.

Overall through the imposition of conditions of consent, adverse effects in terms of infrastructure can be appropriately mitigated.

9.1.3 TRAFFIC GENERATION AND VEHICLE MOVEMENTS

The applicant proposes to access proposed Lot 3 by way of legal rights over Millvista Lane (Private) and via the greater Millbrook road network. The existing formation of both Millvista Lane and the greater Millbrook network complies with Council standards for the number of proposed lots to be accessed. Millbrook have provided affected party approval for the additional allotment and associated increased traffic flows of an average of eight movements a day.

An existing gravel access has been provided to the proposed building platform from the head of Millvista Lane. Mr Hopkins is satisfied that the gravel access to the lot has been constructed in accordance with Council Standards. As such no conditions of consent are considered necessary.

9.1.4 NUISANCE

Short terms noise effects may result during the construction of the dwelling and the earthworks proposed. Noise however associated with construction is an anticipated element of development and is temporary. Conditions of consent can be imposed to ensure that adequate site management is undertaken during earthworks. Therefore adverse effects in respect to nuisance will be less than minor.

9.1.5 NATURAL HAZARDS

Mr Hopkins has concluded that no specific hazards have been identified on QLDC or ORC hazard maps and no hazards were identified onsite. As such it is considered that no adverse effects will result in terms of natural hazards.

9.1.6 SUBMISSIONS

The two submissions that were received are from property owners immediately to the south of the site (located on Speargrass Flat Road). Both of these submitters raised concerns regarding the visibility of the development from their properties and recommended robust planting that would mitigate adverse effects of that visibility. The applicant has consulted with these submitters regarding the landscaping and they are now satisfied with the landscaping proposed subject to conditions. The landscaping proposed provides important screening along the ridgeline which softens the appearance of the built form while providing a vegetative border. Conditions of consent therefore are recommended requiring landscaping to be implemented prior to completion of construction of the dwelling and maintained in perpetuity.

In addition to the level of landscaping raised, adverse effects from lighting was a concern by one of the submitters. In order to mitigate any adverse effects associated with lighting, the applicant has proposed a condition of consent restricting outdoor lighting. Through the imposition of this condition adverse effects in terms of lighting on the submitter will have been mitigated to a level that it is less than minor.

Overall through the implementation of the proposed landscape plan, use of recessive materials and restriction on lighting, adverse effects on the submitter's property will be no more than minor.

Other Parties

The proposed building on the ridgeline will be visible from a number of locations. However given the low building height, recessive materials/colours and implementation of the landscaping proposed; Dr Read's assessment is accepted that the built form will not be a prominent feature on the landscape. While visible; the development will be seen against the existing development along the ridge. Development along Millvista Lane is currently highly visible from properties to the north of Lake Hayes. This development therefore will not significantly add to this visibility given the mitigation proposed.

The site is zoned open space therefore there is an expectation that the site would be free of development. As such there may be an adverse effect on those properties to the south (North of Lake Hayes) that had this expectation. Given the existing development along this ridgeline and elements which contribute towards the sites ability to absorb development (as mentioned above), this effect however is considered to be minor.

9.1.7 POSITIVE EFFECTS

The addition of an additional lot and dwelling will provide the applicant with additional economic benefit through the sale of an additional site with a residential dwelling.

Summary of effects on the environment

The development although located in Golf Course and Open Space, is able to be absorbed within the site by the combination of low building height, extensive landscaping, mounding, appropriate external materials, and the imposition of conditions of consent that will ensure that the adverse effects of the proposal are adequately avoided, remedied or mitigated. The site can be adequately serviced and accessed via existing and proposed infrastructure. Given the above, the development not likely to have adverse effects on the environment that are more than minor.

9.2 OBJECTIVES AND POLICIES

The objectives and policies relevant to the proposal are contained in Part 4 (District Wide Issues), Part 12 (Resort Zone) and Part 15 (Subdivision, Development and Financial Contributions) of the Plan.

9.2.1 Part 4 - District Wide Issues

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

1 Future Development

- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*

The proposal utilises existing landscaping and proposed landscaping to provide a vegetative border between the building and open space. This landscaping in combination with the building design will assist in mitigating the adverse landscape and visual effects of a building on a prominent ridge. Through the combination of all of these elements of mitigation the proposal will not be contrary to policies 1(a) and 1(b).

17. Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

The proposal sits on a prominent ridge however follows the line of existing development which Dr Read considers to result in a small cumulative effect on the landscape and visual amenity values of the District, subject to the aforementioned mitigation. The landscaping/mounding are in keeping with the existing pattern of vegetative growth while ensuring that the visual coherence towards the greater development along the ridgeline is maintained although softened to some degree. As such, it is considered that the proposal is not contrary to the above policy.

Summary of Part 4 (District Wide Issues) Objectives and Policies

The proposal is consistent with the relevant District Wide policies and objectives set out above.

9.2.2 Part 12 – Resort Zone

Objective 1 - Millbrook Resort Zone

Visitor, residential and recreation activities developed in an integrated manner with regard for landscape, heritage, ecological, water and air quality values and minimal impact on adjoining neighbours and roads.

Policies:

- 1.1 To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*

The proposal will not affect the water quality of Mill Creek or Lake Hayes therefore the proposal is consistent with the above policy.

- 1.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*

The water supply for the new dwelling is to come from an existing bore shared with two other dwellings. Council's consultant engineer Mr Alan Hopkins has assessed the supply and considers it is adequate. An on-site effluent disposal system has been proposed which Mr Hopkins considers appropriate and therefore recommends that a consent notice be registered requiring the system to be constructed in accordance with New Zealand Standards prior to occupation of the dwelling. Conditions are also subsequently recommended relating to the land use consent should this be given effect to prior to the subdivision. This is considered adequate to mitigate any adverse effects on the water or other qualities therefore the proposal is not contrary to the above policy.

- 1.3 To require the external appearance of buildings to have regard to landscape and heritage values of the site.*

The proposed building has been designed in order to minimise adverse effects that were raised in past applications such as the visibility, bulkiness and lighting. The 5 metre height restriction along with the use of recessive materials such as a mix of oiled timber weatherboards, schist veneer and similar textured materials that will weather to a dull non reflective finish ensure that the building will be recessive in the landscape. Council consultant landscape architect Dr Marion Read considers any adverse effect on the landscape and visual amenity values to be small given the existing development, materials and landscaping proposed.

The site does not have any identified heritage value therefore the above assessment matter is not relevant insofar as heritage value.

As such the proposal is considered consistent and not contrary to the above policy.

- 1.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.*

The development is located within the Golf Course and Open Space area which is not intended for residential development. The proposal is therefore contrary to the policy above.

1.5 To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.

The proposal will not affect any of the heritage features therefore is not contrary to the above policy

1.6 To require adequate on-site car parking.

The proposal includes a two car garage which is adequate for a dwelling therefore is not contrary to the above policy.

Summary of Part 12 (Resort Zone) Objectives and Policies

Overall, while the development is contrary to the objectives and policies that seek adherence to the Millbrook Structure Plan, the proposal as a whole is not considered contrary to the Objectives and Policies of Part 12 of the District Plan as adverse effects on character and amenity, views and outlook can be adequately mitigated.

9.2.2 Part 15 – Subdivision, Development and Financial Contributions

Objective 1 – Servicing

The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Policies:

1.1 To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.

1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.

The proposed subdivision will entail the use of the existing access along Millvista Lane. Mr Hopkins has assessed the access and considers it to be safe and efficient to the proposed lot. The proposal is therefore not contrary to policies 1.1 and 1.2 above.

1.5 To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.

The proposed subdivision can provide adequate water supply including potable, irrigation and fire fighting. The proposal is therefore not contrary to policy 1.5.

1.6 To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.

1.9 To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.

As discussed previously, the applicant has provided information confirming that the sites are suitable for on-site wastewater treatment and disposal. Subject to conditions of consent, the proposal is not contrary to policy 1.9.

Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*

The purpose of the Millbrook zone is, 'To provide for a visitor resort of high quality' and the, 'General amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds'. Given the size of the proposed lots it is considered that the size of these lots are sufficient to meet that purpose. The lots are similar in size to that surrounding the site, in particular within Millvista Lane. Given the pattern of development within the vicinity and living opportunities it affords, it is considered the proposal to not contrary to the above policy.

- 5.3 To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*

The proposed subdivision design generally follows the topography of the site and existing pattern of development. Through the protection of existing and proposed vegetation, a small vegetative border will be formed separating the Millbrook and Rural General zones. This delineation will create a hardened edge between the two zones. As such it is considered that the development is not contrary to the above policy.

- 5.4 To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.*

As the development relies heavily on existing and proposed landscaping as a form of visual mitigation; vegetation is to be protected via a condition of consent. Through the imposition of conditions of consent, the proposal is not contrary to the above policy.

- 5.5 To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*

As the development utilises existing infrastructure and all neighbours with an interest in the private lane has given approval; it is considered that no effects will result in terms of road functioning. As such, it is considered that the proposal is not contrary to the above policy.

- 5.6 To encourage the identification of archaeological sites and sites of cultural significance.*

No archaeological sites and sites of cultural significance have been identified. As such, it is considered that the proposal is not contrary to the above policy subject to the imposition of a condition of consent to ensure accidental discovery protocol is adhered to should any unknown archaeological items be discovered.

Summary of Part 15 (Subdivision, Development and Financial Contributions) Objectives and Policies

The proposal is not contrary to the relevant Subdivision objectives and policies set out above.

9.4 OTHER MATTERS

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

Any subdivision, change of use and/or displacement of at least 25m³ of earthworks may require consent under the National Environmental Standard (NES) for contaminated soils if the site is likely to be on the Hazardous Activities and Industries List (HAIL). The applicant has reviewed all of Council anecdotal records and has confirmed that none of the activities listed on the HAIL have occurred, on

the site. As such, no consent under this NES is required. No effects are therefore anticipated with respect to contaminated soils as a result of the proposal.

9.5 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. 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 enables the applicants to subdivide their land, and construct a dwelling, thus providing for their economic and social wellbeing.

The location of the dwelling in an elevated position on a ridge means it will be visible from a wide catchment however through the implementation of the proposed landscape plan, mounding, low building height and the use of recessive colours; the building will not appear overall prominent. As adverse effects in terms of dominance, views and outlook and amenity can be mitigated the proposal provides for a sustainable use of the site, it is considered that the proposal meets the purpose of the Act.

Section 7 contains Other Matters with in achieving the purpose of the Act must be had particular regard to. Of relevance are:

- (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 considered that locating a dwelling on a ridge in a visual amenity landscape may represent an efficient use of the land for the landowner; however it may affect amenity values for a significant number of surrounding landowners. Through the use of mitigation measures such as building design, recessive colours/materials and proposed landscaping, adverse effects on amenity values can be mitigated and in turn can ensure that the quality of the environment appreciated by many within the surrounding area can be maintained. Given the topography of the site and distance from waterbodies it is considered that the proposed effluent disposal system additionally will not affect water quality. As such it is considered the proposal meets section 7 of the Act.

A set of recommended conditions of consent are contained in Appendix 7

Overall, I consider the proposal promotes the overall purpose of the Act.

10.0 CONCLUSION

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

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

Having regard to section 104 of the Act and the assessment set out in this report, it is concluded that the adverse effects of the development can be avoided, remedied or mitigated and the proposed development would not detract significantly on amenity and views and outlook of the surrounding environment.

The proposed development would be visible in relatively distant public and private views from the North of Lake Hayes however given the mitigation discussed in this report previously, adverse effects can be adequately mitigated to be no more than minor, subject to conditions of consent.

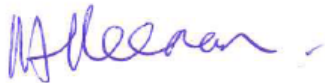
While the development does not accord with the Millbrook Structure Plan; any effects from this deviation will be no more than minor.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

The proposal is therefore considered to be consistent with the Purpose and Principles of Part 2 of the Resource Management Act.

Prepared by: Nathan Keenan
Planner

Reviewed by: Hanna Afifi
Senior Planner



Attachments:

Appendix 1	'Landscape Assessment Report', dated September 2013 and prepared by Baxter Design Group
Appendix 2	Submissions
Appendix 3	Map of submitters' properties
Appendix 4	Map of properties written approval obtained from
Appendix 5	Council consultant landscape architect's report
Appendix 6	Council consultant engineering report
Appendix 7	Draft conditions

Report Dated: 23 December 2013

Landscape Assessment Report

Nicolson Dwelling, 6 Millvista Lane, Queenstown

September 2013



INTRODUCTION

1. This report assesses the potential landscape effects of a proposed dwelling on 6 Millvista Lane, which is legally described Lot 3 DP 369799. The proposal includes a boundary adjustment and a landscape plan.

This report includes the following:

- Site Description
- Description of the proposal
- Landscape Assessment
- Conclusions
- Attachments
 - Attachment A, Context Plan, including boundary adjustment
 - Attachment B, Landscape Plan.

SITE DESCRIPTION

2. The subject site exists near Arrowtown at the southern edge of a terrace between Malaghans Road and Speargrass Flat Road. Immediately north of the site is Millbrook Resort and more specifically Millbrook West. To the east of the site the land falls away along an escarpment to the lower terraces and Waterfall Park. This escarpment meets the lower terrace to the south where flat pasturelands stretch to the northern shores of Lake Hayes, which is approximately 1.4km from the subject site. To the west the escarpment becomes more gently sloped and accommodates the Queenstown Trail that links Arrowtown with Lake Hayes through Millbrook.
3. The subject site is part of the Millbrook Resort Special zone and the G activity zone as indicated in the Structure Plan¹. Land immediately south of the subject site is zoned Rural General and approximately 430m further south is the Rural Residential North Lake Hayes zone. The subject site is part of the Visual Amenity Landscape (VAL).
4. The subject site exists near what is known as Malaghans Ridge and in effect, straddles two landscape units. To the north across the terrace is the Millbrook Resort zone which displays a

¹ QLDC District Plan, Millbrook Resort Zone – Structure Plan 12-24, Figure 1

highly modified landscape character with manicured golf surfaces, manmade terraces, numerous residential units and a network of roads and paths. To the south of the Malaghans Ridge the predominant landscape character is rural residential as open pasturelands meet the denser residential developments of the North Lake Hayes zone. The broad landscape in which the subject site is part of is mixed and diverse with varying landscape characters and values.

