

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER s104 RESOURCE MANAGEMENT ACT 1991; and**

**CHANGE OF CONSENT NOTICE CONDITIONS UNDER SECTION 221**

<b>Applicant:</b>	Adam Hill and Rosemary Hill as Trustees of the R and A Hill Family Trust
<b>RM reference:</b>	RM170891
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to:</p> <p><b>Part A:</b> Subdivision resource consent to cancel the amalgamation of Lot 2 DP 347767 and Lot 2 DP 396476, and land use resource consent to identify a new building platform on Lot 2 DP 347767</p> <p><b>Part B:</b> Subdivision resource consent to subdivide Lot 2 DP 396476 into two lots, and to identify a new building platform, and</p> <p>Application under Section 221 (3) of the RMA to vary Consent Notice 8511686.3 to enable the subdivision of this site.</p>
<b>Location:</b>	1358 Gibbston Highway, Queenstown
<b>Legal Description:</b>	Lot 2 Deposited Plan 396476 and Lot 2 Deposited Plan 347767 contained within Computer Freehold Register identifier 384510
<b>Operative Zoning:</b>	Rural General
<b>Proposed Zoning;</b>	Wakatipu Basin Rural Amenity Zone
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification Decision:</b>	Publicly Notified
<b>Delegated Authority:</b>	Quinn McIntyre – Manager, Resource Consents
<b>Final Decision:</b>	<b>Granted Subject To Conditions</b>
<b>Date Decision Issued:</b>	<b>14 May 2018</b>

### SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 8 to Annexure 1** of this decision imposed pursuant to Section 220 of the RMA and to vary consent notice conditions pursuant to Section 221 of the RMA.
2. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Quinn McIntyre; Manager, Resource Consents, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Section 2 of the Section 42A (s42A) report prepared for Council (attached as **Annexure 1**) provides a full description of the proposal, the site and surrounds and the consenting history.

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

The application was publicly notified on 11 October 2017.

Three submissions were received and comprised of two in opposition and one neutral. The two in opposition were withdrawn and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Quinn McIntyre (Manager, Resource Consents) on 3 May 2018.

## 3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 8 of the s42A report outlines s104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 10 of the s42A report outlines Part 2 of the Act.

### 3.1 RELEVANT PLAN CONSIDERATIONS

The subject site is zoned **Rural General** under the Operative District Plan ("ODP"), and **Wakatipu Basin Rural Amenity Zone** under the Proposed District Plan ("PDP") Stage 2.

The relevant provisions of the ODP that require consideration can be found in Part 4 (*District Wide Matters*), Part 5 (*Rural Areas*), and Part 15 (*Subdivision, Development and Financial Contributions*).

Resource consent is required under the ODP for the following reasons:

- **Discretionary** Activity consent pursuant to Rule 5.3.3.3(b) for the identification of a residential building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area. The proposed residential building platform on Lot 2 DP 347767 and proposed Lot 3 will measure 1000m<sup>2</sup> and 750m<sup>2</sup> in area respectively.
- **Discretionary** Activity consent pursuant to Rule 15.2.3.3(iv) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity.

Overall, subdivision consent is required to subdivide Lot 2 DP 396476 to create two allotments and identify a residential building platform as a **Discretionary Activity**, and in addition a **Discretionary** land use consent is required to create a residential building platform on Lot 2 DP 347767.

There are no rules under the PDP with immediate legal that are relevant to this application.

### 3.2 RECOURSE MANAGEMENT ACT 1991 ("RMA")

The proposed activity requires resource consent for the following reasons:

- A **discretionary** activity resource consent in accordance with Section 221(3)(a) of the RMA which specifies a change to the consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. It is proposed to change a Condition of Consent Notice 8511686.3, as it relates to Lot 2 Deposited Plan 396476 and states:
  - (n) No further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.

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

Based on the applicants' 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.

### 3.4 OVERALL ACTIVITY STATUS

Overall, the application is considered to be a **discretionary** activity under the ODP and the RMA.

## 4. SUMMARY OF EVIDENCE HEARD

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

## 5. PRINCIPAL ISSUES IN CONTENTION

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

- The effects of undertaking a de-amalgamation and a two lot subdivision in a Visual Amenity Landscape and the actual and potential effects on rural and landscape character and visual amenity from further subdividing the site, visibility of future residential units and domesticating features, and cumulative effects, infrastructure servicing and access, and natural hazards.

The findings relating to these principal issues of contention are outlined in Section 8.2.2 of the attached S42A report.

## 6. ASSESSMENT

### 6.1 ACTUAL AND POTENTIAL EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8.2 of the s42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 220 of the RMA as required to avoid, remedy or mitigate adverse effects. Proposed changes to consent notice can be granted under s221. A summary of conclusions of that report are outlined below:

- Relying on the expert assessments provided and with the imposition of additional mitigation measures in the form of restricting the height of future buildings within the proposed platforms on Lot 2 DP 347767 and proposed Lot 3 along with additional landscaping, I consider the proposal will not detract from the rural amenities of the area in terms of privacy, quietness, spaciousness and rural setting.
- The proposal is appropriate in that while there will be an increase in overall density within this rural environment, this location is one in which the proposed development is able to be absorbed given its characteristics and the mitigations proposed by the Applicant.
- The allotments, to be created, are able to be appropriately accessed and serviced and overall it is considered that the ability to absorb the development without resulting in unacceptable adverse effects has been demonstrated.

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

As outlined in detail in Section 8.3 of the s42A report, overall the proposed development is deemed to be consistent with the relevant policies and objectives of the District Plan, though is not consistent with all proposed objectives and policies under the Proposed District Plan (with respect to Stage 2 – Wakatipu Basin provisions).

- The proposal is consistent with the relevant objectives and policies of the Operative (*Part 4; District Wide Matters, Part 5; Rural Areas, and Part 15; Subdivision, Development and Financial Contributions*), and Proposed (*Part 2 Chapter 6; Landscapes, Part 5 Chapter 27; Subdivision and Development*) District Plans. The sites can be appropriately serviced, and the location of the proposed building platforms makes use of the established vegetation to maintain landscape values with respect to the VAL, and therefore; give effect to the relevant objectives and policies of the Operative and Proposed District Plan as listed above.
- With respect to Chapter 24 (Wakatipu Basin) of the Proposed District Plan, the proposed minimum lot size is not achieved and therefore the proposal is not consistent with the associated objectives and policies which seek to ensure the landscape and visual amenity values are protected, maintained and enhanced through implementing minimum lot sizes (80 hectares in the Wakatipu Basin Rural Amenity Zone). The proposal does however maintain the existing landscape character and rural amenity values and future buildings will be subservient to the existing rural environment.

However those values are not enhanced by this subdivision and minimum allotment size is not achieved, and is therefore only partially consistent with the Chapter 24 objectives and policies and is inconsistent with the key objective to maintain new proposed minimum allotment sizes.

- A weighting exercise of the operative and proposed objectives and policies was undertaken, where it was considered that given the WBRAZ provisions (which replaces previous proposed Rural zones provisions under PDP Chapter 21), and supporting objectives and policies are yet to be debated (submissions do not close until 23 February 2018), that these new WBRAZ objectives and policies do not yet hold weight, and the ODP must be given full consideration.
- The overall conclusion is that the relevant objectives and policies in the Operative District Plan and those in the PDP with respect to subdivision and the landscape classification are otherwise closely aligned to each other, and seek to achieve the same outcomes, and that the proposed is thereby consistent with the relevant objectives and policies of the District Plans.

## 6.3 SUBDIVISION (S106) ASSESSMENT

Section 106 enables Council to refuse to grant subdivision consent if it considers the land subject to the application is likely to be subject to natural hazards, if any subsequent use of the land could exacerbate effects from natural hazards, or if sufficient provision has not been made for legal and physical access to each site.

It is considered that appropriate physical and legal access has been or can be created to the sites. As to hazards, it is considered the proposed subdivision does suitably consider natural hazards and that subsequent use of the site will be not increase risk from natural hazards.

On the basis of the above assessments there is scope to grant consent under s106 of the RMA.

## 6.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 10 of the s42A report.

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

1. Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1 to Annexure 1* of this decision imposed pursuant to Section 220 of the RMA.
2. Pursuant to section 221 of the RMA consent is **granted** to change the requested conditions of Consent Notice 8511686.3 as it relates to Lot 2 Deposited Plan 396476 held in Computer Freehold Register 384510 as follows:
  1. Condition n of Consent Notice 8511686.3 is amended to read as follows (added text underlined and bold, deleted text struckthrough):
    - (n) **With the exception of the subdivision approved by RM170891** ~~No~~ further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.

Note:

- All other conditions of Consent Notice 8511686.3 continue to apply.
- A condition for the implementation of the consent notice variation is included in **Appendix 1 to Annexure 1** of this decision.

## 8. OTHER MATTERS

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

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

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

### *Administrative Matters*

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

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

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

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

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

If you have any enquiries please contact Hamish Anderson on phone 021 707 740 or email [hamish.anderson@qldc.govt.nz](mailto:hamish.anderson@qldc.govt.nz).

Report prepared by

Decision made by



Hamish Anderson  
**CONSULTANT SENIOR PLANNER**



Quinn McIntyre  
**MANAGER, RESOURCE CONSENTS**

**Attachments:**

Annexure 1

RM170891 s42A Report

# **ANNEXURE 1 COUNCIL'S S42A PLANNING REPORT**



<b>TO</b>	Independent Commissioners	<b>FILE REF: RM170891</b>
<b>REPORT PREPARED BY:</b>	Hamish Anderson, Consultant Senior Planner	
<b>SUBJECT</b>	Report on a publicly notified consent application.	

## SUMMARY

<b>Applicant:</b>	Adam Hill and Rosemary Hill as Trustees of the R and A Hill Family Trust
<b>Location:</b>	1358 Gibbston Highway, Queenstown
<b>Proposal:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to:</p> <p><b>Part A:</b> Subdivision resource consent to cancel the amalgamation of Lot 2 DP 347767 and Lot 2 DP 396476, and land use resource consent to identify a new building platform on Lot 2 DP 347767</p> <p><b>Part B:</b> Subdivision resource consent to subdivide Lot 2 DP 396476 into two lots, and to identify a new building platform, and</p> <p>Application under Section 221 (3) of the RMA to vary Consent Notice 8511686.3 to enable the subdivision of this site.</p>
<b>Legal Description:</b>	Lot 2 Deposited Plan 396476 and Lot 2 Deposited Plan 347767 contained within Computer Freehold Register identifier 384510
<b>Zoning:</b>	Rural General
<b>Proposed Zoning:</b>	Wakatipu Basin Rural Amenity Zone
<b>Activity Status:</b>	Discretionary
<b>Public Notification Date:</b>	11 October 2017
<b>Closing Date for Submissions:</b>	13 November 2017
<b>Submissions:</b>	<p>3</p> <ul style="list-style-type: none"> <li>• 2 submissions opposed the application but have since been withdrawn</li> <li>• 1 submission was neither in support or opposition to the application*</li> </ul>

*\* the submitter was the New Zealand Transport Agency and since the close of submissions that submission has been amended to be in support.*

## RECOMMENDATION

That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be no more than minor for the following reasons:
  - a) Subject to appropriate mitigation by way of a 5.5m building height restriction and recessive building materials and colours (for any buildings within Lot 2 DP 347767 and proposed Lot 3) and landscaping, the adverse visual and landscape effects can be adequately mitigated on the wider environment and will not detract from the landscape character of the area.
  - b) The proposal will not detract from the prevailing character of the area which is characterised by farm land with the occasional dwelling set well back from the road and a tree lined frontage to the State Highway.
  - c) The proposal provides for adequate provision for legal and practical vehicular access and the proposed allotments can be adequately serviced for: water supply; stormwater; wastewater disposal; power; telecommunication; and fire-fighting.
  - d) The sites are noted as being located within an alluvial fan, however, the hazards are avoided and the sites are a considered suitable for residential development.
2. The proposal is consistent with the relevant objectives and policies of both the Operative and Proposed District Plans.
3. The proposal does promote the overall purpose of the RMA.

## 1. INTRODUCTION

My name is Hamish Anderson. I am a consultant resource consents planner with Novo Group. I have been seconded to the resource consent department at QLDC and have been in this role for one year. I hold the qualification of a Master in Environmental Planning Degree from Massey University. I am a member of the New Zealand Planning Institute, which brings with it obligations with regard to continuing professional development.

Immediately prior to working at Novo Group I was a planning team leader at GHD, a resource consents team leader at Waitakere City Council, and resource consents planner at Dunedin and Christchurch City Councils.

I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## 2. PROPOSAL AND SITE DESCRIPTION

I refer to the report entitled, *'Adam Hill and Rosemary Hill as Trustees of the R & A Hill Family Trust: 1358 Gibbston Highway: An application for: Part A: Subdivision resource consent to de-amalgamate Lot 2 DP 347767 from Lot 2 DP 396476 and land use resource consent to identify a new building platform on Lot 2 DP 347767, Part B: Subdivision resource consent to subdivide Lot 2 DP 396476 into two lots, and to identify a new building platform, and variation of consent notice conditions, August 2017'*, prepared by Jenny Carter of J Carter Planning Limited, attached as Appendix 2, and hereon referred to as the applicant's AEE.

The applicant has provided a detailed description of the proposal and the site and locality in Sections 1.0 – 3.0 of the applicant's AEE. This description is considered accurate and is adopted for the purpose of this report.

The following provides a summary of the proposal which is effectively in two parts:

### Part A

- Subdivision consent to de-amalgamate Lot 2 DP 347767 from Lot 2 DP396476
- Resultant lots being:
  - existing Lot 2 DP 347767 being approximately 11.1895ha in area
  - existing Lot 2 DP 396476 being approximately 21.06ha in area and containing the existing residential building platform on current Lot 2 DP 396476 ("Existing Platform").
- Land use consent to identify a new, 1000m<sup>2</sup> residential building platform on Lot 2 DP 347767
- The landscape planting will be undertaken in accordance with a landscape plan prepared by Stephen Skelton of Patch
- There will be restrictions on the height (5.5m) for future buildings
- Future buildings will be required to be recessive colours, and
- There will be a limit on the roof pitch of future buildings within the building platforms

### Part B

- Subdivision consent to subdivide Lot 2 DP 396476 into two separate lots and identify a new building platform (measuring 750m<sup>2</sup> in area) whilst retaining the existing platform on Lot 2 DP 396476
- The new allotments being:
  - proposed Lot 2 being approximately 3.62ha in area, containing the existing building platform.
  - proposed Lot 3 or ("Balance Lot") being approximately 17.44ha in area, containing the newly identified 750m<sup>2</sup> residential building platform ("Platform B") and the existing farm buildings
- The landscape planting will be undertaken in accordance with a landscape plan prepared by Stephen Skelton of Patch
- There will be restrictions on the height (5.5m) for future buildings on proposed Lots 1 and 3
- Future buildings will be required to be recessive colours, and

- There will be a limit on the roof pitch of future buildings within the building platforms

The site, proposed subdivision and building platforms are depicted in Figure 1 below.

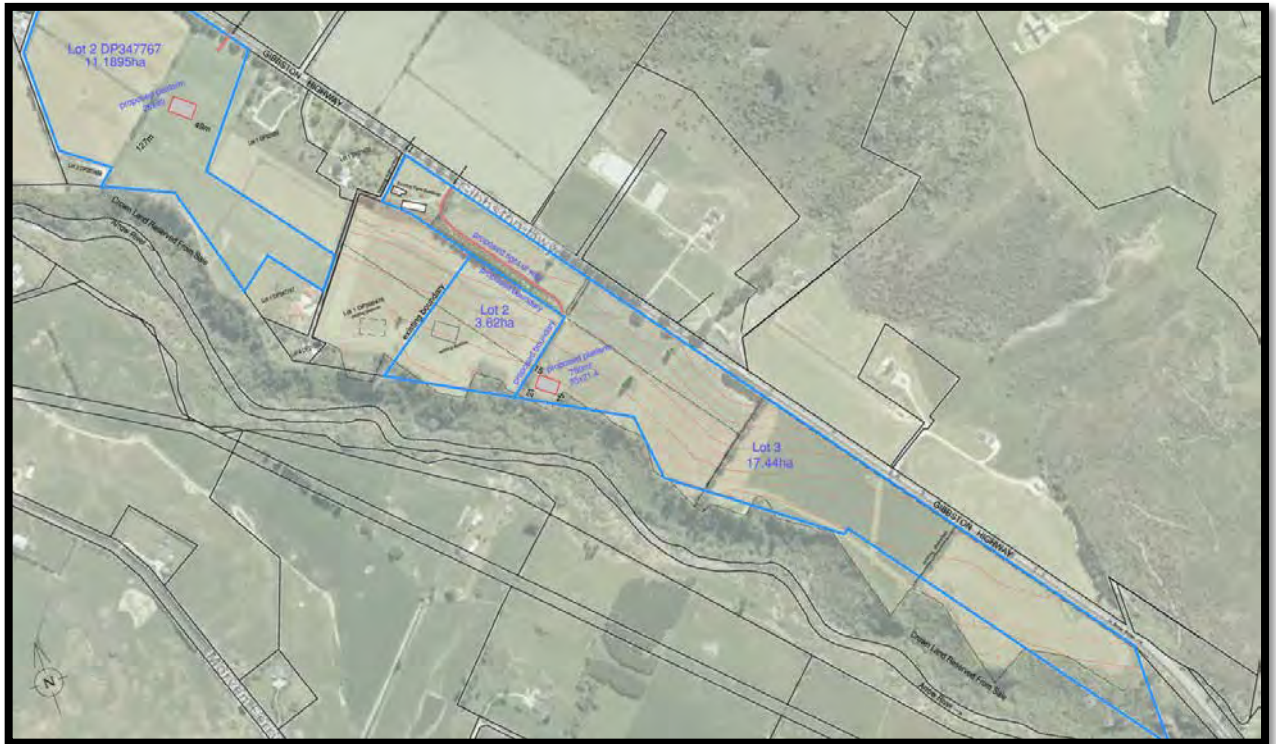


Figure 1: Application site

### 3. SUBMISSIONS

#### 3.1 SUBMISSIONS

Three submissions were received on the application one was neutral and two were in opposition. The neutral submission was received from the New Zealand Transport Agency. That submission has since been amended to be in support but they do not wish to be heard. The submissions in opposition have been withdrawn.

### 4. CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded. It was noted that not all the forms were complete with regard the proposed works and not all approvals included signed plans. However, it is noted that all were formally notified under the public notification of the application. Given that none of the below submitted in support or opposition to the application it is considered the approvals continue to be valid.

Person (owner/occupier)	Address (location in respect of subject site)
Desmond Mills	1292 Gibbston Highway
Hinemanuhiri Sinclair and David Cifford Laviant	1290 Gibbston Highway
Mark and Tracey Galbrath	1330 Gibbston Highway
Carl Johnston	1393 Gibbston Highway
Craig and Julie McIvay	1348 Gibbston Highway

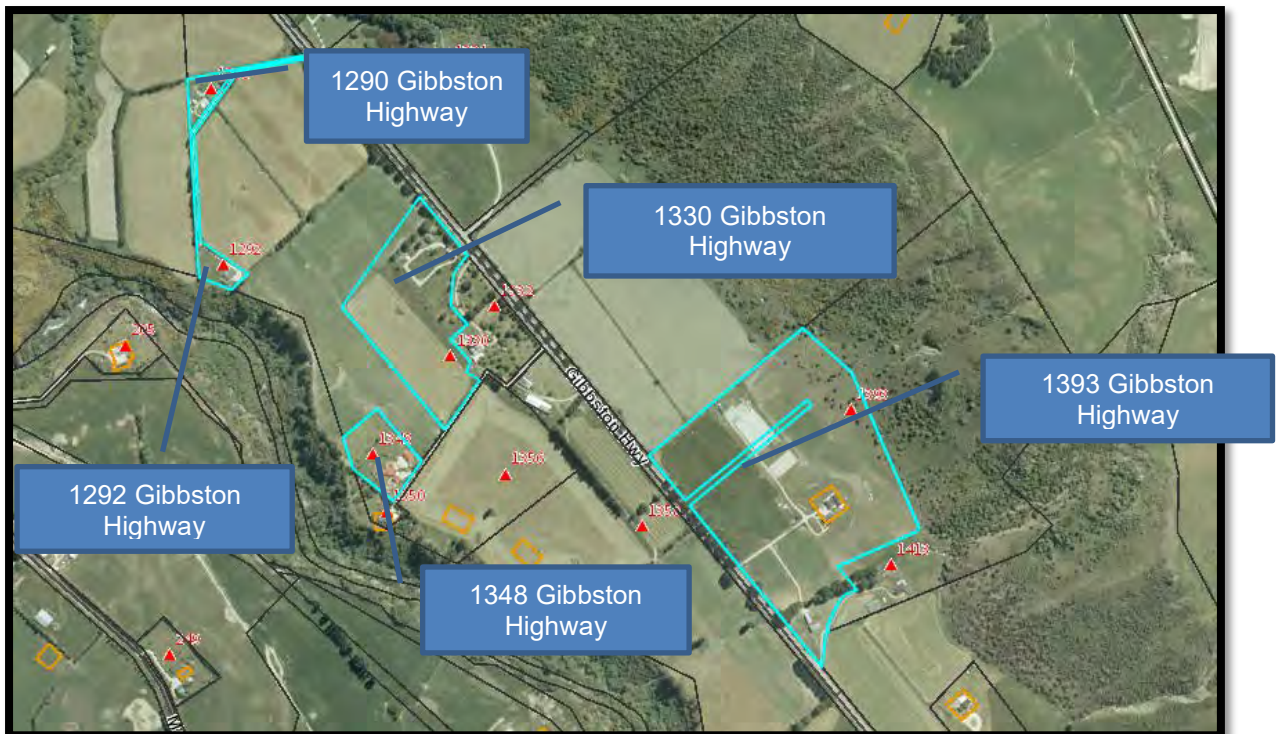


Figure 2: Location of sites where written approval provided

## 5. PLANNING FRAMEWORK

### 5.1 THE DISTRICT PLAN

The subject site is zoned Rural General.

The purpose of the Rural General Zone is:

*“...to manage activities so they can be carried out in a way that:*

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

*The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks.”*

The relevant provisions of the Plan that require consideration can be found in Parts 4 (District Wide Issues), Part 5 (Rural Areas), Part 14 (Transport) and Part 15 (Subdivision).

Resource consent is required for the following reasons:

- **Discretionary** Activity consent pursuant to Rule 5.3.3.3(b) for the identification of a residential building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area. The proposed residential building platform on Lot 2 DP 347767 and proposed Lot 3 will measure 1000m<sup>2</sup> and 750m<sup>2</sup> in area respectively.
- **Discretionary** Activity consent pursuant to Rule 15.2.3.3(iv) In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity.

Overall, subdivision consent is required to subdivide Lot 2 DP 396476 to create two allotments and identify a residential building platform as a **Discretionary Activity**, and in addition a **Discretionary** land use consent is required to create a residential building platform on Lot 2 DP 347767.

## 5.2 PROPOSED DISTRICT PLAN

QLDC notified the Proposed District Plan (**PDP**) on 26 August 2016. There are no rules within the PDP which have immediate legal effect that are triggered by the proposal.

## 5.3 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- A **discretionary** activity resource consent in accordance with Section 221(3)(a) of the RMA which specifies a change to the consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. It is proposed to change a Condition of Consent Notice 8511686.3, as it relates to Lot 2 Deposited Plan 396476 and states:
  - (n) No further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.

## 5.4 SUMMARY OF APPLICATION STATUS

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

## 5.5 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.

# 6. STATUTORY CONSIDERATIONS

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

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

- (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.*

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

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



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

Section 106 of the RMA is also relevant to the subdivision proposal and states:

- 1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that -*
  - a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
  - b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
  - c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- 2) *Condition under subsection (1) must be -*
  - a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
  - b) *of a type that could be imposed under section 108.*

In addition, the application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9 of this report outlines Part 2 of the RMA in more detail.

Sections 108 and 220 of the RMA authorise the imposition of conditions on a resource consent.

## **7. INTERNAL REPORTS**

The following reports have been prepared on behalf of QLDC and are attached as appendices.

- Engineering Report, prepared by Council's Resource Management Engineer, Stella Torvelainen, attached as Appendix 2
- Landscape Report, entitled 'RM170891 Hall Family Trust R and A' dated 7 December 2017 prepared by Kara Scott of Perception Planning attached as Appendix 3

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.

## **8. ASSESSMENT**

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

- (i) Landscape Classification
- (ii) Effects on the Environment guided by Assessment Criteria
- (iii) District Plan Provisions - Objectives and Policies Assessment
- (iv) Other Matters (precedent, other statutory documents)

### **8.1 LANDSCAPE CLASSIFICATION**

The Operative District Plan sets out a mandatory process for landscape analysis and categorisation within the Rural General Zone.

The applicant's AEE included a landscape assessment prepared by Stephen Skelton of Patch Landscape Architecture. That assessment was peer reviewed by Council's Consultant Landscape Architect, Kara Scott of Perception Planning. In Mr Skelton's report he assessed the subject site is appropriately classified as a part of the Visual Amenity Landscape (VAL). The review from Ms Scott concurred with this classification.

I accept the assessment of the two landscape architects and consider the site to be located in a VAL.

## **8.2 EFFECTS ON THE ENVIRONMENT**

### **8.2.1 The Permitted Baseline**

The creation of residential building platforms and the erection of buildings in the Rural General Zone (as well as any physical activity associated with any building such as roading or landscaping) require resource consent under the District Plan. Hence, the District Plan does not provide a permitted activity status for any building or associated activity. Likewise, all subdivision requires resource consent.

Nevertheless, permitted activities in the Rural General Zone are restricted to activities such as:

- Farming activities (with the exception of factory farming);
- A fence of less than 2.0 metres in height located anywhere within the site; and
- Earthworks that are in accordance with Site Standard 22.3.3(i) and (ii) provided the works comprise or less than 1,000m<sup>3</sup> volume of earth moved within a consecutive 12 month period, cuts are at an angle of no more than 65 degrees, and fill of up to 2.0 metres in height.

Based on the above, I consider the permitted baseline is not applicable in this instance and therefore no permitted baseline comparison has been applied in the analysis below.

