

**FILE REF:** RM171332  
**TO:** Quinn McIntyre – Manager, Resource Consents  
**FROM:** Hamish Anderson  
**DATE:** 29 October 2018  
**SUBJECT:** Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991 (RMA).

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The Brett Giddens Trust have applied for the following on the site at 507 Malaghans Road, Speargrass Flat:

Application under Section 88 of the Resource Management Act 1991 (RMA) to:

- Undertake a two lot subdivision and establish a building platform on the new Lot 2. Consent is also sought for the building platform on the proposed Lot 2 to breach the internal boundary and waterbody setbacks

On 12 July 2018 the application was limited notified. The submission period closed on 13 August 2018 with no submissions.

The owners/occupiers of one site were specifically served notice of the application.

A report has been prepared (attached as **Attachment 2 in the s104 Decision**) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and the RMA.

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

***Section 100. Obligation to hold a hearing***

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

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

The applicant has advised they do not wish to be heard at a hearing and no other party wishes to be heard.

Following the site visit undertaken by Mr McIntyre, accompanied by Mr Anderson, and given the conclusions contained in the report attached, a formal hearing of the application is not necessary for the substantive determination of this application.

Report prepared by

Decision made by



Hamish Anderson  
**CONSULTANT SENIOR PLANNER**



Quinn McIntyre  
**MANAGER, RESOURCE CONSENTS**

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

<b>Applicant:</b>	Brett Giddens Trust
<b>RM reference:</b>	RM171332
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a two lot subdivision and establish a building platform on the new Lot 2. Consent is also sought for the building platform on the proposed Lot 2 to breach the internal boundary and waterbody setbacks
<b>Location:</b>	507 Malaghans Road, Speargrass Flat
<b>Legal Description:</b>	Lot 4 Deposited Plan 12952 as held in Computer Freehold Register OT5B/1372
<b>Operative Zoning:</b>	Rural General
<b>Proposed District Plan (Stage 1 – Notified Version) Zoning:</b>	Not zoned, operative Rural General Zoning remains
<b>Proposed District Plan (Stage 2) Zoning:</b>	Wakatipu Basin Landscape Character Unit 1 (Malaghans Valley) Rural Amenity Zone (Stage 2 not applicable due to date of lodgement)
<b>Activity Status:</b>	<b>Non Complying</b>
<b>Notification Decision:</b>	Limited Notified
<b>Delegated Authority:</b>	Quinn McIntyre – Manager, Resource Consenting
<b>Final Decision:</b>	<b>GRANTED SUBJECT TO CONDITIONS</b>
<b>Date Decisions Issued:</b>	<b>29 October 2018</b>

**SUMMARY OF DECISIONS**

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Attachment 1** of this decision imposed pursuant to Sections 108 and 220 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Quinn McIntyre, Manager, Resource Consenting, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

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

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

The application was limited notified on 12 July 2018.

There were no submissions on the application 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 Consenting) on 29 October 2018.

## 3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 5.4 of the S42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9 of the S42A report outlines Part 2 of the Act.

### 3.1 RELEVANT PLAN CONSIDERATIONS

#### OPERATIVE DISTRICT PLAN

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:

- A **restricted discretionary** activity resource consent pursuant to Rule 5.3.3.3.xi as the proposal does not comply with Site Standard 5.3.5.1(vi), which stipulates that the minimum setback from internal boundaries for buildings shall be setback a minimum of 15m. While there is no building proposed under this application the residential building platform will be located approximately 3m from the north boundary and therefore a future building could be located within that setback. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 14.2.2.3.ii for infringing site standard Rule 14.2.4.2(vi) Minimum Distance of Vehicle Crossings from Intersection. The rule requires 100m separation from the Coronet Peak Station Road/Malaghans Road intersection however the proposal only obtains a distance of approximately 50m in this 100km/hr speed zone.
- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3 for any subdivision and identification of residential building platforms.
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4(i) as the proposal breaches Zone Standard 15.2.6.3(iii)(b) which requires residential building platforms to be identified on all new allotments. It is not proposed to establish a residential building platform on Lot 1.

#### PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 5 May 2018.

Given a future building within the building platform could be located within 20m of a watercourse (relating to a rule that has legal effect from notification), the Stage 1 Decisions Version 2018 is relevant and the proposal requires resource consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 21.5.4 whereby the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. The proposed building platform will be approximately 10 metres from Mill Stream (and the Applicant has sought consent to provide for this) as it is conceivable that a building could be located this distance from Mill Stream. Discretion is restricted to the following:
  - Indigenous biodiversity values
  - Visual amenity values
  - Landscape and natural character
  - Open space
  - Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building

## **PROPOSED DISTRICT PLAN - STAGE 2 NOTIFIED VERSION**

Council notified the Proposed District Plan (Stage 2) on 23 November 2017. The subject site is located within the Wakatipu Basin Rural Amenity Zone under Stage 2. There are no rules, relevant to this application that have legal effect given the application was lodged prior to the notification of Stage 2.

## **SUMMARY OF APPLICATION STATUS**

Overall, the application is considered to be a **non-complying** activity under the ODP and the Stage 1 Decisions Version 2018 of the PDP.

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

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

## **4. SUMMARY OF EVIDENCE HEARD**

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

## **5. PRINCIPAL ISSUES IN CONTENTION**

As discussed in the Section 42A report, there are no matters in contention regarding this proposal.

## **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 Sections 108 or 220 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

Overall I consider that the adverse effects of the proposed subdivision and establishment of a building platform will be no more than minor and appropriate.

### **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 in accordance with the relevant policies and objectives of the District Plan.

### 6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9 of the S42A report.

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

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 220 of the RMA.

### 8. DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

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

### 9. 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 (03) 441 0499 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 CONSENTING**

**ATTACHMENT 1 – Consent Conditions**  
**ATTACHMENT 2 – Section 42A Report**

# **ATTACHMENT 1 CONSENT CONDITIONS**

## General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Proposed Subdivision Plan 507 Malaghans Road Queenstown, drawing No. L2.0 Revision B', prepared by Rough & Milne Landscape Architects and dated 06/04/2018

**stamped as approved on 29 October 2018**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. 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 May 2018 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 works on-site under this consent:

4. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water each to Lot 1 and to the building platform on Lot 2 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008). *Note in respect of Lot 1, this purpose of this condition is to ensure the supply of potable water proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
  - b) The provision of a vehicle access to the building platform on Lot 2 from Malaghans Road. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width and provision shall be made for the disposal of stormwater runoff. The access may be unsealed surface finish within the Lot 2 boundaries and the gate provided at this access location, if any gate, shall be set back at least 6m from the frontage boundary.
  - c) The provision of a chip sealed vehicle crossing to each Lots 1 and 2 from Malaghans Road to be in terms of Diagram 2, Appendix 7 of the District Plan. The chip sealed crossing shall extend from the edge of the sealed frontage road to the respective lot boundaries and shall each 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. These crossing points each service the primary access to/from the respective lots.
5. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.



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. Dependent upon the final water supply solution to Lot 2 this shall include the right to take and convey water over/from Lot 1 in favour of Lot 2.
  - b) All requirements outlined in Condition 4

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

7. 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 and Stormwater reticulation (including private laterals and toby positions).
  - b) A digital plan showing the location of the Lot 2 building platform as shown on the Site 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) The Lot 1 existing crossing point (secondary lot access) in the southwest lot corner is not presently afforded with compliant 170m sight distances towards the southwest Malaghans Road traffic due to onsite obstruction from Lot 1 trees/vegetation. The consent holder shall either remove all necessary Lot 1 trees/vegetation to achieve compliant sight distances (as measured 3.5m back from the Coronet View Road slip lane nearest the lot) or the boundary access gate in the southwest lot corner shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this location.
  - e) The Lot 2 existing boundary gate fronting Coronet Peak Station Road shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this (secondary) location.
  - f) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the water supply for Lot 2 that demonstrates compliance with the Drinking Water Standards for New Zealand 2005 (Revised 2008) noting the lot water supplies may each be separately sourced depending on the detailed engineering solution adopted by the consent holder. The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>).

In the event that the test results required above show the water supply does not conform to the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Subdivision Planner at Council for review and certification. The water treatment report shall contain full details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:

- i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.  
OR
  - ii) A consent notice shall be registered on the relevant Computer Freehold Registers for the serviced lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the dwelling an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM171332 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- g) The consent holder shall provide evidence to the satisfaction of the Subdivision Planner at Council as to how the water supply will be monitored and maintained on an ongoing basis.
  - h) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met. *Note in respect of Lot 1, this purpose of this condition is to ensure the supply of electricity proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
  - i) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met. *Note in respect of Lot 1, this purpose of this condition is to ensure the supply of telecommunications proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
  - j) The consent holder shall remedy any damage to all existing road surfaces and berms that results from work carried out for this consent.
  - k) Lot 1 firefighting supply shall either be demonstrated to comply or shall be upgraded to comply with NZ Fire and Emergency onsite firefighting requirements. This shall include a minimum of 20,000 litres to be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit 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 existing 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 residential units. In the event that the residential unit provides 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 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 FENZ 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.