5. Rectangular in shape, the site covers an area of 6350m² and is predominantly covered in rank grass. Earth mounding has been undertaken along western, south-western and southern parts of the site. The southern and south-eastern parts of the site contain mature poplar, eucalypt and conifer trees with gorse and broom weeds.
6. Access to the site is by Millbrook West's internal roads that join onto a right of way easement over the lot immediately north of the site.

THE PROPOSAL

7. The proposal seeks to adjust the site boundary, extending a portion of it to the west as shown in Attachment A. A dwelling with an attached garage is proposed as shown in the architectural drawings by Noel Lane Architects (dated September 3, 2010). Landscaping is also proposed as shown in the Baxter Design Group's landscape plan, Attachment B.
8. The site has been subject to several resource consents, most recently RM090558 which proposed a residential dwelling and associated landscaping. This proposal was withdrawn prior to going to a public hearing. The current application proposes a new building, landscape treatments and boundary adjustment that better responds to the environment and remedies concerns raised by submitters in opposition to the previous proposal.
9. A future building would be located roughly near the centre of the site and would include three bedrooms and an attached garage. It would include four roof gables. The building would be no more than 5.5m above existing ground level (excluding chimneys). It would be clad predominantly in oiled timber with accents of schist veneer or similar. Joinery would be an aluminium glazing system. The roofing material is to be profiled metal or similar. All colours and materials are proposed to be a light, neutral colour.
10. This proposed building's architectural character is a response to the concerns submitters raised about the visibility, scale and character of the previously proposed building's design (RM090558). The redesign is intended to make the future building less visually dominant and more in character with the landscape by articulating the built form and using a gable roof form.
11. A boundary adjustment is proposed to extend a portion of the western boundary to include the existing shelterbelt of poplar, eucalypt and conifer trees. This is to ensure that the screening effect these trees have will be retained.
12. Landscape treatments are proposed throughout the site. A deciduous forest would be planted to the west of the proposed building. A group of trees near the south-western corner of the building and a larger group of trees to the south of the building would be planted. Earth mounding has been undertaken to the south and east of the proposed building and these mounds will be planted predominantly in tussocks with the insertion of a group of trees planted on the north, east and southeast of the mounds. This landscape plan is a response to the concerns raised under the previous proposal to do with potential adverse visual effects of the building as viewed from the south and east.

LANDSCAPE ASSESSMENT

13. The proposed building would be located near a prominent ridge and would potentially be visible from several locations. The relevant locations where the future building may potentially be visible from are identified as:
 - **Arrowtown - Lake Hayes Road** especially from McEntyres Hill
 - **Speargrass Road** and associated residential areas including the **public walking track**
 - **Slope Hill Road** including **Rutherford Road** and associated residential areas.
 - **Hogans Gully Road** and associated residential areas
 - **Lake Hayes Track.**
14. The proposed building would potentially be visible from other locations further afield including the Crown Terrace Road, the Arrowtown Ridge and Remarkables Road. However these locations are separated from the site by a significant distance and are part of a larger landscape matrix. Any adverse effects of the proposal as viewed from these locations would be well absorbed within the broad, vast landscape.
15. A subtle landform to the north of the site cuts it off visually from the rest of the Millbrook zone. Aside from properties immediately adjacent to the site's western and northern boundaries, the proposed building would not be visible from within the Millbrook Resort.

Arrowtown - Lake Hayes Road

16. Arrowtown-Lake Hayes Road runs to the east of the subject site and extends north towards Arrowtown and south towards Lake Hayes. South of the Speargrass Flat Road intersection views of the site are well screened by mature vegetation that exists to the west of that part of road. The Arrowtown-Lake Hayes Road gains elevation to the north of Speargrass Flat Road on a section known as McEntyres Hill. For a portion of approximately 130m the subject site is not screened by existing trees and is visible to the west. The proposed building would be approximately 640m from this portion of the Arrowtown- Lake Hayes Road.
17. There is potential for the upper portions of the proposed building to break the skyline as viewed from McEntyres Hill. Existing mounds to the east of the proposed building would effectively screen the lower portions of it. Proposed plantings atop the mounds would break the form of the future building and effectively screen the upper portions of the building. The future building would be viewed on the skyline through a filter of trees that would break the roof line and effectively mitigate the adverse effects of the future building potential visibility.
18. Once atop McEntyres Hill the Arrowtown-Lake Hayes Road bends to the northeast and mature trees again screen the subject site to the west. Views of the site and proposed building platform would not be available from this portion of the Arrowtown-Lake Hayes Road.
19. It is considered that screen planting and earth mounding will effectively mitigate any adverse effects of the future building on the visual and rural amenity as experienced from Arrowtown-Lake Hayes Road.

Speargrass Flat Road

20. Speargrass Flat Road runs approximately 650m to the south of the subject site. The terrace that the proposed building would be set atop drops down an escarpment approximately 60m where it meets undulating pasturelands that extend to Speargrass Flat Road. Much of the land near Speargrass Flat Road is zoned Rural Residential and a higher density of residential units exists along this part of Speargrass Flat Road than in the wider area of Rural General land.
21. The landscape around Speargrass Flat Road contains mature and maturing vegetation such as shelterbelts and intermittent specimen trees. Many plantings north of Speargrass Flat Road provide a moderate and sporadic level of visual screening for the subject site, but the most significant is an existing conifer shelterbelt at 468 Speargrass Flat Road which screens views from the west. The subject site is visible through residential developments for a period of approximately 660m along Speargrass Flat Road before it descends to the one-way bridge over Mill Creek where topography visually cuts the site off.
22. Several residents of Speargrass Flat Road submitted against the previous proposal (RM090558) for various reasons. The new proposal addresses these concerns by proposing a less prominent building that is more in character with the landscape. The previous proposal would have seen a building with a predominantly flat façade and mansard style roof facing south towards Speargrass Flat Road. The subject application however proposes an articulated façade and gabled roof forms that are more in character with the landscape. Also a denser, more robust and protectable landscape plan is proposed that would provide a higher level of visual mitigation from potential views near Speargrass Flat Road.
23. Small portions of the proposed building extend towards the south and parts of the building would potentially be visible from places on and near Speargrass Flat Road. However it is considered that these views will be held in the context of the residential development that characterises this landscape unit. Overall the building would be well screened by existing and proposed vegetation and when portions of it are visible the minimal glazing, angle of the roof gable, materials and colour would set the building well into the rural character context.
24. A group of trees is proposed to the southwest of the building to enhance the existing poplars and increase their level of screening, especially in winter when the poplar shed their leaves. The proposed boundary adjustment would include and protect the existing eucalypt and evergreen trees to the south, south-west and west of the proposed buildings. These trees already provide a significant level of visual mitigation as viewed from the west and southwest, especially from the public walking track that links Lake Hayes to Arrowtown.
25. It is considered that the adverse effect of the proposed building on the rural and visual amenity as experienced from the Speargrass Flat Road vicinity would be low.

Slope Hill Road

26. Slope Hill Road extends to the south off of Speargrass Flat Road. It is a rural service road that accesses the residential developments in North Lake Hayes and Slope Hill. Rutherford Road is an access road off of Slope Hill Road that runs down to the shores of Lake Hayes and access the Lake Hayes Track.
27. The roof gables and chimney of the proposed building may be visible from several locations along Slope Hill Road and Rutherford Road and the residential developments associated with them. These views would be held from a greater distance than those experienced in the Speargrass Flat Road vicinity. The building's design would be sympathetic to the rural landscape character and any portions of it that are visible through mitigation planting would be held in the context of the residential development that characterises this Rural Residential

zone. Therefore it is considered that any potential adverse effects of the proposed building on the rural and visual amenity as experienced from the Slope Hill Road and Rutherford Road would be low.

Hogans Gully Road

28. Hogans Gully Road is essentially the extension of Speargrass Flat Road at its junction with Arrowtown-Lake Hayes Road. Hogan's Gully Road and the Rural General Zone around it displays a significantly more rural character than the aforementioned areas of North Lake Hayes and Millbrook. The subject site is visible for approximately 480m along Hogan Gully Road from the junction of Arrowtown-Lake Hayes Road. 480m east of this junction a row of poplar trees runs perpendicular to Hogans Gully Road and filters views to the subject site.
29. Similar to views from McEntyres Hill on Arrowtown-Lake Hayes Road, the proposed building would be well screened by the existing earth mounds and proposed planting. However from Hogans Gully Road the site will be farther away, thus reducing the potential adverse visual effects of the proposed building. It is considered that any potential adverse effects of the proposed building on the rural and visual amenity as experienced from Hogans Gully Road would be very low.

Lake Hayes Walkway

30. The Lake Hayes Walkway circles around Lake Hayes. Several trailheads can be used to access this trail. The subject site is well screened from view on many portions of this walking track however it will be visible from across the lake at the Lake Hayes Pavilion and from portions of track along the western edge of the lake.
31. From the Lake Hayes Pavilion the proposed building would be visible from a distance of approximately 3.6km. Proposed and existing vegetation will provide a significant level of screening for the building's southern elevations. The parts of the building that are visible from this location will be viewed in the context of the wider pattern of development and the proposed building would not stand out or contribute to any cumulative effects.
32. Also, from the walking tracks western extents the proposed building would be well screened by existing and proposed mitigation planting. Generally as one experiences this part of the track the attention is drawn to the reflectivity of the lake, the natural vegetation and the distant mountains. While there are numerous residential developments in view they do not dominate the landscape character. Similarly the proposed building will be absorbed within the existing pattern of development and will not adversely effect the visual amenity as experienced from The Lake Hayes Walkway

CONCLUSIONS

33. The subject site exists near a prominent ridge that straddles two landscape units; to the north is the Millbrook Resort zone and to the south is the North Lake Hayes Rural Residential zone. A previous proposal was opposed by several residents in the North Lake Hayes vicinity. The current proposal addresses these concerns and includes a residential building that is less visually prominent and more in character with the environment as well as landscape treatments that mitigate the potential visual effects of the future building.
34. Roof gables, articulated building forms, recessive colours and appropriate materials all contribute to setting the proposed building into the landscape character, which is distinctly rural residential. A boundary adjustment would include existing mature trees that provide a significant level of screening to the south, southwest and west of the proposed buildings. Proposed plantings would thicken these screen plantings and reduce the visibility of the future

building as viewed from North Lake Hayes vicinity including Speargrass Flat Road and Queenstown Walking Track.

35. The proposed building would potentially be visible from a small portion of the Arrowsmith-Lake Hayes Road known as McEntyres Hill. From this location there is potential for portions of the future building's roof to break the skyline. While existing mounds would screen the lower portion of the building from view, proposed planting on top of the mounds would screen the upper portions of the building and ensure that any parts of the roof that break the skyline are viewed through a filter of trees.
36. From other locations further afield the future building would potentially be visible. The architectural character of the buildings and the proposed mitigation planting aid in the landscape ability to absorb the development. Any adverse effects of the future building as viewed from a distance would be effectively mitigated and it would be absorbed within the wider pattern of rural residential development.
37. The concerns raised by submitters under the previous consent have been addressed. This proposal would see a rural character building set into the landscape where it will be effectively screened by vegetation and not visually prominent. It is considered that overall the adverse effects of proposal on the landscape and visual amenity would be minimal.

Submission Summary

130637: NICOLSON FAMILY TRUST - TO UNDERTAKE A BOUNDARY ADJUSTMENT SUBDIVISION BETWEEN LOTS 2 AND 3 DP 369799, TO UNDERTAKE A 3 LOT SUBDIVISION, AND TO CONSTRUCT A RESIDENTIAL DWELLING WITHIN PROPOSED LOT 3 AT 5 MILLVISTA LANE, QUEENSTOWN RURAL

Date	Submitter details	Support or Oppose Want to be heard?
21.11.13	Rebecca Lucas rebecca@landla.co.nz	NOT INDICATED NO
10.12.13	David & Wendy Clarke 15 Shanahan Lane ARROWTOWN 9302	NEUTRAL NO

2 submission printed

**Submission on a Resource Consent Application****Resource Management Act 1991 Section 96****To: Queenstown Lakes District Council****YOUR DETAILS**Your Name: Rebecca LucasYour Address: 509 Speargrass Flat Road, RD1 QueenstownAddress for Service: P.O Box 1356 QueenstownPhone Number: (Work) 03 450 2130(Home) 03 442 1595Mobile Number: 0272231900E-mail: rebecca@landla.co.nz**APPLICATION DETAILS**Applicant's Name: Nicolson Family TrustApplication Reference Number: RM130637Details of Application: To erect a dwelling and subdivide two allotments into three.Location of Application: 5 Millvista Lane, Queenstown**SUBMISSION**I **Support/Oppose** the application -I **Do/Do not** wish to be heard in support of my submission **DO NOT**Rebecca Lucas

Signature - to be signed for or on behalf of submitter

(If this form is being completed on-line you may not be able, or required, to sign this form)21-11-13

Date

Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300**Phone**
Email
Website03 441 0499
rcsubmission@qldc.govt.nz
www.qldc.govt.nz

My Submission is (the particular parts of the application I support or object to are):

This proposal is a significant improvement on the previous proposal but from the information provided it is difficult to fully determine the visual effects of the proposed house and landscape.