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

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

The Operative District Plan includes a comprehensive range of assessment matters in Part 5 (*Rural Areas*) and Part 15 (*Subdivision Development and Financial Contributions*) that set out both the process for and matters to be considered for development and activities within the Rural General Zone. There are attached as Appendix 5.

The following actual and potential effects on the environment have been assessed:

- Visibility of Development
- Effects on Natural and Pastoral Character
- Form and Density of Development
- Cumulative Effects of Development on the Landscape
- Traffic Generation and Vehicle Movements, Parking and Access
- Infrastructure
- Subdivision, Design and Layout
- Earthworks and natural hazard; and
- Positive Effects

### **8.2.3 Visibility of Development**

#### Parts A and B

The applicant has proposed considerable planting for mitigation associated with the proposed building platforms (as outlined in the Landscape Plan and report prepared by Stephen Skelton of Patch Landscape). The report prepared by Mr Skelton was peer reviewed by Council's consultant landscape architect, Kara Scott. Ms Scott was in support with the assessment and recommendations of Mr Skelton.



The proposed building platforms are below the level of the Highway and the Arrow River gorge is fully screened by vegetation when viewed from that distance. When viewed from the Highway existing and proposed planting will soften the view toward the proposed building platforms but, with regard to the building platform on Lot 3 that planting will need to reach certain level to provide the softening to the platform beyond. With regard the existing planting to the southeast of Lot 2 Deposited Plan 347767. That planting is largely on the adjacent site and there is the potential that it could be removed in the future. To that end, at the time building is to occur within the building platform there will be a requirement for an updated landscape plan providing planting in that general area of the site to be submitted to Council for approval.

From the Queenstown Trail to the west and southwest of the site the building platforms will be a considerable distance removed. The building platforms will only provide for a building to be 5.5m in height. For the aforementioned reasons the proposal will not interrupt any views or outlook.

With regard the ability to contain development within the site's elements, Mr Skelton noted:

- *The proposal will generally be highly screened by existing and proposed vegetation and landforms. There is potential for a future building on Platform B, Lot 3 to be visible from portions of the Queenstown Trail and for a future building on Platform A, Lot 2 to be visible from a small portion of SH6. It is considered that the proposal will retain the more open and visually accessible portions of the site. Platform A will be located below a terrace and Platform B will be set with a discrete pocket of land at the transition point between pastoral and natural character elements.*
- *Overall the proposal will not be highly visible or visually prominent from any public place and it will not detract from public or private views of the arcadian pastoral landscape.*
- *Proposed new plantings will not detract from or obstruct views of the natural topography and significant, existing vegetation and surrounding topography encloses much of the site, restricting views of it from very limited places. The extension and infill of existing shelterbelts will continue established pastoral landscape patterns while providing a high level of visual mitigation.*
- *There is no possibility that a future building on either proposed lot would break the line and form of any skyline, ridge hill or prominent slope.*
- *Proposed mitigation planting to the south and east of Lot 3 will follow the existing natural landscape pattern and not affect the naturalness of the landscape. This planting will increase the density of indigenous species and subsequent seed source near that part of the Arrow River ONF.*
- *Earthworks and proposed roads will be consistent with the existing landscape patterns by following shelterbelts, existing tracks and landforms and will not change the line of the landscape or be inconsistent with the existing natural topography. All proposed boundaries, planting and fencing will be consistent with the existing pattern of arcadian pastoral and rural living elements, will follow the natural lines of the landscape, and will not give rise to any arbitrary lines and patterns with respect to the landscape's existing character.*
- *The proposal will be well placed within an area of mixed rural living and pastoral landscape elements. The locations of both building platforms and driveways will continue the existing pattern in a discreet fashion, being set back from the road and within existing landscape elements which can absorb the development. It will not constitute sprawl of development along the roads of the District or the site context.*

Ms Scott was in agreement with Mr Skelton.

With regard to visibility the discussion is now split between the Parts A and B as they are physically separate areas of land.

## Part A

As shown in Figure 1 (in Section 2 above) Lot 2 DP 347767 and Lot 2 DP 396476 are physically separate and the de-amalgamation will not change that.

Building Platform A will measure 1000m<sup>2</sup> in area and will be located approximately 120m from Gibbston Highway. This site is predominantly flat throughout but there are two levels to it. The first level extends approximately 100m from the Highway and is flat and then there is a dip down to a lower level of the site. The building platform will be located on the lower level.



**Image 10:** The proposed access point to Lot 2. A gravel driveway will access the lot near this point. The entrance will be planted in rural character tress which will break the form of a future roof line. While the driveway will be visible from this location a future building in Platform A will have a very low level of visibility.

**Figure 3:** Application site view looking southwest from the SH toward the building platform

The entrance to the site is directly in line with the building platform however, as shown on the submitted landscape plan, the driveway will meander toward the building platform and will be treelined. Therefore there will be no direct line of site along the driveway to the building platform.

The platform being located lower than the highway partially obscured by the topography, coupled with the proposed planting along the driveway, the infilling of the existing boundary planting and the requirement for a future dwelling to be single storey in height, and recessive colours with low reflectivity will mean that a future dwelling will be able to assimilate into this environment without being highly visible from the State Highway.

To the south of the site is the Queenstown Trail. The trail is on the opposite side of the Arrow River and approximately 330m separated from the proposed platform. In addition, to the separation distance there is planting on both sides of the river banks that limits any view into the site. Were a future dwelling to be visible from the Trail it will be only intermittent and the single storey height plus recessive colours will mean that visibility is low. However, it is noted that the planting to the south of the proposed platform on Lot 2 DP 347767 is not on the site and cannot be relied on. For that reason application consent notice condition is proposed requiring mitigation planting be established to respond to a future dwelling design, with the objective to ensure views to the dwelling from the south remain diffuse.

For the aforementioned reasons it is considered the visibility of Part A of the development will be less than minor.

## Part B



**Image 3:** Platform B is readily visible. A proposed double row of evergreen planting will provide a high level of screen such that a future building will have a very low to negligible level of visibility through a vegetated filter.

**Figure 4:** Application site view looking southwest from the SH toward Building Platform B

Building Platform B will measure 750m in area and will be located approximately 160m from the State Highway. This site is predominantly flat throughout with a slight gradual slope from north to south toward the platform location and the Arrow River beyond. While there are trees along the road boundary these will be supplemented with an additional double row of shelterbelt planting. Those plantings will, in time, screen the building from the State Highway when viewed from directly outside the site. From the oblique angles on the State Highway, to the northwest and northeast of the site, there is considerable existing planting that will mean the building platform will not be readily visible once the planting matures (approximately 3-5 years). In addition to the planting there will be additional controls on the height (5.5m), the colour and reflectivity of a future dwelling.

This building platform is tucked in the southern part of the site a minimum of 15m from the south boundary. The Queenstown Trail is approximately 140m separated across the Arrow River. There is existing planting on the subject site and in the river's surrounds that soften the view toward the site however the platform is still visible. While from the majority of the viewing angles there is limited view toward the building platform there is a section of the Highway to the south east of the site where the view will be more open. In time, the proposed planting will grow and soften the platform and a future building. However, given the plant heights proposed that will not occur immediately, a condition is imposed requiring that higher planting will need to be planted in the shelterbelt where building within the platform cannot occur until the proposed planting reaches sufficient height that the mitigation is achieved so that a building within the platform will be reasonably difficult to see.

For the aforementioned reasons it is considered the visibility of Part B of the development will be less than minor.

### Summary

I accept the assessment and recommendations of Mr Skelton (as reviewed by Ms Scott), and for the reasons outlined by both Mr Skelton and Ms Scott I consider any of the adverse visibility effects resulting from the proposal will be less than minor. The proposal is considered, on the basis of the expert landscape architect advice, to be appropriately aligned with the assessment matters for development in this landscape, such that it does not result in adverse landscape effects that can be said to be more than minor.

### 8.2.4 Effects on Natural and Pastoral Character

With regard the existing setting and character of the area Mr Skelton noted the following:

- *While the proposed development is within the vicinity of the Crown Terrace ONL, both platforms will be more than 420m from the foot of the terrace. The proposal is also on the opposite side of SH6 from the Crown Terrace ONL and it is considered that no part of the proposal will compromise any open character of the Crown Terrace ONL.*

- *Proposed building platform, Lot 3 will be adjacent to the Arrow River ONF. The portions of the Arrow River ONF to the southeast are more natural in their appearance as they display steep craggy cliffs and patches of native vegetation. The slopes of the gorge immediately northwest of proposed Lot 3 are less steep in their topography and more vegetated with large patches of wilding conifers and woody weeds. Several rural living type developments are visible on the edge of the gorge to the north of proposed lot 3. Proposed native vegetation which will wrap around the curtilage area of Lot 3 will increase the naturalness of this localised part of the gorge's upper edge. This planting and the proposed design controls will present development which is more recessive and sympathetic to the natural values of the ONF than existing development to the northwest. It is considered that while development on Lot 3 will be set near the edge of the ONF, that a future building will have a very low adverse effect on the open character values and naturalness of the ONF.*
- *The scale of the proposed development is small, especially when considered in the context of the whole site area. Land which is more sensitive in their arcadian pastoral character, such as the open areas adjacent to the road and those in the more south-eastern parts of the site will be retained in their open state. It is considered that the proposal will not compromise the arcadian pastoral character of the surrounding VAL.*
- *The spacing and siting of development will ensure the proposal does not cause overdomestication of the landscape as it will follow a similar, established pattern of development set within the more pastoral lands. The domestic effects of development will be contained by the proposed extension and infill of existing shelterbelts and proposed indigenous planting around Lot 3's curtilage area. This will mitigate the potential perceivable effects of development on the more visible portions of the landscape.*

In her review, again Ms Scott was in agreement with Mr Skelton provided the planting was undertaken in accordance with the proposed planting plan. I consider any domestication effects from the proposal will be less than minor. Both building platforms and curtilage will be located a considerable distance from the road boundary and the relief of the sites coupled with the existing and proposed landscape planting will largely screen them from the road. The vast majority of the sites will continue to remain in pasture.

### *Summary*

I consider the assessment of both landscape architects to be thorough and with the recommendations of Mr Skelton (as endorsed by Ms Scott) included as conditions of consent the proposed platforms can be incorporated into the immediate environment without detracting from the prevailing natural and pastoral character.

### **8.2.5 Form and Density of Development**

Mr Skelton noted the following regarding the proposed subdivision and development:

- *Platform A on Lot 2 will be located where it is not highly visible from public places and in an area which has a higher potential to absorb development while retaining areas which are more sensitive in the arcadian pastoral character.*
- *Platform B on Lot 3 will be located in an existing 'nook' near the back (southwest) of a pastoral unit, retaining the openness of the landscape unit to the north between the proposed platform and SH6. Design controls will ensure the effects of the future buildings and associated domestic effects do not affect the Arrow River gorge's more natural values.*
- *The curtilage area and proposed building platform B on Lot 3 will be accessed off a shared access way which will access another existing building platform. This will aggregate the effects of development.*
- *Both proposed platforms will be near other existing and rural living type development. This will have the effect of retaining the landscape's more open areas which may be sensitive to development.*
- *The proposal does not introduce densities which reflect that characteristic of residential areas.*

Proposed design controls will ensure that future development will not bring the land use to a threshold with respect to the vicinity's ability to absorb development. Ms Scott, in her review agreed with this assessment.

### Summary

Based upon the advice of Mr Skelton and Ms Scott, I consider the proposed development is appropriate in that the level of development is reflective of the immediate area. I consider the controls such as the maximum building height (5.5m) for the building platforms and the proposed plantings mean the proposed development is unlikely to lead to further degradation or domestication of the landscape. Given the above I do not consider this proposal will mean the area is closer to reaching a threshold for over domestication.

### 8.2.6 Cumulative Effects of Development on the Landscape

The proposal will include consent notices that will:

- Require mitigation planting to be undertaken on each of the lots to provide softening of the building platforms and access
- Control the design (including cladding, colour and reflectivity) and height of any future buildings in the proposed building platforms

Mr Skelton noted the following regarding the potential cumulative effects of development:

- *This proposal will see appropriately sited and controlled rural living development set into discrete pockets of land such that it will provide a buffer to adjacent properties, will not lead to over-domestication or degradation of the landscape, or cross a threshold with respect to the landscape's ability to absorb change.*
- *The low level of the proposal's visibility will ensure the development will not visually compromise the existing arcadian pastoral character by exacerbating existing and potential adverse effects.*

Ms Scott supported the points and overall assessment by Mr Skelton.

### Summary

The proposed development looks to introduce additional residential activity into an area that is considered to have the capacity to absorb development without leading to inappropriate sprawl among the immediate landscape. The applicant, via the report prepared by Mr Skelton, and the subsequent peer review by Ms Scott, has thoroughly addressed potential cumulative effects. The assessment and recommendations of Mr Skelton (as reviewed by Ms Scott), particularly the inclusion of the consent notices proposed, is adopted. However, given it will take time for planting to grow to a level where it will screen future dwellings it is appropriate for that planting to be undertaken as soon as possible. For the aforementioned reasons I consider that any adverse cumulative effect from the proposal will be less than minor.

### 8.2.8 Traffic Generation and Vehicle Movements, Parking and Access

Ms Torvelainen assessed the application with regard access and vehicle crossings and noted the following:

- Vehicle crossings to State Highway 6 are NZTA approved crossing points
- Both Lot 2 DP347767 and proposed Lot 3 will have direct legal access from Gibbston Highway
- The proposed accessway formed width is acceptable provided it is formed to QLDC standards and has a minimum 6.0m legal width
- The gradient of the accessway/right of way is acceptable
- The applicant has agreed to the requirements of the NZTA regarding access upgrades
- Sight distance from each of the access points, along the State Highway, is sufficient

The recommendations of Ms Torvelainen are adopted and I consider the adverse effects from the access and vehicle crossings will be less than minor.

### **8.2.9 Infrastructure**

#### Water supply

The application has been assessed by Council's Resource Management Engineer, Stella Torvelainen who noted the following regarding the water supply:

- There would be sufficient water quantity for both potable supply and irrigation for each lot.
- Prior to the erection of dwellings on the proposed lots the water proposed to be supplied to the lots should be treated to allow use as a potable supply
- With regard firefighting storage a new consent notice should be registered on the title of each proposed lot that an onsite storage tank of 30,000L with 20,000L static volume and in accordance with SNZ PAS 4509:2008 is installed prior to the occupation of any dwelling on the site.

The assessment and recommendations of Ms Torvelainen are adopted and I consider any adverse effect on or from the supply of water will be less than minor.

#### Effluent Disposal

Ms Torvelainen has assessed the application with regard effluent disposal and noted the following:

- The site and soils assessment shows suitable soils for onsite effluent disposal.
- The proposed Building Platform A on Lot 2 DP 347767 is suitable for an onsite wastewater management system.
- Given that the building platform on proposed Lot 3 is quite close to the river a suitably experienced Chartered Professional Engineer should undertake the system design for this lot, and prior to the construction of any dwelling.
- A consent notice 8511686.9 exists on the title that outlines a number of requirements for on-site waste water design. The intent of these should be carried over to this proposal.
- The recommended engineering conditions take into account the engineering consent notice requirements, with the level of service in line with Council's current requirements rather than historic requirements that were in place at the time the consent notice was created.

The assessment and recommendations of Ms Torvelainen are adopted and it is considered any adverse effect from wastewater disposal will be less than minor.

#### Stormwater Provisions

Ms Torvelainen has assessed the application with regard stormwater and noted the following:

- Suitable soils for stormwater disposal were demonstrated in the RM040630 application and this combined with the large size of the proposed lots makes it clear that the stormwater disposal via soakage can be accommodated on each of the lots.
- The servicing report outlines that the condition imposed via RM040630 and currently on the consent notice for Lot 2 DP 396476 is imposed. This outlines that at the time a dwelling is proposed on the lot the stormwater disposal system should be designed by a suitably qualified professional. A consent notice to this effect should be placed on each of the new lots.

The recommendations of Ms Torvelainen are adopted and I consider any adverse effect from stormwater will be less than minor.

### Energy Supply & Telecommunications

Ms Torvelainen has assessed the application and noted the following:

- Confirmation has been provided from the service providers that power and telecom can be made available to each proposed lot.
- Confirmation that power and telecom has been extended underground to each building platform shall be provided prior to 224c.

The recommendations of Ms Torvelainen are adopted and I consider any adverse effect on energy supply and telecommunications will be less than minor.

### **Summary of Infrastructure**

Relying on the expert assessment carried out by Ms Torvelainen above, I consider the allotments can be suitably serviced with all essential infrastructure including water supply, wastewater and stormwater disposal as well as power and telecommunication supply.

Appropriate conditions of consent are recommended to ensure all works are carried out appropriately and prior to formal occupation of any future dwelling.

### **8.2.10 Earthworks and Natural Hazards**

#### Land Stability / Alluvial Fans

Ms Torvelainen has assessed the application with regard land stability and the proximity of the building platforms to alluvial fans and noted the following:

- In an email from Paul Faulkner – entitled ‘Gibbston Valley Highway’ dated 13 February 2018 - of GeoSolve outlines *“The westernmost site is outside the alluvial fan hazard areas as shown on the QLDC hazard mapping, and assessment indicates a negligible to low risk is present.*

*For easternmost site is close to the mapped alluvial fan margin and the risk from this hazard is also assessed as negligible to low. A low risk of general overland flow from storm water run-off, as with any rural sloping site, is present for this lot.*

*With respect to liquefaction, no risk is present at either site due to the relatively shallow presence of rock, as observed in the Arrow Gorge to the south, and depth to the water table.”*

Ms Torvelainen accepted the expert’s assessment and make no further comments with regard to hazards.

The assessment of Ms Torvelainen is adopted and I consider any adverse effects from the identified hazards to be less than minor.

#### Earthworks

Ms Torvelainen has assessed the application with regard the proposed earthworks and noted that they would fall within the permitted levels under the District Plan. The assessment of Ms Torvelainen is adopted and I consider any adverse effect from earthworks will be less than minor.

Overall any adverse effect from natural hazards or earthworks will be mitigated to an extent that it is less than minor.

### **8.2.11 Subdivision, Design and Layout**

The proposed subdivision provides for adequate practical and legal vehicular access to all proposed allotments. All Lots will be appropriately serviced as detailed by Ms Torvelainen.



The subdivision, whilst providing for an additional lot, will have additional landscape planting and conditions regarding future building on the site. These conditions together with the relief of the site will mean that the density of development may increase but the rural character will be maintained.

The subdivision will create additional building platforms on Lot 2 Deposited Plan 347767 and proposed Lot 3 however, those platforms will measure just 0.8% and 0.4% of the total site area respectively which represent only a small loss in productive soils.

Given the above and that the landscape assessment (with mitigation) is supportive, it is considered appropriate to change the consent notice pertaining to no further subdivision.

### 8.2.12 Positive Effects

The proposal includes woody weed eradication on the site in close proximity to the Arrow River Outstanding Natural Feature and increased density and seed sourcing of indigenous vegetation will provide some positive effect associated with the development.

This positive effect does not sway the recommendation for this proposal.

### 8.2.13 Conclusion

Relying on the expert assessments provided and with the imposition of additional mitigation measures in the form of restricting the height of future buildings within the proposed platforms on Lot 2 DP 347767 and proposed Lot 3 along with additional landscaping, I consider the proposal will not detract from the rural amenities of the area in terms of privacy, quietness, spaciousness and rural setting.

I consider that the proposal is appropriate in that while there will be an increase in overall density within this rural environment, this location is one in which the proposed development is able to be absorbed given its characteristics and the mitigations proposed by the Applicant.

The allotments, to be created, are able to be appropriately accessed and serviced and overall it is considered that the ability to absorb the development without resulting in unacceptable adverse effects has been demonstrated.

## 8.3 DISTRICT PLAN PROVISIONS - OBJECTIVES AND POLICIES

### 8.3.1 OPERATIVE DISTRICT PLAN

The applicant has undertaken a review of the relevant objectives and policies of the Operative District Plan in Section 8.0 of the Applicant's AEE where the assessment considered the relevant provisions of:

- Section 4 – District Wide Issues
- Section 5 – Rural General
- Section 15 – Subdivision and Development

That assessment is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report, with the following noted regarding the key rural objectives and policies.

### Part 4: District Wide Issues

**Objective 1 and Policies 1.1 and 1.2 which seek *Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.***

The proposed development, including the proposed planting and restrictions on the height and colours of future buildings, will be able to be undertaken while maintaining the quality of this rural environment with retention of the existing landscape values.



## Natural Hazards

**Objective 1 and Policies 1.4-1.7 that seek to avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.**

There are identified hazards on or near the site however, the engineering assessment has confirmed that these can be mitigated to a level that any potential affect will be less than minor and will meet this Objective and Policies.

## Part 5: Rural Areas

Objective 1 and Policies 1.1 – 1.8 that seek:

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

Objective 2 and Policies 2.1 – 2.5 that seek:

*Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.*

Objective 3 and Policies 3.1 – 3.3 and 3.5 that seek:

*Avoiding, remedying or mitigating adverse effects of activities on rural amenity.*

The proposed development will not change or compromise the productive rural potential of the land. Lot 2 DP347767 is already physically separate from the remainder of the site and given the adjacent road is a state highway there is no realistic way of transporting stock from one site to the other so they are currently effectively separate sites. The proposal will not change that.

Proposed Lot 2 will measure 3.62 hectares in area and will not be sufficiently large for effective rural production unless the site is used by one of the immediately adjacent sites such as proposed Lot 3. This size is not dissimilar to other existing sites in the area such as 1356 Gibbston Highway immediately adjacent to the north west of proposed Lot 2 and it will be considerably larger than 1332 and 1348 Gibbston Highway located only 180m to the west and north of proposed Lot 2.

Lot 2 DP 396476 will have a new driveway to the proposed building platform. That driveway will not utilise a large portion of this 11 hectare site and therefore will not be detrimental to the life supporting capacity of soils.

The building platform on proposed Lot 3 will be accessed primarily off an existing farm track on the site, however, an extension of that track will be required to access the building platform. This site will measure in excess of 17 hectares in area and the proposal will not adversely affect the life-supporting capacity of soils.

The proposal has been assessed by landscape architects Mr Skelton and Ms Scott. Both consider that the proposed design controls, landscape planting and weed eradication will be sufficient to ensure the development does not detract from the landscape character of the surrounding area and they consider the proposed subdivision and building platforms can be comfortably absorbed into this area. There are currently shelterbelts on this site and the adjacent sites so the amenity of the area is characterised by that rather than open expanses of pasture. The development will de-amalgamate two existing lots and create a new lot and two related building platforms but the existing and future planting will mean that this level of development will not detract from the existing amenity of this area.

For the aforementioned reasons it is considered that the proposal is consistent with the relevant objectives and policies of Part 5, and other relevant provisions in Parts 4 and 15 of the District Plan.

### 8.3.2 PROPOSED DISTRICT PLAN

Council notified Stage 1 of the Proposed District Plan on 26<sup>th</sup> August 2015 and Stage 2 on 23<sup>rd</sup> November 2017, which contains objectives and policies with immediate legal effect, pursuant to section 86A(2) of the RMA. In this case, the objectives and policies contained in Part Two, Chapters 3 (Strategic Direction) and 6 (Landscapes) and Part 4, Chapter 24 (Wakatipu Basin) are relevant. It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage. Notwithstanding, it is considered the proposed de-amalgamation, subdivision and new building platforms are appropriate, and the additional controls such as the planting requirement and design and colour of future buildings in the registered building platforms would be in accordance with these objectives and policies.

### 8.3.3 SUMMARY OF FINDINGS

Overall, I consider that the proposed development is consistent with and will give effect to the relevant objectives and policies of both the Operative District Plan and the Proposed District Plan as discussed above.

## 8.4 REGIONAL POLICY STATEMENTS (Section 104(1)(b)(v))

The relevant objectives and policies in the Operative Regional Policy Statement are contained within Part 5 (*Land*), and for the Proposed Regional Policy Statements within Part B Chapter 1 (*Resource management in Otago is integrated*), and Chapter 3 (*Otago has high quality natural resources and ecosystems*). A full list is contained in *Appendix 6*.

The Regional Policy Statement was addressed in Section 6 of the Applicant's AEE. That assessment is considered to be complete and is adopted for the purposes of this report.

## 8.5 OTHER MATTERS

### 8.5.1 Precedent

The proposal has been assessed by both Mr Skelton and Ms Scott with regard the setting and the proposed development. That assessment indicates that while this is a rural environment the actual site has unique characteristics that means it is able to, with planting, recessive colours and low reflectivity and a 5.5m maximum building height for both the residential building platforms, absorb the subdivision and development proposed.

This cannot be said of many other rural sites in this area. Section 8.2.6 of this assessment discusses potential cumulative effects and concludes that they will be no more than minor.

For the aforementioned reasons and acknowledging the prevailing character of the area and the circumstances surrounding this proposal, I consider the risk associated with precedent effects will be low.

## 9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

In this case the relevant District Plan provisions are valid, have complete coverage and are certain. Therefore, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates the proposed activity accords with Part 2 of the Act.

Overall, I consider the proposal does promote sustainable management.

## **10. LEGISLATIVE REQUIREMENTS**

### **10.1 SUBDIVISION (S106) ASSESSMENT**

Section 106 enables Council to refuse to grant subdivision consent if it considers the land subject to the application is likely to be subject to natural hazards, if any subsequent use of the land could exacerbate effects from natural hazards, or if sufficient provision has not been made for legal and physical access to each site.

It is considered that appropriate physical and legal access has been or can be created to the site. As to hazards, it is considered the proposed subdivision does suitably consider natural hazards and that subsequent use of the site will be not increase risk from natural hazards.

On the basis of the above assessments there is scope to grant consent under s106 of the RMA.

## **11. CONCLUSIONS**

### **11.1 EFFECTS ON THE ENVIRONMENT**

As discussed in Section 8 above, the proposed development is considered appropriate subject to conditions of consent to assist with mitigation.

### **11.2 OBJECTIVE AND POLICIES**

As I have concluded in Section 8.3 above, the proposal is considered to be consistent with the objectives and policies of both the Operative District Plan and Proposed District Plan.