- I) All areas of planting on the approved landscape plan for Lot 2 (DP to be allocated) shall be completed, to the satisfaction of Council's landscape architect.

#### 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 dwellings/buildings on Lot 2 shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) Standard NZS 3604 building foundation solutions are not suitable for Lot 2. The owner of Lot 2 shall engage a suitably qualified professional engineer to design the foundations of any dwellings/buildings to be erected on the site. The design shall take into account the *'Liquefaction Assessment – Supplementary Letter for 507 Malaghans Road, Queenstown GeoSolve Ref: 180079'* and dated 31 May 2018 as submitted with the RM171332 subdivision consent application and which provides the following site specific foundation recommendations:
    - (i) Either design dwelling foundations to a Technical Category 2 (TC2) site in accordance with MBIE guidelines for Canterbury,
    - Or,
    - (ii) Design a concrete raft foundation supporting the dwelling to meet Technical Category 1 (TC1) in accordance with MBIE guidelines for Canterbury on top of the following 800mm required ground improvement gravel layer:
      - Excavate to remove the upper site soil and then place and compact 800 mm of engineered certified gravel fill below the underside of foundation slab level;
      - The 800 mm (minimum) thick raft of certified gravel fill shall be placed in four 200 mm thick layers. The fill raft shall extend a minimum of 1 m beyond the building foundation footprint. A geotextile filter cloth layer should be placed at the base of the excavation on top of the natural alluvial deposit. A geogrid should also be incorporated within the gravel raft. A fill specification and/or compaction methodology can be provided by Geosolve upon request.

- c) At the time a dwelling/building is erected on Lot 2, the owner for the time being shall engage a suitably qualified person as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take account of the recommendations made in the 'Site and Soils' investigation report by Southern Monitoring Systems, dated 24 January 2018, submitted with the RM171332 subdivision consent application. To maintain high effluent quality such a system will require the following:
- Secondary treatment of effluent as a minimum requirement, with high specification systems for tertiary UV treatment of effluent required where depth to groundwater is less than 1.5m or where surface water bodies or bores are located within 50m of the proposed disposal field.
  - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore, unless prior consent is obtained from the Otago Regional Council.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
  - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
  - Irrigation lines or distribution pipes shall be buried at least 300mm below ground level to protect from freezing unless alternative frost protection is provided.
  - A producer statement shall be provided to Council that confirms that the system has been installed in accordance with the approved design.
- d) At the time that a dwelling/building is erected on Lot 2, 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).
- e) At the time a dwelling/building is erected on Lot 2, 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. 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 FENZ 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.

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

#### Building Design Controls

- f) Any buildings erected on Lot 2 (DP to be allocated) shall comply with the following:
- *Buildings shall not exceed 350m<sup>2</sup> building coverage*
  - *The maximum height for any buildings shall be 5.5m above ground level*
  - *External materials shall include any or all of the following as predominant materials: schist stone, timber, board and batten, linearboard, or painted plaster. With the exception of naturally occurring material such as stone and unpainted timber, exterior building colours shall have a LRV of between 5-35%.*
  - *Roofing shall have a LRV of between 5-20%*
  - *The main building form shall be comprised of a gabled roof pitch between 35 and 45 degrees*
  - *All water storage facilities shall be either located underground or appropriately screened from views from Malaghans Road*
  - *Any ancillary structures shall be clad and coloured to match*

#### Landscape Controls

- g) At the time a building consent is applied for on Lot 2 (DP to be allocated) a detailed landscape plan shall be prepared, to the satisfaction of the Manager: Resource Consents that demonstrates how the proposed building within the registered building platform will be softened with further landscape planting on the site when viewed from both Malaghans Road and Coronet Peak Road.
- h) Within the first available planting season following the construction of any building on the site, planting on the landscape plan approved for Lot 2 (DP to be allocated) by Council under Condition 8 g of the consent notice shall be completed to the satisfaction of Council's landscape architect.
- i) All planting shall be undertaken according to best horticultural practice, and all plants mulched, irrigated and protected from rabbits and hares. Should any plant on the site approved by landscape plan under RM171332 or the Consent Notice condition 8g 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 within the following planting season.

**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. The consent holder is advised to obtain any necessary consent approvals from the Otago Regional Council for the water supply.

# **ATTACHMENT 2 S42A PLANNING REPORT**

<b>TO</b>	Independent Commissioners	<b>FILE REF: RM171332</b>
<b>REPORT PREPARED BY:</b>	Hamish Anderson, Consultant Senior Planner	
<b>SUBJECT</b>	Report on a limited notified consent application.	

## SUMMARY

<b>Applicant:</b>	Brett Giddens Trust
<b>Location:</b>	507 Malaghans Road, Speargrass Flat
<b>Proposal:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a two lot subdivision and establish a building platform on the new Lot 2. Consent is also sought for the building platform on the proposed Lot 2 to breach the internal boundary and waterbody setbacks
<b>Legal Description:</b>	Lot 4 Deposited Plan 12952 as held in Computer Freehold Register OT5B/1372
<b>Operative District Plan Zoning:</b>	Rural General
<b>Proposed District Plan (Stage 1 – Notified Version) Zoning:</b>	Not zoned, operative Rural General Zoning remains
<b>Proposed District Plan (Stage 2) Zoning:</b>	Wakatipu Basin Landscape Character Unit 1 (Malaghans Valley) Rural Amenity Zone (Stage 2 not applicable due to date of lodgement)
<b>Activity Status:</b>	<b>Non-Complying</b>
<b>Limited Notification Date:</b>	12 July 2018
<b>Closing Date for Submissions:</b>	13 August 2018
<b>Submissions:</b>	0



## 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 proposed Lot 2) 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 farmland but with immediately adjacent sites that are smaller than typical rural sites and contained by established trees.
  - 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 site is noted as being located within close proximity of an alluvial fan and area of liquefaction risk, however, the hazards are avoided and the site is 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 two years. 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, '*Application for Resource Consent: 507 Malaghans Road*' submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following additional comments:

- Lot 1 will:
  - contain the existing residential dwelling and associated activity/buildings.
  - This allotment will measure approximately 1.28 hectares in area
  - include the existing access locations which will remain, subject to conditions including closure of one access unless trimming is undertaken
- Lot 2 will:
  - measure approximately 1.0 hectare in area and will contain an elongated building platform measuring approximately 550m<sup>2</sup> in area (approximately 35m by 15m)
  - stipulate a 5.5m maximum building height within the building platform
  - be connected to local telecommunications and electricity supply
  - have stormwater disposed to ground
  - have wastewater treated by way of septic tank and disposed on-site
  - have water for domestic supply abstracted from either: Mill Stream; a new bore on the site; or from the existing bore on Lot 1
  - have approximately 400m<sup>3</sup> of earth placed and contoured to a mound along the Malaghans Road boundary with additional landscaping proposed in specific locations to help mitigate views of the built form from outside of the site (as shown on the subdivision site plan).
  - have access off Malaghans Road (as shown on the site plan). This represents a departure from that originally sought whereby it was to be from an existing access from Coronet Peak Station Road, at the intersection with Malaghans Road.
  - have an internal accessway upgraded to a rural standard
- A condition of consent is requested to provide a more detailed landscape plan prior to the establishment of a building on the proposed platform. Existing and proposed planting for the earth mound fronting Malaghans Road will include:

Botanical Name	Common Name	Grade
<i>Aristotelia serrata</i>	wineberry	PB5
<i>Austroderia richardii</i>	toetoe	PB3
<i>Chionochloa rigida</i>	narrow leaved snow tussock	PB3
<i>Chionochloa rubra</i>	red tussock	PB3
<i>Coprosma propinqua</i>	coprosma	PB5
<i>Coprosma rugosa</i>	coprosma	PB5
<i>Griselinia littoralis</i>	kapuka/broadleaf	PB5
<i>Kniphofia pumila</i> 'flamenco'	red hot poker	PB3
<i>Phormium cookianum</i>	mountain flax	PB3
<i>Phormium tenax</i>	harakeke	PB3
<i>Pittosporum tenuifolium</i>	kohuhu	PB5
<i>Plagianthus regius</i>	ribbonwood	PB12
<i>Sophora microphylla</i>	kowhai	PB12

- The site and its surrounds are shown in Figure 1 below



Figure 1: Application site

### 3. SUBMISSIONS

#### 3.1 SUBMISSIONS

There were no submissions received on the application.

### 4. CONSULTATION AND WRITTEN APPROVALS

No written approvals were provided as part of the application and there is no record of correspondence with adjacent property owners/occupiers.