The reasons for my submission are:

It is not possible to determine the success of the proposed screen planting without further information as follows;

1. What species are the plants proposed?

The landscape plan shows groups of trees and annotates them i.e screening trees to mitigate views from Speargrass Flat and McEntyres Hill and deciduous forest but it does not provide any information about what species the proposed screen trees are.

2. What is the FFL of the house and what is the ground level in the locations of the screen trees?

The trees are mostly located down slope of the house. Cross sections through each group of screen trees to the house would illustrate the successfulness of the proposed screening and show how high the trees will be required to grow before screening is effective.

3. There are no photographs of the building platform from surrounding roads and public places to support the visual assessment.

My Submission would be met by the Queenstown Lakes District Council making the following decision (include any conditions sought):

My submission would be met by the provision of the above information so that the visual effects of the proposal can be accurately assessed. Once I have received confirmation of adequate screen planting details my submissions can be confirmed as neutral.



Submission on a Resource Consent Application

Resource Management Act 1991 Section 96

To: Queenstown-Lakes District Council

YOUR DETAILS

Your Name: DAVID + WENDY CLARKE

Your Address: 513 SPEARGRASS FLAT RD RO1
QUEENSTOWN

Address for Service: 15 SHANAHAN LANE ARROWTOWN 9302

Phone Number: (Work) 03 442 1806

(Home) 03 442 1971

Fax Number:

E-mail: dwclarke@xtra.co.nz

Mobile Number: 021 223 1884

APPLICATION DETAILS

Applicant's Name: NICOLSON FAMILY TRUST

Application Reference Number: RM130637

Details of Application: TO ERECT A DWELLING AND TO SUBDIVIDE
TWO ALLOTMENTS INTO THREE

Location of Application: 5 MILLVISTA LANE, QUEENSTOWN

SUBMISSION

I Support/Oppose the application Oppose NEUTRAL

I Do/Do not wish to be heard in support of my submission

Signature - to be signed for or on behalf of submitter

Date

10/12/2013

Queenstown-Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300

Phone
Fax
Email
Website

03 441 0499
03 442 4778
services@qldc.govt.nz
www.qldc.govt.nz

My Submission is (the particular parts of the application I support or object to are):

WE ARE NEUTRAL REGARDING THIS APPLICATION.
I (DAVID CLARKE) HAVE VISITED THE SITE AND HAVE DISCUSSED THE PROPOSAL WITH THE APPLICANT. WE ACCEPT THAT THE HOUSE DESIGN AND PLANTING PROPOSED IS MORE HARMONIOUS WITH THE LANDSCAPE THAN THE ORIGINAL PLAN. A SITE VISIT HAS REVEALED EXTENSIVE PLANTING. AND PLANTING BEHIND THE THREE EXISTING BUILDINGS DO HELP INTEGRATE THEM INTO THE LANDSCAPE. DOWN SLOPE PLANTING WILL FURTHER ASSIST WITH INTEGRATION.

WE THANK THE APPLICANT FOR HER CONSULTATION REGARDING THIS APPLICATION.

The reasons for my submission are:

WE HAVE ALWAYS HAD CONCERNS ABOUT A FIVE LOT SUBDIVISION ON WHAT IS A PROMINANT SLOPE. WE ARE RELATIVELY RELAXED ABOUT WHAT LEE IS PROPOSING SO LONG AS CONDITIONS OF CONSENT ARE ROBUST IN TERMS OF MITIGATING ANY EFFECT ARISING OUT OF BUILDING ON A PROMINANT SLOPE. WE WOULD NOT WISH TO SEE FURTHER FRAGMENTATION OF THE LOTS HOWEVER. CAN EXTERNAL LIGHTING ALSO BE MITIGATED

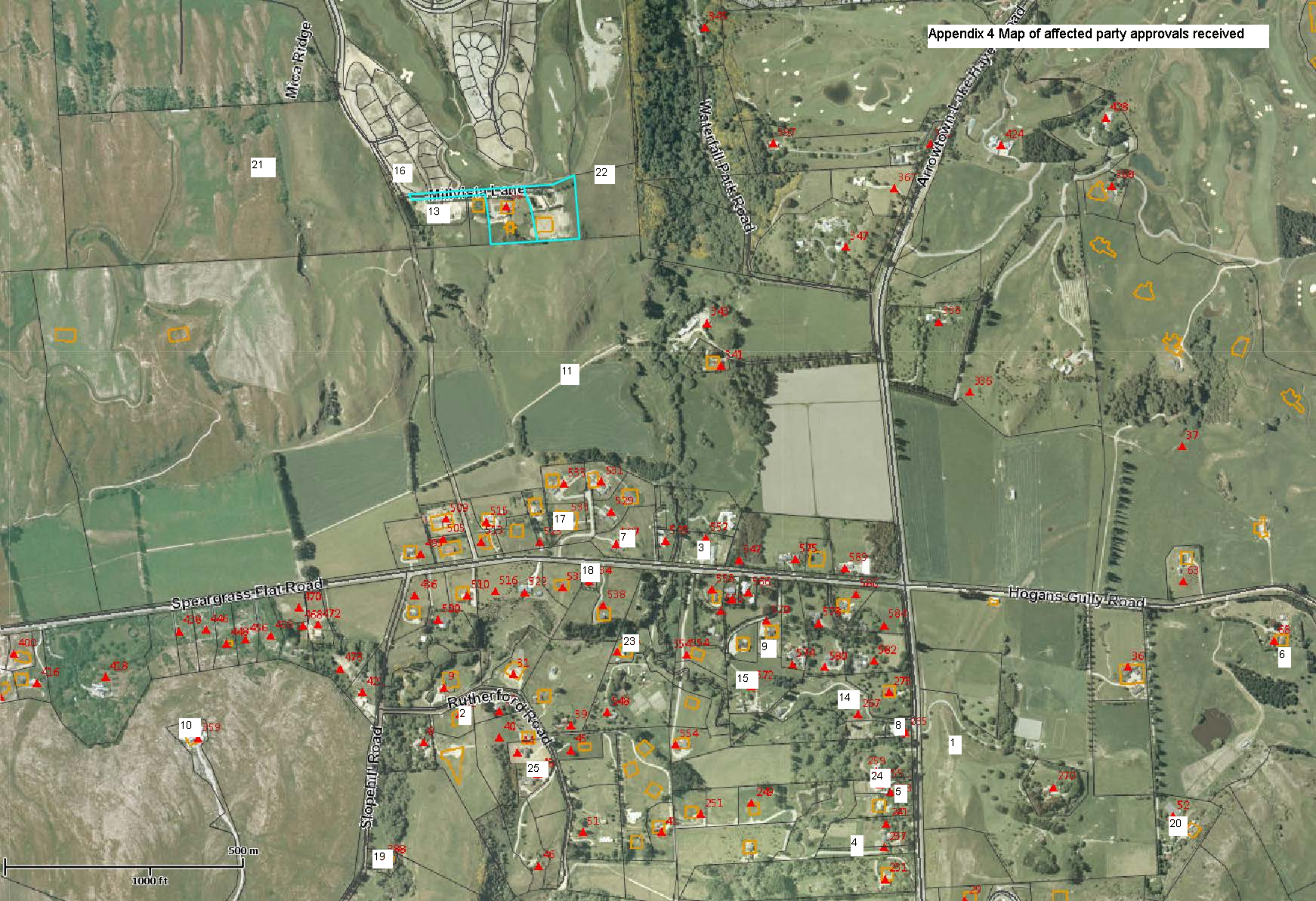
My Submission would be met by the Queenstown Lakes District Council making the following decision (include any conditions sought):

- (1) ENSURE THE PLANTING PROPOSED WILL ADEQUATELY MITIGATE VISUAL EFFECTS WHEN VIEWED FROM THE SUBMITTERS PROPERTY AND PUBLIC PLACES -
- (2) CONDITION LIGHT SPILL AS THIS HAS PRESENTED PROBLEMS IN THE PAST.
- (3) CONSIDERATION OF HOW MANY LOTS ON THIS SLOPE ARE APPROPRIATE.
- (4) THE ERECTION OF PROFILE POLES WOULD BE USEFUL

Appendix 3 Map of submitters properties



Appendix 4 Map of affected party approvals received



REPORT TO: Nathan Keenan, Planner, QLDC

FROM: Marion Read, Principal, Read Landscapes

REFERENCE: QLDC RM130637 – Nicholson

SUBJECT: Landscape and Visual Assessment Report

DATE: 29th October 2013

1.0 Introduction

- 1.1 An application has been received to subdivide a site and construct a new dwelling at a property in Millvista Lane, Millbrook. The site is legally described as Lots 2 and 3 DP 369799 and is zoned Millbrook Resort Zone.
- 1.2 It is proposed to subdivide Lots 2 and 3 to create 3 lots. Lot 1 is to contain the existing dwelling and is to be 6953m² in area. Lot 2 is to contain the existing second residential unit and is to be 4767m² in area. Lot 3 is to contain a relocated building platform and a dwelling is to be located within this platform. It is to be 1.2738ha in area.
- 1.3 A similar subdivision and dwelling consent was applied for in 2009 (RM090558). This application was notified and eight submissions, three in support and five opposed, were received. The application was not pursued further and I understand that the current proposal has been designed with consideration for the concerns of those submitters.
- 1.4 The site is located within the G Golf Course and Open Space activity area of the Millbrook Resort zone. Consequently the construction of a dwelling does not comply with the structure plan and is a discretionary activity. I understand that the subdivision is a controlled activity.

2.0 Site description

- 2.1 I concur, in the main, with the description of the subject site provided in the Baxter landscape assessment report included in the application with two minor divergences.
- 2.2 Firstly, in paragraph 5 the report states that earth mounding has been formed along the **'western, south-western and southern parts of the site'** and that the **'southern and south-eastern parts of the site contain mature poplar, eucalypt and conifer trees'**. It is my observation that these directions have been transposed, the mounding being to the east of the site and the mature trees to the west.
- 2.3 Secondly, the Baxter report states that the site straddles two landscape units, the Millbrook side of the ridge, and the Lake Hayes side. It is my observation that Millvista Lane runs just below the ridgeline on the Lake Hayes side and as this site is to the south of it that it is entirely within the Lake Hayes landscape unit.

3.0 The proposal

- 3.1 The proposal has three aspects. The first is a subdivision which would create the new Lot 3. This lot is roughly rectangular in shape, lying along the edge of the ridge. An extension enabling an access way located between the existing dwelling and the second residential unit heads off in a northerly direction and a second protrusion continues in a westerly direction, taking in a corner of Lot 2 on which the main house is located. This would result in a copse of mature and semi-mature trees being located on the subject site and would thus enable their maintenance as visual mitigation for the proposed dwelling.
- 3.2 The second aspect of the proposal is the alteration of a consented building platform on the site. At the time of my site visit height poles were located at the corners of this platform.
- 3.3 The third aspect of the proposal is the construction of a dwelling on the new platform. This dwelling is to be restricted to 5.5m above existing ground level and this height is to apply to the entire platform. The building is designed as a series of contiguous pavilions oriented in a north-south direction. It is to be clad with a mix of oiled timber weatherboards, schist veneer **'and similar textured materials that will weather to a dull non reflective finish'**. It is unclear what these materials might be. The roof is to be profiled metal in copper or zinc or similar, as are downpipes, spouting and the flue. No colour is provided for the aluminium joinery. Some **structural steel is to be exposed and this is to have a 'dull metallic paint' finish**. Landscaping is proposed to both provide a garden for the dwelling and to reduce its visibility from surrounding viewpoints.

4.0 Assessment

- 4.1 I note that the Assessment Matters for the Millbrook Zone are located in 12.4 Rural Visitor Zones. As this proposed dwelling is to be located within the G – Golf Course and Open Space activity area the assessment matters that apply are those in 12.5.2(ii)(e) which relates to **'other buildings and structures which are to be erected'**. S15 of the plan includes assessment matters which apply to the subdivision.
- 4.2 ***12.5.2(ii)(e)(i) All other buildings and structures are to be screened by landform and/or tree planting so as not to be visibly prominent from surrounding public roads.***
- 4.2.1 The Baxter report details the potential visibility of the proposed dwelling from the Arrowtown – Lake Hayes Road; Speargrass Flat Road; Slope Hill Road; Hogans Gully Road and the Lake Hayes walkway. I have visited all of these sites in regard to this application except Hogans Gully Road and the Lake Hayes walkway.
- 4.2.2 From the Lake Hayes – Arrowtown Road, small glimpses of the dwelling would be possible from McEntyres Hill. From lower down the slope the protected avenue of trees within Ayreburn Farm (Protected Feature 276) obscure views to the subject site. Proposed planting to the west on the existing mounding would ensure that it would not be prominent in these views.
- 4.2.3 From Speargrass Flat Road the proposed dwelling would be visible on the ridgeline over a distance of approximately 700m. I consider that the articulated façade, gabled roof and low height should ensure that this dwelling is not prominent, however, and the proposed planting to its south combined with the existing trees to its south west should ensure this also.
- 4.2.4 From Slope Hill Road the proposed dwelling would be visible on the ridgeline for approximately 400m from the top of the rise to the intersection with Speargrass Flat Road. As this route directs the viewer more towards the dwelling than other viewpoints the dwelling is likely to be a little more obvious from this direction. I consider that, as with views from Speargrass Flat Road, however, the design of the dwelling, the proposed planting and existing trees would ensure that it was not prominent in these views.