### **11.3 SUMMARY**

- Subject to appropriate mitigation by way of a 5.5m building height restriction (for any future building within Lot 2 DP 347767 and proposed Lot 3) and landscape planting, the adverse visual and landscape effects can be adequately mitigated on the wider environment and will not detract from the landscape character of the area.
- The proposal will not detract from the prevailing character of the area which is characterised by farm land and shelterbelts partially obscured by roadside trees with the occasional dwelling.
- The proposal provides for adequate provision for legal and practical vehicular access and the proposed allotments and building platforms can be adequately serviced for: water supply; stormwater; wastewater disposal; power; telecommunication; and fire-fighting.
- With regard to hazards from alluvial fans the sites are a considered suitable for residential development as the hazards are avoided.
- The proposal is consistent with the relevant objectives and policies of both the Operative District Plan and the Proposed District Plan.
- The proposal does promote the overall purpose of the RMA.

### **11.4 OVERALL RECOMMENDATIONS**

#### **11.4.1 Recommendation on Subdivision Consent**

Given the findings above (Section 9.1 and 9.2), I consider the subdivision application by Adam Hill and Rosemary Hill as Trustees of the R and A Hill Family Trust to:

- cancel the amalgamation of Lot 2 DP 347767 and Lot 2 DP 396476
- vary under Section 221 (3) of the RMA Consent Notice 8511686.3 to enable the subdivision of this site
- subdivide Lot 2 DP 396476 into two lots, and to identify a new building platform

can be granted subject to the recommended conditions of consent as detailed in *Appendix 1* below.

#### 11.4.2 Recommendation on change to Consent Notice pursuant to Section 221 of the RMA

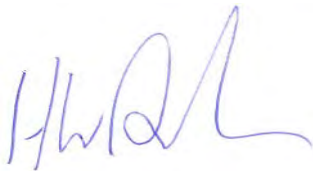
Given the findings above (Section 9.1 and 9.2), I consider the application by Adam Hill and Rosemary Hill as Trustees of the R and A Hill Family Trust to change Condition 'n' of Consent Notice 8511686.3, as it relates to Lot 2 Deposited Plan 396476, be **granted** pursuant to Section 221 of the RMA, such that:

1. Condition n of Consent Notice 8511686.3 is amended to read as follows (added text underlined and bold, deleted text struckthrough):
  - (n) **With the exception of the subdivision approved by RM170891** ~~Any further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.~~
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 8511686.3 shall continue to apply.

Report prepared by



Hamish Anderson  
**CONSULTANT SENIOR PLANNER**

Reviewed by



Alana Standish  
**SENIOR PLANNER**

<b>Attachments:</b>	Appendix 1 Appendix 2 Appendix 3 Appendix 4 Appendix 5 Appendix 6	Consent Conditions Applicant's AEE Engineering Report Landscape Architect's Report Operative District Plan Assessment Matters Regional Policy Statement Objectives and Policies
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**Report Dated:** 16 May 2018

# **APPENDIX 1**

## **Consent Conditions**

**RECOMMENDED CONDITIONS FOR DE ALMALGAMATION (SUBDIVISION) OF LOT 2 DP 347767 AND LOT 2 DP 396476 AND TO IDENTIFY A NEW BUILDING PLATFORM ON LOT 2 DP 347767 (PART A)**

**General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Proposed Subdivision & Platforms Lot 2 DP 347767 & Lot 2 DP 396476 Gibbston Highway for A & R Hill, drawing and issue number 1015-10R-1D', prepared by Aurum Survey and dated 19 December 2016
  - Hill, Gibbston Highway Masterplan', prepared by Patch and dated 18 January 2018

**stamped as approved on 4 May 2018**

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 QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz>

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

3. Prior to the commencement of any works on site the owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
4. Prior to commencing works on site, the consent holder shall submit a traffic management plan to undertake works within the State Highway road reserve to the New Zealand Transport Agency or its network management consultant, Aspiring Highways, for certification and acceptance. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the certified plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
5. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and certification, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (2), to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 2 DP 347767 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).

- b) The provision of an access way to within 20m of the building platform on Lot 2 DP 347767 that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
- c) The provision of crossing point intersection and road improvements with State Highway 6 to meet the New Zealand Transport Authority (NZTA) and Queenstown Lake District Council requirements and standards. A copy of the NZTA reviewed and approved plans shall be submitted to the Principal Engineer at Council prior to works commencing. These shall include Crossing Points CP6, CP7 and CP12 detailing sealed upgrades and widenings to a NZ Transport Agency Diagram C Standard.

***To be completed before Council approval of the Survey Plan***

- 6. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall ensure all necessary easements 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***

- 7. Prior to the building platform being registered on the Computer Freehold Register, the consent holder shall complete the following:
  - a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Subdivision Planner at Council. 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) A digital plan showing the location of of the approved building platforms on Lot 2 DP 347767 and 3 (DP to be allocated) (as per plan titled 'Proposed Subdivision & Platforms, Lot 2 DP 347767 & LOT 2 DP 396476, Gibbston Highway for A & R Hill', Drawing Number 1015-10R-1D, dated 19/12/2016) shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion and implementation of all certified works detailed in Condition (5) above.
  - d) Gates at crossing points CP6, CP7, and CP12 shall be recessed from the State Highway legal boundary by a minimum of 6m.
  - e) The consent holder shall supply the consent authority with a Section 93 Government Roading Powers Act notice signed by the NZ Transport Agency confirming that the State Highway is road for the purposes of this subdivision.
  - f) The consent holder shall supply written confirmation from the NZ Transport Agency or agents thereof that the access improvements to CP6, CP7, and CP12 have been completed to meet the NZ Transport Agency standards.
  - g) 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 building platform and that all the network supplier's requirements for making such means of supply available have been met.

- h) 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 building platform and that all the network supplier's requirements for making such means of supply available have been met.
- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- j) All areas of planting on the approved landscape plan for Lot 3 shall be completed prior to issue of 224c for any stage of the subdivision. Screen planting shall be in the form of a double row shelter belt of Leyland Cypress or similar evergreen screening species with rapid growth rates, planted at a minimum of 1m height. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

### ***Ongoing Conditions/Consent Notices***

8. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act:

- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
- b) At the time a dwelling is erected on Lot 2 DP 347767, the owner for the time being shall engage a suitably experienced Chartered Professional engineer 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 Southern Monitoring Services Ltd "Proposed Subdivision of Lot 6 KP 21550 #13658 Gibbston Highway to Create Lots 1 -6, Onsite Wastewater Management Assessment" dated 13 January 2004. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the dwelling.

At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.

- c) The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.
- d) At the time a dwelling is erected on the Lot 2 DP 347767, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
- e) Crossing point CP12 shall be maintained by Lot 2 DP 347767 at all times to a NZ Transport Agency Diagram C Standard.
- f) At the time that a dwelling is erected on Lot 2 DP 347767, the owner for the time being is to treat the domestic water supply by filtration and disinfection (if required) so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).



- g) At the time a dwelling is erected on Lot 2 DP 347767, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or equivalent). Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ 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.

Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

#### Building Design Controls

- h) Any building erected on Lot 2 DP347767, Lots 2 and 3 (DP to be allocated) shall comply with the following:
- Building height - the maximum height of any building shall be 5.5m from existing ground level.
  - Roof pitch - any gabled roof shall have a roof pitch of between 22 and 40 degrees.
  - Roof materials - all roof materials shall be steel (corrugated or tray), cedar shingles, slate, membrane or vegetated.
  - Roof colour - all roofing colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 27%.

- External wall cladding materials - all external cladding materials shall be steel (corrugated or tray), timber board and batten, timber weather board (or similar), concrete, plaster or natural stone.
- External wall colours:
  - For Building Platform A (Lot 2 DP 347767) - all external wall colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 36%.
  - For Building Platform B (Lot 3) - all external wall colours including timber and concrete walls shall be dark and recessive within the range of natural greys, browns and greens. All colours must have an LRV of less than 27%.
- Joinery - All joinery shall be in timber, steel or aluminium. Joinery colours (excepting timber) shall be similar in colour to roofing, gutter and spouting colours.
- Gates and entry features - All gates and entry features, except existing deer fences and gates, shall be of a typical rural character, being constructed of timber, wire and/or stone with a maximum height of 1.2m.
- Fencing - All fencing shall be either post and wire or post and rail fencing constructed by a suitably qualified person.
- Water tanks - all water tanks shall be partially or completely buried. Any part of a water tank which is above ground shall be coloured in a dark grey or dark green colour. Planting is encouraged to screen water tanks as viewed from SH6.
- Driveways - All driveways shall be constructed of gravel. An alternative material is appropriate inside the residential curtilage areas.
- Lighting - All landscape lighting shall be directed downward and no higher than 1.2m.

#### Landscape Controls

- i) At the time a building consent is applied for on Lot 2 DP347767 a landscape plan shall be prepared, to the satisfaction of the Manager Resource Consents that demonstrates how the future building within the registered building platform will be softened when viewed from the southwest of the site. That planting shall not rely on the existing planting within the Council Reserve to the south of the site.
- j) Prior to building on Lot 3 (DP to be allocated) the proposed double row of shelterbelt planting, as shown on the approved landscape plan entitled '*Hill, Gibbston Highway Masterplan*', prepared by Patch and dated July 3 2017, shall be at a height capable of softening not less than  $\frac{3}{4}$  of view of the proposed building height as viewed from the highway before building can commence within that registered platform.
- k) On Lot 2 DP347767, Lots 2 and 3 (DP to be allocated) within the first available planting season following the construction of any building on the site, all other planting indicated on the Patch plan titled '*Hill, Gibbston Highway: Masterplan*', dated July 3, 2017 shall be completed. All planting shall be undertaken according to best horticultural practice, and all plants mulched, irrigated and protected from rabbits and hares. Should any plant die or become diseased within ten years of implementation it shall be replaced with another plant of similar type but not necessarily of the same species.
- l) All woody weed occurring within the lots shall be removed by hand on an annual basis.

#### Consent Notice 8511686.3

- m) Condition n of Consent Notice 8511686.3 is amended to read as follows (added text underlined and bold, deleted text struckthrough):
  - (n) **With the exception of the subdivision approved by RM170891** ~~Any further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.~~

- n) 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 Notes:**

1. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.
2. 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.
3. There is repetition of some conditions in the land use consent and the subdivision consent. When a condition is satisfied in one it will be noted as having been satisfied in the other.
4. The consent holder should obtain all necessary Otago Regional Council consents, if any necessary.

## **APPENDIX 2**

# **Applicant's Assessment of Environmental Effects**

**Adam Hill and Rosemary Hill as  
Trustees of the R & A Hill Family Trust**

## **ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**1358 Gibbston Highway**

An application for:

- Part A:** Subdivision resource consent to de-amalgamate Lot 2 DP 347767 from Lot 2 DP 396476 and land use resource consent to identify a new building platform on Lot 2 DP 347767
- Part B:** Subdivision resource consent to subdivide Lot 2 DP 396476 into two lots, and to identify a new building platform, and variation of consent notice conditions

August 2017

## Contents

### 1.0 Introduction

- 1.1 Background and relevant consent history

### 2.0 Property Description

- 2.1 Relevant encumbrances

### 3.0 The application

- 3.1 Subdivision– description of proposals
- 3.2 Landscaping and visual mitigation
- 3.3 Proposed landscape and building design controls
- 3.4 Vehicle access and earthworks
- 3.5 Servicing
- 3.6 Natural Hazards
- 3.7 Contaminated Soils
- 3.8 Variation of consent notice conditions

### 4.0 Resource Consents Required

### 5.0 Description of other activities

### 6.0 Statutory assessment

- 6.1 Section 104(1)(b) RMA
- 6.2 National Environmental Standard

### 7.0 Assessment of environmental effects

- 7.1 Landscape effects
- 7.2 Effects from infrastructure services
- 7.3 Proposed access, traffic effects and the adjoining roading network
- 7.4 Effects on heritage values
- 7.5 Effects on natural hazards
- 7.6 Positive effects
- 7.7 Summary of mitigation proposed
- 7.8 Conclusion of assessment of environmental effects

### 8.0 Operative Queenstown lakes district plan assessment

- 8.1 Relevant Objectives and Policies – Part 4 District Wide
- 8.2 Relevant Objectives and Policies – Part 5 Rural Areas
- 8.3 Relevant Objectives and Policies– Part 15 Subdivision
- 8.4 Subdivision Assessment Matters- Part 15 Subdivision

### 9.0 Queenstown Lakes Proposed District Plan

- 9.1 Chapter 3 Strategic Direction
- 9.2 Chapter 6 Landscapes

### 10.0 Otago Regional Policy Statement

- 10.1 Operative Regional Policy Statement
- 10.2 Proposed Regional Policy Statement

### 11.0 Part 2 RMA

**12.0 Conclusion on statutory considerations****13.0 Consultation**

## 12.1 Neighbouring Property Effects

**14.0 Assessment of previous Application for Subdivision****15.0 Conclusion****16.0 Volunteered Conditions**

**ASSESSMENT OF ENVIRONMENTAL EFFECTS**  
**Information Required for Resource Consent Application**  
**In Accordance with the First Schedule of the Resource Management Act**

## 1. Introduction

This document has been prepared to support applications for resource consents lodged pursuant to Section 88 of the RMA, and to provide an Assessment of Effects on the Environment ('**AEE**') to undertake subdivision and development of land owned by the Trustees of the R & A Hill Family Trust (the '**Applicant**') at 1358 Gibbston Highway, Queenstown ('**Property**').

The Property currently contains farm buildings and one approved residential building platform. It is currently used for grazing purposes. The purpose of the resource consent application is to enable the Applicant to provide a succession plan for the landowners' parents and to establish a more logical title pattern than that which has resulted from previous subdivision of the Property.

**Part A** of the Application seeks resource consents to create a new residential building platform within Lot 2 DP 347767, and to de-amalgamate that Lot from Lot 2 DP 396476.

**Part B** of the Application seeks resource consents to subdivide Lot 2 DP 396476 into two lots, retain the existing building platform on this lot and to identify a new building platform within proposed lot 3 so that each of the platforms is contained within its own title. It is requested that the consent notice currently on the title be varied.

This AEE supports the applications for resource consents and provides:

- A description of the proposals, including a detailed description of the proposed subdivisions and associated services, landscaping and land management;
- An assessment of effects on the environment. This includes a detailed landscape report prepared by Patch Design. Technical reports are also included to identify and manage effects associated with the treatment and disposal of wastewater, the provision of a potable water supply, power and telecommunications;
- An assessment of the Application against the relevant provisions of the Queenstown Lakes District Plan ("**Operative Plan**") relating to subdivision and development within the rural areas of the District (Part 5), together with the Part 4 objectives and policies relating to landscape and amenity values;
- An assessment of the Application against the relevant provisions of the Queenstown Lakes Proposed District Plan ("Proposed Plan") relating to subdivision and development in the Rural Zone (chapter 21);
- Identification of measures incorporated into the proposal to avoid, remedy, or mitigate any actual or potential adverse effects on the environment; and
- An assessment of the activity against the matters set out in Part 2 of the Act.

This application for resource consents is made pursuant to Section 88 of the Act, and has been prepared in accordance with the Fourth Schedule of the Resource Management Act 1991 ("**RMA**") in such detail to satisfy the purpose for which it is required.

### 1.1 Background and relevant consent history

The Property was last subdivided by way of subdivision consent lodged in July 2004 by the then owners, Barry and Iona Dawson (RM040630). That application proposed a six lot subdivision, and the identification of five new residential building platforms. The Commissioner decision



declined the application, and it was appealed to the Environment Court. A Consent Order was issued that approved Lots 1 and 2 DP 396476 each containing a residential building platform, and retained Lot 2 DP 347767 as a bare amalgamated lot held in the same certificate of title as Lot 2 DP 396476. The Consent Order also imposed a range of ongoing consent notice conditions.

The resulting subdivision created a new 32.2503ha title ("**Property**") held in two lots (Lot 2 DP 396476 and Lot 2 DP 347767) with one residential building platform located on Lot 2 DP 396476. The consent for RM040630 was approved by way of Environment Court Consent Order dated 8 December 2005 (EnvC 0050/05) ("**Consent Order**"). The Consent Order identified Lot 2 DP 396476 of the Property as being accessed via an easement right of way over Lot 1 DP 396476, which was never subsequently registered on the title of the Property.

The resulting layout of the Property is somewhat unusual in that the amalgamated lots are physically separated by a right of way and other residential allotments. The Property is one of the largest landholdings in the immediate vicinity along the Gibbston Highway, which is otherwise typified by smaller pastoral allotments and rural living development.

The landowners have been assisted in purchasing the Property from parents who own a sheep and beef farm in Southland and now they wish to provide a retirement option for their parents to downsize their working farm in the future and retire closer to their children and to rationalise future use of the Property.

It is understood that a separate resource consent has recently been issued for a dwelling within the existing building platform ("**Existing Platform**") located within Lot 2 DP 396476 (RM170394). That consent is only relevant to these proposals to the extent that the access to the existing platform will extend through proposed Lot 3. The location of a dwelling within the existing platform is an anticipated use, and forms part of the receiving environment. This application will result in the existing platform being located within a separate lot (proposed lot 2), and subject to the existing consent notice conditions.

## 2. Property Description

The Property is located at 1358 Gibbston Highway, Queenstown, between the Arrow River and the Gibbston Highway approximately 1.5km from the 'Bungy Bridge'. Refer Site Location Plan at Annex **D** and is described as follows:

*The subject site is part of a rural landscape in the Wakatipu Basin. It occupies a large portion (32.25ha) of the more easterly extents of the Morven Ferry landscape area which exists between the south facing Crown Terrace escarpment, the Kawarau River, Morven Hill and the north facing slopes of the Ben Cruachan Range.*

*The subject site is 'cut off' from the wider Morven Ferry area by the Arrow River which forms an incised gorge immediately southwest of the subject site. The north-eastern boundary of the site is formed by a relatively straight and tree lined portion of SH6. The site is a long and narrow, mostly pastoral sliver of land between SH6 and the Arrow River. The site is physically split into two allotments, with a number of smaller rural living allotments established in between the two lots making up the site. A subtle terrace crosses the more northerly portion of the site and development has occurred atop this terrace on the adjoining lots.*

[Stephen Skelton, landscape report February 2017, paras 3.1 and 3.2]

The Property is physically split between its two lots. The entire north-eastern boundary fronts onto a long straight section of the Gibbston Highway while the south-western boundary abuts the eastern margin of the Arrow River which flows in a parallel course past the Property. Lot 2 DP 347767 has frontage to the State Highway, and extends to the south west to the Arrow River. It is separated from the remainder of the site by five separately owned rural living sites. Lot 2 DP 347767 is currently a bare allotment which is serviced by existing water supply and right of way easements accessing the Gibbston Highway.

Lot 2 DP 396476 has approximately 1.41km of frontage to the State Highway and is a long, narrow section of land that is generally of an even gently sloping surface with a gradual fall from the north-east to south-west. There are a number of established shelterbelts running both parallel and perpendicular to the State Highway. This lot contains an existing residential building platform approved pursuant to resource consent RM040630 and with service connections provided in accordance with RM040630. It has two approved accesses onto the State Highway and contains an existing farm office, garage and farm sheds. It is predominantly in pasture.

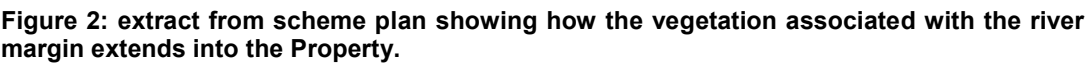
**Figure 1** below shows the topography of the Property and its surrounding areas.



**Figure 1: Topography**

The area surrounding the Property is characterised by domesticated pasture divided into paddocks by fences and linear shelter plantings, interspersed with rural lifestyle dwellings and exotic tree plantings. It is bounded by small lots that contain residential dwellings and outbuildings.

The boundary between the Property and the Arrow River is clad in bush, with the river margin vegetation extending across the Property boundaries in this vicinity. This is illustrated on Figure 2 below, extracted from the Scheme Plan. The blue lines denote the Property boundaries, while the existing fence lines are in black. This demonstrates how the vegetation associated with the river margin extends into the Property.



## 2.1 Relevant encumbrances

The Property is subject to a number of encumbrances which provide for rights to convey water, power, telecommunications, and rights of way, and which are not relevant to this Application, therefore have not been addressed. The relevant encumbrances are listed as follows:

- Right of Way specified in Easement Certificate - 765247.5
- Notice pursuant to Section 91 Transit New Zealand Act 1989 – 5027694.1
- Consent Notice pursuant to section 221 Resource Management Act 1991 – 8511686.3 (affects Lot 2 396476)

The implications of these encumbrances are discussed further below under 4.4 access and 4.8 variation of Consent Notice Conditions.

### 3. The Application

#### 3.1 Description of proposals

##### Part A:

Part A of this Application seeks subdivision consent to de-amalgamate Lot 2 DP 347767 from Lot 2 DP396476, and land use consent to identify a new residential building platform on Lot 2 DP 347767. The new allotments resulting from Part A would be as follows (refer Subdivision Plan attached at Annex E):

- Existing Lot 2 DP 347767 being approximately 11.1895ha in area and containing a new residential building platform ("**Platform A**").
- Existing Lot 2 DP 396476 being approximately 21.06ha in area and containing the existing residential building platform on current Lot 2 DP 396476 ("**Existing Platform**").

##### Part B:

Part B of this Application seeks subdivision consent to subdivide Lot 2 DP 396476 into two separate lots and identify a new building platform whilst retaining the Existing Platform on Lot 2 DP 396476. The new allotments resulting from Part B would be as follows (refer Subdivision Plan attached at **Annex E**):

- Proposed Lot 2 being approximately 3.62ha in area, containing the Existing Platform.
- Proposed Lot 3 or ("**Balance Lot**") being approximately 17.44ha in area, containing a newly identified residential building platform ("**Platform B**"). The Balance Lot will also retain the existing farm buildings located on the Property.
- For simplicity, and to avoid unnecessary repetition, the assessment of effects on the environment for both Parts A and B has been combined in this document, as well as in the supporting attached reports, referring to both Parts A and B together.

##### Overall Proposals:

The details, orientation and dimensions of the proposed new building platforms for both Parts A and B are shown on the Subdivision Plan attached at **Annex E**. The two proposed building platforms are located in excess of 15m from internal boundaries and are set back a significant distance from road boundaries. The Existing Platform is already serviced by existing power, water, and telecommunications easements which are proposed to be retained. Platforms A and B are proposed to be serviced as set out in the Services Report attached at **Annex G**. This Report demonstrates that the new lots can accommodate wastewater disposal systems and discharge stormwater. Water supply for domestic use is obtained from the Swift Burn Downs Water Supply Limited, consent number 98120, dated 28 August 1998.

The Applicant also holds a 1/3 share in a deemed permit (consent number 97402) to take 300,000 litres of water per hour from the Royal Burn for irrigation and stock water. The Permit expires in October 2021 and is in the process of being renewed as a resource consent.

#### 3.2 Landscaping and visual mitigation

The Application proposes to undertake landscaping around the proposed building platforms to provide a framework of structure planting and assist in the absorption of future buildings within



the landscape. The details of the planting are shown at attachment B of the Landscape Report prepared by Patch Design, attached and marked **F**.

Planting is designed to enhance the existing character and amenity of the Property and its immediate vicinity by continuing the existing patterns of vegetation. Rural planting such as evergreen shelter belts are already present, as well as a mix of other shelter and rural character trees such as poplar, silver birch, and cherry blossom. The placement of the proposed planting builds on the existing pattern, and is designed to maximise neighbourhood amenity and protection of internal views, as well as preserving views from the State Highway. No boundary screening is proposed as part of this Application. This proposed planting ensures that rural productivity of the balance of the land is maintained by not disrupting open paddocks.

Recommended species are listed in the Landscape Report attached and marked F, and comprise native plant species and other species which exist on the Property already, as well as recognising existing trees to be retained.

The proposed planting is projected to be able to grow to a sufficient height such that future buildings will not be highly visible from the State Highway. These trees, once mature will provide a moderate to high level of visual screening of future buildings from the Gibbston Highway viewpoint, while retaining the open space character of the Property. The level of visibility of the proposed built development is concluded as being 'very low' as both proposed platforms and driveways are only partially visible from a few short sections of SH6 (para 5.3, Landscape Report).

### **3.3 Proposed landscape and building design controls**

A number of landscape and design controls are volunteered as part of this Application which is consistent with previous subdivision consent RM040630. These controls are volunteered to be implemented by way of consent notice registered on the relevant titles to ensure that future dwellings will be constructed of suitable cladding materials and colours and subject to appropriate height and scale limitations.

The complete package of proposed conditions is included in the Report at Attachment A of the Landscape Report, attached at **Annex F**, and include controls over the following matters:

- Building height - the maximum height of any building shall be 5.5m from existing ground level.
- Roof pitch - any gabled roof shall have a roof pitch of between 22 and 40 degrees.
- Roof materials - all roof materials shall be steel (corrugated or tray), cedar shingles, slate, membrane or vegetated.
- Roof colour - all roofing colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 27%.
- External wall cladding materials - all external cladding materials shall be steel (corrugated or tray), timber board and batten, timber weather board (or similar), concrete, plaster or natural stone.
- External wall colours – For Platform A - all external wall colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 36%. For building platform B - All external wall colours including timber and concrete walls shall be dark and recessive within the range of natural greys, browns and greens. All colours must have an LRV of less than 27%.
- Joinery - All joinery shall be in timber, steel or aluminium. Joinery colours (excepting

timber) shall be similar in colour to roofing, gutter and spouting colours.

- Gates and entry features - All gates and entry features, except existing deer fences and gates, shall be of a typical rural character, being constructed of timber, wire and/or stone with a maximum height of 1.2m.
- Fencing - All fencing shall be either post and wire or post and rail fencing constructed by a suitably qualified person.
- Water tanks - all water tanks shall be partially or completely buried. Any part of a water tank which is above ground shall be coloured in a dark grey or dark green colour. Planting is encouraged to screen water tanks as viewed from SH6.
- Driveways - All driveways shall be constructed of gravel. An alternative material is appropriate inside the residential curtilage areas.
- Lighting - All landscape lighting shall be directed downward and no higher than 1.2m.

Further, the Landscape Report recommends the following control on landscaping around proposed platform B:

*All planting within 100m to the northwest, southwest and southeast the building platforms which will reach a mature height of greater than 3m shall be either evergreen or an indigenous species.*

The above package of controls will ensure that any future dwellings and associated activities undertaken on the Property are consistent with the existing environment and in keeping with the visual amenity landscape.