## 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:

- A **restricted discretionary** activity resource consent pursuant to Rule 5.3.3.3.xi as the proposal does not comply with Site Standard 5.3.5.1(vi), which stipulates that the minimum setback from internal boundaries for buildings shall be setback a minimum of 15m. While there is no building proposed under this application the residential building platform will be located approximately 3m from the north boundary and therefore a future building could be located within that setback. Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 14.2.2.3.ii for infringing site standard Rule 14.2.4.2(vi) Minimum Distance of Vehicle Crossings from Intersection. The rule requires 100m separation from the Coronet Peak Station Road/Malaghans Road intersection however the proposal only obtains a distance of approximately 50m in this 100km/hr speed zone.
- A **discretionary** activity resource consent pursuant to Rule 15.2.3.3 for any subdivision and identification of residential building platforms
- A **non-complying** activity resource consent pursuant to Rule 15.2.3.4(i) as the proposal breaches Zone Standard 15.2.6.3(iii)(b) which requires residential building platforms to be identified on all new allotments. It is not proposed to establish a residential building platform on Lot 1.

### 5.2 PROPOSED DISTRICT PLAN - STAGE 1 DECISIONS

Council notified its decisions on Stage 1 of the Proposed District Plan (**Stage 1 Decisions Version 2018**) on 5 May 2018.

Given a future building within the building platform could be located within 20m of a watercourse (relating to a rule that has legal effect from notification), the Stage 1 Decisions Version 2018 is relevant and the proposal requires resource consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 21.5.4 whereby the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. The proposed building platform will be approximately 10 metres from Mill Stream (and the Applicant has sought consent to provide for this) as it is conceivable that a building could be located this distance from Mill Stream. Discretion is restricted to the following:
  - Indigenous biodiversity values

- Visual amenity values
- Landscape and natural character
- Open space
- Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building

### 5.3 PROPOSED DISTRICT PLAN - STAGE 2 NOTIFIED VERSION

Council notified the Proposed District Plan (Stage 2) on 23 November 2017. The subject site is located within the Wakatipu Basin Rural Amenity Zone under Stage 2. There are no rules, relevant to this application that have legal effect given the application was lodged prior to the notification of Stage 2.

### 5.4 SUMMARY OF APPLICATION STATUS

Overall, the application is considered to be a **non-complying** activity under the ODP and the Stage 1 Decisions Version 2018 of the PDP.

Overall, the application is considered to be a **non-complying** 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 Consultant Resource Management Engineer, Damian Hyde, attached as Appendix 2
- 'Landscape Report RM17132' dated 9 May and 'Landscape Addendum RM17132', dated 25 June 2018 both prepared by Rachael Annan 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 report prepared by Tony Milne of Rough and Milne Landscape Architects (attached as Appendix 3). Mr Milne identifies the site as being located within a Visual Amenity Landscape (VAL). Council's Consultant Landscape Architect, Ms Rachael Annan has reviewed the application and agrees with the assessment of Mr Milne.

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.

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 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. These 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**

**Visibility of development (the relevant assessment criteria are included in italics below)**

*The proposed development is highly visible when viewed from any public roads and other public places*

*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*

*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*

The subject is generally flat throughout but contains newly created, planted earth mounds along the Malaghans Road boundary of proposed Lot 2. In addition, it is also proposed that there will be a planted earth mound to the northeast of the proposed building platform.

Ms Annan concurred with Mr Milne's statement that all mounding and planting on the periphery of the site should be carried out prior to building on Lot 2. Given the currently open nature of the Lot 2 area of the site, Ms Annan would encourage the applicant to undertake planting as soon as practicable, to enable its establishment and greater effectiveness for mitigation and enhancement of a future building. Should consent be granted, a condition of consent can be imposed in this regard.

Mr Milne noted that:

*'there is no need to completely screen future built form, rather the appropriate response would be to filter and soften views of it. In regard to landscape outcome, it is a case of settling future built form into the surrounding landscape without detracting from public or private views.'*

Ms Annan considered that effectively addressing this matter involves landscape treatment (in this case proposed planting and mounding) along with sympathetic building design and placement. That assessment of Ms Annan is adopted and additional planting will be required to be undertaken both prior to Section 224c and at the time a building is erected on Lot 2.

When travelling in a southwest to northeast direction along Malaghans Road, the existing dwelling on proposed Lot 1 is visible to the south of the site but is not highly visible or prominent. Where visible (to the southwest of the site) the dwelling is located lower than Malaghans Road and not all the elevation is visible. The roof is the main component of the dwelling visible and it is painted a dark recessive colour similar to the darker vegetation in the foreground. When directly outside the site, that dwelling is well screened, from most public viewing platforms, by existing vegetation.

When travelling in that same direction (southwest to northeast), the existing planting coupled with the planted mounds, and the 5.5m maximum height and recessive colours of future building within the platform, will mean that future built form within the platform will not be readily perceivable and if perceivable, will not detract from views or be highly visible. The road environment in this location is such that it dictates that a driver's view is predominantly facing the road alignment.

When travelling in a northeast to southwest direction the proposed mounding and planting together with the recessive colours, 5.5m maximum building height and the approximately 104m and 30m setback (from the Coronet Peak Station Road and Malaghans Road boundaries respectively) will mean any future building within that platform will not detract from views otherwise enjoyed in this location.

When travelling north along Coronet Peak Station Road movement will be generally away from the subject site and the planted bund plus the building platform restrictions will mean the building (with 5.5m height and recessive colours) and will not be highly visible.

When travelling in a south direction along Coronet Peak Station Road there are currently trees along the majority of the west side of that road that would largely screen the proposed platform. However, there are gaps in those trees that widen toward the south and intersection with Malaghans Road. The proposed planted mound will soften the view into the site from some angles and future building in that platform will not be highly visible from that stretch of Coronet Peak Station Road.

Given existing and proposed planting on Lots 1 and 2, including the planted bunds, it is considered that the existing dwelling and future building on the platform will not be directly visible from any one direction of either Coronet Peak Station Road or Malaghans Road. They may both be visible from an elevated viewing platform, such as Coronet Peak skifield's access road however from that distance that building form will be congregated with the existing built form on the sites immediately opposite on Malaghans Road and that existing on proposed Lot 1.

When viewed from that greater distance, the recessive colours required for future building within the proposed platform will ensure future buildings are not a dominant feature in this landscape.

*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*

The subject site is flat and the same level as the adjacent Coronet Peak Station and Malaghans Roads. Given the building platform will be approximately 30m from the nearest of those Roads (Malaghans) and provides for a building not more than 5.5m in height, it will not interrupt any views or outlook nor will it break the skyline.

*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*



*Boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units*

The proposed boundary is logical and generally follows an existing line of vegetation. No adverse effects will result.

Overall, adverse effects from the proposed subdivision and establishment of a residential building platform in relation to visibility will be no more than minor.

#### *Summary*

I accept the assessment and recommendations of Mr Milne (as reviewed by Ms Annan), and for the reasons outlined by both Mr Milne and Ms Annan I consider any of the adverse visibility effects resulting from the proposal will be 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 are more than minor.

#### **Rural Amenities (the relevant assessment criteria are included in italics below)**

*Whether the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained*

*Whether landscaping, including fencing and entrance ways, are consistent with a traditional rural element, particularly where they front public roads.*

In addition to the assessment outlined above, this site is located in a Visual Amenity Landscape (VAL) but there is currently only a limited view through the site. Mounding and planting has been undertaken along the Malaghans Road frontage. That planting currently softens the view into the site. The screening effect of the landscaping will further increase when supplemented with additional planting. However, the view to the open space and Coronet Peak beyond will not be diminished. Furthermore, the 5.5m maximum height for a building within the building platform and the setback from Malaghans Road will mean a future building will not interrupt the openness or view toward the mountain.

Fencing is not proposed with this development and the landscape mounding and planting that has been and is proposed to be undertaken is consistent with the immediate surrounding area. Should fencing occur in the future it would be appropriate that it is rural in style and thus post and wire or post and rail and conditions of consent can be imposed in this regard.

Overall, adverse effects on rural amenity from the proposed development will be less than minor.

#### **8.2.4 Effects on Natural and Pastoral Character (the relevant assessment criteria are included in italics below)**

*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*

The site is located in a VAL to the south of an Outstanding Natural Landscape (ONL) that includes Coronet Peak. The ONL is located at a higher elevation than the subject site. The proposal, including the mounding, landscape planting and 5.5m maximum height within the building platform will mean that the proposed works will not obstruct any view of the ONL to the north of the site.

*Whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape*

*Whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape*

*Whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;*

Mr Milne and Ms Annan agreed that the application site is located within a cluster of land uses dominated by rural lifestyle rather than pastoral uses. Given that the proposed residential building platform would be primarily screened from Malaghans Road and softened from Coronet Peak Road, and that the development would be viewed in the context of the existing development in the vicinity, it is considered the development would not result in adverse effects on the pastoral character of the surrounding landscape. Most of the surrounding area will be retained in large open paddocks used for grazing.

For the aforementioned reasons it is considered the proposal meets these assessment criteria and any adverse effects on natural and pastoral character will be less than minor.

#### Summary

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

#### **8.2.5 Form and Density of Development (the relevant assessment criteria are included in italics below)**

*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 places*

*Whether and to what extent development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state*

*Whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas*

*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*

In addition to the comments outlined in the assessment above, Mr Milne considered this proposal would not be an over domestication of this landscape setting. Ms Annan agreed and noted:

- the effects of the proposal will be contained to the immediate local landscape, in which rural lifestyle use is dominant, (with landscape and built form mitigation measures and subsequent recommendations in place). In combination, these measures will provide for a future development appropriate to this setting;
- the concentrated development pattern of the immediate setting affords higher potential to absorb the landscape change of the application. In this way, the application will not reduce the pastoral character of the wider landscape;
- the range of lot sizes among the localised residential cluster and consider that the proposed lot sizes of approximately 1-hectare are appropriate in this context. Ms Annan considers that the design controls and landscape mitigation put forward will help a future dwelling within the proposed lot 2 sit sympathetically in this landscape setting;
- Ms Annan does not consider that the application's proposed density is such that development would be subsequently precluded for adjacent properties. The combination of planting, landscape mounding and built form design controls, will help this development sit within a clustered group of small holdings; and

- The consent holder should immediately establish planting in the area of the site east of the stream. If subdivision is approved, landscape planting to address views to a future dwelling (and earthworks for its establishment) from the east, will then grow to be of an effective scale sooner. This will reduce the lag time in waiting for vegetation to establish. This requirement would not apply to any planting adjacent the building platform where access is required for construction.

For the aforementioned reasons it is considered the proposal is appropriately aligned with the assessment matters for development in this landscape, such that any adverse effect in relation to the density of development effects will be less than minor.

### Summary

Based upon the advice of Mr Milne and Ms Annan, 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 platform 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 result in over domestication.

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

#### *The nature and extent of existing development within the vicinity or locality*

The site is located in a cluster of development on Malaghans Road, typified by lot sizes of around 1 hectare with dwelling screened or softened by stands of vegetation.

Ms Annan noted the following:

- She can support the application with regards to landscape and visual effects but did note that further development of the application site, beyond the proposed subdivision creating Lots 1 and 2, could represent overdevelopment within this landscape setting.
- Considering the range of lot sizes existing amongst the localised residential cluster the proposed lot sizes of 1.3 hectares and 1 hectare are appropriate in this context. She considers that the design controls and landscape mitigation put forward, and recommended, will help a future dwelling within the proposed Lot 2 sit sympathetically in this landscape setting.
- The combination of planting, landscape mounding and built form design controls, will help this development sit within a clustered group of small holdings.

*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*

Ms Annan considered:

- the site sits within a small cluster of rural residential properties. While proposed Lot 2 is more open in character than the remainder of the rural lifestyle enclave, the proposed planting and mounding will assist the lot to better settle into this surrounding pattern, and provide softening and screening of its appearance. Ms Annan concurs with Mr Milne that the proposal being in this way contained within an area of similar sized properties, will not result in 'an over domestication of this landscape setting'.
- it is positive that the application involves consideration of the scale, orientation and design of a future dwelling, with relevant design controls put forward. However, while future mitigation planting is still establishing, more open views into the site will be afforded on approach from the east along Malaghans Road. To address this planting of the mound will be required to be undertaken prior to development occurring within the platform.

- as viewed by the aerial photograph shown in Figure 1, it is apparent that the application site can be 'read' as being within a cluster of surrounding small holdings (each comprising a residential dwelling). As viewed 'on the ground' established vegetation is an integral characteristic of the rural lifestyle enclave. Within the application site though, this is not yet entirely the case for the proposed Lot 2. However, the western aspect (proposed Lot 1), where the existing dwelling is located, more noticeably features established vegetation.
- to immediately reduce the visibility into the site, Ms Annan recommended the pre-emptive establishment of planting to the area of the site east of Mill Creek. This planting will then be able to grow to be of an effective scale sooner. This will reduce the lag time in waiting for vegetation to establish. As a practical consideration, this requirement would not apply to any planting adjacent the building platform where access is required for construction.

I adopt the assessment of Ms Annan and consider that the proposed development would not exceed the landscape capacity to absorb change in this location.

*Whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects.*

Ms Annan noted:

- agreement with Mr Milne that the effects of the proposal will be contained to the immediate local landscape (with landscape and built form mitigation measures and subsequent recommendations in place). In combination, these measures will provide for a future development appropriate to this setting.
- within the application site, an extent of the proposed Lot 2 frontage is lower lying than the adjacent Malaghans Road. Ms Annan noted that maximum 2.5m height of proposed mounding, and that existing frontage mounding has been contoured appropriately. She does not consider that this mounding and associated planting creates an undue enclosure or an overly urbanised character.

*The ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent.*

Ms Annan noted:

- that the concentrated development pattern of the immediate setting affords higher potential to absorb the landscape change of the application. In this way, the application will not reduce the pastoral character of the wider landscape.
- support for the proposed landscape mounding and informal planting. Given the well vegetated character of adjacent properties, Ms Annan does not consider these measures onsite will detract from the openness of the wider landscape setting (i.e. beyond the rural residential enclave).

I adopt the review of Ms Annan and consider the proposal will not visually compromise the existing natural and arcadian pastoral character of the landscape.

*Whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes*

No infrastructure required as part of the development of Lot 2 will be of a nature or design that is consistent with an urban landscape. The existing entrance to the site (now for proposed Lot 1) visible from the road access point will remain as existing but will have additional planting along the mound to its north. No other infrastructure such as street lighting will be required.

*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).*

The applicant, via the landscape peer review provided by Mr Milne and subsequent peer review by Ms Annan, has thoroughly addressed potential cumulative effects.

The peer reviews provided by both Mr Milne and Ms Annan address potential cumulative effects. I consider it will be appropriate to require additional planting and control the appearance of a future building within the building platform. This will be reflected in a condition that requires planting on Lot 2 on the east side of the stream and including the road boundary of Lot 2 to be undertaken prior to Section 224c with additional consent notices with wording along the lines of the following:

- Additional planting at the time a building is proposed for Lot 2
- Control the height of a future buildings on proposed Lot 2
- Control of the colours of future buildings on proposed Lot 2

The review and recommendations of Mr Milne and Ms Annan, particularly the inclusion of the below consent notices, is adopted and it is considered that any adverse cumulative effect from the proposal will be no more than minor.

### 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 Milne, and the subsequent peer review by Ms Annan, has thoroughly addressed potential cumulative effects. The assessment and recommendations, 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 a future dwelling on Lot 2 it is appropriate for planting that will not impede future building on Lot 2 to be undertaken as soon as possible. This will include planting on the east side of the stream and on the road boundary of that lot.

For the aforementioned reasons and on the basis of these conditions as discussed, I consider that any adverse cumulative effect from the proposal will be less than minor.

## **8.2.7 Traffic Generation and Vehicle Movements, Parking and Access**

With regard engineering matters, the application has been assessed by Council's Consultant Resource Management Engineer, Damian Hyde. Mr Hyde noted the following regarding access and vehicle crossings:

### **Access**

- Both lots will have legal frontage to Malaghans Road.
- Mr Hyde is satisfied the formation of the existing access to Proposed Lot 1 meets Council standards and no upgrade of the access within the property is required.
- Proposed Lot 2 will have a new internal access leading through to the building platform and be approximately 40-50m total length from Malaghans Road. The shape of the building platform restricts the approach options for future dwellings such that it should be formed as part of the subdivision and Mr Hyde recommends that it is constructed prior to s224 in compliance with Council standards.

### **Vehicle Crossings**

- Proposed Lot 1 has 2 existing crossing points. The western most crossing is chipsealed surface finish and located directly opposite Coronet View Road intersection and is presently used as a secondary access for the lot owner. Mr Hyde considered this crossing does not meet Council sight line distances of 170m towards Queenstown due to trees/vegetation contained within the allotment boundaries. Mr Hyde recommends that prior to s224 the vegetation is removed or the crossing location removed by removing the gate and reinstatement of the continuous fence line. Given the traffic safety implications of that access the recommendation of Mr Hyde is supported.