- 4.2.5 The Baxter report does not assess the visibility of the building platform from the walkway which extends from Speargrass Flat Road north up and into Millbrook. As this walkway is located on a legal road it is a public place. A dwelling on the subject site would be visible from this walking track from the point at which it leaves the Rural Residential zone and enters the Rural General zone for approximately 400m. It would not be prominent in these views and the screening effect of the existing and proposed trees in the south western portion of the site would obscure most of the proposed dwelling in these views and ensure that it was not prominent.
- 4.2.6 I have not assessed the proposed dwelling from Hogans Gully Road or from the Lake Hayes Track but have no reason to consider that the Baxter assessment is likely to be inaccurate in regard to the extent of visibility and subsequent prominence from these locations.
- 4.3 **12.5.2(ii)(e)(ii) Predominant colours are to be greys and earth tones.**
- 4.3.1 The exterior materials are to be predominantly oiled timber weatherboard and schist veneer. Roofing is to be copper or zinc as are the guttering and downpipes. I consider that all of these materials would ensure that the predominant colours of the dwelling are within the range of 'greys and earth tones'.
- 4.3.2 I do have a concern regarding the joinery which is extensive on the wing facing towards Speargrass Flat Road and Lake Hayes. Its colour is not specified in the architectural specifications included in the application. In my opinion the joinery should be dark, dull colour also so as to ensure that the dwelling appears recessive in this location. I consider that this should be required as a condition of consent.
- 4.4 **12.5.2(iv) Structure Plan - Resort Zones**
(a) The extent to which the siting of the building is inconsistent with the Structure Plan and the impact it would have on the open and rural character.
- 4.4.1 The purpose of Golf Course and Open Space activity area the Millbrook Structure Plan is described thus:
(d) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.¹
 I am unaware of the location of Lot 6 DP 22166 and cannot locate it through Council's website. It is clear that the construction of a private dwelling on the subject site is not related to outdoor recreation or open space and thus the proposal is inconsistent with the Millbrook Structure Plan.
- 4.4.2 The proposed dwelling would not have any adverse impact on the open and rural character from within Millbrook, mainly because the subject site is outside of the visual catchment of the main Millbrook site. It is the case, however, that this strip of land within the Millbrook zone but within the visual catchment of Lake Hayes, would have once had the potential to provide an open space buffer ensuring that the development within the Millbrook zone did not spill over the ridgeline. This open space buffer has been compromised by the existing development and would be compromised further by the proposed development. The proposed dwelling would have an impact on the open and rural character as experienced from locations to its south and south west. I consider the extent of this effect to be small.
- 4.5 **15.2.6.4(i) Lot Size and Dimensions**
- 4.5.1 The purpose of the Millbrook zone is 'to provide for a visitor resort of high quality' with the 'general amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds'². In my opinion the proposed lots are of sufficient area and dimensions to effectively fulfil this purpose. The proposed lots are to be similar in size to those in the rest of Millvista lane and larger than those within the Millbrook West development and are compatible with this pattern of existing development.

¹ QLDC District Plan S12.3.5.1(i)(d), P12-16

² QLDC District Plan, S12.2.1, P12-9.

4.6 **15.2.7.3**

- 4.6.1 The proposed lot should have good solar advantage, the building platform being located close to the edge of the southern escarpment so as to maximise the northern sun.
- 4.6.2 The site is located on the margins of the Millbrook zone immediately adjacent to the Rural General zone and 450m north of the Rural Residential zone at the north of Lake Hayes. I do not consider that it achieves a creative and interesting edge to the Millbrook zone but I do not consider that it would create any adverse effect in this regard either.
- 4.6.3 With regard to earthworks, I understand that most of those necessary to develop the site have already been completed and that any further earthworks would be of small volume and thus a permitted activity.

4.7 **15.2.17.2**

- 4.7.1 There are no specific landscape features on the site. There are trees in the south western corner which provide screening of the building platform in views from Speargrass Flat Road and Slope Hill Road and which should remain. They are noted on the landscape plan included in the application and this should be sufficient protection for them, provided a standard landscape condition which requires maintenance and replacement on an ongoing basis is included.
- 4.7.2 The proposed development would result in another dwelling on a prominent ridgeline which will detract from the landscape and visual values of the District. It is my opinion, however, that the design of the dwelling and the mitigation planting proposed are sufficient to ensure that the extent of this adverse effect is small.

5.0 Conclusion

- 5.1 It is proposed to undertake a subdivision, establish a building platform and to construct a dwelling on a site in Millvista Lane, elevated above and to the north of Lake Hayes.
- 5.2 A dwelling on the proposed platform would be potentially visible from a wide catchment, particularly from the Speargrass Road – Slope Hill Road vicinity. Glimpses would be possible from further east, and a dwelling would be distantly visible from points around Lake Hayes.
- 5.3 The proposed dwelling would not be prominent in any of the possible views owing to its design, the recessive colours and materials it is proposed to clad the dwelling with, the retention of existing trees and the intention to plant significantly more trees to the south west. Mounding and further tree planting would obscure views of the dwelling from the east.
- 5.4 The proposed dwelling would be contrary to the Millbrook Structure Plan but the adverse effects accruing from this would be small.
- 5.5 The proposed subdivision would be in keeping with the purposes of the Millbrook zone. It would have good solar advantage. No earthworks require consent to establish the subdivision or to construct the dwelling.
- 5.5 The proposed subdivision would result in a further dwelling on a prominent ridgeline which would have a small adverse effect on the landscape and visual values of the District.

6.0 Recommended conditions

- 6.1 Prior to Certification under S224CD of the Act a consent notice shall be lodged on the title of Lot 1 for the exercise of the following conditions:
- i. Within eight months following the completion of construction of a dwelling on Lot 1 the implementation of the Baxter Design Group Landscape Plan Ref 8571 dated 1 August 2013 shall be completed. Once completed all planting, including all trees in **the south west corner of the site and identified on the plan as 'existing poplars'** shall

be maintained and irrigated as required. Should any tree or plant die or become diseased it shall be replaced in the first available planting season.

- ii. **The colour of the joinery for the dwelling shall be submitted to Council's landscape architect for certification prior to installation. It shall be in the natural range of browns, greens or greys and have an LRV of less than 36%.**

Read Landscapes



**Marion Read
Principal**

Reviewed by:



**Richard Denney
QLDC Landscape Architect**



ENGINEERING MEMO

TO: Nathan Keenan

FROM: Alan Hopkins

DATE: 31/10/2013

SUBJECT: RM130637 – Nicolson

The application seeks land use consent for subdivision and land use. The subject sites are located at Millvista Lane, Millbrook and are legally described as Lots 2 & 3 DP369799.

The applicant proposes to subdivide Lots 2 and 3 DP 369799 to create 3 lots as follows:

- Lot 1: An area of 6953m², to contain the existing dwelling.
- Lot 2: An area of 4767m², to contain the existing barn dwelling
- Lot 3: An area of 1.2738ha, to contain a relocated building platform and a proposed house within the building area.

The applicant seeks consent to construct a single level three bedroom dwelling with internal garaging within the building platform on proposed Lot 3.

Subdivision

Lots 1 & 2 contain existing dwellings that are fully serviced and accessed to Council standards. This assessment therefore only considers serviced and access as it relates to the additional residential building platform on proposed Lot 3.

Services

Water

Quantity

Then applicant proposes to service Lot 3 via an existing bore and associated reticulation which currently serves Lots 1 & 2. The Otago Regional Council Regional Plan: Water allows up to 10,000 litres per day to be taken from the Wakatipu Basin aquifer as a permitted activity. QLDC's amendments to NZS4404:2004 specify a minimum supply of 2,100 litres per lot which equates to 6300 litres/day for the three lots proposed to be serviced. I am satisfied that sufficient capacity is available within the exists bore/reticulation to service proposed Lot 3. I recommend a consent condition that prior to 224c certification the consent holder shall install a minimum 2,100 litre/day water supply connection to the proposed building platform on Lot 3.

Quality

The applicant has provided recent water quality test results from the proposed bore supply. The test results confirm this supply meets the minimum requirements of the New Zealand Drinking Water Standard.

To ensure the existing supply is suitable tested and maintained I recommend a consent condition that prior to 224c certification the consent holder shall provide evidence of a management company.

Fire Fighting

The proposed building platform on Lot 3 is located greater than 135m from the closest reticulated fire fighting hydrant. The applicant therefore proposes to service the site through static on site storage. It is noted that two existing underground concrete storage tanks located at the head of Millvista Lane may potentially be able to service Lot 3. I therefore recommend a consent notice be registered on the title that at the time a dwelling is constructed the applicant shall either install 20,000 litres of static water storage in accordance with NZS4509:2008 or shall confirm that the existing underground water storage tanks located at the head of Millvista Lane provide sufficient static storage and access to comply with the requirements of NZS4509:2008.

Wastewater

The applicant proposes to service Lot 3 for wastewater via on site treatment and effluent disposal to ground. The applicant has provided a site soils assessment prepared by Grant Railton Plumbing and Drainlaying dated 25/09/2013. I am satisfied that the Railton report confirms disposal to ground in accordance with NZS1547:2012 is feasible. I recommend a consent notice be attached to the title of Lot 3 to ensure that at the time a dwelling is constructed on site an on-site wastewater treatment and disposal system shall be installed in accordance with NZS1547:2012 and taking into account the recommendations of the Grant Railton Plumbing and Drainlaying site soils assessment dated 25/09/2013.

Stormwater

The applicant proposes to dispose of all stormwater from future impervious areas on Lot 3 via soakage to ground. I am satisfied based on site observation and soils identified within the Grant Railton Plumbing 'On-site Wastewater' report provided with the application that soakage to ground is feasible and this can be catered for under future building consent. No conditions are recommended in this regard.

Power & Telecom

The applicant has provided provision letters from Aurora and Chorus that confirm electricity and telecommunication reticulation can be provided to the building platform on proposed Lot 3. I recommend consent conditions that prior to 224c certification power and telecommunication connections shall be provided to the building platform on Lot 3.

Transport

Access

The applicant proposes to access Lot 3 by way of rights over Millvista Lane (Private) and via the greater Millbrook road network. The existing formation of both Millvista Lane and the greater Millbrook network complies with Council standards for the number of proposed lots to be accessed. Millbrook have provided affected party approval for the additional allotment and associated increased traffic flows.

An existing gravel access has been provided to the proposed building platform from the head of Millvista Lane. I am satisfied that the gravel access is constructed in accordance with Council standards. No consent conditions are therefore recommended in regards to access.

Hazards

No specific hazards have been identified on QLDC or ORC hazard maps and no hazards were identified by way of site visit conducted on 25/10/13. Overall I am satisfied that the proposed platform on Lot 3 is free from specific hazards and is suitable for residential construction.

Development Contribution

The proposed subdivision triggers the need for development contributions. I recommend a n advice note be attached to the consent conditions to alert the consent holder to the fact that development contributions will be required.

Land use

The applicant proposes to construct a dwelling on the Lot 3 building platform applied for under the above application for subdivision.

Services

Water

Quantity

The applicant proposes to service the dwelling via a new connection an existing bore and associated reticulation which currently serves the dwellings on Lots 1 & 2. The Otago Regional Council Regional Plan: Water allows up to 10,000 litres per day to be taken from the Wakatipu Basin aquifer as a permitted activity. QLDC's amendments to NZS4404:2004 specify a minimum supply of 2,100 litres per lot which equates to 6300 litres/day for the three dwellings proposed to be serviced. I am satisfied that sufficient capacity is available within the existing bore/reticulation to service the proposed dwelling. I recommend a consent condition that prior to occupation of the dwelling the consent holder shall install a minimum 2,100 litre/day water supply connection in accordance with Council standards.

Quality

The applicant has provided recent water quality test results from the proposed bore supply. The test results confirm this supply meets the minimum requirements of the New Zealand Drinking Water Standard.

To ensure the existing supply is suitable tested and maintained I recommend a consent condition that prior to occupation of the dwelling the consent holder shall provide evidence of how this supply will be tested and maintained on an ongoing basis.

Fire Fighting

The proposed dwelling is located greater than 135m from the closest reticulated fire fighting hydrant. The applicant therefore proposes to service the dwelling through static on site storage. It is noted that two existing underground concrete storage tanks are located at the head of Millvista Lane and may potentially be able to service the dwelling. I therefore recommend a consent condition that prior to occupation of the dwelling the consent holder shall either install 20,000 litres of static water storage in accordance with NZS4509:2008 or shall provide confirmation that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static storage and are accessible in accordance with NZS4509:2008.

Wastewater

The applicant proposes to service the dwelling for wastewater via on site treatment and effluent disposal to ground. The applicant has provided a site soils assessment prepared by Grant Railton Plumbing and Drainlaying dated 25/09/2013. I am satisfied that the Railton report confirms disposal to ground in accordance with NZS1547:2012 is feasible. I am satisfied that detailed assessment and installation of the wastewater system will be undertaken under the building consent process. No consent conditions are therefore recommended in this regard.

Stormwater

The applicant proposes to dispose of all stormwater from future impervious areas on Lot 3 via soakage to ground. I am satisfied based on site observation and soils identified within the Grant Railton Plumbing and Drainlaying site soils assessment that soakage to ground is feasible and this can be catered for under future building consent. No conditions are therefore recommended in this regard.

Power & Telecom

The applicant has provided provision letters from Aurora and Chorus that confirm electricity and telecommunication reticulation can be provided to the dwelling. I recommend consent conditions that all power and telecommunication connections shall be provided underground to the dwelling in accordance with the requirements of the network utility providers.

Transport

Access

The applicant proposes to access the dwelling via right of way over Millvista Lane (Private) and through the greater Millbrook road network. The existing formation of both Millvista Lane and the greater Millbrook network comply with Council standards for the number of dwellings to be accessed. Millbrook have provided affected party approval for the additional dwelling and associated increased traffic flows.