### 3.4 Vehicle access and earthworks

The Property's eastern boundary fronts onto the Gibbston Highway, which is a section of Limited Access Road ("LAR") as determined by the New Zealand Transport Agency ("NZTA"). There are four existing access points from the property onto the State Highway, these are identified as Crossing Points 6, 7, 8 (shared ROW), and 12. Each of these crossing points has been authorised by NZTA and may only be closed in accordance with NZTA statutory functions and with due process

This Application does not propose any new or amended crossing points onto the State Highway network.

It is proposed that access to Lot 2 DP 347767 will be provided from existing Crossing Point 12 (RP 978/3622) from Gibbston Highway marked as 'existing access point' in red on the attached Subdivision Plan **Annex E**. Access to proposed Lots 2 and 3 will be provided from existing Crossing Point 7, marked in red on proposed Lot 3.

The existing crossing point 12 has well in excess of the 282m minimum requirement for a 100km per hour posted speed limit. To the northwest this is approximately 480m limited by a summit curve, to the southeast approximately 500m limited by a sag curve (dip) where vehicles briefly disappear from view.

Crossing Point 7 is proposed to access proposed Lots 2 and 3 and will be via a shared right of way over proposed Lot 3 which follows the existing access from Gibbston Highway and continues along the established evergreen shelterbelt row of pines.

Crossing Point 7 has well in excess of the 282m minimum visibility requirement of NZTA. To the north west there is greater than 800m visibility sight distance limited by a summit curve. To the south east there is approximately 560m also limited by a summit curve.

The State Highway has less than 10,000 vehicles per day, and the proposed accesses will have less than 10vpd serving each single rural residential dwelling with less than one slow, heavy or long vehicle per week. Therefore the proposals do not represent a significant impact on the functioning of the road network.

The access way to each building platform will have a minimum formation standard of 150mm compacted AP40, with a minimum carriageway width of 3.5 metres. Provision will be made for stormwater disposal from each access way. The Council's development standard NZS 4404:2004, with amendments adopted by Council in 2005, will be complied with. It is proposed that the detailed design of the accesses are provided to Council for certification prior to construction (see volunteered conditions).

Other secondary access points are established along the road frontage and are used less frequently, but are nonetheless important for farming purposes. They will be maintained for farming purposes and are not affected by this proposal.

### 3.5 Servicing

The ability to service the proposed allotments has been confirmed in the Servicing Report prepared by Andy Carter of JCarter Planning, attached and marked **G**. This report includes a detailed account of the proposals for the supply of potable water, disposal of stormwater and wastewater, standard of property access, earthworks and the provision of electricity and communications.

The provision of adequate services and the creation of vehicle access to the boundary of each new lot can be appropriately secured through the imposition of conditions of consent. Each is designed to meet the Council's engineering standards. The detailed design of services will be subject to engineering approval prior to the signing and sealing of a survey plan and inspecting before a completion certificate. Through this process, it is confirmed that each of the new platforms can be adequately serviced, and that the proposals will not give rise to any adverse effects on the environment from services.

### **Wastewater**

The Servicing Report confirms that it is feasible to provide on-site wastewater treatment and disposal. The Servicing Report relies on the findings of the investigations prepared in support of resource consent application RM040630. The findings of those investigations and supporting report were based on on-site soil testing and found that:

*"each of the lots have available a large area of ground with soils of adequate capacity to accommodate the treatment of effluent to land via sub-soil treatment methods in accordance with AS/NZS 1547:2000 for the residential loadings that can be anticipated by the development proposed". (Assessment of Effects for Swiftburn Downs, RM040630, Section 1.4.1, page 11)*

Given that proposed Platforms A and B are located in fairly close proximity to the location of the soil tests undertaken for the purposes of RM040630, and are within significantly larger sites, it is concluded that the disposal of wastewater is feasible for each of the platforms. The size of the disposal area that is required will depend on the scale of the future dwellings. It is noted that Platform A is located further away from the soil test locations. However, given the size of the site, the consistent geology between this site and the soil test locations, and the generous separation between Platform A and neighbouring properties, it is evident that effluent disposal can be achieved.

It is proposed that the wording of Consent Notice condition (a) of RM040630 is not altered and is transferred to the newly created lots. This provides consistency with the requirements imposed on the existing platform to be contained in Lot 2, and appropriately relies on the information provided with consent RM040630.

The consent notice condition (a) reads:

*At the time that a dwelling is proposed on Lot 1 or Lot 2, a suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 for that Lot that will provide sufficient treatment/renovation to effluent from on-site disposal prior to discharge to land. To maintain high effluent quality, such a system would require the following:*

- *Specific design by a suitably qualified professional engineer*
- *A requirement that each lot must include systems that achieve levels of treatment determined by specific design.*
- *Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance*

*Disposal areas shall be located such that maximum separation (in all instances greater than 30m) is obtained from any watercourse or water supply bore. The effluent disposal system is to be installed prior to the occupation of the dwelling.*

## **Water Supply**

The proposed subdivision and de-amalgamation will not have any effect on reticulated Council infrastructure as no such services are available to supply the proposed lots. Domestic and irrigation water supplies for each of the resultant lots are to be reticulated from an existing system that draws from the Swiftburn Water Supply Limited.

The Servicing Report confirms at section 4 that the allotments can be adequately serviced by water supply from Swiftburn through Otago Regional Council Water Permit Consent number 98120. This permit allows the abstraction of 110,000 litres per hour to supply a community scheme. The Applicant currently has 730 shares in this scheme, and it is proposed that Platform A and the Existing Platform would gain 33 shares, equating to 33 000 litres per day. The balance of the shares held would run with the Balance Lot. This is more than adequate to provide supply to the proposed residences. The permit expires 1 August 2018 and is in the process of being renewed.

The capacity of the scheme to supply an additional two dwellings is included in a letter from the Manager of the scheme, this letter is provided at Appendix 3 to the Servicing Report. It is proposed that a condition of consent is imposed that requires suitable treatment for potable supply.

Water for firefighting supply will be provided on each site via a 23,000 litre tank with 14,000l reserve (as reflected in the conditions of consent RM040630).

## **Stormwater**

There is no Council stormwater reticulation available to connect into and therefore on-site stormwater disposal is proposed.

The Servicing report confirms that there is sufficient land area with appropriate sub-surface conditions to appropriately dispose of stormwater to ground within the site. The Servicing Report (Annex G) recommends conditions to address this matter, consistent with the consent notice conditions imposed on RM040630.

## **Electricity and Telecommunications**

Initial contact has been made with Chorus New Zealand Limited for the purposes of determining that two additional residential allotments can be connected to the telephone reticulation. A copy of



this correspondence is enclosed in Appendix 5 to the servicing report at Annex **G**. The **Volunteered Conditions** will ensure that telephone reticulation services are connected to the boundaries of all allotments prior to the approval and deposit of survey plans.

Consultation has been undertaken with Aurora Energy Limited to confirm the availability of electricity supply to two additional residential allotments. Confirmation of the ability to provide this power supply has been provided by way of letter dated 23 November 2016 and attached as Appendix 6 to the Servicing Report at Annex **G**.

### 3.6 Natural Hazards

The site of the proposed building platforms is not known to be affected by any natural or other hazards, the Queenstown Lakes District Council's Hazard Map identifies small areas of alluvial fan (regional scale) over the far north western edge of Lot 2 DP DP347767 and over a small portion of the roadside boundary of Lot 2 DP 396476. Neither of these are located in the vicinity of a proposed or existing building platform.

Both of the proposed building platforms are located on gently sloping sites, and Platform B is set back 15m from the property boundary, this also achieves separation from the edge of the Arrow River corridor.

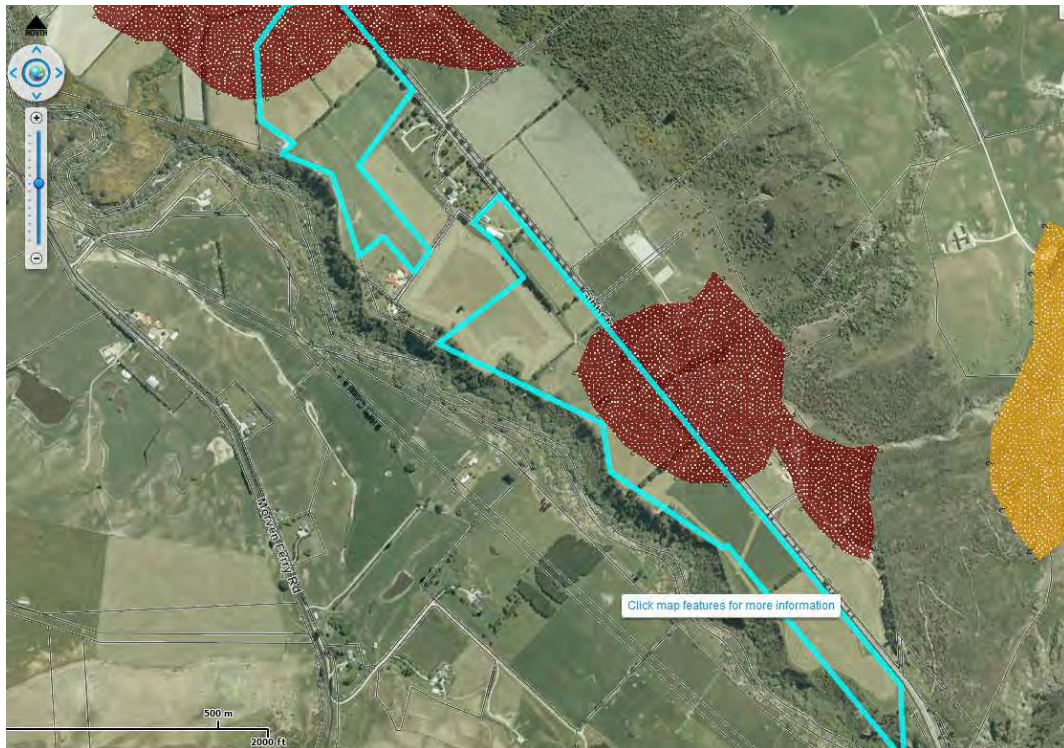


Figure 3: extract from QLDC Natural Hazards maps.

### 3.7 Contaminated Soils

A Preliminary Site Investigation ("PSI") has been prepared by Lisa Bond of Opus Consultants and is attached to the servicing report at Annex I. The PSI confirms that the site is not a HAIL, and therefore that the subdivision and change of use is a permitted activity pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

### 3.8 Variation of Consent Notice Conditions

Consent Notice (8511686.3) was imposed on lot 2 DP 396476 via RM1040630, and reads:

*(n) No further subdivision of the Lots, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.*

### **Consent Notice and Lot 2 DP 347767**

The Consent Notice is only registered against one of the lots of the Property, being Lot 2 DP 396476. Lot 2 DP 347767 is not subject to this Consent Notice as it was not included in the consent application RM040630. This is evidenced on the CFR attached as **Appendix B**, as well as in the Consent Notice itself at clause (n), **Annex C**.

Therefore Part A of this Application does not require amendment or removal of any Consent Notice condition. The de-amalgamation of the Property constitutes a deemed subdivision by separating the two allotments held in the same title. It does not constitute a subdivision of Lot 2 DP 396476 thereby triggering the Consent Notice.

### **Consent Notice and Lot 2 DP 396476**

The subdivision of Lot 2 DP 396476 to create proposed Lots 2 and 3 requires discretionary activity consent pursuant to Section 221 of the Act, to vary Consent Notice condition (n).

By way of background, Commissioner Decision RM040630 declined consent for a six lot subdivision creating five new building platforms. That decision was appealed to the Environment Court by the then applicant, and mediation was entered into by the applicant and respondent. That mediation resulted in the Consent Order.

No submitters to the proposal became parties to the Environment Court proceedings.

There are three main tests to consider when removing a consent notice condition, as follows:

- the circumstances in which the condition was imposed;
- the environmental values that the condition sought to protect; and
- the general purposes of the Act as set out in s 5 to 8.

The condition was offered by the Applicant in the course of mediation in combination with removing four of the originally sought building platforms. The circumstances under which the condition was imposed were over ten years ago, when the vegetation on the Property was much less mature and the visibility of development from the Highway was more prominent, and in a completely different context being a mediation before the Environment Court.

Since this time, a number of changes in the District have occurred, including further rural living subdivision in the Arrow Junction area, maturing of the landscape and plantings, and the notification of a new Proposed District Plan.

This application is different to that proposed by RM040630. This Application proposes additional controls in order to mitigate adverse environmental effects. It proposes to de-amalgamate Lot 2 DP 347767 from Lot 2 DP396476 and locate a platform on the new title. Further, it requests only one additional platform within Lot 2 DP396476, and this is tucked into the landform to the south of the Property. A different landscape approach has been adopted, with an amended landscape plan, and access to each of the proposed platforms uses approved access points, located such that they run alongside existing vegetation and/or fence lines.

Overall it is considered that this new proposal, and the external factors discussed mean it is suitable for this application to be considered afresh on its merits.

## **4. Resource consents required**

The Property is situated within the Rural General Zone ("RGZ") of the Operative Plan. With regard to landscape categories, the subject site is within the Visual Amenity Landscape as decided by the Environment Court. In accordance with the following consents, this application overall is a **Discretionary Activity** under the ODP. There are no consents required to be obtained under the Proposed District Plan.

Reference	Rule
<b>Discretionary Activity</b> consent pursuant to Rule 5.3.3.3(b)	<i>The identification of a residential building platform of not less than 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area.</i>
<b>Discretionary Activity</b> consent pursuant to Rule 15.2.3.3(iv)	<i>In the Rural General Zone all subdivision and location of residential building platforms shall be a Discretionary Activity...</i>
<b>Discretionary activity</b> pursuant to Section 221 of the RMA*  *For Part B of the Application only.	(3) <i>At any time after the deposit of the survey plan,</i>  (a) <i>the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice:</i>  (b) <i>the territorial authority may review any condition specified in a consent notice and vary or cancel the condition.</i>

## 5. Description of other activities

No other activities are part of the proposals to which this application relates.

## 6. Statutory Assessment

### 6.1 Section 104(1)(b) RMA

Section 104(1)(b) requires that the Council must have regard to any relevant provisions of—

- (i) a national environmental standard:
- (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

Assessments against the relevant provisions of the Operative Plan and Proposed Plan are provided below at sections 8 and 9.

The policies of the Operative Regional Policy Statement have been given effect to already through the Operative Plan and therefore do not need to be separately assessed. The Proposed Regional Policy Statement is the subject of 26 live appeals and has no legal effect at the time of writing this Application, therefore has not been separately assessed. The provisions of the Otago Regional Plan: Water are not relevant to this Application. No other regulations, national environmental standards or national policy statements are relevant to this Application.

## 6.2 National Environmental Standard

The National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health (the "NES") came into effect from 1 January 2012 and applies to all subdivision or other activity that will change the use of the land.

The NES requires the Applicant to demonstrate to the Council that it is highly unlikely that there will be a risk to human health from any activity on the HAIL list. In order to comply with the NES the Applicant has obtained a PSI assessment prepared by Opus Consultants.

The PSI provided at **Annex I** confirms that the change in use and subdivision is a permitted activity in regard to the NES. There is no evidence of HAIL activities having been undertaken on the Site and as such it is considered highly unlikely that there is a risk to human health should the proposed subdivision be undertaken on the Property. The PSI concludes that it is highly unlikely that there will be a risk to human health of the activity is done to the piece of land. The PSI report is accompanied with a relevant site plan to which it is referenced. This demonstrates that all of the requirements are met, and the application is a permitted activity pursuant to Clause 8(4) of the NES.

## 7. Assessment of Environmental Effects

The following is an assessment of the potential effects of the proposals addressed under the following headings:

- Landscape effects
- Effects on infrastructure
- Effects from Earthworks
- Proposed Access, Traffic Effects and the Adjoining Road Network
- Effects on cultural and heritage values
- Effects from natural hazards
- Positive effects
- Summary of mitigation proposed
- Summary of effects

### 7.1 Landscape Effects

#### ***Effects on Landscape Visual Amenity Values***

The effects of the Application on landscape and visual amenity values has been assessed in detail in the report by Patch Landscape, included at **Annex F**.

That Report provides a comprehensive assessment of the proposed development and concludes that, subject to the proposed landscaping and design controls, the proposed subdivision and two building platforms, with their associated earthworks and landscaping will not adversely affect the visual amenity values of the Property and its surrounds.

It is recognised that Proposed Platform B was applied for in a similar location in the previous resource consent application, RM040630. The landscape report prepared for QLDC by Ms Kidson, dated 27 October 2004, determined that the proposed platform (then "F") would be visible from SH6 once past the existing shelterbelt of gum, macrocarpa and other exotic trees (that runs at a right angle to SH6). However Ms Kidson also concluded that overall it was the cumulative effects of the six small allotments proposed in that application which was inappropriate.

This Application now provides an amended landscape plan, and is a plan for a much smaller level of development which is sympathetic the RGZ and which aims to maintain rural outlook and amenity. Proposed Platform B is also smaller in size than what was previously proposed, being 750m<sup>2</sup> so as to fit within the 'nook' of the landscape better, and is mitigated now by much more established and mature trees on the Property than existed at the time of the previous application



over ten years ago.

An amended approach to the structural landscape plan, along with larger proposed lots which are consistent with the existing pastoral pattern of the area assist to mitigate any adverse visual amenity effects. The generous sizes of the proposed allotments (approximately 11.2ha, 3.6ha, and 17.4ha) will provide protection of the rural amenity of the area by not overly fragmenting and domesticating the land. These larger sized allotments will act as a buffer and will preserve the transitional mixed pastoral and rural living character of the area between the Wakatipu Basin rural living areas and the Gibbston Valley.

Since the previous application for consent over ten years ago, this area of the landscape has significantly matured in terms of vegetation onsite. The new landscape report at **Annex F** provides for rural evergreen planting which is consistent with the existing patterns of planting and will enable the balance land to be more efficiently farmed, rather than other forms of amenity planting. It also provides for positive ecological enhancement by imposing consent conditions to maintain a portion of existing shrubs in the vicinity of the platform on proposed Lot 3 and enhance native planting.

It is considered that the proposed design constraints for new dwellings located within the platforms will mean these can be absorbed into the landscape and the effects of the proposals are not significant.

### ***Effects on natural and pastoral landscape character***

The proposed building platforms have been located within natural topography to mitigate effects on views from Gibbston Highway. Existing access ways have been used and the lot boundaries will follow the existing fence lines and mature planting. This limits the degree of modification to the (already modified pastoral) landscape and minimises any visual changes to the existing domestic and pastoral landscape character.

The landscape plan and associated controls ensures that the dwellings and their curtilage areas are 'tucked' into the natural landform. The balance of the sites will be maintained in pasture and mitigation planting is proposed that builds on existing vegetation patterns, so that the effects on open pastoral character are minimised.

The collective result is proposals which will not cause over-domestication or cumulative degradation and which maintains the mixed domestic, pastoral, and Arcadian character of the area.

### ***Effects of visibility of development***

As discussed in the Landscape Report at **Annex F**, the proposals will retain the more open and visually accessible portions of the Property by 'tucking' the proposed platforms below natural terraces. Overall the proposals will not be highly visible or visually prominent from any public place and it will not detract from public or private views of the arcadian pastoral landscape. There is no possibility that a future building on either proposed lot would break the line and form of any skyline, ridge hill or prominent slope.

The locations of both new building platforms and driveways will continue the existing patterns of vegetation and topography in a discreet fashion, being set back from the road and within existing landscape elements that can absorb the development.

Pictures of the proposed platforms with profile poles have been included in the landscape report as attachments C through K. These pictures and the associated analysis conclude that:

*The proposal will retain the more open and visually accessible portions of the site. Platform A will be located below a terrace and Platform B will be set with a discrete pocket of land at the transition point between pastoral and natural character elements. Overall the proposal will not be highly visible or visually prominent from any public place and it will not detract*

*from public or private views of the arcadian pastoral landscape.* [landscape report, paras 4.19-4.20]

### ***Effects on form and density of development***

Part A of the Application alone would create no additional lots in total. Part A would comprise only a de-amalgamation to create Lot 2 DP 347767 within its own separate title and new Platform A on that Lot.

Part B of the Application would create a lot around the Existing Platform (proposed Lot 2), and new Platform "B" within the balance lot (proposed Lot 3).

The generous size of these proposed allotments (including the already separate amalgamated lot) of 11.2ha, 3.6ha, and 17.4ha respectively maintains their separation from the more intensively developed adjacent rural living allotments in the area and creates protection from more intensive future development.

The form and density of the development is therefore considered appropriate in its context.

### ***Cumulative effects***

The landscape report attached as **Annex F** assesses cumulative effects of development in the landscape and concludes that the low level of the proposal's visibility will ensure the development will not visually compromise the existing arcadian pastoral character by exacerbating existing and potential adverse effects.

Because of the large size of the proposed allotments, and the existing pattern of rural living development in this area, there are limited cumulative effects associated with the proposal.

### ***Rural amenities***

The landscape report at **Annex F** discusses rural amenities at sections 4.36-4.39. Overall, the rural amenity that observers currently appreciate in this landscape will be maintained. Views across the existing pastoral landscapes from the State Highway will remain overall as a pastoral aesthetic. This is achieved by careful location of the platforms, controls on future building materials and heights, and landscape design which includes mitigation planting that builds on the existing pattern of shelter belts.

The proposed developments will be set back a significant distance from the road and/or set within an existing pattern of rural residential development. The area is already modified and consists of many small rural living allotments. The proposals will not undermine those existing characteristics.

Overall, the effects on landscape and visual amenity will be minor.

## **7.2 Effects from Infrastructure Services**

Issues relating to infrastructure and servicing for the proposed new allotments are addressed in the Services Report included at **Annex G**. This report concludes that the de-amalgamated Lot 2 DP 347767 (Platform A) and proposed Lot 3 (Platform B) can be adequately serviced. A potable water supply is available via the Swiftburn Downs Water Supply Limited. A firefighting storage supply is required for each building platform, and these will be provided within 90m of each platform.

This report builds on the servicing report provided in consent application RM040630, which confirmed the feasibility of on-site disposal of wastewater and stormwater on proposed Lot 3. Soil tests have not been undertaken in the vicinity of proposed Platform A. Those tests are not considered necessary at this stage of the process, given the likelihood of consistent geology

between this site and the test pit locations already undertaken, the separation of the platform from the Arrow River and surrounding properties, and the size of the proposed lot.

It is recommended that conditions of consent are imposed to ensure that prior to the construction of any dwelling within the proposed building platforms, a detailed design of a wastewater disposal system is provided.

All services for the Existing Platform on proposed Lot 2 have already been provided through RM040630, which has been implemented. These services do not need to be considered as part of this Application.

Overall, as discussed in the Services Report, the proposed allotments can be serviced in such a way that any potential adverse effects on the environment can be adequately avoided, remedied or mitigated.

### **7.3 Proposed Access, Traffic Effects and the Adjoining Road Network**

The proposed dwellings will obtain access from the State Highway via existing access points (crossing points 7 and 12). These access points are already permitted and are used. The proposed shared access to the Existing Platform and Platform B will be finished in gravel or similar aggregate. The access will be designed to meet the relevant standard for rural access as prescribed in the Operative District Plan.

There will be a slight increase in traffic volumes as a result of two additional dwellings. However, given the considerable sight distances discussed above at section 3.4, these effects can be accommodated. These effects are considered to be minor in scale. For these reasons, it is considered that the proposals will not create adverse effects in terms of traffic.

### **7.4 Effects on cultural and heritage values**

There are no known archaeological or heritage values associated with the lots subject to this application. Limited earthworks are proposed for the purposes of access. The platforms are separated from the edge of the Arrow River Gorge, and wastewater disposal will be required to comply with conditions ensuring that there is no effect from discharge.

Given these factors there are no effects on cultural and heritage values.

### **7.5 Effects on natural hazards**

The site is not registered on either the Otago Regional Council or QLDC hazard register as being subject to natural hazards. As such, no known hazards will be exacerbated as a result of this application. An alluvial fan (regional scale) is identified over small portions of the property and well away from proposed building platforms, as discussed in section 3.6 above.

### **7.6 Positive Effects**

There will be positive effects of the proposals in the form of appropriate mitigation planting which will enhance the existing patterns of vegetation and topography. There is no significant indigenous vegetation on the Property. It is proposed to maintain a portion of existing shrubs and plant indigenous species in the vicinity of the proposed Platform B. This maintenance will include the control of woody weeds which in turn will facilitate the healthy regeneration of self-seeding indigenous vegetation and result in the enhancement of indigenous biodiversity. This measure also recognizes the site's location adjacent to the Arrow River. The management of the site's small portion of existing shrub-land, which is widespread across the Arrow River margins, will provide a small contribution to the ecological values of the adjacent Arrow River gorge.

### **7.7 Subdivision Assessment Matters- Part 15**

**15.2.3.6(b) assessment matters - Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)**

- (i) *The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:*
  - (a) *rural character*
  - (b) *landscape values*
  - (c) *heritage values*
  - (d) *visual amenity*
  - (e) *life supporting capacity of soils, vegetation and water*
  - (f) *infrastructure, traffic access and safety*
  - (g) *public access to and along lakes and rivers*

As discussed above, and addressed in the Landscape Report attached as **Annex F** the proposed building platforms are tucked into the natural landform and proposed and existing mitigation planting is such that when viewed from surrounding public places the rural character and visual amenity values of the area are maintained. Further, through imposing conditions of consent, the pastoral character of both sites is retained. The size of the sites enables retention of rural character and does not introduce densities or built form of an urban character.

As discussed in the Landscape Report, the subdivision maintains landscape character. Heritage values are not affected, and visual amenity values are maintained, given that visibility of the dwellings from the State Highway will be minimal and only in discreet locations, and given the existing amenity established by the pastoral character is maintained.

Provision of two residential building platforms will not affect the life-supporting capacity of soils, water and vegetation. Infrastructure is addressed in the services report attached as **Annex G** and this confirms that each dwelling can be adequately serviced. Each of the sites will accommodate wastewater treatment and disposal.

The proposed allotments will obtain access from existing crossing points off the State Highway. This access is considered safe and has generous sight distances. The additional vehicle movements that result from two rural dwellings can be accommodated.