- The main crossing point to Lot 1 services the dwelling but is unsealed within the road corridor. Council standards require this crossing point to be sealed to the lot boundary to prevent edge break of the road and to prevent the unsafe migration of gravels onto the live carriageway and Mr Hyde has recommended a condition in this respect.
- While the access to Proposed Lot 2 will infringe the minimum distance from an intersection, Mr Hyde considers this to be acceptable. The Lot 2 crossing point is located on the same side of the road preceding the intersection and is provided with compliant 170m sight distances in both directions, albeit viewed over farmland towards Arrowtown. Mr Hyde considered this configuration is unlikely to trigger any transportation conflicts either now or in the future as intended to be avoided by the above rule.
- Formation of the sealed Lot 2 crossing point in compliance with Council standards.
- An existing farm gate servicing proposed Lot 2 is located near the intersection with Coronet Peak Station Road. Mr Hyde recommends that this gate (secondary access) be removed as part of the subdivision and replaced with continuous fencing to remove any future confusion over which access point to utilise.

The recommendations of Mr Hyde are adopted and on that basis I consider the adverse effects from the access and vehicle crossings will be less than minor.

### **8.2.8 Infrastructure**

Existing services to the existing dwelling on proposed Lot 1 are on-site stormwater disposal, on-site wastewater disposal and onsite water bore. As part of the proposed subdivision, these services will be established for proposed Lot 2.

#### Water supply

Mr Hyde has assessed the application with regard water supply and noted the following:

- The applicant is proposing 3 possible methods of water supply: a new bore; use of the existing bore on Lot 1; or supply from Mill Creek.
- Mr Hyde recommended a condition that details of the actual water supply be provided to Council prior commencing works on the site detailing exactly what solution is being used to legally and practicably service Lot 2. The water supply needs to be physically constructed as part of the subdivision to ensure adequate supply and quality rather than being a potential supply method.
- A 20,000l tank for fire-fighting purposes shall be located on proposed Lot 2 and that a compliant fire-fighting water supply is provided to Lot 1, if the existing supply cannot be shown to be compliant.

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

#### Effluent Disposal

Mr Hyde has assessed the application with regard effluent disposal and noted the following:

- An onsite Wastewater Disposal & Site Soils Assessment has been supplied with onsite disposal located at the portion of site nearest the Coronet Peak Station Road and 50m away from the Mill Creek. That assessment proposes that the effluent be disposed of by way of a secondary treatment on-site effluent disposal system due to the proximity within the Lake Hayes Catchment but maintaining the setback from the Creek. The depth to water table corresponds broadly with the 5m + detailed in the expert liquefaction assessment. Mr Hyde accepted the assessment and recommended a consent notice alerting future owners of Lot 2 to onsite disposal requirements.

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

### Stormwater Provisions

Mr Hyde has assessed the application with regard stormwater and noted that the proposal is to discharge stormwater to ground. Mr Hyde was satisfied with this approach and that the specifics can be addressed through the building consent process.

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

### Energy Supply & Telecommunications

Mr Hyde 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
- Separate power and wired telecommunications connections are required to each lot prior to the issue of 224c
- A condition of consent has been recommended in this regard for monitoring purposes

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

### ***Summary of Infrastructure***

Mr Hyde provided a summary of the assessment on infrastructure and recommended a consent notice be registered on the title of Proposed Lot 2 for the following:

- Construction within building platform
- On site wastewater treatment and disposal requirements
- Provision of fire-fighting static storage and connection for Lots 1 & 2
- Installation of water treatment (if required)
- SED Foundations recommendations made by GeoSolve in their report "*Liquefaction Assessment – Supplementary Letter, 507 Malaghans Road, Queenstown, GeoSolve Ref: 180079*".

Relying on the expert assessment carried out by Mr Hyde above, I consider both 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.

## **8.2.9 Earthworks and Natural Hazards**

### Land Stability / Flooding

The site has been identified as being close to areas potential subject to natural hazards being:

- Alluvial Fan (Recently active)
- Liquefaction Risk (Possibly Susceptible, Opus 2002)

These aspects of the application were assessed by Mr Hyde who noted the following:

- Reports have been prepared by Geosolve Ltd to address known natural hazards associated with the site.
- The following hazards have been addressed:
  - **Flooding:** In the earliest report Geosolve confirm that there is approximately 2.5m freeboard between normal water level and the Lot 2 platform level and provide anecdotal feedback that the creek has not breached it's banks in known history. They confirm satisfaction that finished floor levels can be set as part of future building consent applications with no obvious freeboard requirements identified. I accept their advice and make no recommendations in this regard.
  - **Liquefaction:** In the latter Geosolve report titled GeoSolve, liquefaction assessment – Supplementary Letter for 507 Malaghans Road, Queenstown, GeoSolve Ref: 180079 and dated 31 May 2018.
- Mr Hyde accepts that liquefaction can be mitigated through foundation designs and recommend a consent notice to alert future owners that Specific Engineering Design is required for the Lot 2 dwelling in compliance with the expert report.
- **Seismic:** The Geosolve report states the following; *“A risk of seismic activity has been identified for this region and appropriate allowance should be made for seismic loading during any design of proposed buildings and foundations.”*
- Mr Hyde accepts the geotechnical report from Geosolve and recommend conditions in line with the report accordingly.

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

### Earthworks

Mr Hyde has assessed the application with regard the proposed earthworks and noted that they would fall within the permitted levels under the District Plan.

Minor earthworks are proposed to establish a residential building platform on the site and to complete earthwork bunds/screening for the site. No breach of earthwork rules is sought with the application and therefore no engineering earthwork conditions are necessary or recommended. It is noted that the future development works in Lot 2 could result in earthworks infringements to the watercourse. That will be addressed under a future application if required.

The assessment of Mr Hyde 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.

### **8.2.10 Subdivision, Design and Layout**

The proposed subdivision provides for adequate practical and legal vehicular access to the proposed lots and both lots will be appropriately serviced as detailed by Mr Hyde.

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

The site is not currently used for rural production nor is it a size that could be. This application will not change that.



The allotments that result from this subdivision will be similar in size to those on the opposite side of Malaghans Road and the landscape architects do not consider this proposal will break the threshold for domestication. However, further intensity has the potential to exceed that threshold and change the character of the area. For this reason, it is considered appropriate to include a consent notice pertaining to no further subdivision.

Mill Stream traverses the site and the applicant has confirmed that the width through the site is less than 3m in width. For this reason and on the basis of the information provided by the applicant, provision of an esplanade strip is not a relevant requirement.

### 8.2.11 Conclusion

Relying on the expert assessments provided and with the imposition of additional mitigation measures in the form of restricting the height and colours of future buildings within the proposed platform on proposed Lot 2 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 5.1 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

#### Landscape and Visual Amenity

***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 - 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.*

### **Policies – 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.*

### **Policies - 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.*

### **Policies – Structures**

*To preserve the visual coherence of:*

*(b) visual amenity landscapes*

- *by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and*

*(c) All rural landscapes by*

- *limiting the size of signs, corporate images and logos*
- *providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.*

Both landscape architects, Mr Milne and Ms Annan, have discussed both the existing site and the surrounding area and the existing and proposed mounding and planting. That discussion concluded that, given the existing environment and the mitigation measures such as the 5.5m maximum height and recessive colours, future building on proposed Lot 2 would be able to assimilate into this existing environment. While the building may be able to be visible from some vantage points, the area is not characterised by openness and pasture. The existing site and those immediately opposite on Malaghans Road are not rural sites and the built form, if not entirely screened, is softened by extensive planting along Malaghans Road. The proposed development would not be out of character with that existing environment.

For these reasons it is considered the proposal is not contrary to the above Objectives and Policies.

### **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.

## **Urban Growth**

***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.

## **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 the 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 the 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. The existing site is not currently in rural production and, measuring 2.29 hectares in area, is too small to be of viable rural use. There is an existing watercourse that traverses the northern part of the site and further reduces the area that could be utilised for rural production.

Following the subdivision, the resultant lots, measuring 1.28 hectares and 1 hectare in area will be similar size to those on the immediately opposite side of Malaghans Road.

The proposal has been assessed by landscape architects Mr Milne and Ms Annan. Both consider that the proposed design controls and landscape mounding and planting 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 is currently planting on the road boundary of this site (more densely at the southern end near the existing residential unit) and dense planting on the road boundary of the sites on the opposite side of Malaghans Road so the amenity of the area is not characterised by open expanses of pasture. The development will create a new lot and building platform 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**

#### **Proposed District Plan (Stage 1 – Decisions Version 2018)**

The relevant Objectives and Policies are located in Chapter 6 (Landscapes), Chapter 27 (Subdivision and Development)

## Chapter 6 (Landscapes)

The relevant objectives and policies (Objective 6.3.1; Policies 6.3.1.4, 6.3.1.5, 6.3.1.6, 6.3.1.8, 6.3.1.10 and 6.3.1.11, Objective 6.3.2; Policies 6.3.2.1-6.3.2.5, and Objective 6.3.5; Policies 6.3.5.1-6.3.5.6) seek to recognise the importance of the landscape values, including those areas described as Rural Landscape Character (RLC – currently known Visual Amenity Landscapes) and that these landscapes require protection from inappropriate development, to ensure careful consideration is given to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas, and to ensure that landscape character is not diminished as a consequence of inappropriate subdivision and development.