An existing gravel access has been provided to the site from the head of Millvista Lane. I am satisfied that the existing gravel access is constructed in accordance with Council standards. No consent conditions are therefore recommended in regards to access.

Parking & Manoeuvring

The applicant proposes to construct a three car garage and associated parking/manoeuvring area. I am satisfied that the proposed garage provides the minimum number of parks as required under Section 14 of the QLDC District Plan. Likewise I am satisfied that adequate onsite manoeuvring area is provided to allow all vehicles to exist the site in a forward direction. I recommend a consent condition that prior to occupation of the dwelling all parking and manoeuvring areas shall be formed in accordance with Council standards. Council's minimum surface formation being 150mm depth of compacted AP40 gravel.

RECOMMENDED CONDITIONS

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

Subdivision

General

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

To be completed before Council approval of the Survey Plan

2. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate

3. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide "as-built" plans and information required to detail all Water infrastructure (including private laterals and toby positions) installed in relation to or in association with this subdivision to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standard.
 - b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

- c) The consent holder shall provide a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 3 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
- d) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
- e) 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 net area of lot 3 and that all the network supplier's requirements for making such means of supply available have been met.
- f) 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 net area Lot 3 and that all the network supplier's requirements for making such means of supply available have been met.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Consent Notices

- 4. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant titles of Lot 3 by way of Consent Notice pursuant to s.221 of the Act.

- a) 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. The design shall take into account the site and soils investigation report and recommendations by Grant Railton Plumbing and Drainlaying, dated 25/09/2013. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- b) At the time a dwelling is erected on Lot 3 fire fighting storage is to be provided. To ensure the provision of this supply either

The developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.

* If land use conditions 7 a) and b) below are already met to Council's standards prior to 224c certification the above consent notices will not be required.

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.

Land use

General

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

To be completed when works finish and before occupation of dwelling.

2. Prior to the occupation of the dwelling, the consent holder shall complete the following:
 - b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all roads (including right of ways and access lots), water, wastewater and stormwater reticulation (including private laterals and toby positions).
 - c) Provision of a minimum supply of 2,100 litres per day of potable water to the dwelling that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - d) Any power supply connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
 - e) Any wired telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.

- f) Either the developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.


- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Prepared by:



Alan Hopkins
ENGINEER

Reviewed by:



Steve Hewland
PRINCIPAL: ENGINEER

APPENDIX 7 DRAFT CONDITIONS

LAND USE CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans
 - 'Site Plan A001 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Plan A100 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Roof Plan A101 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Elevations A200 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Sections A300 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 1 A800 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 2 A801 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 3 A802 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 4 A803 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 5 A804 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Exterior Render 6 A805 dated 3 September 2010 by Noel Lane Architects Limited'
 - 'Nicolson Concept Landscape Master plan dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Concept Landscape plan dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Section A-A dated 11 December 2013 by Baxter Design Group'
 - 'Nicolson Section B-B dated 11 December 2013 by Baxter Design Group'
- (stamped as approved on xx December 2013)** and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2a This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
3. Prior to development the applicant shall execute all documentation and attend to the registration of the varied consent notice.
4. 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.
5. Prior to commencement of works on site, the consent holder shall submit to Councils Manager; Resource Consenting for certification the final colour of the building joinery. The final colour shall be in the natural range of browns, greens or greys and have an LRV of less than 36%.
6. Prior to construction commencing on site the consent holder 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. The design shall take into account the site and soils investigation report and recommendations by Grant Railton Plumbing and Drainlaying, dated 25/09/2013. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to construction commencing on site and shall be installed prior to occupation of the dwelling.
7. The consent holder shall implement, to the satisfaction of Council's Engineers, suitable measures to prevent deposition of any earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the streets, the consent holder shall take immediate action at their expense, to clean the streets. The loading of earth and other materials shall be confined to the subject site.
8. The consent holder shall install measures to control/and or mitigate any silt runoff and sedimentation that may occur. These measures shall be implemented prior to the

commencement of any earthworks on site any shall remain in place for the duration of the project.

9. All earth worked areas shall be re-grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as the earthworks are completed.
10. Prior to the occupation of the dwelling, the consent holder shall complete the following:

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all roads (including right of ways and access lots), water, wastewater and stormwater reticulation (including private laterals and toby positions).
- b) Provision of a minimum supply of 2,100 litres per day of potable water to the dwelling that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
- c) Any power supply connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
- d) Any wired telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
- e) Either the developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.

- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
11. The consent holder shall ensure that the proposed landscaping/mounds shown on the approved landscaping plan (Baxter Design Group Landscape Plan Ref 8571 dated 11 December 2013) shall be implemented within the first planting season following the completion of construction of the dwelling. All landscaping shown on the approved plan shall be maintained and irrigated in accordance with that plan. All mounding shown on the plan shall be retained. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
 12. Exterior lighting attached to any building shall be no higher than 1.8m above ground level and all other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from the property area boundary, and shall not be used as highlighting or accent lighting of any buildings or vertical landscape elements including but not limited to trees, retaining walls or landforms features.
 13. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Historic Places Trust, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the New Zealand Historic Places Trust and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

14. Within one month of consent being granted the consent holder shall confirm to Council in writing, the withdrawal of resource consent RM090558.

SUBDIVISION CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans
 - 'Lot 1, 2 & 3 Being a Proposed Subdivision of Lots 2 & 3 DP369799 Dwg Q1036 1R 1A'

(stamped as approved on 18 December 2013) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. 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 before Council approval of the Survey Plan

3. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide "as-built" plans and information required to detail all Water infrastructure (including private laterals and toby positions) installed in relation to or in association with this subdivision to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standard.
 - b) A digital plan showing the location of all building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
 - c) The consent holder shall provide a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 3 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
 - d) The consent holder shall provide evidence to the satisfaction of the Principal Resource Management Engineer at Council as to how the water supply will be monitored and maintained on an ongoing basis.
 - e) 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 net area of lot 3 and that all the network supplier's requirements for making such means of supply available have been met.
 - f) 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 net area Lot 3 and that all the network supplier's requirements for making such means of supply available have been met.

- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - h) The consent holder shall confirm to Council in writing, the withdrawal of resource consent RM090558.
5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall register a consent notice on the relevant title of Lot 3 detailing the following conditions to be complied with in perpetuity pursuant to s221 of the RMA.

- a) 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. The design shall take into account the site and soils investigation report and recommendations by Grant Railton Plumbing and Drainlaying, dated 25/09/2013. The proposed waste water system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.
- b) At the time a dwelling is erected on Lot 3 fire fighting storage is to be provided. To ensure the provision of this supply either;

The developer shall provide confirmation to Council that the existing underground water storage tanks located at the head of Millvista Lane provide at least 20,000 litres of static fire fighting storage and are accessible in accordance with NZS4509:2008.

Or

A minimum of 20,000 litre storage tank shall be installed and maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve may 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 (within 5m) 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 Central North Otago Area Manager 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.

- c) The landscaping/mounds shown on the landscaping plan (Baxter Design Group Landscape Plan Ref 8571 dated 11 December 2013) and stamped as approved under Condition 1 of Appendix 1 (Land Use conditions) shall be implemented within the first planting season following the completion of construction of any dwelling. All plants shall be maintained and irrigated in accordance with that plan. All mounding shall be retained. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
- d) Exterior lighting attached to any building shall be no higher than 1.8m above ground level and all other exterior lighting shall be no higher than 1m above ground level. Exterior lighting shall be directed downwards and away from the property area boundary, and shall not be used as highlighting or accent lighting of any buildings or vertical landscape elements including but not limited to trees, retaining walls or landforms features.

APPENDIX 4

ADDENDUM TO SECTION 42A REPORT

FILE REF: RM130637 – Nicolson Family Trust

TO: Independent Commissioner, Jane Sinclair

FROM: Nathan Keenan, Planner

DATE: 7 January 2014

SUBJECT: Addendum to 'Report on a Publically Notified Application'

This addendum has been drafted to provide an assessment regarding the cumulative effects of the development which was not detailed with the 42A report.

Cumulative Effects of Development on the Landscape

Proposed dwelling and subdivision

When viewed from the Speargrass Flat area, the proposed dwelling will be visible with two other dwellings, the existing 'barn' and the formed Millbrook walkway. This in turn may contribute towards the appearance of intensified development along the ridgeline. Existing vegetation does however provide some screening for the existing and proposed development which this in combination with further landscaping/mounding will reduce the visibility of the development.

The proposed subdivision will create another lot situated on a prominent ridge however will be similar to those adjoining and will create a hardened edge along the ridgeline. Consultant Landscape Architect Dr Marion Read has assessed the proposal and considers the proposal to have a small adverse effect on the landscape given the existing development and mitigation proposed. I concur with Dr Read's assessment as the screening will contain the visibility of any domestication and cluster the building in with the adjoining dwelling and barn.

Submissions

One submitter raised a concern regarding the cumulative effects of development along the ridge and the possibility of further fragmentation of the lots. The proposed development follows the topography of the ridge and line of existing vegetation. While the development will be visible, Dr Read does not consider it to be prominent. Given the size of the lots and intensification of development that has taken place; it is considered that following the construction of the proposed dwelling; development along the ridge would be at its threshold for the landscape to absorb development without resulting in built form being prominent along this ridgeline. As such it is considered that while this proposal can be absorbed into the landscape to a degree that it does not appear prominent; further development may be limited.

APPENDIX 5

DECISION UNDER SECTION 100 OF THE RMA

FILE REF: Nicolson Family Trust (RM130637)
TO: Marc Bretherton – General Manager, Planning and Development
FROM: Nathan Keenan
DATE: 23 December 2013
SUBJECT: **Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991.**

Nicolson Family Trust has applied for consent to construct a dwelling and subdivide two allotments into three allotments at 5 Millvista Lane, Millbrook.

The application was publicly notified on 13 November 2013. The submission period closed on 11 December 2013 and two submissions were received.

A section 42A report has been prepared (attached as Appendix 1 to this memo) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and Resource Management Act 1991 (RMA).

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

100. Obligation to hold a hearing

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

(a) The consent authority considers that a hearing is necessary; or

(b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.

The applicant has advised they do not wish to be heard at a hearing. In addition the two submitters have advised that they do not wish to be heard.

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

Prepared by

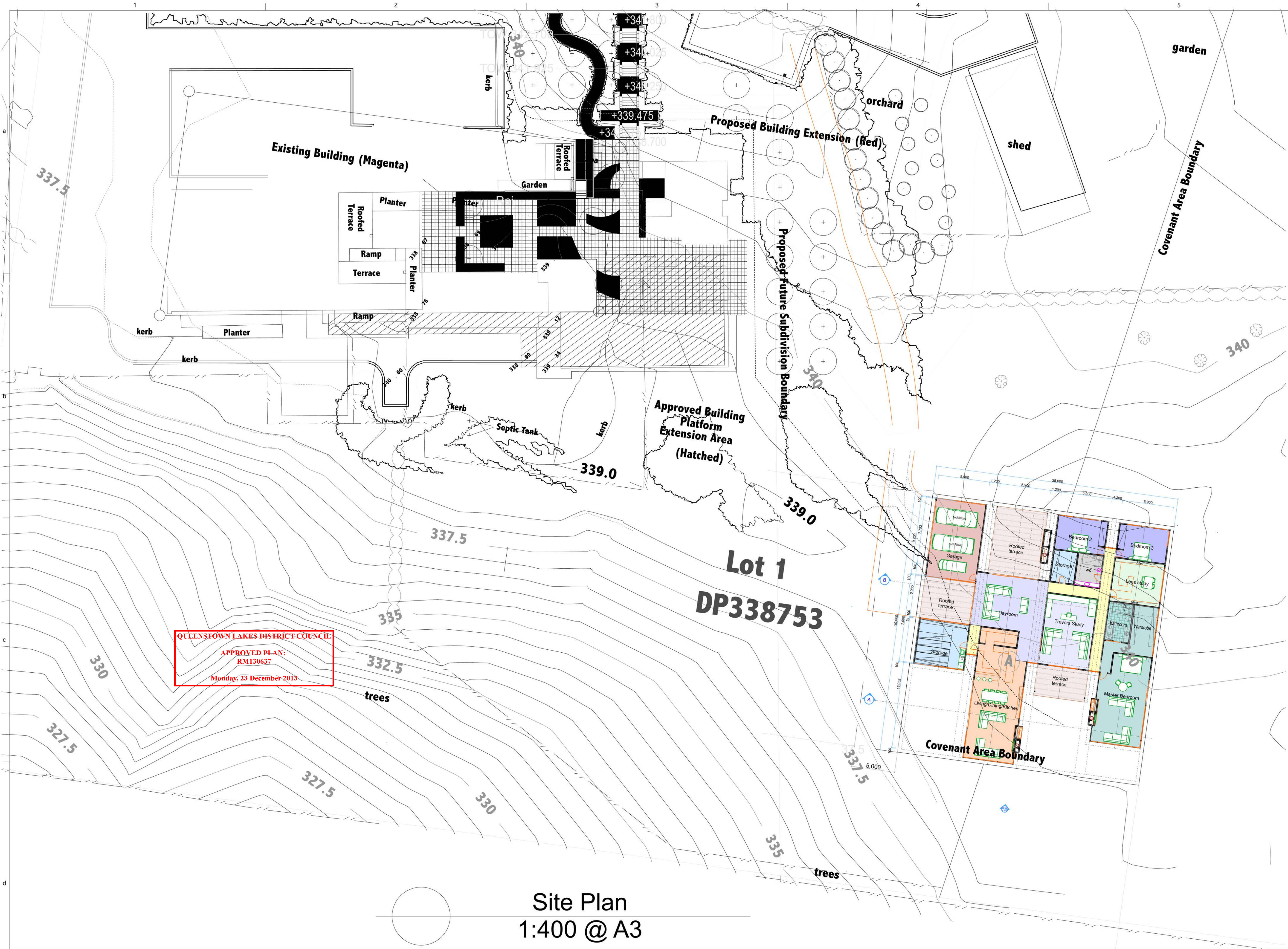


Nathan Keenan
PLANNER

Approved by



Marc Bretherton
GENERAL MANAGER; PLANNING AND DEVELOPMENT



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info@noel-lane-architects.co.nz