- (ii) *The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.*

The proposed building platforms are located such that they do not adversely affect adjoining land uses. Proposed Platform B is separated from adjacent land use by proposed lot 2 which contains the Existing Platform. Proposed Platform A is located centrally within the site, with significant separation from adjoining properties. The surrounding land uses are consistent with the land use proposed.

The generous sizes of the proposed allotments will allow productive rural activities to continue and to be sympathetic to the existing adjacent land uses of the area, being a mix of pastoral and rural living.

- (iii) *The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.*

Each of the lots and proposed platforms can be adequately serviced. This has been addressed in the Servicing Report attached at **Annex G** and assessed above at section 3.5.

- iv) *The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone*



*at Makarora. Also refer to Part 15.2.10.1.*

This has been addressed in Section 3.6 above. The Property is not susceptible to natural hazards and the proposals will not exacerbate any natural hazard situation.

**(v)** *Consideration of the long-term development of the entire property.*

The Property has been the subject of historical consent applications to subdivide and create additional rural living opportunities. The last application was over ten years ago and sought a significantly denser style of clustered development to that now proposed. This Application creates large rural living opportunities which enable the majority of the Property to be kept in a pastoral state.

Should further applications for subdivision or additional rural living be made in the future then the water supply and access would require amendment to provide greater capacity, and any such future applications would be assessed on their merits against the relevant provisions of the District Plan.

**vi)** *Whether the subdivision will result in the loss of the life supporting capacity of soils.*

The balance of the Property will retain pastoral character. The proposed platforms and their access are relatively small, and in this way the life supporting capacity of the soils will not be lost.

**(x)** *In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural General Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3*

The relevant Assessment Matters contained in the above rules have been addressed in Section 8 of this report.

#### **15.2.6.4 Lot Size and Dimensions assessment matters**

**i Lot Size and Dimensions**

**(a)** *Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;*

There is no prescribed minimum or average requirements for lot sizes in the Rural General Zone. The proposed lots are of generous size, being 11.2ha, 3.6ha, and 17.4ha respectively. Each building platform is located within the required internal setbacks of 15m and well beyond 20m from the road. The land is currently used for cropping and grazing and the size of the proposed allotments will mean that this pastoral use will continue and will be unchanged by the subdivision and associated building platforms.

**(b)** *Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.*

As addressed in the servicing report at **Annex G**, the proposed lots are of sufficient size for the nature of the intended development to achieve on-site disposal of stormwater and wastewater in a manner that avoids adverse environmental effects.

**(c)** *Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.*

The proposed allotments are on relatively flat or gently sloping land which are considered safe and suitable for rural living purposes. The proposed building platforms have been selected in locations that maximise solar gain opportunities, while being sensitive to the visual amenity landscape and topography of the Property.

- (d) *The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.*

The size and dimensions of the proposed lots is generous and is compatible with the pattern of adjoining subdivision and land use activities. Each lot is of a generous size that enables the grazing of livestock and planted pasture which will result in the maintenance of rural character values. Keeping the current size of the amalgamated lot is considered to be appropriate so as to evenly spread proposed development and prevent over domestication. The proposed future land management, to retain open areas in a pastoral regime, will ensure retention of the existing character.

The surrounding area has been subject to past subdivision, which has created a land use pattern of sites with a variety size.

Access is provided from existing access ways and is designed so that it has little impact on the line and form of the landscape.

- (e) *Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.*

No amalgamation is proposed in this Application.

- (a) *Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.*

This assessment matter is not relevant – there are no heritage items within the site.

#### **15.2.7 Subdivision design**

The assessment matters in Rule 15.2.7.3 for subdivision design are addressed as follows:

- (i) *The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.*

Both of the proposed new building platforms are located where they achieve solar advantage, and each platform is located more than 15m from a proposed internal boundary, and well over 20m from any road boundary. The building platform locations have been selected so as to minimise effects on adjoining allotments.

- (ii) *The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.*

There are no existing walkways through the site at present. The Arrow River Bridges section of the Wakatipu Trail traverses a portion of the southern boundary of the Property. This is a significant distance from the proposed building platforms and will not be affected by the development on those platforms. There is no further opportunity to create additional links to the Trail Network from the Property.

- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.*

No urban infrastructure is proposed and there is no requirement to utilise stormwater channels and wetland areas.

- (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones;*

None of the surrounding land is zoned residential or rural residential and therefore this assessment matter is not relevant. The adjoining land is zoned Rural General. Land to the north west at Arrow Junction is zoned Rural Lifestyle, and the Proposed Plan as notified proposes to retain that zoning. A number of submissions to the Proposed Plan have sought 'up-zoning' of Rural General Zoned land in the vicinity of the Property, including to the south, west, and north-west of the Property.

- (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).*

Any future development within the proposed platforms, and the minimal earthworks required for the subdivision will not adversely affect the opportunities for views from properties in the vicinity, and will not result in domination of surrounding properties.

The proposals are therefore fully consistent with the assessment matter.

- (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.*

Minimal earthworks are proposed to create the access. Because of the gentle slope of the Property and the nature of the access, the earthworks are within the permitted volume, and do not require any cut or fill that would trigger consent.

- (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.*

This assessment matter is not relevant as there are no places of heritage value within the Property.

#### **15.2.8 Property access**

The assessment matters for property access are in rule 15.2.8.3. The relevant criteria are addressed as follows.

- (i) The need for and extent of any financial contributions to the provision of property access, as referred to in Rule 15.2.5.*

This assessment matter is not relevant as all development contributions are dealt with under the Council's Development Contributions Policy.

- (ii) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.*

*(iii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.*

*(iv) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access.*

*(v) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.*

*(vi) The need to provide pedestrian access way facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.*

*(vii) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.*

The access to the proposed allotments has been approved by pre-existing crossing points onto the State Highway. As discussed above at section 3.4 of this report the access points have good sight distances, and the increased levels of vehicle movements for two additional dwellings can be accommodated.

*(viii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.*

This assessment matter is not relevant to the proposal.

*(ix) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.*

The proposed access will not impact upon natural drainage patterns, and there will be no effect on the amenities of adjoining properties. The existing right of way has been constructed to a suitable standard capable of accommodating the proposed increases in use.

*(x) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.*

*(xi) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.*

*(xii) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.*

These assessment matters are not relevant to the proposal.

#### **15.2.10 Natural and other hazards**

As identified above, the Property is not subject to natural or other hazards. Therefore, the assessment matters provided at 15.2.10.2 are not relevant.

#### **15.2.11 Water supply**

The assessment matters in rule 15.2.11.4 for water supply are addressed as follows:

*(i) The need for and extent of any financial contribution to the provision of water supply, as referred to in Rule 15.2.5.*

This assessment matter is not relevant as any development contributions are to be dealt with under the Council's Development Contributions Policy.

*(ii) The need to ensure the availability of a secure supply of potable water of adequate quantity to provide for the needs of the anticipated land uses on all of the lots within the subdivision.*

The proposed lots have access to potable water via the Swiftburn Downs Water Supply Limited. The scheme has sufficient capacity and is legally maintained. Each of the platforms will be connected to the private scheme in accordance with the Council's standards and connections policy.

*(iii) The suitability of the proposed water supply for the needs of the land uses anticipated.*

*(iv) The provisions of the Council's Code of Practice for Subdivision in respect of the construction and installation of the water supply system.*

*(v) The suitability of the proposed water supply for fire fighting purposes having regard to the density and nature of development anticipated and the availability of a public reticulated water supply system.*

As identified in the servicing report at **Annex G**, the proposed water supply is more than adequate for the proposed two platforms, with sufficient supply to meet the required Council standard of 2,100 litres / lot / day. Each of the platforms will be connected to the private scheme in accordance with the Council's standards and connections policy.

In addition, the Applicants have the ability to transfer its shares in the Royal Burn Deemed Permit (97402). The future certainty of this water supply is not known at this stage, given the deemed permits must be transferred to resource consents by 2020. However this source is likely to be able to continue to provide irrigation water supply if required.

Provision for firefighting water supply will be available by way of a 20,000 litre storage tank for each of the platforms. This will be installed in accordance with PAS SNZ4509:2008.

*(vi) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public water supply utility.*

There is no need to set aside a reserve for the provision of a public water supply utility.

*(vii) The requirements of any Regional Rules or the need to obtain water permits from the Otago Regional Council.*

Not applicable – the proposals do not require regional consents for water supply.

*(viii) Any need to make provision for future water supply systems to serve surrounding land.*

Not applicable.

#### **15.2.12 Stormwater disposal**

The assessment matters in rule 15.2.12.3 for water supply are addressed as follows:

*(i) The need for and extent of any financial contribution to the provision of stormwater collection, reticulation, treatment and disposal, as referred to in Rule 15.2.5;*

This assessment matter is not relevant as any development contributions are to be dealt with under the Council's Development Contributions Policy.

*(ii) The adequacy of the proposed means of collecting and disposing of stormwater from the roof of all existing or potential buildings and hard surfacing, in terms of the avoidance or mitigation of adverse effects on the site, other properties in the vicinity, or the receiving environment, whether land or water;*

*(iii) The appropriateness of requiring a piped connection from each lot to a public stormwater reticulation system, or of requiring piped outfalls to be provided to each lot to be connected to a public reticulation system at a later date;*

*(iv) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse effects;*

*(v) The provisions of the Council's Code of Practice in respect to the construction and installation of the stormwater disposal system;*

*(vi) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containing of contamination from roads and paved areas and of siltation;*

*(vii) The practicality of retaining open natural lake or river systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing lakes and rivers;*

All matters relating to stormwater disposal are addressed in the Servicing report at **Annex G**. Each of the proposed platforms can accommodate on-site stormwater soakage disposal systems, and there are no obvious restrictions to ground-based disposal. The systems will be designed and installed at the time a new dwelling is constructed on each of the platforms. This requirement will form conditions of consent.

*(viii) The requirements of any Regional Rules or the need to obtain discharge permits from the Otago Regional Council;*

The proposals do not require consent from the ORC in relation to stormwater.

*(ix) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes;*

*(x) Any need for conditions relating to ongoing maintenance of stormwater infrastructure;*

*(xi) Any need to make provision for future stormwater disposal systems to serve surrounding land*

Not applicable.

### **15.2.13 Sewage treatment and disposal**

The assessment matters in rule 15.2.13.2 for sewage treatment and disposal are addressed as follows:

*(i) The need for and extent of any financial contribution to the provision of sewage treatment and disposal, as referred to in Rule 15.2.5;*

This assessment matter is not relevant as any development contributions are to be dealt with under the Council's Development Contributions Policy.

*(ii) The capacity, availability, and accessibility of the Council's reticulated sewage treatment and disposal system to serve the proposed subdivision;*

*(iii) Where a Council reticulated system is not available, or a connection is impractical,*

*the adequacy of proposals and solutions for treating and disposing of sewage;*

*(iv) The provisions of the Council's Code of Practice in respect to the construction and installation of the sewage treatment and disposal system;*

*(v) The requirements of any Regional Rules or the need to obtain a discharge permit from the Otago Regional Council;*

*(vi) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sewage treatment and disposal purposes;*

*(vii) Any need to make provision for future sewage reticulation, treatment and disposal to serve surrounding land.*

The Property is not serviced by the Council's reticulated system. Analysis of the Property for wastewater feasibility in the servicing report indicates that individual on-site wastewater disposal systems are the most appropriate for each of the lots / platforms.

These systems will be required to be designed and installed at the time the future dwelling is established for each platform. This is appropriate, given that it is at that time that the scale of the residential use will be understood. The Servicing Report attached and marked **G** confirms that wastewater disposal is feasible, and recommends conditions of consent that will apply to future applications for dwellings within the platforms. This is consistent with the Consent Notice conditions imposed on the existing building platform approved pursuant to RM040630.

There is no requirement for a local purpose reserve for wastewater treatment or disposal, nor any need to make provision for future sewage reticulation on any surrounding land.

#### **15.2.15 Energy supply and telecommunications**

The assessment matters in rule 15.2.15.2 for energy supply and telecommunications are addressed as follows:

*(i) Where the subdivision involves construction of new roads or formed private access, the installation of an extended reticulation system, at the subdividers' cost, having regard to the Council's Code of Practice;*

*(ii) The adequacy and proximity of the proposed reticulated system to be installed by the subdivider;*

Correspondence from Aurora and Chorus are attached to the Servicing Report at **Annex G**. The correspondence states that provision of the services can be made subject to the required conditions.

Compliance with Aurora and Chorus requirements will be required by conditions of consent.

*(iii) Any need for a lot as a site for a public utility for electricity or gas supply or telecommunications;*

No requirement for this.

*(iv) The need for and extent of any financial contribution to the provision of energy supply and telecommunications, as referred to in Rule 15.2.5.*

This Assessment matter is not relevant as any development contributions are to be dealt with under the Council's Development Contributions Policy.

*(v) Alternative systems available and acceptable where other systems are not available or practical;*



Power and telecommunications can be provided to each of the platforms.

*(vi) Adequacy and proximity to reticulated services.*

Future network facilities can be provided subject to provider requirements.

#### **15.2.16 Open space and recreation**

The assessment matters in Rule 15.2.16.2 for open space and recreation are addressed as follows:

*(i) The need for and extent of financial contributions to land and/or facilities for open space and recreation, as referred to in Rule 15.2.5;*

*(ii) The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;*

*(iii) The extent to which the provision of land and/or cash contributions towards open space and recreation is consistent with the objectives and policies of the District Plan relating to the requirements or reserve contributions from subdivision, the acquisition of land for public open space and recreation and the use of cash received as contributions;*

*(iv) Whether the undertaking of works, including the planting of trees or the regrading or leveling of reserve land to vest in the Council, or the setting aside of a reserve to protect any natural features, should be taken into account when assessing the value of the contribution towards land for open space and recreation.*

Assessment matter (i) above is not relevant as any development contributions are to be dealt with under the Council's Development Contributions Policy.

There are no areas within the Property that are suitable for a reserve, or any features which require protecting to assist with off-setting of open space and recreation contributions. To the extent that this policy is relevant, the proposals are fully consistent.

#### **15.2.17 Protection of vegetation and landscape**

The only relevant assessment matters in rule 15.2.17.2 for protection of vegetation and landscape is addressed as follows:

*(iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;*

*(iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;*

The proposals do not involve the removal of native vegetation. The Property is utilised for pasture grazing and cropping and predominantly exotic grasses. Planting is proposed in the Landscape Plan at **Annex F**.

Proposed mitigation planting is shown on the Landscape Plan. The proposed accesses on the Property have been kept to a minimum and located where they follow the natural contours and existing fence lines and shelterbelts of the Property to ensure the open pasture-like character of the Property is retained.

Overall, the proposals are consistent with this assessment matter.

#### **15.2.18 Easements**



- (i) The need for easements;*
- (d) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;*
- (e) for private ways and other private access;*

Easements will be required where proposed services cross of the adjacent lot, and for the purposes of providing private rights of way, in particular, because the right of way easement providing access to the existing platform was not registered at the time of RM040630 obtaining title, it is necessary to provide an access easement across future lot 3.

Conditions of consent are volunteered to ensure that the easements are surveyed to match the location of the services, and that they are registered on the titles prior to their issue.

The proposal is therefore fully consistent with the relevant assessment matters.

## **Summary of Part 15 assessment matters**

Any potential adverse effects from the proposed subdivision and two new dwellings within the building platforms would be contained within the Property. Given that the proposed platforms will not be readily discernible from outside the Property, the development retains the existing visual and rural character of the area.

The proposal satisfies the relevant assessment criteria within Part 15 - Subdivision, Development & Financial Contributions as set out in the Operative Plan.

### **7.8 Summary of mitigation proposed**

Based on the assessment within this report, the particular mitigation measures and/or conditions proposed to be applied are as follows:

- Undertaking landscape planting as part of the subdivision; and
- Controlling the impact of future building development through a suite of building controls outlined in the landscape report.

The installation of infrastructure and mitigation planting are matters that would be undertaken prior to the issue of titles with the remainder of the ongoing obligations around building design, and landscape control being secured through consent notice conditions.

### **7.8 Affected Party Approvals**

Affected Party Approvals have been provided from Mark and Tracey Galbraith (1330 Gibbston Highway), Craig and Julie McIlroy (1348 Gibbston Highway) and Carl Johnston and Vanessa Sharp (1393 Gibbston Highway).

### **7.9 Conclusion of Assessment of Environmental Effects**

Management of the rural amenity resource is a primary concern of this Application. The proposals have been designed to avoid sprawling development across the open parts of the Property and propose to appropriately site building platforms in parts of the Property where they can be absorbed.

The proposals are designed to be sympathetic to the existing pattern of pastoral pockets of land and, coupled with the suite of building and landscape controls, the proposals will mitigate any adverse effects on the environment to be less than minor.

## 8. Operative Queenstown Lakes District Plan

The below is an assessment against the Operative District Plan provisions, under the following headings:

- Relevant Objectives and Policies, Part 4 District wide matters
- Relevant Objectives and Policies; Part 5 Rural General Zone
- Relevant Objectives and Policies; Part 15 Subdivision
- Relevant Assessment Matters; Part 15 Subdivision

### 8.1 Relevant Objectives and Policies- Part 4 District Wide Issues

#### 4.2 Landscape and Visual Amenity

##### 4.2.5 Objective and Policies

**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.***

***Policy 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.*
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

As identified in the Landscape Report attached as **Annex F**, the Property can absorb development, and the platform locations are not vulnerable to degradation, being located where they are not highly visible from the State Highway, and where they are absorbed by the local topography.

The locations of both proposed building platforms and driveways will continue the existing pattern of rural living and development in a discreet fashion, being set back from the road and within existing landscape elements that can absorb the development. It will not constitute sprawl of development along the roads of the Wakatipu Basin.

The proposed locations of each building platform concentrate the development into areas of land with potential to absorb such development while retaining the rest of the pastoral landscape. The accesses and platforms are located such that they harmonise with the local topography, with the accesses hugging existing fence lines and shelterbelts, and the platforms located below the terrace edges, this helps to screen them from view, and also reduces the potential earthworks required.

Overall it is considered that the proposals will have a very low adverse effect on landscape and visual amenity values, and the platform locations are capable of absorbing the effects associated with future residential development. The proposals therefore align with Policy 1: Future Development.

***Policy 4. Visual Amenity Landscapes***

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
  - *highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
  - *visible from public roads.*
- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*

As discussed in the Landscape Report (**Annex F**), the proposed building platforms will not be highly visible from the State Highway, and the effects of that limited visibility will be appropriately mitigated by way of the proposed landscape conditions and planting. In this respect the report concludes:

*Overall the proposal will not be highly visible or visually prominent from any public place and it will not detract from public or private views of the arcadian pastoral landscape. Proposed new plantings will not detract from or obstruct views of the natural topography and significant, existing vegetation and surrounding topography encloses much of the site, restricting views of it from very limited places. (para 4.20-4.21).*

The proposals therefore align with Policy 4.

#### **Policy 8. Avoiding Cumulative Degradation**

*In applying the policies above the Council's policy is:*

- (a) *to ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.*
- b) *to encourage comprehensive and sympathetic development of rural areas.*

The generous size of the proposed allotments provides for a comprehensive development of the Property and ensures that the density of subdivision does not result in over domestication of the landscape. The de-amalgamated lot in particular represents an existing landscape pattern and is consistent with the existing character of the area. The landscape report also concludes that:

*The scale of the proposed development is very small, especially when considered in the context of the whole site area. Area's which are more sensitive in their arcadian pastoral character, such as the open areas adjacent to the road and those in the more southeastern parts of the site will be retained in their open state. It is considered that the proposal will not compromise the arcadian pastoral character of the surrounding VAL. (para 4.28)*

The proposals will not lead to over- domestication or degradation of the landscape or cross a threshold with respect to the landscape's ability to absorb change.

Overall the proposals therefore retain the rural character of the Property and does not result in cumulative degradation, and therefore accords with Policy 8.

#### **Policy 10. Utilities**

*To avoid, remedy or mitigate the adverse effects of utilities on the landscapes of the district by:*

- *avoiding siting utilities in outstanding natural*

*landscapes or features in the Wakatipu Basin (except on Slope Hill in the vicinity of the current utilities)*

- *encouraging utilities to be sited away from skylines, ridgelines, prominent locations, and landscape features*
- *encouraging utilities to be co-located wherever possible*
- *encouraging utilities to be located along the edges of landforms and vegetation patterns*
- *encouraging or requiring the alignment and/or location of utilities to be based on the dominant lines in the landscape*

These proposals do not propose any utilities along dominant lines of the landscape, or on skylines, ridgelines, or prominent locations.

Overall the proposals are therefore consistent with Policy 10.

#### **Policy 11. Forestry and Amenity Planting**

*Subject to policy 16, to maintain the existing character of openness in the relevant outstanding natural landscapes and features of the district by:*

*(a) encouraging forestry and amenity planting to be consistent with patterns, topography and ecology of the immediate landscape.*

*(b) encouraging planting to be located so that vegetation will not obstruct views from public roads and discouraging linear planting near boundaries of public roads.*

Proposed planting is provided in the Landscape Plan. All other planting is restricted to the curtilage areas. The proposed planting will enhance and be consistent with the existing topography and vegetation and is characteristic of the mixed rural pastoral and rural living character of the area. This proposed planting will not restrict views from public places and will maintain the existing character of openness where this exists.

Maintenance of existing vegetation will include the control of woody weeds which in turn will facilitate the healthy regeneration of self-seeding indigenous vegetation and result in the enhancement of indigenous biodiversity, which will contribute to the natural character associated with the Arrow River margins.

#### **Policy 12. Transport Infrastructure**

*To preserve the open nature of the rural landscape by:*

- *encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns.*
- *by encouraging imaginative roading designs including a range of carriageway widths, different surface materials, grass berms and protection of existing mature trees where these can enhance the quality of design and the visual experience.*
- *discouraging roads and tracks on highly visible slopes.*
- *requiring that all construction be with minimum cut and fill batters and that all batters be shaped in sympathy with, existing landforms.*

- *requiring that all disturbed areas be revegetated at the end of construction.*

The access ways to the platforms are located where they follow the natural landforms and topography, and in this way they are not on highly visible parts of the Property. The access ways will be finished in materials that reflect their rural location, being chip seal or gravel.

#### **Policy 15. Retention of Existing Vegetation**

*To maintain the visual coherence of the landscape and to protect the existing levels of natural character by:*

- (a) Encouraging the retention of existing indigenous vegetation in gullies and along watercourses;*
- (b) Encouraging maintenance of tussock grass-lands and other nature ecosystems in outstanding natural landscapes.*

The site is within the VAL, and therefore clause 15(b) does not apply. There is no existing significant indigenous vegetation and the sites are within pasture grassland. The areas of shrubland that extend into the property from the Arrow River margin in proximity to proposed Platform B will be enhanced.

#### **Policy 16. Wilding Trees**

*To minimise the adverse effect of wilding trees on the landscape by:*

- *supporting and encouraging co-ordinated action to control existing wilding trees and prevent further spread.*

There are no wilding tree species present on the Property at present. The continued grazing and cropping of the balance of the property assists in reducing the potential for wilding species to spread.

#### **Policy 17. Land Use**

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

By locating the proposed platforms where they can be absorbed into the site and thus retain the site's visual character, the development will occur in such a way that the adverse effects on the open character of visual coherence of the landscape are minimised. The proposed evergreen shelterbelt that extends south from the existing shelterbelt will enclose views slightly. However, this effect is reduced by its location, being setback from the State Highway, and its consistency with the pattern of existing planting.

These proposals are therefore consistent with Policy 17.

## **8.2 Relevant Objectives and Policies – Part 5 Rural Areas**

### **Objective 1 - Character and Landscape Value**

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

#### **Policies**

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

The relevant District Wide landscape objectives and policies are assessed above

*1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*

*1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

Providing two residential building platforms so that each future lot contains a building platform, and retaining the balance of the sites in pasture with tree planting that builds on the existing pattern ensures that the existing character and productive value is retained.

*1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*

By tucking the dwellings into the natural landform and using appropriate planting as mitigation, the character of the rural area will not be adversely impacted. The character of the Property will be maintained and enhanced.

*1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation.*

There is no necessity to provide for worker accommodation as part of this proposal. The existing deer shed and farm buildings on the Property are proposed to be maintained so as to enhance the rural character of the area and to allow low scale productive farming to continue on the Balance Lot.

*1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

The potential effects on landscape values associated with locating the dwellings within the rural site are avoided, remedied or mitigated through careful use of landscape planting, and locating the dwellings within the natural contours of the Property.

*1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

The Landscape Report confirms that the dwellings will be located where they are absorbed into the landform. Rolling topography is used to good effect to assist in the screening of the dwellings from viewpoints from the Highway, and in this way retaining the visual coherence of the landscape.

The site is within the VAL, and contains natural topography that is enhanced by mitigation planting to help to screen the future dwellings. It is currently in pastoral units segmented by lineal plantings of trees and fence lines which break the site into smaller pastoral units.

*1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

The proposed Building Platforms are located such that no structures or water tanks will be located on skylines, ridges, hills or prominent slopes.

## **Objective 2 - Life Supporting Capacity of Soils**

***Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.***

*Policies:*

- 2.1 *Avoid, remedy or mitigate adverse effects of subdivision and development on the life-supporting capacity of the soils.*
- 2.2 *Enable a range of activities to utilise the range of soil types and microclimates*
- 2.3 *Encourage the long-term retention of the capabilities of the District's soils through research and dissemination of relevant information to the community.*
- 2.4 *Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.*
- 2.5 *Encourage land users to monitor the condition of vegetation on their land by providing information and assistance, where practicable*

As discussed above, the provision of two residential platforms supports the retention of life supporting capacity of soils. The underlying title structure is already split into two allotments that are physically separated, making it difficult for farming operations. Retention of the de-amalgamated allotment of 11.2ha and a balance allotment of 17ha will allow low scale farming to continue on those allotments as is presently carried out, while providing a smaller rural living opportunity around the existing building platform that is in keeping with the size of similar allotments interspersed in and around the Property.