These objectives and policies are similar in nature to those of the ODP and as has been discussed above, given the design requirements for future building coupled with the landscape treatment, I consider the site does have the ability to absorb the change, does not constitute inappropriate development with adverse cumulative effects and, thereby does not degrade the landscape character subject to conditions related to the planting and controls on a building height, colours and reflectivity.

Overall, I consider the proposal is consistent with the relevant Chapter 6 objectives and policies.

## Chapter 27 (Subdivision and Development)

The relevant objectives and policies (Objective 27.2.1 and Policies 27.2.1.1 - 27.2.1.3 and 27.2.1.5, Objective 27.2.5; Policies 27.2.5.4, 27.2.5.7, 27.2.5.11 – 27.2.5.18, and Objective 27.2.6 and Policy 27.2.6.1 seek to ensure that developments create quality environments that serviced with infrastructure that meets the anticipated needs of the development, and whereby the cost are borne by the consent holder.

I consider the development is well designed and located taking into account traffic safety and landscape. The engineering assessment, which I have relied upon, has determined the proposed lot can be appropriately serviced to meet the QLDC Land Development and Subdivision Code of Practice.

Objective 27.2.4 and Policies 27.2.4.1, 27.2.4.4 and 27.2.4.7 which seek to Identify, incorporate and enhance natural features and heritage.

The proposal will not impact upon the water quality of the watercourse.

Objective 27.2.5 and Policies 27.2.5.1 to 27.2.5.5 and 27.2.5.12, 27.2.5.17 and 27.2.5.18 require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.

The location of the building platform and associated servicing, including the vehicle access has been assessed by Mr Hyde who considered the works can be undertaken without adverse effect that are more than minor provided they are undertaken in accordance with the relevant code of practice and other conditions of consent.

Overall, I consider the proposed is consistent with the Chapter 27 objectives and policies.

## Proposed District Plan (Stage 2 Notified Version)

The relevant Objectives and Policies are located in Chapter 24 (Wakatipu Basin) (variation to Rural zone under Stage 2).

The relevant objectives and policies (Objective 24.2.1 and Policies 24.2.1.1 to 24.2.1.12, Objective 24.2.3 and Policies 24.2.3.1 to 24.2.3.3 and Objective 24.2.4 and Policies 24.2.4.1 to 24.2.4.6) seek to ensure the landscape and visual amenity values are protected, maintained and enhanced.

The proposed subdivision and building platform, as reviewed by Council's Consultant Landscape Architect Ms Annan demonstrates the development, can occur without significantly modifying the landscape. I consider the proposal is consistent with Policy 24.2.1.2.

While earthworks are proposed they will be largely limited to a mounding on the boundary that will be planted. I do not consider the proposed development enhances the landscape character and amenity values however; I do consider the proposed development would maintain those values and therefore achieves Policies 24.2.1.3 to 24.2.1.9.

While the planted mounding and future building within the platform will block some views to the existing pasture beyond the site (to the north), I consider the proposal will not detract from the openness of the area, noting that there are existing trees and other plantings on this site and properties immediately opposite on Malaghans Road are screened along the road boundary. The existing landscape character and amenity values will be maintained if not enhanced by this proposal. Overall, I consider the proposed is consistent with the relevant Chapter 24 objectives and policies.

### **8.3.3 Summary of Objectives and Policies**

Overall, it is my opinion that the proposed development will give effect to and be consistent with the relevant objectives and policies and therefore is considered aligned with the relevant provisions of both the Operative and Proposed District Plans.

### **8.3.4 Weighting**

While the Operative District Plan is the current planning document and the Proposed District Plan has yet to be debated fully, the operative District Plan must have significant weight. This is particularly relevant given proposed changes to the Wakatipu Basin which as notified would see minimum lot sizes with strong supporting policies.

Given the WBRAZ provisions (which replaces previous proposed Rural zones provisions under PDP Chapter 21), and supporting objectives and policies are yet to be fully debated, I consider these new WBRAZ objectives and policies do not yet hold sufficient weight, and the ODP must be given full consideration.

I am satisfied that the relevant objectives and policies in the operative District Plan and those in the PDP with respect to the development and the landscape classification are otherwise closely aligned to each other, and seek to achieve the same outcomes.

### **8.3.5 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 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 and number of appeals and has no legal effect at the time of writing this report, 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.

## 8.5 OTHER MATTERS

### 8.5.1 Precedent

The proposal has been assessed by both Mr Milne and Ms Annan with regard the setting and the proposed development. That assessment indicates that while this is a rural environment the actual site, being located within a small cluster of rural residential properties, and with existing planting and mounding, has unique characteristics that means it is able to, with additional planting, recessive colours and low reflectivity and a 5.5m maximum building height for the residential building platform, absorb the subdivision and development proposed. This cannot be said of many other rural sites in this area.

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

As discussed throughout this report, it is considered that the development proposed is appropriate based upon an assessment of the application against s104 matters and in particular, the relevant provisions of the Operative and Proposed District Plans.

It is concluded against this document that the proposal does maintain the sought character, landscape and visual amenity values. As such, I consider the proposal does promote sustainable management of the landscape resource.

Overall, I consider the proposal promotes sustainable management as per the purposes and principles of the RMA.

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

### Kaitiakitanga and the ethic of stewardship

The proposed subdivision and future development will not impact upon Mill Creek and given that there are no aspects of this site that are specifically identified as being of importance to Maori it is considered there will be no impact on Kaitiakitanga and the ethic of stewardship.

### The efficient use and development of natural and physical resources

The existing site is too small for a productive rural use and this subdivision will no impinge upon rural potential for the site.

### The maintenance and enhancement of amenity values

The proposal will change the character of the area but the resultant allotments will be a similar size to those on the opposite side of Malaghans Road. Both landscape architects consider that, provided landscape planting is undertaken immediately and when Lot 2 is developed, the existing character of the area will not be adversely affected to an extent that is more than minor. Furthermore, there will be consent notice conditions that place controls on the height and colours of future building within proposed Lot 2. Large open paddocks will remain visible beyond the site.

### Intrinsic values of ecosystems

The proposed building platform on Lot 2 will be located well away from Mill Creek and future works will be able to be undertaken without impacting on that watercourse.

### The maintenance and enhancement of the quality of the environment

While the planting and future built form will change the existing view through the site, both landscape architects considered the works will adversely affect the quality of the environment to a degree that is more than minor. While there are open paddocks to the north of the site the immediately opposite properties are characterised by dense vegetation along the boundary. The proposal will maintain the quality of the environment.

### Any finite characteristics of natural and physical resources

The existing site is too small for rural production and the subdivision will not change that.

### The protection of the habitat of trout and salmon

The proposed works and future development on Lot 2 will be able to be undertaken without impacting upon Mill Creek.

### *Summary*

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 proposed Lot 2) 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 watercourse that traverses the site, the site is 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 the Brett Giddens Trust undertake a two lot subdivision and establish a building platform can be granted subject to the recommended conditions of consent as detailed in *Appendix 1* below.

Report prepared by

Reviewed by




Hamish Anderson

Paula Costello

**CONSULTANT SENIOR PLANNER**

**TEAM LEADER RESOURCE CONSENTS**

**Attachments:**

Appendix 1	Consent Conditions
Appendix 2	Applicant's AEE
Appendix 3	Engineering Report
Appendix 4	Landscape Architect's Report
Appendix 5	Operative District Plan Assessment Matters
Appendix 6	Regional Policy Statement Objectives and Policies

**Report Dated:**

26 October 2018



## **APPENDIX 1 – RECOMMENDED CONDITIONS FOR SUBDIVISION OF LOT 4 DEPOSITED PLAN 12952**

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Proposed Subdivision Plan 507 Malaghans Road Queenstown, drawing No. L2.0 Revision B', prepared by Rough & Milne Landscape Architects and dated 06/04/2018

**stamped as approved on 29 October 2018**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. 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 May 2018 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 works on-site under this consent:

4. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water each to Lot 1 and to the building platform on Lot 2 that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008).  
*Note in respect of Lot 1, this purpose of this condition is to ensure the supply of potable water proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
  - b) The provision of a vehicle access to the building platform on Lot 2 from Malaghans Road. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width and provision shall be made for the disposal of stormwater runoff. The access may be unsealed surface finish within the Lot 2 boundaries and the gate provided at this access location, if any gate, shall be set back at least 6m from the frontage boundary.
  - c) The provision of a chip sealed vehicle crossing to each Lots 1 and 2 from Malaghans Road to be in terms of Diagram 2, Appendix 7 of the District Plan. The chip sealed crossing shall extend from the edge of the sealed frontage road to the respective lot boundaries and shall each 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. These crossing points each service the primary access to/from the respective lots.

5. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

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. Dependent upon the final water supply solution to Lot 2 this shall include the right to take and convey water over/from Lot 1 in favour of Lot 2.
  - b) All requirements outlined in Condition 4

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

7. 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 and Stormwater reticulation (including private laterals and toby positions).
  - b) A digital plan showing the location of the Lot 2 building platform as shown on the Site 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) The Lot 1 existing crossing point (secondary lot access) in the southwest lot corner is not presently afforded with compliant 170m sight distances towards the southwest Malaghans Road traffic due to onsite obstruction from Lot 1 trees/vegetation. The consent holder shall either remove all necessary Lot 1 trees/vegetation to achieve compliant sight distances (as measured 3.5m back from the Coronet View Road slip lane nearest the lot) or the boundary access gate in the southwest lot corner shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this location.
  - e) The Lot 2 existing boundary gate fronting Coronet Peak Station Road shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this (secondary) location.
  - f) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the water supply for Lot 2 that demonstrates compliance with the Drinking Water Standards for New Zealand 2005 (Revised 2008) noting the lot water supplies may each be separately sourced depending on the detailed engineering solution adopted by the consent holder. The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>).

In the event that the test results required above show the water supply does not conform to the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Subdivision Planner at Council for review and certification. The water treatment report shall contain full details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:

- i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.  
OR
  - ii) A consent notice shall be registered on the relevant Computer Freehold Registers for the serviced lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the dwelling an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM171332 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- g) The consent holder shall provide evidence to the satisfaction of the Subdivision Planner at Council as to how the water supply will be monitored and maintained on an ongoing basis.
- h) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met. *Note in respect of Lot 1, this purpose of this condition is to ensure the supply of electricity proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
- i) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met. *Note in respect of Lot 1, this purpose of this condition is to ensure the supply of telecommunications proposed to Lot 2 is provided without impacting existing available supply to Lot 1.*
- j) The consent holder shall remedy any damage to all existing road surfaces and berms that results from work carried out for this consent.
- k) Lot 1 firefighting supply shall either be demonstrated to comply or shall be upgraded to comply with NZ Fire and Emergency onsite firefighting requirements. This shall include a minimum of 20,000 litres to be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit 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 existing 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 residential units. In the event that the residential unit provides 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 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 FENZ 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.

- I) All areas of planting on the approved landscape plan for Lot 2 (DP to be allocated) shall be completed, to the satisfaction of Council's landscape architect.

#### 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 dwellings/buildings on Lot 2 shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
  - b) Standard NZS 3604 building foundation solutions are not suitable for Lot 2. The owner of Lot 2 shall engage a suitably qualified professional engineer to design the foundations of any dwellings/buildings to be erected on the site. The design shall take into account the *'Liquefaction Assessment – Supplementary Letter for 507 Malaghans Road, Queenstown GeoSolve Ref: 180079'* and dated 31 May 2018 as submitted with the RM171332 subdivision consent application and which provides the following site specific foundation recommendations:
    - (i) Either design dwelling foundations to a Technical Category 2 (TC2) site in accordance with MBIE guidelines for Canterbury,  
Or,
    - (ii) Design a concrete raft foundation supporting the dwelling to meet Technical Category 1 (TC1) in accordance with MBIE guidelines for Canterbury on top of the following 800mm required ground improvement gravel layer:
      - Excavate to remove the upper site soil and then place and compact 800 mm of engineered certified gravel fill below the underside of foundation slab level;
      - The 800 mm (minimum) thick raft of certified gravel fill shall be placed in four 200 mm thick layers. The fill raft shall extend a minimum of 1 m beyond the building foundation footprint. A geotextile filter cloth layer should be placed at the base of the excavation on top of the natural alluvial deposit. A geogrid should also be incorporated within the gravel raft. A fill specification and/or compaction methodology can be provided by Geosolve upon request.

- c) At the time a dwelling/building is erected on Lot 2, the owner for the time being shall engage a suitably qualified person as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take account of the recommendations made in the 'Site and Soils' investigation report by Southern Monitoring Systems, dated 24 January 2018, submitted with the RM171332 subdivision consent application. To maintain high effluent quality such a system will require the following:
- Secondary treatment of effluent as a minimum requirement, with high specification systems for tertiary UV treatment of effluent required where depth to groundwater is less than 1.5m or where surface water bodies or bores are located within 50m of the proposed disposal field.
  - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore, unless prior consent is obtained from the Otago Regional Council.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
  - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
  - Irrigation lines or distribution pipes shall be buried at least 300mm below ground level to protect from freezing unless alternative frost protection is provided.
  - A producer statement shall be provided to Council that confirms that the system has been installed in accordance with the approved design.
- d) At the time that a dwelling/building is erected on Lot 2, 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).
- e) At the time a dwelling/building is erected on Lot 2, 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. 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 FENZ 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.

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

#### Building Design Controls

- f) Any buildings erected on Lot 2 (DP to be allocated) shall comply with the following:
- *Buildings shall not exceed 350m<sup>2</sup> building coverage*
  - *The maximum height for any buildings shall be 5.5m above ground level*
  - *External materials shall include any or all of the following as predominant materials: schist stone, timber, board and batten, linearboard, or painted plaster. With the exception of naturally occurring material such as stone and unpainted timber, exterior building colours shall have a LRV of between 5-35%.*
  - *Roofing shall have a LRV of between 5-20%*
  - *The main building form shall be comprised of a gabled roof pitch between 35 and 45 degrees*
  - *All water storage facilities shall be either located underground or appropriately screened from views from Malaghans Road*
  - *Any ancillary structures shall be clad and coloured to match*

#### Landscape Controls

- g) At the time a building consent is applied for on Lot 2 (DP to be allocated) a detailed landscape plan shall be prepared, to the satisfaction of the Manager: Resource Consents that demonstrates how the proposed building within the registered building platform will be softened with further landscape planting on the site when viewed from both Malaghans Road and Coronet Peak Road.
- h) Within the first available planting season following the construction of any building on the site, planting on the landscape plan approved for Lot 2 (DP to be allocated) by Council under Condition 8 g of the consent notice shall be completed to the satisfaction of Council's landscape architect.
- i) All planting shall be undertaken according to best horticultural practice, and all plants mulched, irrigated and protected from rabbits and hares. Should any plant on the site approved by landscape plan under RM171332 or the Consent Notice condition 8g 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 within the following planting season.

**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. The consent holder is advised to obtain any necessary consent approvals from the Otago Regional Council for the water supply.

**APPENDIX 2 – APPLICANT’S AEE**



# Application for Resource Consent

## 1 Proposal

The Brett Giddens Trust (**the Applicant**) seeks resource consent to subdivide the property at 507 Malaghans Road into two allotments and to identify a residential building platform (**RBP**) within the newly created allotment. A subdivision site plan is contained in **Attachment A**.

Lot 1 (the balance allotment) will contain the existing residential dwelling and associated activity/buildings. This allotment will be approximately 1.28ha in area.

Lot 2 will be approximately 1.0ha in area and contain an elongated RBP of approximately 550m<sup>2</sup> in area.

Lot 2 will be connected to local telecommunications and electricity supply. Stormwater will be disposed to ground. Wastewater will be treated by way of conventional septic tank and disposed on-site. Water for domestic supply will be abstracted from either (1) Mill Stream; (2) a new bore on the site; or (3) from the existing bore on proposed Lot 1.

At its closest point, the RBP on Lot 2 is located 5m from the boundary of the adjoining property, which is a large, unoccupied paddock used for grazing of sheep and cattle. This means that a dwelling on the RBP could conceivably be located 5m from the adjoining boundary.

A maximum building height of 5.5m is proposed within the RBP on Lot 2.

Approximately 400m<sup>3</sup> of earth will be placed and contoured along the Malaghans Road boundary with additional landscaping proposed in specific locations to help mitigate views of the built form from outside of the site (as shown on the subdivision site plan).

Earthworks have been recently undertaken on the site as a permitted activity. The applicant advises that this has been necessary to help reduce vehicle noise from Malaghans Road, increase privacy and to provide an effective foundation for landscaping. These activities sit outside of the sought proposal. The Applicant is aiming to have these works completed in the 2018 planting season. Earthworks and landscaping on Lot 1 fall outside of this proposal and sought consent.

Access to Lot 2 will be from an existing access from Coronet Peak Station Road, at the intersection with Malaghans Road. The internal accessway will be upgraded to a rural standard. The existing access locations to Lot 1 will remain as is.

## **2 Site Details**

The site is located at 507 Malaghans Road, Speargrass Flat. It is legally described as Lot 4 DP 12952 as held in Computer Freehold Register OT5B/1372, having a fee simple site area of 2.28 hectares.