WWS WSR SSS SSR

CONCEPT DESIGN

job Nicolson Retirement Option 1

drawing Site Plan

designed NL

drawn SD

date 3 September 2010

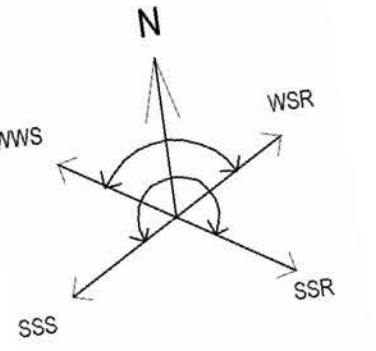
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sheet no. A.001

job # 7002

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Site Plan
1:400 @ A3



Job # Nicolson Retirement
Option 1

 Drawing Plan

 Designed NL

 Drawn SD

 Date 3 September 2010

 Scales 1:200 @ A3

 Sheet no. A.100

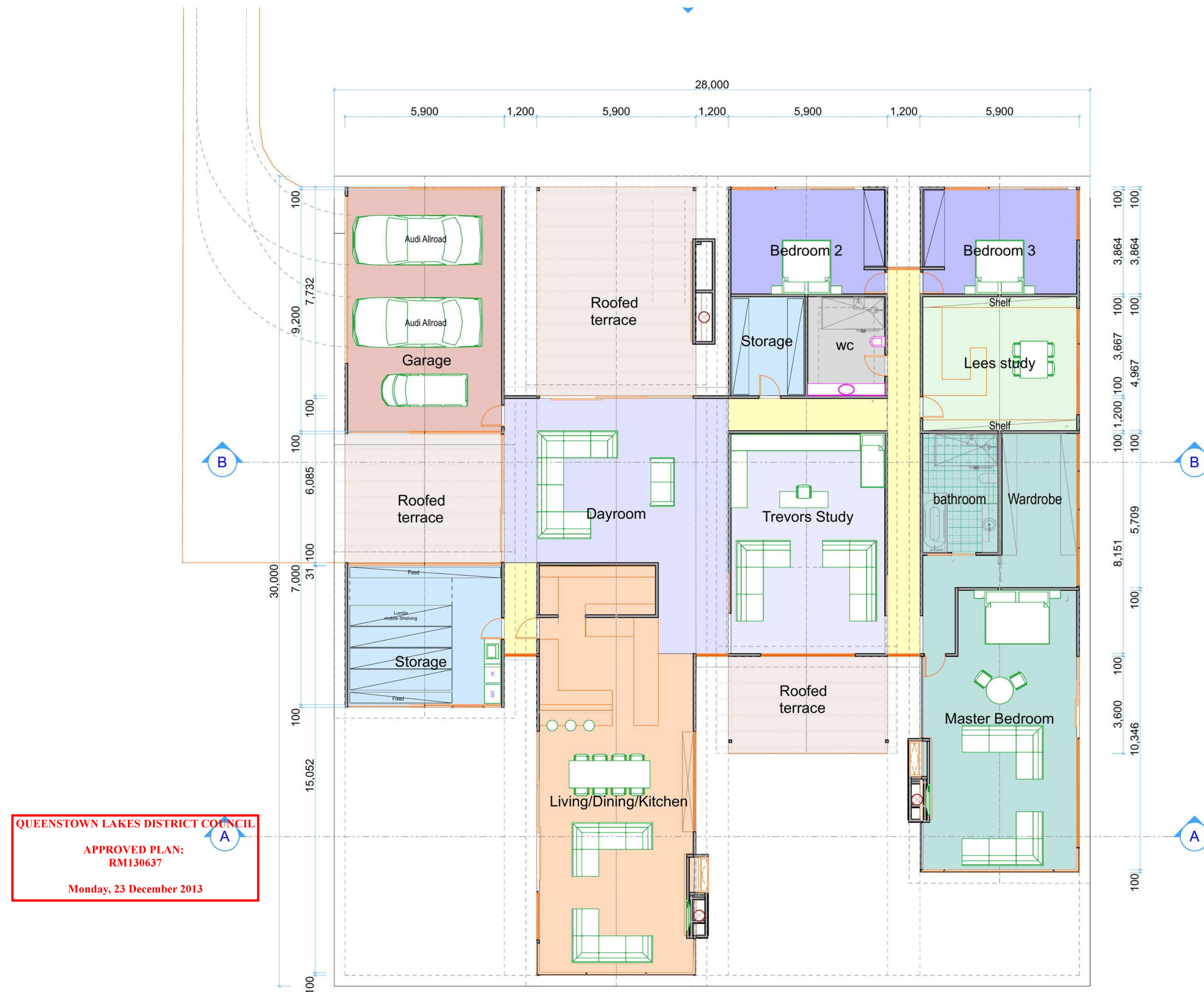
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Plan

1:200 @ A3

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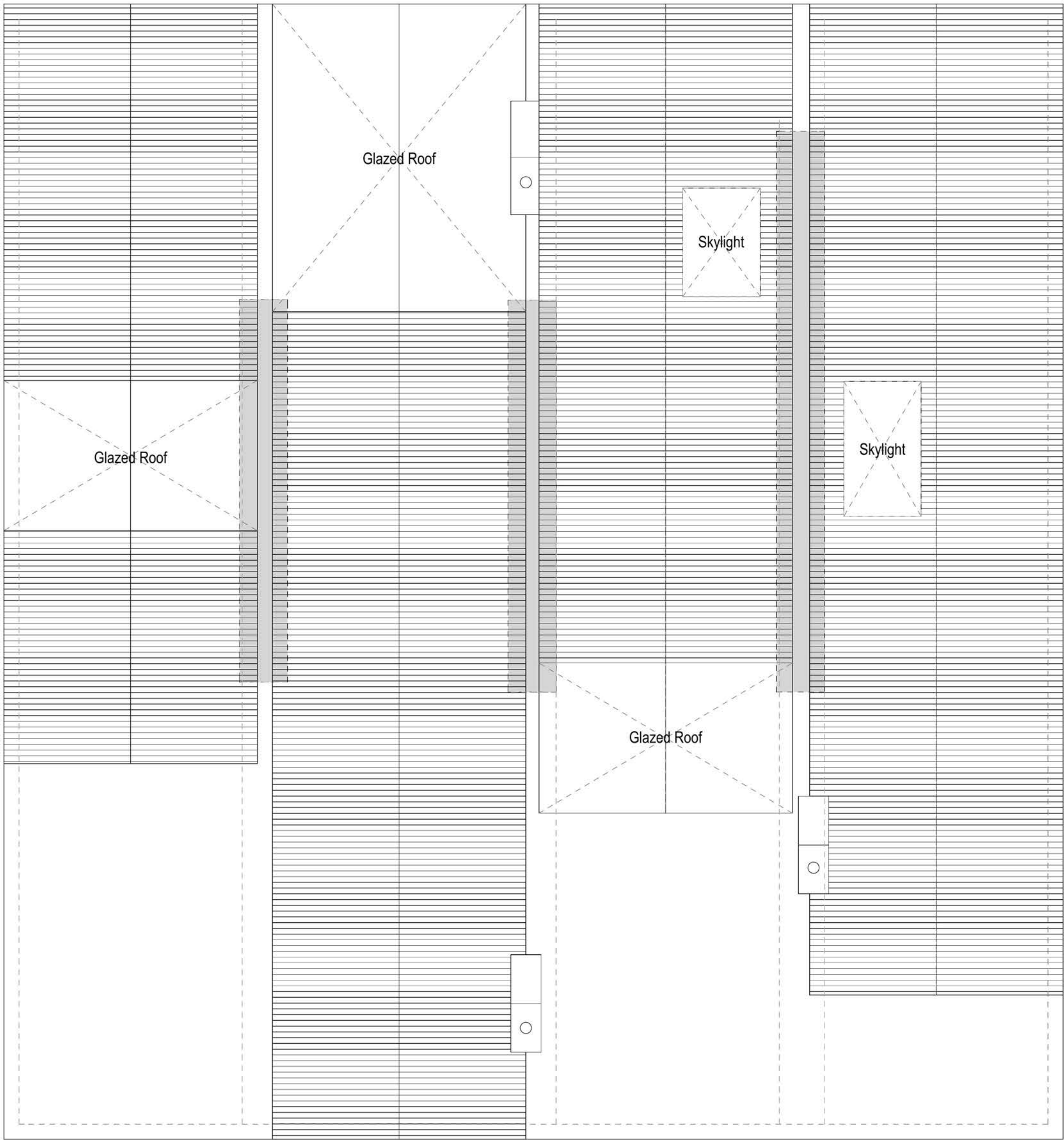
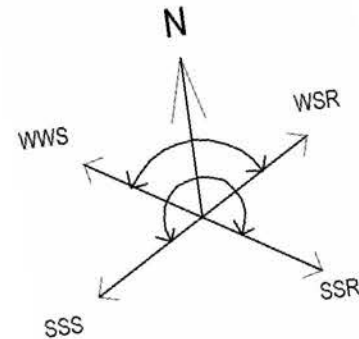
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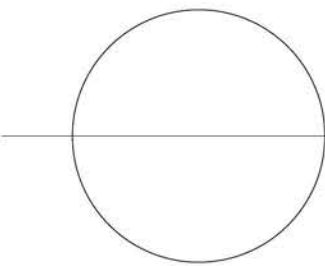
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QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130637
Monday, 23 December 2013



Roof Plan
1:200 @ A3

CONCEPT DESIGN

job Nicolson Retirement
Option 1

drawing Roof Plan

designed NL
drawn SD
date 3 September 2010
scales 1:200 @ A3
sheet no. A.101
job # 7002

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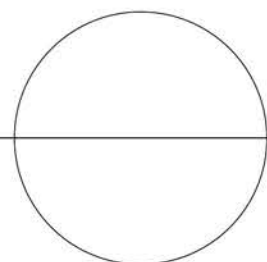
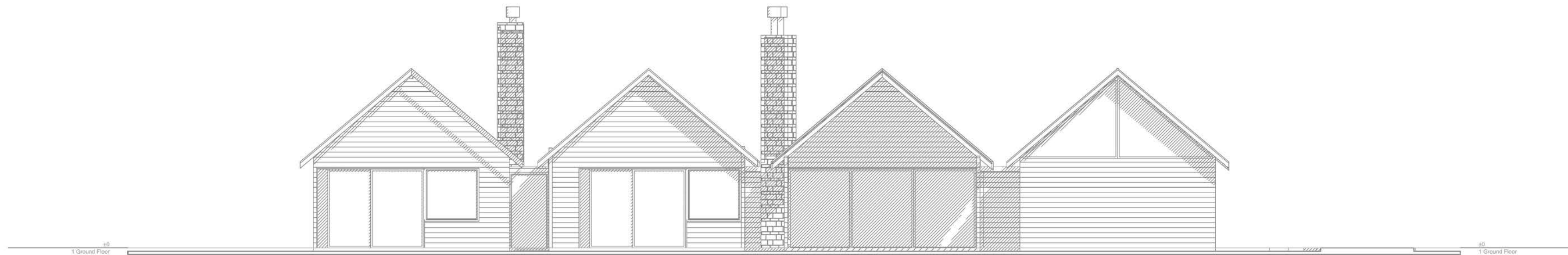
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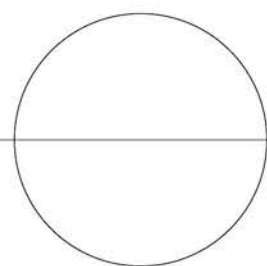
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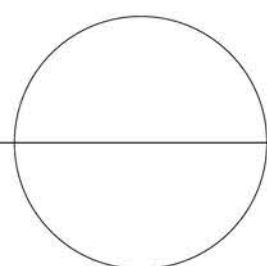
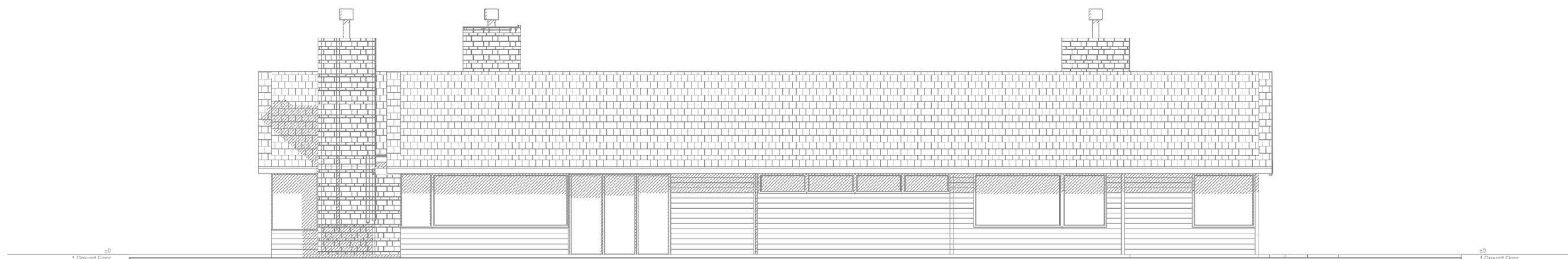
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North Elevation
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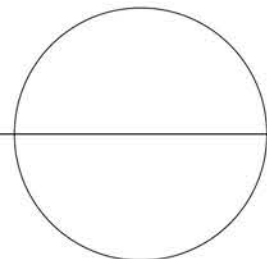
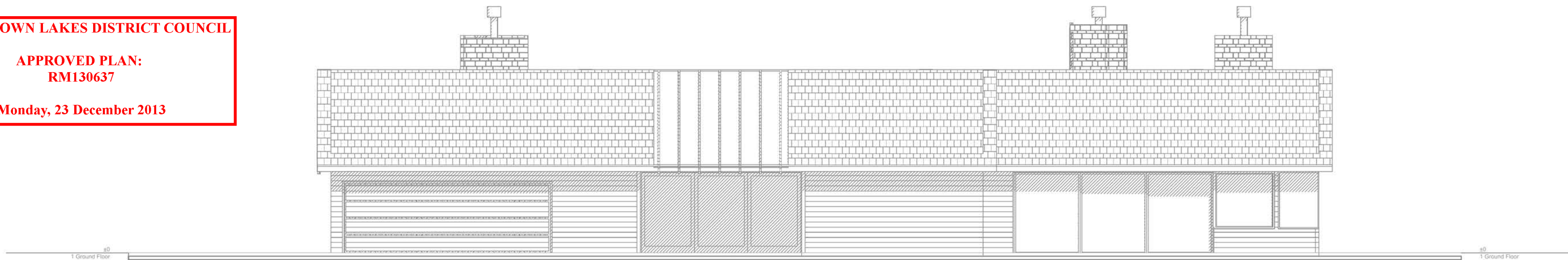