### **Objective 3 - Rural Amenity**

***Avoiding, remedying or mitigating adverse effects of activities on rural amenity.***

#### *Policies:*

- 3.1 *Recognise permitted activities in rural areas may result in effects such as noise, just and traffic generation, which will be noticeable to residents in the rural areas.*
- 3.2 *Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.*
- 3.3 *To avoid, remedy or mitigate adverse effects of activities located in rural areas.*
- 3.4 *To encourage intensive and factory farming away from Rural Residential, Rural Lifestyle, Urban, Residential, or Business Zones, in order to minimise the potential for conflict between these zones.*
- 3.5 *Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.*

Permitted activities will continue, particularly in the balance lot. The proposed platforms are located such that they will not be affected by those continued operations. In this way, the range of rural activities can continue without resulting in a loss of amenity values. The land surrounding the Property is predominantly used for rural living purposes, and therefore there is no risk of reverse sensitivity. The residential dwellings are set back more than 20m from road boundaries, and over 15m from internal boundaries. The spacing and size of the allotments are generous so as to minimise effects on neighbouring properties.

### **Objective 4 - Life Supporting Capacity of Water**

***To safeguard the life supporting capacity of water through the integrated management of the effects of activities***

#### *Policies*

- 4.1 *In conjunction with the Otago Regional Council:*



- *To encourage activities, which use water efficiently, thereby conserving water quality and quantity.*
  - *To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.*
- 4.2 *To encourage buildings, earthworks and landscaping to be located or carried out a sufficient distance from irrigation infrastructure.*
- 4.3 *To encourage the piping and filling of existing open channel irrigation races where there is potential for buildings, earthworks or landscaping to interfere with the irrigation infrastructure.*

The location of the proposed platforms is such that existing open channel irrigation races are not affected. Water supply is available from the Swiftburn Downs Water Supply Company and this has adequate capacity for the demand created by the additional two dwellings.

### **8.3 Relevant Objectives and Policies– 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.*
- 1.3 *To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.*
- 1.4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*
- 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.*
- 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.*
- 1.7 *To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.*
- 1.8 *To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a*



*manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*

- 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.*
- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*

The access ways off the State Highway have been approved by NZTA. These achieve good sight distances and the increased traffic flow resulting from the residential use is very minor and can be accommodated. The accesses are currently used for rural purposes, and it is proposed that conditions of consent are imposed that require their upgrade to residential standard prior to construction of future dwellings within the platforms. The driveways required follow the existing topography and vegetation ensuring that there will be minimal adverse visual effect. The driveways will be constructed in accordance with standards applicable to the rural zone.

The proposed subdivision therefore ensures safe vehicle access on the adjacent roads and to each of the proposed building platforms.

The new lots can be readily serviced as outlined in the servicing report attached as **Annex G**. Neither of the lots will be connected to the Council's reticulated water supply or wastewater scheme, and as demonstrated in the Servicing Report, these services can be readily supplied on-site to accommodate the future residential activity. Conditions of consent are proposed that ensure that the detailed design of wastewater and stormwater disposal, and treatment of potable water supply, is provided prior to construction of any future dwelling within the platforms.

The proposals are therefore consistent with the outcomes of Objective 1 and the supporting policies.

The environmental results anticipated under Part 15 of the Operative District Plan are set out under clause 15.1.4, which seek to ensure that roading infrastructure is safe and efficient, services are provided to each lot being created; to ensure that it meets the reasonable needs and future expectations of the community; and the subdivision layout is complementary and appropriate to the character of the land use in the area. For the reasons set out above the proposals accord with the environmental results anticipated.

## **Objective 2 - Cost of Services to be met by Subdividers**

***The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.***

### ***Policies:***

***2.1 To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:***

- *roading and access;*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*

- provision of telecommunications.

The cost of provision of services to each of the lots will be met by the subdivider.

**Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values**

***The recognition and protection of outstanding natural features, landscapes and nature conservation values.***

*Policies:*

- 4.1 *To take the opportunity to protect outstanding natural landscapes and features, nature conservation values and ecosystems through the subdivision process.*
- 4.2 *To ensure works associated with land subdivision and development avoid or mitigate the adverse effects on the natural character and qualities of the environment and on areas of significant conservation value.*
- 4.3 *To avoid any adverse effects on the landscape and visual amenity values, as a direct result of land subdivision and development.*

As discussed above the location of the platforms and the design of mitigation planting and provision of services ensures that the subdivision can proceed in a way that retains the landscape values associated with the site. The subdivision creates a benefit by contributing to nature conservation values of the Arrow River, enhancing the shrubland planting where it extends into the site.

**Objective 5 - Amenity Protection**

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

*Policies:*

- 4.28 *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.*
- 5.2 *To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.*
- 5.3 *To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.*
- 5.4 *To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.*
- 5.5 *To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.*
- 5.6 *To encourage the identification of archaeological sites and sites of cultural significance.*

The lot sizes and dimensions enable the sites to be used for their intended purposes, being rural living and small scale farming. They are generous compared to the existing level of open space and density of built form that has occurred in the area. The lot sizes will contribute as a buffer of pastoral amenity to neighbouring properties and retain the rural characteristics of the area.

Because the balance of the sites will be maintained in pasture grass, and given the restriction on

planting and other structures within the sites, the subdivision pattern and location and dimension of lots will not lead to a pattern of land uses that will adversely affect landscape, visual, cultural or other amenity values.

There are no significant trees on the site, and no archaeological sites or sites of cultural significance. The efficient functioning of roads and services is maintained, particularly given that the water supply and road access was designed to cater for the proposed dwellings, and reflects the existing infrastructure in place.

## 9. Queenstown Lakes Proposed District Plan

The Proposed Plan was notified in August 2015, and submissions and further submissions have been received. The Strategic Directions, Rural and Rural Lifestyle Chapters have been heard. In August 2016 the Council resolved that a landscape study of the Wakatipu Basin would be undertaken. Until such time that this study is complete the decisions on the Proposed Plan are on hold and little weight can be given to the proposed objectives and policies of the Proposed Plan. At this early stage it is not possible to understand whether provisions will change or the weight of submissions against those provisions.

While rules relating to subdivision within the Proposed Plan do not have legal effect until the Council releases its decision, the fourth schedule to the Act requires the Council to consider any relevant provisions of a proposed plan.

In terms of landscape classification, the Proposed Plan does not change the identification of the Property within the Rural General Zone, and identifies the Property as within the Rural Landscapes ("RLC") or 'third tier' of landscapes. The following provides an assessment against the relevant provisions of the Proposed Plan, as notified.

### 9.1 Chapter 3 Strategic Direction

***Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.***

***3.2.5.2.1 Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.***

As detailed above, the landscape classification of this area within RLC has not changed in the Proposed Plan. The Property is located within a landscape with capacity to absorb the effects of further change and development consistent with what is being proposed in this Application.

***Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values***

The Landscape Report attached at **Annex F** confirms that this Property has the ability to absorb the change proposed by this Application and that the proposed layout and design of the allotments will retain the rural character and visual amenity values of the area.

***Objective 3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.***

***3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.***

***3.2.5.4.2 Provide for rural living opportunities in appropriate locations.***

Because of the generous size of the allotments, this proposal is not considered to create

inappropriate cumulative effects on the existing character of the area. The proposal will see appropriately sited and controlled residential development set into discrete pockets of land such that it will not lead to over- domestication or degradation of the landscape or cross a threshold with respect to the landscape's ability to absorb change. The proposal provides for rural living opportunities in appropriate locations.

***Objective 3.2.5.5 Recognise that agricultural land use is fundamental to the character of our landscapes.***

***3.2.5.5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.***

***3.2.5.5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.***

The proposed conditions coupled with the rural sized allotments proposed recognise and provide for the continued agricultural land uses. Land use in the vicinity of this proposal is mixed and is comprised of small scale farming units and rural living. This particular area is not typified by large landholdings or major productive farming, it is more of a small scale rural lifestyle farming area, which is consistent with the proposal.

The proposed size of the new allotments has been designed so as to not overly fragment or domesticate the land and allow for low scale farming to continue, consistent with what is currently undertaken.

## **9.2 Chapter 6 Landscapes**

***6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.***

As discussed in the landscape report, this proposal is located in an area which is capable of absorbing the effects of some further development. This proposal will not degrade the visual amenity of the District's landscape character. The design of this proposal has taken care to mitigate any effects from views along the road, and the landscape report attached confirms this proposal will see appropriately sited and controlled rural living development set into discrete pockets of land such that it will provide a buffer to adjacent properties, will not lead to over-domestication or degradation of the landscape, or cross a threshold with respect to the landscape's ability to absorb change. The low level of the proposal's visibility will ensure the development will not visually compromise the existing arcadian pastoral character by exacerbating existing and potential adverse effects.

The proposal prevents incremental changes from subdivision and development by way of the generously spaced allotments which provide a buffer of landscape protection to neighbouring properties.

***6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC)***

Mitigation planting is proposed to be consistent with the established character of the area and will ensure views of the open landscape are protected. Proposed building platforms have been selected that are physically separated from the road and nestled into the natural landforms and topography so as to locate within the parts of the site where they are least visible and will have the least disruption of the landform and rural character.

Shared access and infrastructure is proposed for proposed lots 2 and 3. Overall this proposal will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

## 10. Part 2 of the RMA

This is an application split into two distinct parts, to provide a range of options for decision makers to consider.

Part A, if granted on its own, would not change the total number of allotments, but would consist of a de-amalgamation of Lot 2 DP 347767 from Lot 2 DP 396476 and identify a new building platform on Lot 2 DP 347767.

Part B, if granted, would require a subdivision of Lot 2 DP 396476 into two lots with identification of one new building platform.

Because the Property is identified in a VAL which is in the vicinity of an ONF (the Arrow River Gorge), consideration has been given to the potential effects on the ONF as a result of this Application, as set out below.

Policy 4.2.5(5) of the Operative District Plan reads:

### 5. Outstanding Natural Features

*To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:*

- (a) in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;*

The Property is bounded to the south east by the Arrow River Gorge. Sections 6(a) and 6(b) are relevant. These read:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*

The Arrow River Gorge is very deep in the vicinity of the Property, and its margins are clad in bush that extends in some places into the private property located on the terrace above. There is a distinct difference in landscape character between the Gorge and the upper terraces, with the upper terrace comprising pasture land and rural living.

The distance, both vertically and horizontally, between the proposed platforms and the river margins ensures that the proposed development does not impact on the landscape and natural character values of the River.

In particular, the proposed platform within Lot 2 DP 347767 is over 150m from the edge of the Gorge. Proposed Platform B is closer to the edge of the Gorge, but is set back over 15m from the property boundary. It is proposed that the vegetation associated with the Gorge is extended into the Property.

The proposal accords with the relevant section 6 matters; the proposed platforms are located and designed such that the Arrow River Gorge is not adversely affected.

The relevant section 7 matters of the Act are as follows:

- (b) the efficient use and development of natural and physical resources:*

*(c) the maintenance and enhancement of amenity values:*

*(d) intrinsic values of ecosystems:*

*(f) maintenance and enhancement of the quality of the environment:*

*(g) any finite characteristics of natural and physical resources:*

The proposal to undertake a two lot subdivision and locate two additional dwellings within the visual amenity landscape is an efficient use of natural and physical resources. The two new platforms will connect to existing telecommunication and power reticulation, and the servicing report demonstrates that each lot can be adequately serviced. The proposed landscaping and planting provides mitigation that ensures that the amenity values of the surrounding area are maintained, and in particular this is achieved by ensuring that the views of the site from the Gibbston Highway are not adversely impacted. In this way the quality of the environment is maintained. This is also achieved through ensuring that wastewater and stormwater can be disposed of on-site, such that water quality within the catchment will not be adversely affected.

The development does not adversely affect any finite characteristics of natural and physical resources. The visual amenity values will be maintained, particularly given that the proposed dwellings have limited visibility from the State Highway and are adequately set back from neighbouring properties.

Overall, this application ensures that natural and physical resources are managed in a manner that enables people and communities to provide for their social, economic and cultural wellbeing, while also avoiding, remedying or mitigating potential environmental effects.

This application promotes sustainable management, and therefore achieves Sections 5, 6 and 7 of the Act. Section 8 of the Act is not relevant to this application.

## **11. Conclusion on Statutory Considerations**

The objectives and policies of the Operative Plan of particular relevance to this proposal are those relating to Landscape and Visual Amenity (Part 4) and the Rural Areas (part 5). Based on the analysis of these provisions, the proposal positively implements many of the provisions and is consistent with all others.

Under the PDP the Property is identified RLC and the proposal does not conflict with the core provisions of Chapters 3 and 6, although those provisions are given limited weight in their current state.

The analysis within the attached PSI report does not conclude that there is any information indicating previous or current use of the land for any activity contained within the HAIL. On this basis, the proposed subdivision is a permitted activity under the NES on Soil Contamination.

## **12. Consultation and Notification**

### **12.1 Neighbouring Property Effects**

The Applicant has consulted with adjoining landowners during the preparation of this Application, the following table summarises the Affected Party Approvals obtained from neighbours.

<b>Landowner</b>	<b>Title / legal description</b>
Mark and Tracy Galbraith	Lot 1 DP 22959
Craig and Julie McIlroy	Lot 1 DP 347767

Carl Johnson and Vanessa Sharp	1393 Gibbston Highway
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### 13. Assessment of previous application for subdivision

As discussed above, the previous application for subdivision (RM040630) was a proposal for a cluster of six rural living allotments roughly in the centre of the Property. Consent was declined by independent Commissioners, largely based upon the cumulative effects of the level of development proposed. This current Application provides a revised approach which will ensure that amenity and landscape values are retained, in particular by the carefully designed large areas of the proposed allotments.

This amended proposal is important to consider, particularly in light of the Commissioner's conclusion on RM040630 that:

*This decision should not be interpreted as expressing a view that this application site could not be built on at all without fundamental conflict with the District Plan. It is just a decision on this proposal. Ms Kidson's report noted that some of the proposed building platforms are less visible than others and it is quite possible that one or two carefully designed and sited dwellings could be added to this landscape without unduly compromising the landscape quality that the District Plan is designed to protect.*

The decision to decline consent was appealed by the then applicant to the Environment Court, and settled between the parties by way of Consent Order, resulting in a revised proposal of two rural living allotments. The only parties to the appeal were the applicant and the respondent Council. No submitters on the original application were parties to the Appeal.

### 14. Conclusion

The strategy underpinning these proposals has been to take a comprehensive approach to addressing the development of the proposed allotments through a landscape-led design approach to ensure that proposed building platforms are located only in those areas of the Property with the greatest potential to absorb change without detracting from the values and qualities of the rural area.

This assessment concludes the following:

- The proposals will not result in adverse effects on the environment which are more than minor.
- The proposals are consistent with the environmental results anticipated by the District Plan and there are no conflicts with the relevant policies and objectives for subdivision and development.
- The proposals do not conflict with the relevant objectives and policies under the PDP.
- Resource consent is not triggered for the subdivision and land use change when assessed under the NES Soil Contamination.
- The proposals do not undermine the rural character and visual amenity of the site and its surrounds and are appropriate and sympathetic towards the existing patterns of topography, vegetation, and development.
- The proposals will otherwise advance the purpose of the Act through maintaining the quality of the environment and the amenity values of this area while enabling efficient use and development of the relevant resources.





## Proposed conditions of consent – Part A

### General

*That the development is undertaken in accordance with the plans and the application as submitted, subject to any changes as a result of the following conditions.*

*Scheme Plan prepared by Aurum Survey Limited reference 1015-10R-1D and dated 19 December 2016*

*Landscape plan prepared by Patch Landscape Limited reference ....*

### Servicing

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

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

2. *Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:*
3. *The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under section 104 of NZS4404:1981 "Code of Practice for Urban Land Subdivision", in relation to this development.*
4. *Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:*
  - a) *Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms or within the lot boundary and no greater than 30m from the building platform on Lot 2 DP347767 that complies with/can be treated to consistently to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).*
  - b) *To upgrade the existing access points off the State Highway, to provide a sealed vehicle crossing to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.*
  - c) *The formation of all rights of ways to the Councils standards.*
  - d) *The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates*

*shall be in the format of the NZS4404 Schedule 1A Certificate.*

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

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

6. *In order to give effect to this consent, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per Aurum plan reference 1015-10R-1D and dated 19 December 2016). The consent holder shall register this "Land Transfer Covenant Plan" on the Computer freehold Register and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.*

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

7. *Prior to the building platform being registered on the Computer Freehold Register:*
  - a) *The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include the right of way, Water reticulation (including private laterals and toby positions).*
  - b) *A digital plan showing the location of the building platform 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 completion and implementation of all certified works detailed in Condition (4) above.*
  - c) *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 each building platform of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.*
  - d) *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 building platform of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.*
  - e) *The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all access ways and water reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.*
  - f) *All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.*

- 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**

8. *In accordance with section 221 of the Resource Management Act 1991:*

- (a) A consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:*

#### **Wastewater**

- a) *At the time that a dwelling is proposed on Lot 2 DP347767, a suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 for that Lot that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality, such a system would require the following:*

- *Specific design by a suitably qualified professional engineer.*
- *A requirement that each Lot must include systems that achieve levels of treatment determined by specific design.*
- *Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.*

*Disposal areas shall be located such that maximum separation (in all instances greater than 30m) is obtained from any watercourse or water supply bore. The effluent disposal system is to be installed prior to the occupation of the dwelling.*

#### **Stormwater**

- d) *At the time a dwelling is proposed on Lot 2 DP347767 a stormwater disposal system shall be designed for that Lot by a suitably qualified person, and shall be installed prior to the occupation of the dwelling.*

#### **Water supply - Fire fighting**

- e) *At the time a dwelling is proposed on Lot 2 DP347767, a 23,000 litre water storage tank shall be installed on the Lot. A minimum of 14,000 litres of water shall be maintained as a static fire fighting reserve. A fire fighting connection is to be located within 90 metres of any proposed building on the site. The connection shall have an adjacent hardstand area to allow a fire fighting appliance to park on it. Access shall be maintained at all times to the hardstand area. In order to ensure that connections are compatible with Fire Service equipment, the fittings are to comply with the following standard; either: o 70mm Instantaneous Couplings (Female) NZS 4505, or o 100mm and 140mm Souction Coupling (Female) NZS 4505 (The hose tail is to be the same diameter as the threaded coupling, for example, a 140mm coupling has a 140mm hose tail.)*

*Fire fighting water supply may be provided by means other than above, if the written approval of the New Zealand Fire Service is obtained for the proposed method.*

*The fire fighting supply shall be provided prior to the occupation of the dwelling.*

#### **Water Supply- Potable**

- f) At the time a dwelling is erected on **Lots 2 DP 347767**, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2000. The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the for the time being shall be responsible to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.

#### *Landscape and Design Controls*

- *Building height - the maximum height of any building shall be 5.5m from existing ground level.*
- *Roof pitch - any gabled roof shall have a roof pitch of between 22 and 40 degrees.*
- *Roof materials - all roof materials shall be steel (corrugated or tray), cedar shingles, slate, membrane or vegetated.*
- *Roof colour - all roofing colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 27%.*
- *External wall cladding materials - all external cladding materials shall be steel (corrugated or tray), timber board and batten, timber weather board (or similar), concrete, plaster or natural stone.*
- *External wall colours - all external wall colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 36%.*
- *Joinery - All joinery shall be in timber, steel or aluminium. Joinery colours (excepting timber) shall be similar in colour to roofing, gutter and spouting colours.*
- *Gates and entry features - All gates and entry features, except deer fences and gates, shall be of a typical rural character, being constructed of timber, wire and/or stone with a maximum height of 1.2m.*
- *Fencing - All fencing shall be either post and wire or post and rail fencing constructed by a suitably qualified person.*
- *Water tanks - all water tanks shall be partially or completely buried. Any part of a water tank which is above ground shall be coloured in a dark grey or dark green colour. Planting is encouraged to screen water tanks as viewed from SH6.*
- *Driveways - All driveways shall be constructed of gravel. An alternative material is appropriate inside the residential curtilage areas.*
- *Lighting - All landscape lighting shall be directed downward and no higher than 1.2m.*

## 15. Proposed conditions of consent – Part B

### General

*That the development is undertaken in accordance with the plans and the application as submitted, subject to any changes as a result of the following conditions.*

*Scheme Plan prepared by Aurum Survey Limited reference 1015-10R-1D and dated 19 December 2016*

*Landscape plan prepared by Patch Landscape Limited reference ....*

### Servicing

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

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

6. *Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:*
7. *The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under section 104 of NZS4404:1981 "Code of Practice for Urban Land Subdivision", in relation to this development.*
8. *Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:*
  - e) *Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms or within the lot boundary and no greater than 30m from the building platform on Lot 2 and proposed Lot 3 that complies with/can be treated to consistently to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).*
  - f) *To upgrade the existing access points off the State Highway, to provide a sealed vehicle crossing to be in terms of Diagram 2, Appendix 7 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.*
  - g) *The formation of all rights of ways to the Councils standards.*
  - h) *The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates*

shall be in the format of the NZS4404 Schedule 1A Certificate.

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

#### **To be completed before Council approval of the Survey Plan**

6. 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**

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

g)h) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include the right of way, Water reticulation (including private laterals and toby positions).

h)i) A digital plan showing the location of proposed building platform B 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 completion and implementation of all certified works detailed in Condition (4) above.

i)j) 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 each building platform of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

j)k) 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 building platform of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

k)l) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all access ways and water reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

l)m) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.

m)n) 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

8. In accordance with section 221 of the Resource Management Act 1991:
- b) Variation of Consent Notice 8511686.3 as it relates to Lot 2 DP 396476 as follows:
- (n) No further subdivision of the Lots, **except as provided for through RM17xxxx**, excluding boundary adjustments which do not result in the creation of any additional Certificate of Title or residential building platform shall occur.
- c) A consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:

### Wastewater

- d) At the time that a dwelling is proposed on **Lot 3**, a suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 for that Lot that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality, such a system would require the following:
- Specific design by a suitably qualified professional engineer.
  - A requirement that each Lot must include systems that achieve levels of treatment determined by specific design.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.

Disposal areas shall be located such that maximum separation (in all instances greater than 30m) is obtained from any watercourse or water supply bore. The effluent disposal system is to be installed prior to the occupation of the dwelling.

### Stormwater

- e) At the time a dwelling is proposed on **Lot 3** a stormwater disposal system shall be designed for that Lot by a suitably qualified person, and shall be installed prior to the occupation of the dwelling.

### Water supply - Fire fighting

- f) At the time a dwelling is proposed on **Lot 3**, a 23,000 litre water storage tank shall be installed on the Lot. A minimum of 14,000 litres of water shall be maintained as a static fire fighting reserve. A fire fighting connection is to be located within 90 metres of any proposed building on the site. The connection shall have an adjacent hardstand area to allow a fire fighting appliance to park on it. Access shall be maintained at all times to the hardstand area. In order to ensure that connections are compatible with Fire Service equipment, the fittings are to comply with the following standard; either: o 70mm Instantaneous Couplings (Female) NZS 4505, or o 100mm and 140mm Souction Coupling (Female) NZS 4505 (The hose tail is to be the same diameter as the threaded coupling, for example, a 140mm coupling has a 140mm hose tail.)

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

*The fire fighting supply shall be provided prior to the occupation of the dwelling.*

#### **Water Supply- Potable**

- g) *At the time a dwelling is erected on **Lot 3**, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2000. The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the for the time being shall be responsible to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.*

#### **Landscape and Design Controls**

- *Building height - the maximum height of any building shall be 5.5m from existing ground level.*
- *Roof pitch - any gabled roof shall have a roof pitch of between 22 and 40 degrees.*
- *Roof materials - all roof materials shall be steel (corrugated or tray), cedar shingles, slate, membrane or vegetated.*
- *Roof colour - all roofing colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 27%.*
- *External wall cladding materials - all external cladding materials shall be steel (corrugated or tray), timber board and batten, timber weather board (or similar), concrete, plaster or natural stone.*
- *External wall colours - all external wall colours shall be dark and recessive within the range of natural greys, browns and greens or a rural character colour such as pioneer red or lichen. All colours must have an LRV of less than 36%.*
- *Joinery - All joinery shall be in timber, steel or aluminium. Joinery colours (excepting timber) shall be similar in colour to roofing, gutter and spouting colours.*
- *Gates and entry features - All gates and entry features, except deer fences and gates, shall be of a typical rural character, being constructed of timber, wire and/or stone with a maximum height of 1.2m.*
- *Fencing - All fencing shall be either post and wire or post and rail fencing constructed by a suitably qualified person.*
- *Water tanks - all water tanks shall be partially or completely buried. Any part of a water tank which is above ground shall be coloured in a dark grey or dark green colour. Planting is encouraged to screen water tanks as viewed from SH6.*
- *Driveways - All driveways shall be constructed of gravel. An alternative material is appropriate inside the residential curtilage areas.*
- *Lighting - All landscape lighting shall be directed downward and no higher than 1.2m.*



- *All planting within 100m to the northwest, southwest and southeast the building platforms which will reach a mature height of greater than 3m shall be either evergreen or an indigenous species*

## **APPENDIX 3**

# **Council's Engineering Report**



## ENGINEERING REPORT

**TO:** Hamish Anderson

**FROM:** Stella Torvelainen

**DATE:** 26/02/2018

APPLICATION DETAILS	
REFERENCE	RM170891
APPLICANT	R and A Hill Family Trust
APPLICATION TYPE & DESCRIPTION	<p>Part A: Subdivision consent for de-amalgamation of Lot 2 DP 347767 from Lot 2 DP 396476 and Landuse consent for establishment of a new building platform on Lot 2 DP 347767</p> <p>Part B: Subdivision of Lot 2 DP 396476 into Proposed Lot 2 and Lot 3 with the existing building platform to be contained within proposed Lot 2 and a new building platform to be established within proposed Lot 3.</p>
ADDRESS	1358 Gibbston Highway
ZONING	Rural General
SITE AREA	32 hectares
ACTIVITY STATUS	Discretionary
VALUATION NUMBER	

Application	Reference Documents	Resource Consent Application
	Previous Relevant Consents	RM040630 (underlying subdivision/amalgamation consent). RM170394 Land use consent for dwelling within existing BP.
	Date of site visit	None

Comments		
	Existing Use	Currently no dwelling is located on Lot 2 DP 347767. On Lot 2 DP 396476 (which is amalgamated with the earlier lot) an approved building platform is located in the northwest of the lot and a landuse consent for a dwelling within this platform has been granted (RM170394) , furthermore a farm shed and ancillary building at the north of this lot.
	Neighbours	A mix of pastureland and residential lots neighbour onto the two amalgamated lots. Gibbston Highway is approximately to the east of both lots. The Arrow river is approximately to the west of both lots.
	Topography/Aspect	The sites sit on a river terrace which is slopes very gently to the south west toward the river.
	Water Bodies	As above the Arrow River is to the west of both lots with the actual channel approximately 60m to the south west.

### Location Diagram



ENGINEERING		COMMENTS	Condition
	Means of Access	<p><b>Access</b></p> <p>Vehicle crossings to State Highway 6 are NZTA approved crossing points.</p> <p>Both Lot 2 DP347767 and proposed Lot 3 will have direct legal access from Gibbston Highway. A right of way is proposed across proposed Lot 3 in favour of proposed Lot 2 to provide access to this later lot. The AEE states that <i>"The accessway to each building platform will have a minimum formation standard of 150mm compacted AP40, with a minimum carriageway width of 3.5m"</i>. I am satisfied with this proposal for formed width. No indication of the legal width of the proposed right of way is provided. I recommend that the right of way is formed to QLDC standards and has a minimum 6.0m legal width.</p> <p><b>Gradient</b> of accessway/right of way appears to be a maximum of 1 in 20 from the onsite contours provided.</p>	

	Access	Vehicle crossing	<p><b><u>Vehicle crossings</u></b></p> <p>As outlined by NZTA in their 8<sup>th</sup> November submission on the application conditionally support the application subject to access upgrades.</p> <p>The applicants sites front onto Gibbston Highway (State Highway 6 (SH6)) which is "...a limited Access Road and there are three authorised crossing points to the site (Crossing Places: CP12, CP7 and CP6) from Stage Highway 6. CP12 is the access to Lot 2 DP347767 and CP7 is the proposed access to Lot 2 and Lots 3. All of these crossing points are not developed to any particular standard. CP6 is a farm access that the applicant wishes to retain for farming purposes and also not developed to any particular standard.</p> <p>The applicant has provided a traffic assessment to NZTA in a letter by J Carter Planning dated 17 November 2017. This outlines that proposed "Lot 2 and Lot 2 DP347767 are intended to be used for principally residential uses. Lot 2 DP 347767 will be approximately 11ha and likely grazed or continued for use as a Lucerne Paddock. Proposed Lot 3 is intended to continue as a grazing / Lucerne farming operation. There will not be any heavy or long vehicle movement to and from the sites in excess of NZTA Table app5B/4 (which provides for up to one heavy or slow vehicle movement per week for access way type Diagram C)." Furthermore the letter goes onto say "The lots are intended to be largely self-sufficient; current use of the land generates approximately 4 heavy or long vehicle movements per annum as a maximum. That level of use is expected to remain relatively the same."</p> <p>Furthermore the traffic volumes are outlined for each residential lot and they are within the permitted threshold of NZTA requirements for Diagram C. CP6 is not intended to be used for regular farm access or any residential access however, is important to be retained form emergency farm access. Therefore the applicant agrees to the requisite upgrade requested in the Submission to Standard C.</p> <p>The letter from JCarter Planning outlines that "Given the low levels of heavy or long traffic existing and anticipated to continue on the site, it is not considered necessary to recess gates permanently as a condition of consent to accommodate long vehicles. Given the low use of long vehicles, it is likely that if these are to access the sites then gates will be open so as to prevent any effect on the highway from turning vehicles.... Gates will be recessed to provide for the typical vehicles accessing the site, which is a residential vehicle of 6m."</p> <p>The JCarter letter outlines conditions to ensure the upgrades outlined above occur with associated traffic management plans, roading authority approval etc. and a condition to ensure the crossings are maintained to their upgraded condition.</p> <p>NZTA has accepted the assessment and proposed conditions outlined in this letter.</p> <p>I accept the agreed upgrades regarding the vehicle crossing standards and maintenance and condition this accordingly.</p>
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ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Vehicle Crossing Continued	<p>I note that NZTA has not mentioned sight distance and believe this is because as outlined in the AEE sight distances from each of the proposed accesses for the lots are greater than the 282m required by NZTA. Furthermore from observations on site and measurement on QLDC GIS the sight distance at CP6 for farm access appears to greater than that required by NZTA. Thus I am satisfied sight distance is sufficient and make no further comment.</p> <p><b>Break over angle</b> is not an issue given the flat topography from the road to each of the lots at the access points.</p> <p><b>Max number of crossings per lot</b> dictated by NZTA and limited to those they approve. Nothing is changing in respect to the number of crossing numbers.</p>	

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	<p>It is understood that the only earthworks required are that to create the accessways to the building platforms and that these will be under the volumes permitted for the zone of the property. I accept this assessment as the permitted volume limit for the Rural General Zone which the site is in is 1000m<sup>3</sup> and I believe the accessway earthworks volume will be in the order of 400m<sup>3</sup> if the topsoil is stripped and replaced with the 150mm of AP40 proposed. The depth or proximity to boundary will not breach the DP Rules.</p>	

<b>SERVICES</b>	<b>Existing Services</b>		QLDC GIS maps show two private water tobies are located on the existing Lot 2 DP 396476. Power is shown extending to both the amalgamated lots.	
	<b>Water</b>	<b>Potable</b>	<p>The infrastructure assessment outlines that the landowner is a shareholder of Swiftburn Downs Water Supply Limited (SDWSL). The landowner currently has 730 shares which equates to an allowance of 730,000L of water per day. A letter provided by the manager of SDWSL outlines that if you were to subdivide a lot of less than 2 Ha the company would re-allocate 33 shares per lot from the shareholding of 730 shares to the new lots. This would give a water allocation of 33,000 litres per day. I note that the proposed lots are all greater than 2 Ha and consequently I have discussed with the SDWSL manager whether re-allocation is permitted for between the subdivided lots. He has confirmed that re-allocation is permitted and would be done proportionately based on the size of the lots. Given this I am satisfied that there would be sufficient quantity for both potable supply and irrigation for each lot.</p> <p>The Servicing Report outlines that the water proposed to be supplied to the lots should be treated to allow use as a potable supply (as the Swiftburn scheme draws from a surface water take). I agree with this assessment and recommend a condition of consent that a consent notice be placed on the titles of the new lots that prior to the erection of a dwelling the water is to be treated to comply with the NZ Drinking Water Standards 2005 (Revised 2008).</p> <p>I note that the water take permit associated with the SDWSL is due to expire in August 2018. However, the applicant's planner has provided further information with regard to previous consents, volumes, monitoring data and ORC documents that the likelihood that the permit will not be renewed is very small. Thus I am satisfied with the water supply feasibility for the site and recommend a related condition of consent.</p>	<b>X</b>
		<b>Fire-fighting</b>	<p>The Servicing Report outlines that there is an existing consent notice on the Building Platform within Lot 2 which requires that at the time a residential dwelling is constructed adequate firefighting storage is to be provided. The report goes on to outline that sufficient water supply will be available from the Swiftburn Downs Water Supply Limited to service proposed tanks to be installed at the time of erection of a dwelling on each lot with 30,000L volume and 20,000L static reserve. I recommend that a new consent notice is registered on the title of each proposed lot that an onsite storage tank of 30,000L with 20,000L static volume and in accordance with SNZ PAS 4509:2008 in installed prior to the occupation of any dwelling on the site. This will serve to update part (c) of the consent notice currently on the title against Lot 2 DP 396476 to current standards. I am satisfied the new consent notice will ensure that the firefighting water supply is catered for.</p>	<b>X</b>

	<b>Effluent Disposal</b>	<p>I am satisfied that the onsite wastewater system requirement for building platform in Lot 2 have been adequately assessed under the previous consents. The site and soils assessment undertaken for the RM040630, in particular for Lot 4 of that consent, is directly applicable to Lot 3 of the proposed consent and shows suitable soils for onsite effluent disposal, with primary treatment proposed and onsite loading rate of 15-20mm/day.</p> <p>The infrastructure assessment outlines that they believe that the proposed Building Platform A on Lot 2 DP 347767 is still suitable for an onsite wastewater management system given that the site is very large, soils are unlikely to be different from the amalgamated lot to the south and the building platform is well offset from the river. I accept their assessment in particular because the soil type is shown to be consistent with the amalgamated lot to the south by the site and soils assessment undertaken on Lot 1 DP22959 which is between the two amalgamated lots.</p> <p>The existing consent notice on the title suggests that the system should be designed by a suitably qualified professional engineer. Furthermore the Servicing Report has suggested a similar condition. Given that the building platform on proposed Lot 3 is quite close to the river I believe it would be prudent that a suitably experienced Chartered Professional Engineer undertake the system design.</p> <p>I recommend a consent notice that prior to construction of a dwelling onsite that an onsite wastewater disposal system is designed by a Chartered Professional Engineer in line AS/NZS 1547:2012 and installed for the dwelling. Furthermore I recommend an advice note that any required Otago Regional Council consents are obtained.</p>	<b>X</b>
	<b>Stormwater</b>	<p>The Servicing Report outlines that suitable soils for stormwater disposal were demonstrated in the RM040630 application and this combined with the large size of the proposed lots makes it clear that the stormwater disposal via soakage can be accommodated on each of the lots. I agree with this assessment. The servicing report outlines that they recommend that the condition imposed via RM040630 and currently on the consent notice for Lot 2 DP 396476 is imposed. This outlines that at the time a dwelling is proposed on the lot the stormwater disposal system should be designed by a suitably qualified professional. I recommend a consent notice to this effect is placed on each of the appropriate lots.</p>	
	<b>Power &amp; Telecoms</b>	<p>Confirmation has been provided from the service providers that power and telecom can be made available to each proposed lot. I recommend a condition of consent that confirmation that power and telecom has been extended underground to each building platform is provided prior to 224c.</p>	
	<b>Management Company</b>	Not required.	
	<b>O&amp;M Manuals</b>	Not required.	



NATURAL HAZARDS	<b>Hazards on or near the site</b>	The QLDC GIS Hazard map shows two regional scale alluvial fans entering the currently amalgamated sites. The first enters Lot 2 DP 396476 across its northern boundary. The second enters proposed Lot 3 across its eastern boundary. Thirdly a possibly susceptible liquefaction area has been indicated on Lot 2 DP 396476.	
	<b>Hazard assessment by</b>	GeoSolve	
	<b>Report reference</b>	Email from Paul Faulkner – Gibbston Valley Highway dated 13 February 2018	
	<b>Report on Hazards</b>	<p>The email from GeoSolve outlines <i>“The westernmost site is outside the alluvial fan hazard areas as shown on the QLDC hazard mapping, and assessment indicates a negligible to low risk is present.</i></p> <p><i>For easternmost site is close to the mapped alluvial fan margin and the risk from this hazard is also assessed as negligible to low. A low risk of general overland flow from storm water run-off, as with any rural sloping site, is present for this lot.</i></p> <p><i>With respect to liquefaction, no risk is present at either site due to the relatively shallow presence of rock, as observed in the Arrow Gorge to the south, and depth to the water table.”</i></p> <p>I accept the expert’s assessment and make no further comments with regard to hazards.</p>	

PROJECT INFORMATION	<b>Developers Engineering Representative</b>	Required.	
	<b>Notice of commencement</b>	Not required.	
	<b>Traffic Management Plan</b>	Required with respect to vehicle crossing upgrades that will be required by NZTA.	
	<b>Design Certificates</b>	Not required.	
	<b>Completion Certificates</b>	Not required.	
	<b>As built</b>	Required.	

TITLES	<b>Consent Notices</b>	<p>A consent notice 8511686.9 exists on the title that outlines a number of requirements that are engineering related for Lot 2 DP396476. In summary these are requirement for an onsite wastewater system designed by a suitably qualified professional engineer in line with the standard AS/NZS1547:2000 including ongoing maintenance, a stormwater disposal system designed by a suitably qualified person, firefighting water storage and water supply requirements prior to construction of any dwelling on the lot.</p> <p>I am satisfied that the conditions below take into account the engineering consent notice requirements, with the level of service in line with councils current requirements rather than historic requirements that were in place at the time the consent notice was created.</p>	
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<b>Easements</b>	A condition is recommended to ensure all necessary easements are granted or reserved.	
<b>Building platforms</b>	Digital location on survey plan will be required.	
<b>Amalgamation Condition</b>	Not required. De-amalgamation is part of consent.	

**1.0 RECOMMENDED CONDITIONS FOR DE ALMALGAMATION (SUBDIVISION) OF LOT 2 DP 347767 AND LOT 2 DP 396476 AND TO IDENTIFY A NEW BUILDING PLATFORM ON LOT 2 DP 347767 (PART A)**

**General**

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz>

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

2. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
3. Prior to commencing works on site, the consent holder shall submit a traffic management plan to undertake works within the State Highway road reserve to the New Zealand Transport Agency or its network management consultant, Aspiring Highways, for certification and acceptance. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the certified plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
4. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and certification, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platform on Lot 2 DP 347767 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - b) The provision of an access way to within 20m of the Lot 2 building platform that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
  - c) The provision of crossing point intersection and road improvements with State Highway 6 to meet the New Zealand Transport Authority (NZTA) and Queenstown Lake District Council requirements and standards. A copy of the NZTA reviewed and approved plans shall be submitted to the Principal Engineer at Council prior to works commencing. These shall include Crossing Points CP6, CP7 and CP12 detailing sealed upgrades and widenings to a NZ Transport Agency Diagram C Standard.

***To be completed before Council approval of the Survey Plan***

5. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall ensure all necessary easements 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***

6. Prior to the building platform being registered on the Computer Freehold Register, the consent holder shall complete the following:
  - a) The consent holder shall provide “as-built” plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Subdivision Planner at Council. 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) A digital plan showing the location of of the approved building platform on Lot 2 DP 347767 (as per plan titled ‘Proposed Subdivision & Platforms, Lot 2 DP 347767 & LOT 2 DP 396476, Gibbston Highway for A & R Hill’, Drawing Number 1015-10R-1D, dated 19/12/2016) shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion and implementation of all certified works detailed in Condition (4) above.
  - d) Gates at crossing points CP6, CP7, and CP12 shall be recessed from the Stage Highway legal boundary by a minimum of 6m.
  - e) The consent holder shall supply written confirmation from the NZ Transport Agency or agents thereof that the access improvements to CP6, CP7, and CP12 have been completed to meet the NZ Transport Agency standards.
  - f) 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 building platform and that all the network supplier’s requirements for making such means of supply available have been met.
  - g) 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 building platform and that all the network supplier’s requirements for making such means of supply available have been met.
  - h) 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***

7. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) At the time a dwelling is erected on Lot 2 DP 347767, the owner for the time being shall engage a suitably experienced Chartered Professional engineer 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 Southern Monitoring Services Ltd “Proposed Subdivision of Lot 6 KP 21550 #13658 Gibbston Highway to Create Lots 1 -6, Onsite Wastewater Management Assessment” dated 13 January 2004. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the dwelling.

At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.

- c) The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.
- d) At the time a dwelling is erected on the Lot 2 DP 347767, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
- e) Crossing point CP12 shall be maintained by Lot 2 DP 347767 at all times to a NZ Transport Agency Diagram C Standard.
- f) At the time that a dwelling is erected on Lot 2 DP 347767, the owner for the time being is to treat the domestic water supply by filtration and disinfection (if required) so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).
- g) At the time a dwelling is erected on Lot 2 DP 347767, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or equivalent). Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ 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.

Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained

for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

## **2.0 RECOMMENDED CONDITIONS FOR SUBDIVISION OF LOT 2 DP 396476 INTO PROPOSED LOT 2 AND LOT 3 (PART B)**

### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz>

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

2. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
3. Prior to commencing works on site, the consent holder shall submit a traffic management plan to undertake works within the State Highway road reserve to the New Zealand Transport Agency or its network management consultant, Aspiring Highways, for certification and acceptance. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the certified plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
4. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and certification, copies of design certificates in the form of Schedule 1A of QLDC's Land Development and Subdivision Code of Practice, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 2&3 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).
  - b) The provision of a right of way over Lot 3 that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for passing areas at intervals no greater than 50m centres along the shared access with provision made for stormwater disposal from the carriageway.
  - c) The provision of crossing point intersection and road improvements with State Highway 6 to meet the New Zealand Transport Authority (NZTA) and Queenstown Lake District Council requirements and standards. A copy of the NZTA reviewed and approved plans shall be submitted to the Principal Engineer at Council prior to works commencing. These shall include Crossing Points CP6, CP7 and CP12 detailing sealed upgrades and widenings to a NZ Transport Agency Diagram C Standard.

### ***To be completed before Council approval of the Survey Plan***

5. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall ensure all necessary easements be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. The right of way over Lot 3 in favor of Lot 2 shall be provided with a minimum legal width of 6m

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

6. 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 engineering works completed in relation to or in association with this subdivision/development to the Subdivision Planner at Council. 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) A digital plan showing the location of the building platforms as shown on the survey plan / Land Transfer Plan shall be submitted to the Subdivision Planner at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion and implementation of all certified works detailed in Condition (4) above.
  - d) Gates at crossing points CP6, CP7, and CP12 shall be recessed from the Stage Highway legal boundary by a minimum of 6m.
  - e) The consent holder shall supply written confirmation from the NZ Transport Agency or agents thereof that the access improvements to CP6, CP7, and CP12 have been completed to meet the NZ Transport Agency standards.
  - f) 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 building platform of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
  - g) 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 building platform of Lots 2 & 3 and that all the network supplier's requirements for making such means of supply available have been met.
  - h) 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***

7. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
  - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) At the time a dwelling is erected on either proposed Lot 2 or Lot 3, the owner for the time being shall engage a suitably experienced Chartered Professional engineer 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 Southern Monitoring Services Ltd "Proposed Subdivision of Lot 6 KP 21550 #13658 Gibbston Highway to Create Lots 1 -6, Onsite Wastewater Management Assessment" dated 13 January 2004. The proposed wastewater system shall be subject to Council review and acceptance prior to implementation and shall be installed prior to occupation of the dwelling.  
  
At such a time that Council's wastewater reticulation is available to service the lot in accordance with the Local Government Act Section 459(7)(a)(b), the owner for the time being shall cease the use of the alternative disposal system, decommission it appropriately and connect to the Council system. The cost of making this connection shall be borne by the

owner of the lot. At this time the owner for the time being shall pay to the Queenstown Lakes District Council the applicable development contribution.

- c) The wastewater disposal field shall be blocked off to vehicular traffic and stock. This shall be achieved through use of a physical barrier, such as fencing or other suitable measures that will prevent vehicles and stock from passing over the disposal area.
- d) At the time a dwelling is erected on either proposed Lot 2 or Lot 3, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
- e) Crossing points CP6 and CP7 shall be maintained at all times by Lots 2 & 3 to a NZ Transport Agency Diagram C Standard.
- f) At the time that a dwelling is erected on either proposed Lot 2 or Lot 3, the owner for the time being is to treat the domestic water supply by filtration and disinfection (if required) so that it complies with the Drinking Water Standards for New Zealand 2005 (revised 2008).
- g) At the time a dwelling is erected on either proposed Lot 2 or Lot 3, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or equivalent). Alternatively, a 7,000 litre firefighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) 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 Fire and Emergency New Zealand (FENZ) as larger capacities and flow rates may be required.

The FENZ 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 Council's standards for rural roads (as per Council's Land Development and Subdivision Code of Practice). 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 FENZ 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.

Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

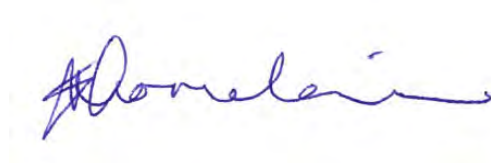
**Recommended Advice Notes**

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.
2. The consent holder should obtain all necessary Otago Regional Council consents, if any necessary.

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Prepared by:

Reviewed by:



**Stella Torvelainen**  
**LAND DEVELOPMENT ENGINEER**



**Michael Wardill**  
**RESOURCE MANAGEMENT ENGINEER**



# **APPENDIX 4**

## **Council's Landscape Assessment**

**LANDSCAPE REPORT RM170891 Hall Family Trust R and A**

**To:** Hamish Anderson, Consultant Planner, QLDC

**From:** Kara Scott, Landscape Planner  
Perception Planning Ltd.

**Date:** 7 December 2017

**Subject:** Review of landscape and visual assessment of proposed subdivision at 1358 Gibbston Highway, to de-amalgamate two lots and identify two new building platforms, and variation to existing consent notice conditions.

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**1.0 INTRODUCTION**

1.1 My name is Kara Scott. I am a consultant Landscape Planner at Perception Planning Ltd. I have been asked to provide a peer review of the landscape assessment of environmental effects of the subject application, prepared by Stephen Skelton of Patch Landscape Architecture, dated 23 February 2017. My review also considers further information provided by J Carter Planning Ltd dated 25 September, a submission received by Bunn Family Trust and P Bunn dated 10 November 2017, and addendum to application dated 6 December 2017.

1.2 In my peer review I consider how the landscape and visual assessment:

- 1.2.1 Considers the existing site and landscape context, with site visit undertaken on 7 September 2017.
- 1.2.2 Describes the visual catchment and viewing audience.
- 1.2.3 Considers the relevant planning provisions and existing environment (including any existing consents).
- 1.2.4 Describes the actual or potential landscape and visual effects of the proposed activity
- 1.2.5 Assesses the actual or potential landscape and visual effects of the proposed activity
- 1.2.6 Effectively and achievably recommends mitigation measures (if considered necessary)

1.3 I then consider whether I support the findings of the landscape and visual assessment, and if not, identify where further information or assessment is required, or make further recommendations.

**2.0 PROPOSAL**

2.1 I understand that the relevant landscape and visual aspects of the proposal are as follows:

- 2.1.1 Create a new residential building platform within the northern lot (Lot 2 DP 3477767 – 11ha), named 'platform A', and de-amalgamate it from the southern lot (Lot 2 DP 396476 – 21ha) that has an existing building platform.



- 2.1.2 Subdivide the southern lot into two lots, retain the existing building platform A (proposed lot 2) and create a new building platform (proposed lot 3 named 'platform B') so that each of the platforms have their own title.
- 2.1.3 Proposed lot 2 containing the existing platform is approximately 3.62ha.
- 2.1.4 Proposed lot 3 containing proposed building platform B is approximately 17ha in area. The balance lot will retain the existing farm buildings on the property.
- 2.1.5 Existing building platform A and proposed building platform B are located more than 15m from internal boundaries, and set back from the Gibbston Highway.
- 2.2 The application proposes landscaping around building platforms A and B to provide a framework of planting and assist the visual absorption of future buildings in the landscape. The key aspects of this planting are:
  - 2.2.1 Planting designed to enhance the existing character and amenity of the property and vicinity using the existing patterns of vegetation.
  - 2.2.2 Rural planting such as evergreen shelterbelts and mix of other shelter and rural character trees such as poplar, silver birch, and cherry blossom. Proposed planting to the west of proposed Platform B is predominantly mountain beech, evergreen native shrubs such as broad leaf, and flax. A proposed double row shelterbelt east of proposed Platform B and a proposed shelter belt on the south west boundary is proposed to be Leyland cypress. Plants are proposed to be planted at a minimum height of 1m, and are to be maintained to a minimum height of 4m.
  - 2.2.3 Planting to build on the existing pattern and maximise neighbourhood amenity and protection of internal views and views from the state highway.
  - 2.2.4 No boundary screening is proposed.
  - 2.2.5 The planting enables continued rural productivity of the balance land by not disrupting open paddocks.
  - 2.2.6 The purpose of the planting is to ensure sufficient height and that future buildings will not be highly visible from the state highway. Once mature the trees will provide a moderate to high level of visual screening of future buildings from the Gibbston highway, while retaining the open space character of the property.
- 2.3 Proposed landscape and design controls are proposed. Relevant to landscape and visual effects, these include;
  - 2.3.1 Maximum building height 5.5m from existing ground level.
  - 2.3.2 Roof pitch between 22 and 40 degrees.
  - 2.3.3 Roof materials steel, cedar shingles, slate, membrane or vegetated.
  - 2.3.4 Roof colour natural colours with LRV of less than 27%.
  - 2.3.5 External cladding steel, timber board and batten, timber weather board or similar, concrete, plaster or natural stone.
  - 2.3.6 External finishes – platform A – dark recessive within natural colours LRV less than 36%.
  - 2.3.7 External finishes – platform B – same as above with LRV of less than 27%.



- 2.3.8 Joinery – timber, steel or aluminium similar in colour to roofing except timber.
- 2.3.9 Gates and entry features – typical rural character
- 2.3.10 Fencing post and wire or post and rail
- 2.3.11 Water tanks partially or fully covered.
- 2.3.12 Driveways gravel.
- 2.3.13 Lighting downward no higher than 1.2m.

### **3.0 SITE AND LANDSCAPE CONEXT**

- 3.1 I have read the description of landscape by Mr Skelton and concur with his description.

### **4.0 VISUAL CATCHMENT AND VIEWING AUDIENCE**

- 4.1 I have read the description of visibility of development by Mr Skelton, and concur with his description of the site being visible from the State Highway 6, Swiftburn Bridge, the Queenstown Trail, and adjacent private properties.

### **5.0 RELEVANT PLANNING PROVISIONS**

- 5.1 Mr Skelton's report notes that the subject site is within a Visual Amenity Landscape and considers the relevant assessment matters when considering the actual and potential landscape and visual effects of the proposal on the environment, and I concur with these.
- 5.2 I also make reference to the District Plan objectives and policies for discretionary activities relevant to potential landscape and visual effects of the proposal when considering the potential effects.
- 5.3 Section 4.2.4(3) of the operative district plan notes; The key resource management issues for the visual amenity landscapes are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.
- 5.4 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. (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.
- 5.5 Visual Amenity Landscapes (a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are: • highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and • visible from public roads. (b) To mitigate loss of or enhance



natural character by appropriate planting and landscaping. (c) To discourage linear tree planting along roads as a method of achieving (a) or (b) above.