South Elevation
1:200 @ A3



East Elevation
1:200 @ A3

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM130637
Monday, 23 December 2013



West Elevation
1:200 @ A3

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CONCEPT DESIGN

job Nicolson Retirement
Option 1

drawing Elevations

designed NL

drawn SD

date 3 September 2010

scales 1:200 @ A3

sheet no. A.200

job # 7002

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noel@noel-lane-architects.co.nz



a

b

c

d

±0
Floor±0
Floor

R.L 345.5

R.L 342.8

F.F.L 340.0

2,800

Living/Dining/Kitchen

Master Bedroom

Section A.A
1:100 @ A3

R.L 345.4

R.L 342.8

F.F.L 340.0

Roofed Terrace

Dayroom

Trevors' Study

Bathroom

Wardrobe

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130637

Monday, 23 December 2013

Section B.B
1:100 @ A3

CONCEPT DESIGN

job Nicolson Retirement
Option 1

drawing Sections

designed NL

drawn SD

date 3 September 2010

scales 1:100 @ A3

sheet no. A.300

job # 7002

note:

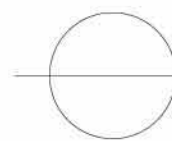
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130637

Monday, 23 December 2013



Exterior Render 1
(ER1)

CONCEPT DESIGN

job: _____

drawing Exterior Render 1

designed NL

drawn SD

date 9/3/10

scales _____

sheet no. A.800

job # 7002

note:

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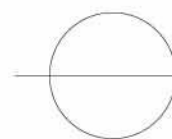
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130637

Monday, 23 December 2013



Exterior Render 2
(ER2)

CONCEPT DESIGN

job: _____

drawing: Exterior Render 2

designed: NL

drawn: SD

date: 9/3/10

scales: _____

sheet no: A.801

job #: 7002

note:

It is the responsibility of the contractor to verify

on site, prior to manufacture, all dimensions shown.

if in doubt, ask.

do not scale.

this drawing is not to be read in isolation, read in

conjunction with all other drawings, details, specifications,

consultants documents that constitute the contract set.

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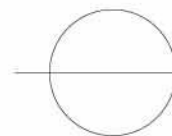
MOEL LANE
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130637

Monday, 23 December 2013



Exterior Render 3
(ER3)

CONCEPT DESIGN

job: _____

drawing: Exterior Render 3

designed: NL

drawn: SD

date: 9/3/10

scales: _____

sheet no: A.802

job #: 7002

note:

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on site, prior to manufacture, all dimensions shown.
if in doubt, ask.
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Monday, 23 December 2013

Exterior Render 4
(ER4)

CONCEPT DESIGN

job: _____

drawing Exterior Render 4

designed NL

drawn SD

date 9/3/10

scales _____

sheet no. A.803

job # 7002

note:

it is the responsibility of the contractor to verify

on site, prior to manufacture, all dimensions shown.

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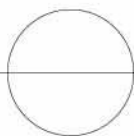
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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Monday, 23 December 2013



Exterior Render 5
(ER5)

CONCEPT DESIGN

job: _____

drawing: Exterior Render 5

designed: NL

drawn: SD

date: 9/3/10

scales: _____

sheet no: A.804

job #: 7002

note:

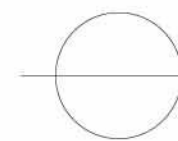
it is the responsibility of the contractor to verify
on site, prior to manufacture, all dimensions shown.
if in doubt, ask.
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM130637

Monday, 23 December 2013



Exterior Render 6
(ER6)

CONCEPT DESIGN

job: _____

drawing: Exterior Render 6

designed: NL

drawn: SD

date: 9/3/10

scales: _____

sheet no: A.805

job #: 7002

note:

It is the responsibility of the contractor to verify

on site, prior to manufacture, all dimensions shown.

if in doubt, ask.

do not scale.

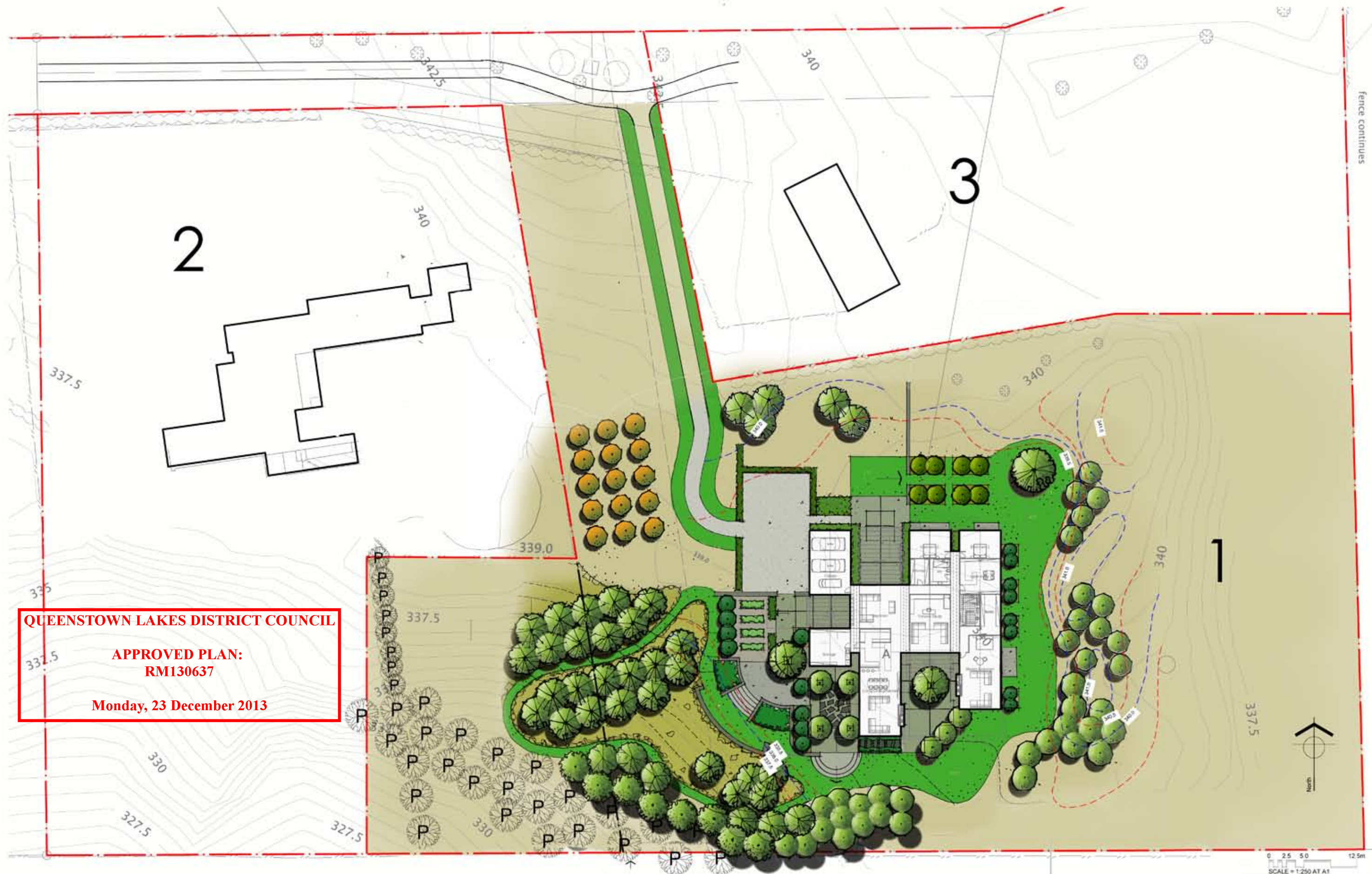
this drawing is not to be read in isolation, read in