- 5.6 I note that linear tree planting along the State Highway 6 boundary is not proposed. The proposed double row hedge to the east of proposed building platform B is in my view consistent with the existing shelter plantings in the area and follows an existing fence line. Similarly, the proposed planting near proposed building platform A is consistent with the existing plantings in the area, and will include a minimal number of linear tree planting along the State Highway 6 boundary.
- 5.7 17. Land Use To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. Implementation Methods: The Objective and associated Policies will be implemented through a number of methods including:  
i District Plan (a) Provision of rules to control the height, external appearance and general location of all buildings in the rural areas. (b) Provision of standards to manage new roads and tracks in the rural areas. (c) To control by way of resource consents, activities that involve earthworks, vegetation clearance and plantings and which have the potential to adversely affect landscape values. (d) To take into consideration the potential adverse effects of land use on landscape values at the time of subdivision.
- 5.8 I am satisfied overall that the potential landscape and visual effects of the proposal meets these relevant objectives and policies.

## **6.0 IDENTIFICATION OF LANDSCAPE AND VISUAL EFFECTS**

- 6.1 Mr Skelton identifies the potential landscape and visual effects and addresses these within his report as follows:
- 6.1.1 Effects on Natural and Pastoral Character
  - 6.1.2 Form and Density of Development
  - 6.1.3 Cumulative Effects of Development on the Landscape
  - 6.1.4 Rural Amenities
  - 6.1.5 Nature Conservation values.
- 6.2 I concur with his identification of these effects.

## **7.0 ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS**

- 7.1 Mr Skelton specifically addresses assessment of landscape and visual effects against the effects that he has identified that may result from the proposed development – and I concur with this approach. Overall, I concur with Mr Skelton's assessment of the potential landscape and visual effects as they relate to areas viewed from State Highway 6 and the Queenstown Trail.
- 7.2 In terms of visibility of development; I understand that potential adverse effects when viewed from the Queenstown Trail cannot be considered by way of covenant over the use of the trail. I visited the trail to view the site from the west side of the Arrow River during my site visit. In addition to the trail; this was also done to gain an understanding of any potential adverse effects to landowners on this side of the river.



- 7.3 Mr Skelton accurately describes in section 4.12 of his assessment that there are private properties in the vicinity, which may be able to view portions of the future development on Lot 3 (proposed building platform B). He notes that any future building will be recessively clad and coloured and set amongst existing and proposed vegetation which will provide a moderate to high level of screening.
- 7.4 I note that Mr P Bunn of Morven Ferry Road; an adjacent property owner on the west side of the Arrow River had submitted in opposition to proposed building platform B on Lot 3, due to reasons of privacy and change in overall outlook from his home.
- 7.5 I understand that the Bunns have since withdrawn their submissions to the application based on the applicant's revised landscape plan and amended conditions. The revised plan shows a new proposed shelter belt to be maintained at a minimum height of 4m on the south west boundary of Platform B.
- 7.6 I also understand the proposed removal of woody weeds on the escarpment southwest of Platform B has been deleted. This is to protect neighbouring views until the proposed shelter planting becomes established.
- 7.7 I have considered the potential landscape and visual effects of this amendment and agree with this approach as being appropriate, along with the proposed mitigation measures, to ensure that landscape and visual effects are no more than minor.

# **APPENDIX 5**

## **Operative District Plan Assessment Matters**



## Rural Areas

### 5.8.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the following:

#### i Landscape and Amenity Values - General

##### A) Effects on Gibbston Valley's character

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

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;
- (iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing over-domestication of the landscape.

##### B) Visibility of development

In considering whether the development will result in a loss of the viticultural or arcadian pastoral character of the landscape the Council shall have regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;
- (ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;
- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes;
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;
- (v) the subject site and the wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

##### C) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters shall be taken into account:

- (i) whether the proposed development maintains adequate and appropriate visual access to open space and views across

Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained:

- (ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;
- (iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;
- (iv) whether landscaping, including fencing and entrance ways, are consistent with a traditional rural elements, particularly where they front SH6.
- (v) The proposed use of the winery building, and whether a covenant has been placed on the winery building prohibiting or restricting any change to that use.

#### D) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters shall be taken into account:

- (i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6;
- (ii) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise);

- (iii) whether and to what extent development is concentrated in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state;
- (iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.
- (v) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

#### E) Cumulative Effects of Development on the Landscape

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

- (i) the assessment matters detailed in A) to D) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;
- (iv) whether further development as proposed will visually compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;
- (v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or

mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term “vicinity” generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- State Highway 6, or
- from any other public road or public place frequented by the public and which is readily visible from that other public road or public place; or
- from adjacent or nearby residences.

The “vicinity or locality” to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this “vicinity”, will generally be 1.1 kilometre in either direction.

## ii **State Highway 6**

- (i) The extent to which the development is visible from the road in terms of its effects on rural and/or cultural character and vistas from the road.
- (ii) The extent to which visual coherence can be maintained or enhanced by alternative locations and landscaping including planting and earthworks.
- (iii) Whether the location of planting will obstruct views of Outstanding Natural Landscapes and Features.

### iii **Buildings**

- (i) Whether the building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (ii) Whether the building obscures natural features and vistas, and causes the loss of key viewpoints.
- (iii) Whether the building is visually obtrusive from any public road, recreation area or public place.
- (iv) Whether the building and associated activity causes a loss of the natural landscape pattern or existing vegetation pattern in the rural area.
- (v) Whether the building is located in an area with a high potential to absorb change to the landscape.
- (vi) Whether the bulk, design, external appearance and overall form of the building is appropriate to the rural and/or cultural context.
- (vii) Whether the materials and colours to be used are consistent with the rural and/or cultural landscape of which the building will form a part.
- (viii) Whether the colours for roofs and walls are of low reflectivity and derived from the landscape, with bright accent colours or highly reflective colours used only in small areas for visual interest.
- (ix) Whether the local materials have been used in construction.
- (x) Whether the road access and internal driveways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual values of the site.
- (xi) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

**iv General - Nature Conservation Values**

- (a) The extent to which activities will result in opportunities for the protection and enhancement of indigenous bio-diversity or indigenous ecosystems.
- (b) Any adverse effects of the activity on indigenous ecosystems from animal pests and domestic animals.
- (c) Any need to avoid, contain, manage and/or monitor the adverse effects of introduced plant species/forms, which have potential to spread and naturalise.
- (d) The extent to which the activity provides opportunities for making available information regarding indigenous ecosystems.
- (e) The extent to which activities will protect and enhance the survival and well being of indigenous plants and/or animals that are rare, vulnerable or endangered, or significant within the District, Region or nationally.
- (f) In the case of activities proposed in the vicinity of rock outcrops, the extent to which the activity will adversely affect, or provide opportunities to enhance, the protection of lizard populations and their habitat.

**v General – Natural Hazards**

Whether the activity will exacerbate any natural hazard, including erosion, sedimentation, subsidence and landslips.

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

In addition to Assessment Matters i - v above:

- (a) The extent to which any residential activity maintains and enhances rural character, heritage values, life-supporting capacity of soils, vegetation and water, infrastructure,

traffic safety and public access to and along lakes and rivers.

- (b) The extent to which the residential activity may adversely affect adjoining land uses.
- (c) The extent to which any residential unit has the ability to:
  - i supply potable water;
  - ii connect to a reticulated public or community sewage treatment and disposal system, or otherwise can be provided with a suitable system for the treatment and disposal of domestic sewage effluent, in a manner, which avoids nuisance or danger to public health, or contamination of ground or surface waters; and
  - iii connect to available telecommunication and electricity systems to domestic levels of service.
- (d) Whether the access to the lot from the carriageway is of a standard necessary to ensure the safe and efficient operation of the carriageway.

#### **xii Site Standard - Access**

- (a) The extent to which alternative formed access can be assured to the residential unit in the long-term.
- (b) The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.

#### **xiii Site Standard - Scale and Nature of Activities**

- (a) The extent to which:
  - (i) the scale of the activity and the proposed use of buildings are compatible with the scale of other buildings and activities in Gibbston Valley.
  - (ii) the character of the site will remain dominant.
  - (iii) materials and equipment associated with the activity need to be stored outside of a building.
  - (iv) all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with the activity need to be carried outside of a building.
  - (v) noise and visual impact.
  - (vi) adverse effects of likely traffic generation and the ability to mitigate such effects.

#### **xiv Zone Standard – Building Height**

- (a) The extent to which the increased building height may:



- (i) be compatible with the character of the Gibbston Valley environment including scale of buildings in the surrounding environment.
- (ii) impact on the landscape and visual amenity values of Gibbston Valley.
- (iii) adversely affect views from properties in the vicinity.
- (iv) have an adverse effect on other sites in the surrounding area, in terms of loss of privacy.
- (v) overshadow adjoining sites and result in reduced sunlight and daylight admission.
- (b) Whether the adverse effects of increased height could be mitigated through site layout, increased separation distances between the building and adjoining sites or the provision of screening.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

## Subdivision

### 15.2.6.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to lot sizes and dimensions, the Council shall have regard to, but not be limited by, the following assessment matters:

#### i Lot Size and Dimensions

- (a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the relevant standards for land uses in the zone;
- (b) Whether the lot is of sufficient size, given the nature of the intended development and site factors and characteristics, for on-site disposal of sewage, stormwater or other wastes to avoid adverse environmental effects beyond the boundaries of the lot.
- (c) Whether the proposed lot is of a suitable slope to enable its safe and effective use for its anticipated purpose or land use, having regard to the relevant standards for land uses in the Zone.
- (d) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access.
- (e) Whether the lot is to be amalgamated and included in the same Certificate of Title with an adjoining parcel of land.
- (f) Whether there is the opportunity to enable the protection or restoration of a listed or non-listed heritage item or site which is considered to be of sufficient merit for its preservation or protection to be promoted in the context of a particular development.
- (i) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

### **15.2.7.3 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to subdivision design, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- (ii) The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.
- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.
- (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones and at the edges of the urban parts of Hanley Downs;
- (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).
- (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
- (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.

### **15.2.8.2 Site Subdivision Standards - Landscaping and Recreational Access**

- (i) This Rule shall only apply to subdivision of land situated south of State Highway 6 ("Ladies Mile") and southwest of Lake Hayes which is zoned Low Density Residential or Rural Residential as shown on Planning Map 30.
- (ii) The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be

granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.

- (iii) No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent.

### 15.2.8.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to property access, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The safety and efficiency of the roading network and the proposed roading pattern, having regard to the roading hierarchy, standards of design, construction for roads and private access.
- (ii) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- (iii) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roding Schedule contained within the Mount Cardrona Station Design Guidelines (2008).
- (iv) The account taken of safe, pleasant and efficient pedestrian movement, provision of space for cyclists, amenity values of the street and opportunities for tree planting in the open space of the road way to enhance the character and amenity of the neighbourhood.
- (v) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- (vi) The need to provide cycle ways in circumstances where the roading network does not enable sufficient or direct cycle routes through the locality.
- (vii) The need to provide alternative access for car parking and vehicle loading in the Business, Town Centre, Corner Shopping Centre or Industrial Zones by way of vested service lanes at the rear of properties.
- (viii) Any impact of roading and access on lakes and rivers, ecosystems, drainage patterns and the amenities of adjoining properties.
- (ix) The need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access.
- (x) The need to provide distinctive names for roads and private vehicular access. The name to be agreed by the Council.
- (xi) Any need to make provision for future roads to serve surrounding land or for road links that need to pass through the subdivision.

#### 15.2.10.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to natural and other hazards, the Council shall have regard to, but not be limited by, the following:

- (i) The likelihood of the lots and infrastructure in the subdivision, and any anticipated use or development of the lots, being subject to the effects of any natural or other hazard, the degree to which the hazard could result in damage, destruction and/or loss of life, and the need to avoid or mitigate any potential damage or danger from the hazard.
- (ii) Any potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities as a result of the effects of natural or other hazards.
- (iii) Any need for conditions to avoid or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of fill or earthworks.
- (iv) Whether a lot should be restricted from development on parts or all of the site, as a result of the effects of natural or other hazards.
- (v) Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.
- (vi) In relation to flooding and inundation from any source, the Council shall have regard to the following:
  - (a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (b) Any proposed boundary drainage to protect surrounding properties;
  - (c) Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;
  - (d) The adequacy of existing outfalls and any need for upgrading;
  - (e) Any need for retention basins to regulate the rate and volume of surface run-off.
- (vii) In relation to erosion, falling debris, slope instability or slippage:
  - (a) The need for certification by a Registered Engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604;
  - (b) Any need for registration of consent notices on the Certificate of Title;
  - (c) Any need for conditions relating to physical works to limit the instability potential.



- (viii) In relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision.
- (ix) In relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points.
- (x) In relation to any land filling or excavation, the following factors:
  - (a) The effects on the infrastructure of surrounding properties;
  - (b) The effects on the natural pattern of surface drainage;
  - (c) The effects on stormwater drainage systems;
  - (d) The type of and placement of fill material;
  - (e) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - (f) Remedies necessary during emergencies.

### **15.2.12.3 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to stormwater disposal, the Council shall have regard to, but not be limited by the following:

- (i) The adequacy of the proposed means of collecting and disposing of stormwater from the roof of all existing or potential buildings and hard surfacing, in terms of the avoidance or mitigation of adverse effects on the site, other properties in the vicinity, or the receiving environment, whether land or water;
- (ii) The appropriateness of requiring a piped connection from each lot to a public stormwater reticulation system, or of requiring piped outfalls to be provided to each lot to be connected to a public reticulation system at a later date;
- (iii) Any adverse effects of the proposed subdivision on drainage on, or from adjoining properties and mitigation measures proposed to control any adverse affects;
- (iv) The provisions of the Council's Code of Practice in respect to the construction and installation of the stormwater disposal system;
- (v) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containing of contamination from roads and paved areas and of siltation;
- (vi) The practicality of retaining open natural lake or river systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing lakes and rivers;
- (vii) The requirements of any Regional Rules or the need to obtain discharge permits from the Otago Regional Council;
- (viii) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes;
- (ix) Any need for conditions relating to ongoing maintenance of stormwater infrastructure;
- (x) Any need to make provision for future stormwater disposal systems to serve surrounding land

### **15.2.13.2 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to sewage treatment and disposal, the Council shall have regard to, but not be limited by, the following:

- (i) The capacity, availability, and accessibility of the Council's reticulated sewage treatment and disposal system to serve the proposed subdivision;
- (ii) Where a Council reticulated system is not available, or a connection is impractical, the adequacy of proposals and solutions for treating and disposing of sewage;
- (iii) The provisions of the Council's Code of Practice in respect to the construction and installation of the sewage treatment and disposal system;
- (iv) The requirements of any Regional Rules or the need to obtain a discharge permit from the Otago Regional Council;
- (v) Any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sewage treatment and disposal purposes;
- (vi) Any need to make provision for future sewage reticulation, treatment and disposal to serve surrounding land.

### **15.2.15.2 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to energy supply and telecommunications, the Council shall have regard to, but not be limited by, the following:

- (i) Where the subdivision involves construction of new roads or formed private access, the installation of an extended reticulation system, at the subdividers' cost, having regard to the Council's Code of Practice;
- (ii) The adequacy and proximity of the proposed reticulated system to be installed by the subdivider;
- (iii) Any need for a lot as a site for a public utility for electricity or gas supply or telecommunications;
- (iv) Alternative systems available and acceptable where other systems are not available or practical;
- (v) Adequacy and proximity to reticulated services.

#### **15.2.17.4 Assessment Matters for Resource Consents**

In considering whether or not to grant consent or impose conditions in respect to the protection of vegetation and landscape the Council shall have regard to, but not be limited by the following:

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;
- (ii) Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes;
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;
- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;



# **APPENDIX 6**

## **Regional Policy Statement Objectives and Policies**

## **Manawhenua Perspective**

### **Objectives**

#### **4.4.1 Waahi Tapu (Sacred places)**

To recognise the spiritual and customary importance of waahi tapu (such as burial places) to Kai Tahu and to recognise and provide for the protection of waahi tapu from physical disturbance, erosion, pollution and inappropriate landuse.

#### **4.4.2 Waahi Taoka (Treasured Resources)**

To recognise and provide for the special significance that all taoka play in the culture of Kai Tahu.

#### **4.4.3 Wai (Water)**

To recognise the principle of wairua and mauri in the management of Otago's water bodies.

#### **4.4.4 Mahika Kai (Places where food is produced or procured)**

To maintain and enhance mahika kai and access to those traditional resources.

#### **4.4.5 Kaitiakitanga (Guardianship)**

To incorporate the concept and spirit of kaitiakitanga in the management of Otago's natural and physical resources in a way consistent with the values of Kai Tahu.

#### **4.4.6 Whenua Papakaika (Ancestral Land)**

To recognise the right of Kai Tahu to manage and utilise their whenua papakaika.

## **Land**

### **Objectives**

5.4.1 To promote the sustainable management of Otago's land resources in order:

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

5.4.4 To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.

5.4.5 To promote the sustainable management of Otago's mineral resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

### **Policies**

5.5.1 To recognise and provide for the relationship Kai Tahu have with Otago's land resource through:

- (a) Establishing processes that allow the existence of heritage sites, waahi tapu and waahi taoka to be taken into account when considering the subdivision, use and development of Otago's land resources; and
- (b) Protecting, where practicable, archaeological sites from disturbance; and
- (c) Notifying the appropriate runanga of the disturbance of any archaeological site and avoiding, remedying, or mitigating any effect of further disturbance until consultation with the kaitiaki runanga has occurred.

5.5.2 To promote the retention of the primary productive capacity of Otago's existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.

5.5.3 To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:

- (a) Reduce the soil's life-supporting capacity
- (b) Reduce healthy vegetative cover
- (c) Cause soil loss
- (d) Contaminate soils
- (e) Reduce soil productivity
- (f) Compact soils
- (g) Reduce soil moisture holding capacity.

5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

5.5.5 To minimise the adverse effects of landuse activities on the quality and quantity of Otago's water resource through promoting and encouraging the:

- (a) Creation, retention and where practicable enhancement of riparian margins; and
- (b) Maintaining and where practicable enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and
- (c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from landuse activities.

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

- (a) Are unique to or characteristic of the region; or
- (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or
- (c) Represent areas of cultural or historic significance in Otago; or
- (d) Contain visually or scientifically significant geological features; or
- (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

5.5.7 To promote the provision of public access opportunities to natural and physical land features throughout the Otago region except where restriction is necessary:

- (i) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
- (ii) To protect Maori cultural values; or
- (iii) To protect public health or safety; or
- (iv) To ensure a level of security consistent with the purpose of a resource consent or in circumstances where safety and security concerns require exclusive occupation; or
- (v) In other exceptional circumstances sufficient to justify the restriction notwithstanding the importance of maintaining that access.

5.5.8 To recognise known mineral deposits and to consider the potential for access to those mineral resources to be compromised or removed by other alternative land development.

## **Water**

### **Objectives**

6.4.1 To allocate Otago's water resources in a sustainable manner which meets the present and reasonably foreseeable needs of Otago's people and communities.

6.4.2 To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

6.4.3 To safeguard the life-supporting capacity of Otago's water resources through protecting the quantity and quality of those water resources.

6.4.4 To maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago's water resources.

6.4.5 To avoid, remedy or mitigate degradation of water resources resulting from the use, development or protection of the beds and banks of Otago's water bodies and of adjacent land areas.

6.4.6 To mitigate the threat of flooding and riverbank erosion resulting from the use, development or protection of Otago's water bodies and lake beds.

6.4.7 To maintain and enhance public access to and along the margins of Otago's water bodies.

6.4.8 To protect areas of natural character, outstanding natural features and landscapes and the associated values of Otago's wetlands, lakes, rivers and their margins.

## **Policies**

6.5.1 To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through:

- (a) Working toward eliminating human waste and other pollutants from entering all water bodies; and
- (b) Consulting with Kai Tahu over any application that would result in the mixing of waters from different water bodies and the setting of water flows and levels.

6.5.2 To allocate water in areas of Otago where there is or potentially will be insufficient water supplies through:

- (a) Considering the need to protect instream amenity and habitat values; and
- (b) Considering the needs of primary and secondary industry; and
- (c) Considering Kai Tahu cultural and spiritual values; and
- (d) Considering the extent to which adverse effects can be avoided, remedied or mitigated.

6.5.3 To promote efficient consumptive water use through:

- (a) Promoting water use practices which minimise losses of water before, during and after application; and
- (b) Promoting water use practices which require less water; and
- (c) Promoting incentives for water users to use less water.

6.5.4 To investigate and, where appropriate, set minimum flow levels and flow regimes for Otago water bodies and maximum and minimum lake levels to protect any of the following:

- (a) The needs of Otago's communities;
- (b) Kai Tahu cultural and spiritual values;
- (c) Lake margin stability;
- (d) The natural character of the water body;
- (e) Habitats of indigenous fauna and flora;
- (f) Amenity values;
- (g) Intrinsic values of ecosystems;
- (h) Salmon or trout habitat;
- (i) Outstanding natural features or landscapes.

6.5.5 To promote a reduction in the adverse effects of contaminant discharges into Otago's water bodies through:

- (a) Adopting the existing water quality of Otago's water bodies as a minimum acceptable standard; And
- (b) Investigating and where appropriate, enhancing water quality so that as a minimum standard it is suitable for contact recreation and aquatic life where:
  - (i) There is a high public interest in, or use of the water; or
  - (ii) There is a particular Kai Tahu interest in the water; or
  - (iii) There is a particular value to be maintained or enhanced; or
  - (iv) There is a direct discharge containing human sewage or wastes from commercial or industrial activities; and

- (c) Requiring that all discharges into Otago's water bodies maintain the standard for the receiving waters after reasonable mixing; and
- (d) Promoting discharges to land where practicable and where there are no significant adverse effects on groundwater or surface water resources, or soil; and
- (e) Preparing contingency responses for accidental pollution spills; and
- (f) Investigating and addressing the effects of diffuse source discharges on water quality; while considering financial and technical constraints.

6.5.6 To protect Otago's remaining significant wetlands from the effects of any activity except:

- (a) Where such activities can be shown to have no significant adverse effects on:
  - (i) Community needs; or
  - (ii) Kai Tahu cultural and spiritual values; or
  - (iii) The natural hydrological characteristics of the wetland; or
  - (iv) The natural character of the water body; or
  - (v) Habitats of indigenous fauna; or
  - (vi) Amenity values; or
  - (vii) Intrinsic values of ecosystems; or
  - (viii) Salmon or trout habitat; or
- (b) Where alternative habitats of a similar or improved nature are provided in compensation for any loss of habitat.

6.5.7 To maintain and where practicable enhance existing well vegetated riparian margins and, where necessary, to promote the creation of further such margins:

- (a) To provide for the preservation of the natural character of wetlands, rivers, lakes and their margins; and
- (b) To maintain and enhance water quality; and
- (c) To maintain and enhance ecological, amenity, intrinsic and habitat values; while considering the need to reduce threats posed by flooding and erosion.

6.5.8 To allow the extraction of alluvial material from Otago's rivers provided:

- (a) The stability of structures, riverbanks and beds within the river system is not reduced; and
- (b) The maintenance and, where practicable, enhancement of instream amenity and habitat values is considered and provided for; and
- (c) The adverse effects on water quality are avoided, remedied or mitigated.

6.5.9 To allow for the community's use, development or protection of the beds and banks of Otago's water bodies provided:

- (a) Any adverse effects on:
  - (i) Kai Tahu cultural and spiritual values; or
  - (ii) The natural character of the water body; or
  - (iii) Habitats of indigenous fauna; or
  - (iv) Amenity values; or
  - (v) Intrinsic values of ecosystems; or
  - (vi) Salmon or trout habitat; or
  - (vii) Outstanding natural features or landscapes; are avoided, remedied or mitigated, and that the lifesupporting capacity of the water body is maintained and, where practicable, enhanced; while
- (b) Considering the maintenance and, where practicable, enhancement of the natural functioning of river systems; and
- (c) Considering the need to provide mitigation to lessen the threat posed by flooding and riverbank erosion.

6.5.10 To maintain and enhance public access to and along the margins of Otago's water bodies through:

- (a) Encouraging the retention and setting aside of esplanade strips and reserves and access strips to and along the margins of water bodies which will enhance access; and
- (b) Identifying and providing for other opportunities to improve access; except where restriction is necessary:
  - (i) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna,

- (ii) To protect Maori cultural values,
- (iii) To protect public health or safety,
- (iv) To ensure a level of security consistent with the purpose of a resource consent; or
- (v) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

6.5.11 To promote the allocation of groundwater within the sustainable yield of the particular water body having regard to its recharge capability and the possibility of sea water intrusion.

## **Built Environment**

### **Objectives**

9.4.1 To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and
- (b) Provide for amenity values, and
- (c) Conserve and enhance environmental and landscape quality; and
- (d) Recognise and protect heritage values.

9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

### **Policies**

9.5.1 To recognise and provide for the relationship Kai Tahu have with the built environment of Otago through:

- (a) Considering activities involving papatipu whenua that contribute to the community and cultural development of Kai Tahu; and
- (b) Recognising and providing for the protection of sites and resources of cultural importance from the adverse effects of the built environment.

9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through:

- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and
- (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and
- (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.

9.5.3 To promote and encourage the sustainable management of Otago's transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
- (c) Promoting a safer transport system; and
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.

9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) Discharges of contaminants to Otago's air, water or land; and
- (b) The creation of noise, vibration and dust; and
- (c) Visual intrusion and a reduction in landscape qualities; and
- (d) Significant irreversible effects on:
  - (i) Otago community values; or

- (ii) Kai Tahu cultural and spiritual values; or
- (iii) The natural character of water bodies and the coastal environment; or
- (iv) Habitats of indigenous fauna; or
- (v) Heritage values; or
- (vi) Amenity values; or
- (vii) Intrinsic values of ecosystems; or
- (viii) Salmon or trout habitat.

9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within

Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.

9.5.6 To recognise and protect Otago's regionally significant heritage sites through:

- (a) Identifying Otago's regionally significant heritage sites in consultation with Otago's communities; and
- (b) Developing means to ensure those sites are protected from inappropriate subdivision, use and development.





Note: Additional easements may be needed for services  
All areas and dimensions are subject to survey

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**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM170891**

**Friday, 4 May 2018**

**PROPOSED SUBDIVISION & PLATFORMS  
LOT 2 DP 347767 & LOT 2 DP 396476  
GIBBSTON HIGHWAY  
for A & R HILL**

DATE: 18 Jan 2018	Scale 1:5000	DRAWING & ISSUE No.
BY: B McLeod	Original Plan A3	1015-10R-1E

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