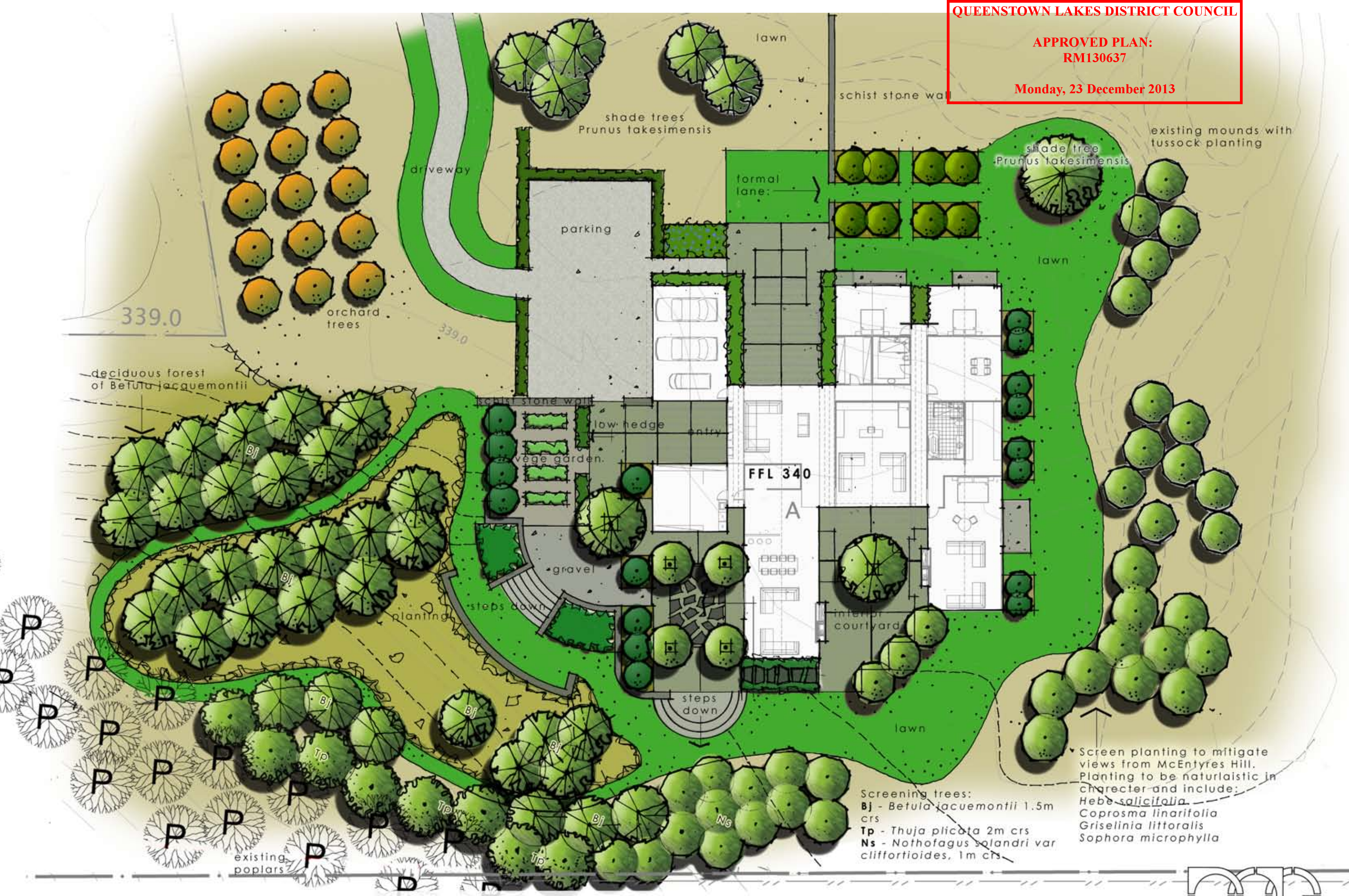
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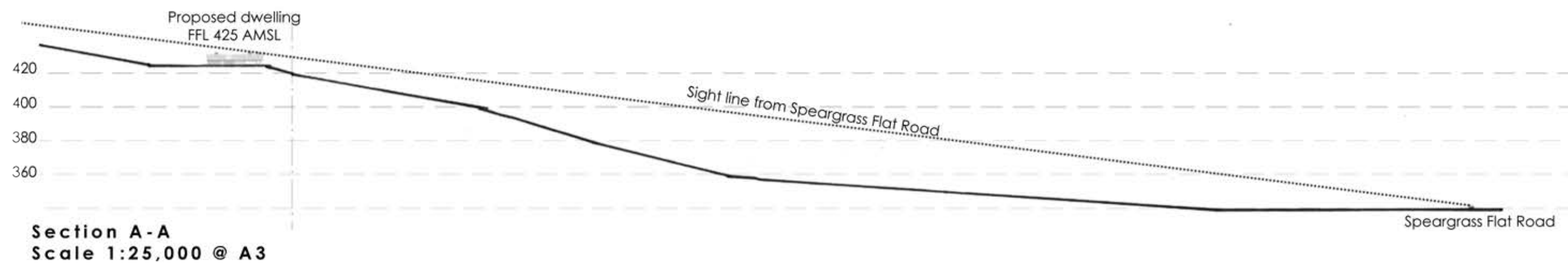
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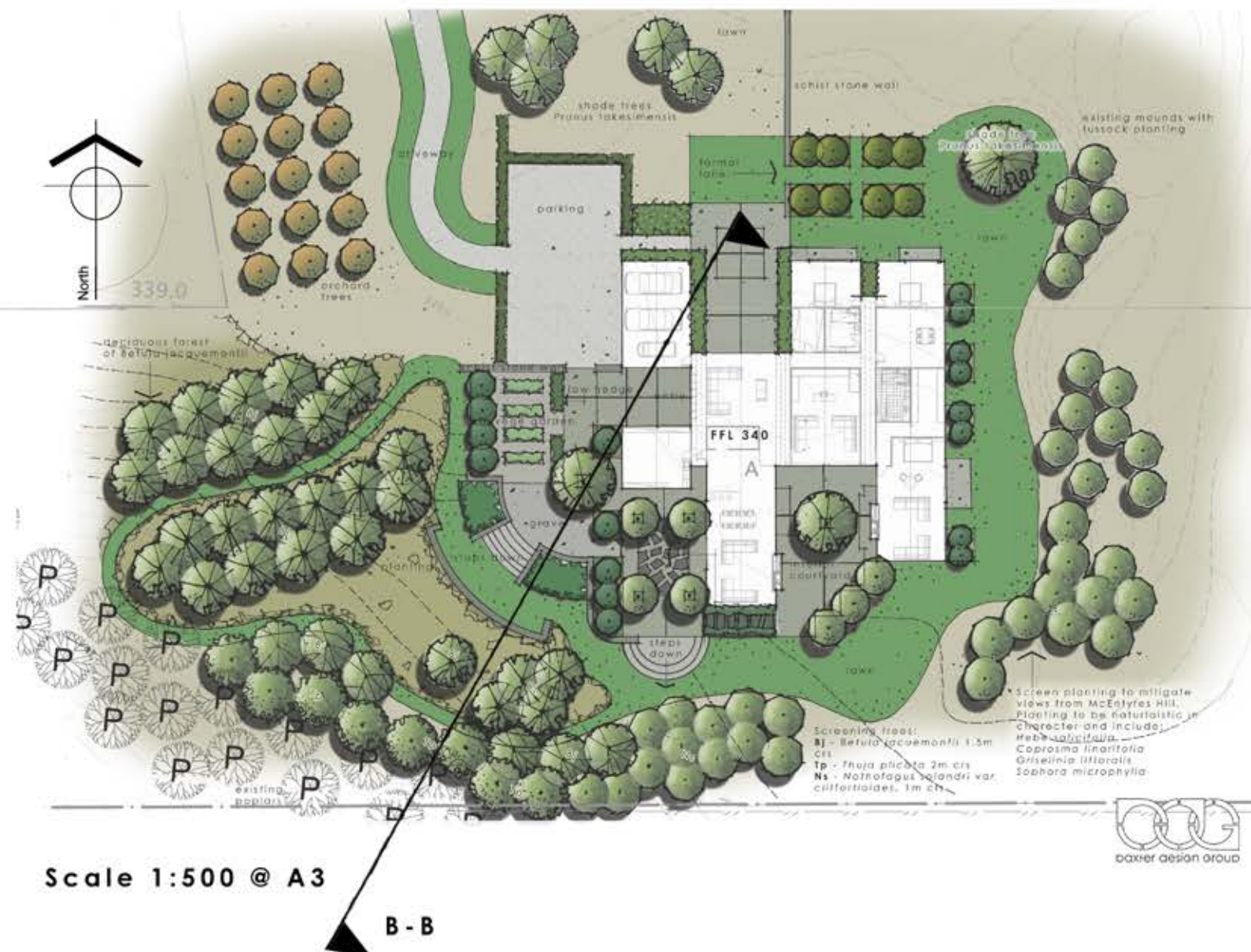






Scale 1:50,000 @ A3





Section B-B
Scale 1:200

FFL 425 msl

NOTES:
Areas marked A, C, D, E, F, G, H, J, K, L, N, O, P, T, W, E1
Subject to Land Covenants see EI 6205027.6
Areas Marked F1 & G1 Subject to Land Covenants see EI 6205027.7
Areas Marked AA Subject to Land Covenants see VCOV 5224886.3
Areas Marked A1, B1 & S Subject to Land Covenants see EI8031124.21
The covenant areas shown on DP 412789 have not been created

Existing Easements shown on D.P. 27027, D.P. 338753, DP 369799 will be retained

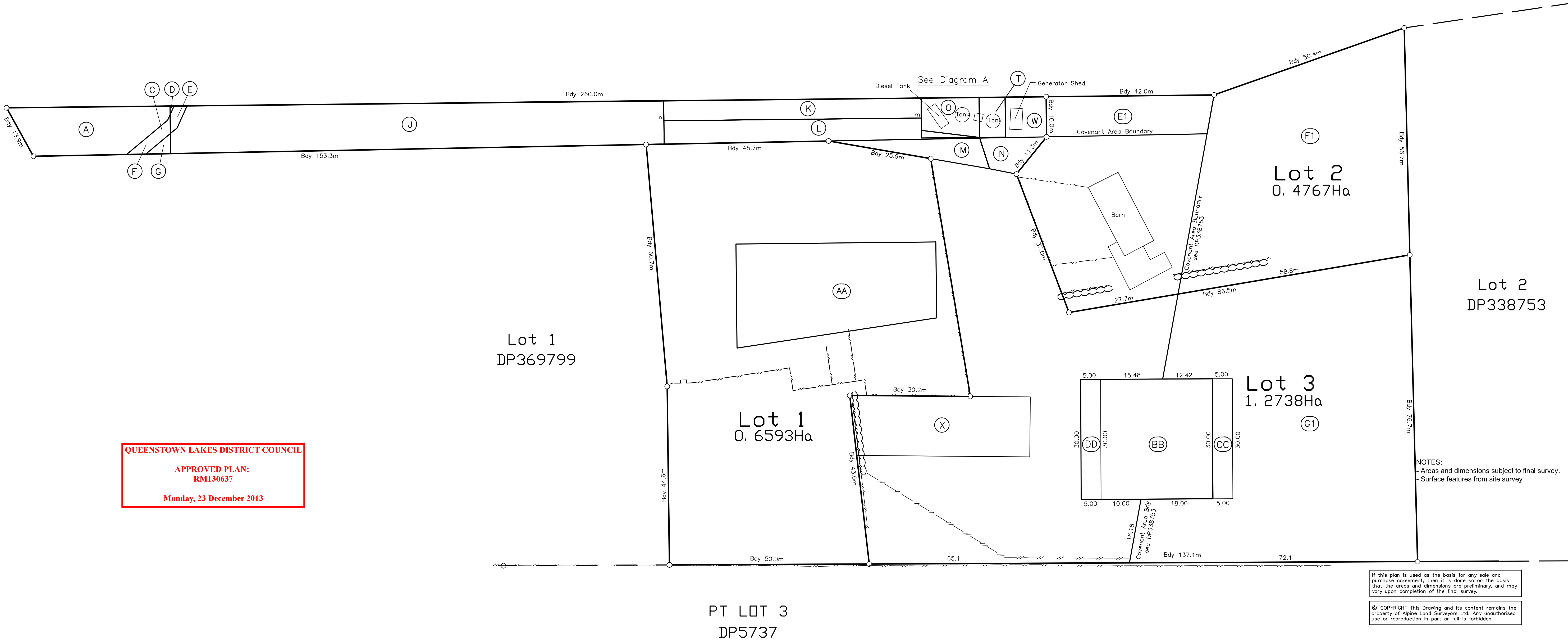
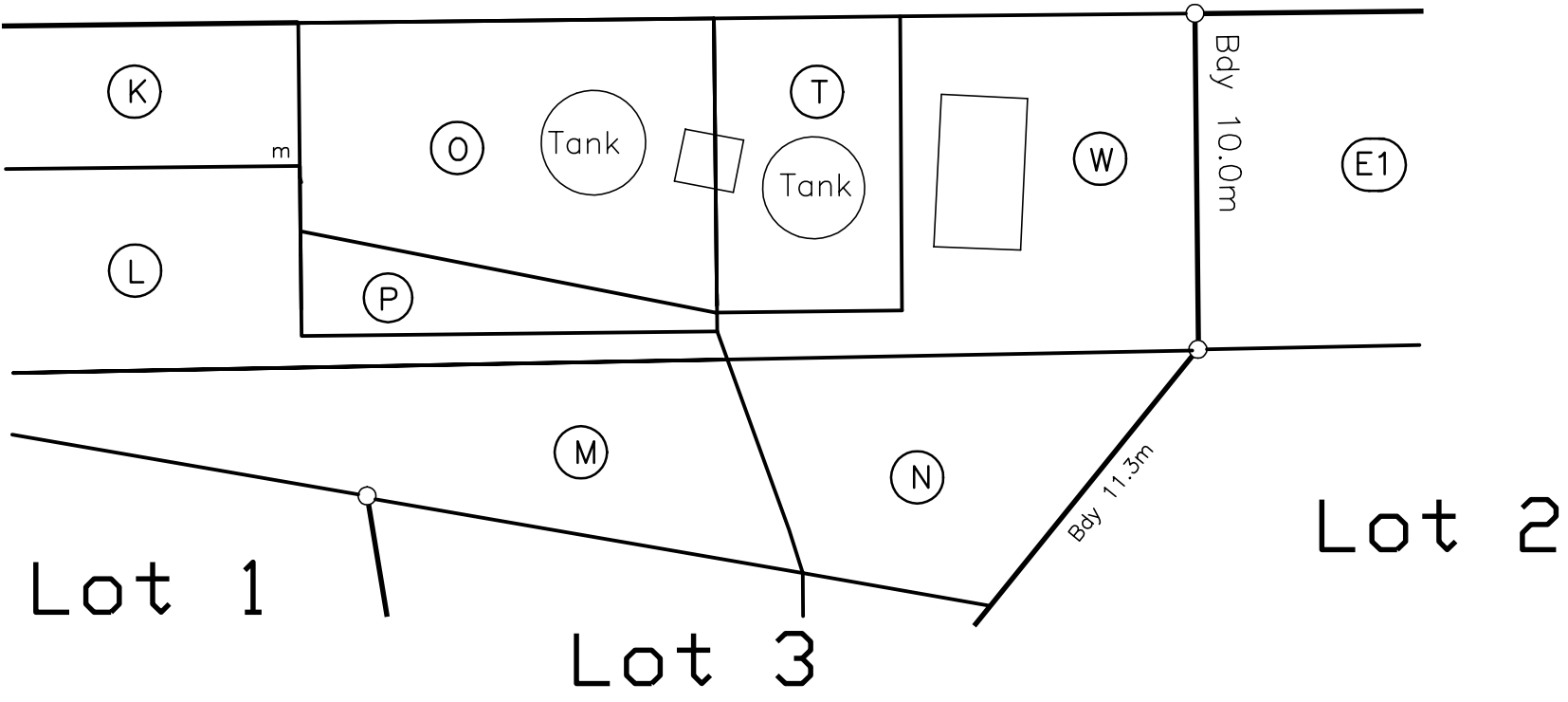
Cancellation of Covenants Areas	
Shown	Document
DD, CC, BB	E.I. 6205027.7

Proposed Covenants Areas	
Purpose	Shown
Mounding and Landscaping	F1 & G1
Building Platform	BB & CC

Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to Way	A, C, D, E F, G, J, K & L	Lot 3	Lot 1
	N & W	Lot 3	Lot 2
Right to Convey and store water	T	Lot 3	Lot 2
Right to Convey Water, Electricity Telecommunications & Computer Media	M, N, T, W	Lot 3	Lot 2
Right to Convey Computer Media	A, C, D, E F, G, J	Lot 3	Lot 1 & 2
Right to Convey Computer Media	K, L, M, P N & W	Lot 3	Lot 2
Right to Convey and Discharge Foul Water	X	Lot 3	Lot 1



Diagram A
Not to Scale



<div>ALPINE LAND SURVEYORS LTD</div> <div>SURVEYING - SUBDIVISION - RESOURCE CONSENTS</div> <div>PO BOX 1247 - QUEENSTOWN - NEW ZEALAND</div> <div>Dave van der Zwet</div> <div>Ph: (03) 441 8208</div> <div>email: alspn@terra.co.nz</div>	<div>T & L Nicolson</div> <div>Middlerigg Lane</div> <div>Arrowtown</div>	<div>Lots 1, 2 & 3 Being a Proposed Subdivision of Lots 2 & 3</div> <div>DP369799</div>	SURVEYED	DAVDZ	DATE July 2013
			DESIGNED		Scale 1:500
			DRAWN	DAVDZ	Original Plan A1
			CHECKED		DRAWING & ISSUE No.
			APPROVED		Q1036.1R.1A