The Computer Freehold Register is enclosed as **Attachment B**. There are no encumbrances on the title that are relevant to the proposal.

The site is located within a cluster of four rural-residential sites, ranging in size from approximately 1ha to 2ha. The application site is the largest of this cluster as shown in Figure 1 below.



Figure 1: Site Location and Existing Cluster

The Applicant understands that the sites were created in the early 1970s when Malaghans Road was realigned, creating what is now Coronet View Road.

Established clusters along Malaghans Road are relatively infrequent and the site represents a good opportunity to condense development within a location that is already typified by rural-residential living outside of the wider, more open landscape.

The locale is characterised by a predominantly open landscape, flanked by frequent shelter belt and roadside plantings. Dwellings are interspersed and visible along the length of Malaghans Road.

Mill Stream passes through the site, and dissects what will be proposed Lot 2.

### **3 District Plan Considerations**

#### **3.1 Operative District Plan**

The site is zoned Rural General under the Operative Queenstown Lakes District Plan (**District Plan**).

Rule 15.2.3.3 (vi) requires that all subdivision and the location of residential building platforms shall be a **discretionary activity** in the Rural General Zone. This activity is precluded from public notification under section 95A (5) (b) (i) of the Resource Management Act 1991 (**RMA**).

We note that in reference to the recent advice note issued by the Council in respect to rural general subdivision, the reference to location of a building platform in Rule 15.2.3.3 (vi) is a reference to a standard on a *subdivision consent*, and not a separate land use activity.

Although no building is proposed as part of this application, resource consent is sought for a **restricted discretionary activity** to breach Site Standard 5.3.5.1 (vi) in regard to a future building being located closer than 15m from the boundary of the adjoining property (being approximately 5m). This “boundary activity” is precluded from public notification under section 95A (5) (b) (iii) of the RMA.

#### **3.2 Proposed District Plan**

The Proposed Queenstown Lakes District Plan (**Proposed District Plan**) was notified on 26 August 2015. The only rules that have legal effect pursuant to Section 86B of the RMA require consideration.

Rule 21.5.4 of the Proposed District Plan requires the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. Discretion is restricted to the following:

- ***Indigenous biodiversity values.***
- ***Visual amenity values.***
- ***Landscape and natural character.***
- ***Open space.***
- ***Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.***

The building platform will be approximately 10 metres from Mill Stream and therefore it is conceivable that a building could be located this distance from Mill Stream. Resource consent for a **restricted discretionary activity** is required under the Proposed District Plan.

#### **3.3 National Environmental Standards**

In terms of the proposal’s compliance or otherwise with National Environmental Standards (**NES**), the only NES that is of potential relevance to this proposal is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

In this instance, a review of the QLDC GIS shows no evidence of potentially contaminated sites. As such, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is not applicable.

## **4 Assessment of Effects**

Those Assessment Matters listed in the District Plan are of relevance to the proposal form the foundation for this Assessment of Environmental Effects.

Assessment Matter 15.2.3.6 (b) relates to subdivision in the Rural General Zone. Those matters of discretion under Rule 21.5.4 of the Proposed District Plan relating to buildings within a setback of river have also been considered.

### **4.1 Subdivision Assessment**

Assessment Matter 15.2.3.6 (b) is of direct relevance and are evaluated below.<sup>1</sup>

- (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***

An assessment of the landscape criteria is contained in section 4.2 of this AEE which evaluates the effects of the proposal against rural character, landscape values and visual amenity. The proposal will maintain the landscape values in this locale.

The site and surrounds do not contain any heritage features or values.

The life supporting capacity of soils, vegetation and water will not be adversely impacted and the status quo will be maintained.

Mill Stream traverses through the site. There is no public benefit to providing access along its margins, particularly as public access is not established in other locations along its margins in the basin. The status quo will be maintained in this regard.

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

The site is adjoined by a working pastoral farm which is primarily grazing for sheep and cattle. The subdivision and proposed RBP will not impact on this use being continued or hinder its viability in comparison to the status quo.

- (iii) ***The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated***

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<sup>1</sup> Assessment Matters (vii) to (xi) are not relevant to the site.

***sewerage or on-site sewage disposal within the lot, telecommunications and electricity.***

There are three options to provide potable water supply to the RBP on Lot 2. The cost and viability will be evaluated post-consent in making a determination of the option to advance.

Electricity and telecommunication reticulation will be provided to Lot 2.

An on-site treatment and disposal system will be established at the time that a dwelling is constructed within the RBP. No adverse effects are anticipated from this; the existing dwelling on Lot 1 has shown to be suitable for treatment and disposal, and it is expected that the same characteristics will apply to Lot 2. Should resource consent be required from the Otago Regional Council, consent will be obtained prior to the occupation of any dwelling on the platform.

- (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.***

Mill Stream represents the only potential natural hazard on the site. As detailed above, there is no history of flood hazard from the stream. The placement of a building within the RBP is unlikely to unduly exacerbate any potential hazard given the considerable freeboard between the stream level and the platform (around 2-3m). Buildings up to and in close proximity of Mill Stream are commonplace in the basin, with particular note to Millbrook which contain buildings that abut the stream.

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

The property is currently used for rural-residential activities and this use will remain in the long-term.

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

The subdivision will not result in the loss of the life supporting capacity of soils.

- (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 following section of this AEE considers the above Assessment Matters.

## **4.2 Landscape Assessment**

Rules 5.4.1 and 5.4.2.1 are to be applied and regard given to those relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3.

The site is located within a Visual Amenity Landscape (**VAL**). Assessment matter 5.4.2.2 (3) therefore applies.

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

The site is not adjacent to an ONL or ONF, however Coronet Peak (ONL) is located some distance to the north of the site. Due to the distance to the ONL and alignment of Malaghans Road (being the main location in the vicinity that is accessed by the public), the subdivision and RBP would not compromise the open character of the ONL.

The site is located within an existing cluster and the establishment of one additional allotment will fit within the cluster (averaging around 1ha per allotment).

While the surrounding environment has an Arcadian pastoral character, it is relatively low in natural value. Neither the character or naturalness of the locale will be compromised. The landscape has the potential to absorb the level of subdivision and eventual built form and over-domestication will not result.

Structural tree planting and strategically located earth mounding with landscaping has been proposed to minimise views of eventual built form from Malaghans Road and Coronet Peak Station Road. While views of the built form will be obtained from these locations, this degree is not out of character with this locale, and the combination of built form and landscaping will positively contribute to the VAL.

**(b) Visibility of Development**

The RBP placement and controls will ensure that future built form will not be highly visible in views from public places; it will be visible from Malaghans Road and Coronet Peak Station Road; however, the degree of visibility is appropriate for this landscape and not to the point where it detracts from public or private views.

There are opportunities to screen the development as discussed above. The landscaping and earthworks will anchor future built form and activity into the site, and will not detract from the wider landscape.

The site and wider VAL are not enclosed by defining features and the proposal will not influence this in any way due to its discrete nature.

The access, landscaping and earthworks will not unduly alter the line of the landscape. No new boundaries will be created.

The development does not constitute sprawl. While the site abuts Malaghans Road, the local is characterised by smaller lot development (around 1 hectare) in an established cluster; a future building will be located within that

cluster, therefore helping to maintain and enhance the wider, more open landscape.

**(c) *Form and Density of Development***

Natural topography has been utilised as best as practicable with further site works proposed to assist with integrating the built form into the site.

Existing access points and access ways are being used which will overall minimise the level of on-site disturbance and landscape change.

Future development will be concentrated in a wider cluster that has a higher ability to absorb the development. The surrounding open fields on adjoining property (not part of the application site) are more sensitive to development. The density of development proposed will not introduce urban characteristics.

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

As discussed above, the site is within a cluster of 4 other sites; these properties were established in the 1970s when the alignment of Malaghans Road was adjusted. The application site is the largest of the cluster (approximately twice as large as the others) and has the ability to provide for further development.

While Malaghans Road in other locations contains sensitive elements within the wider landscape, in this location the more enclosed nature of the sites (flanked by roadside vegetation) is more suitable to provide for additional built form.

Urban infrastructure will not result from the proposal.

**(e) *Rural Amenities***

The built form and associated structural tree planting will still maintain adequate access to the wider landscape, bearing in mind that vantage points for viewing the wider landscape are difficult in the immediate vicinity due to the higher speed traffic environment and alignment of Malaghans Road.

The nearby properties are located on the other side of Malaghans Road and are well screened by existing vegetation. Those property owners would only experience glimpse views of the built form and activity when they leave their properties and the overall effects on them are negligible.

The proposal will not prevent or hinder rural activities from occurring on the adjoining site.

Landscaping is consistent with transitional rural elements in this Arcadian landscape.

### 4.3 Setback from Mill Stream

Rule 21.5.4 of the Proposed District Plan requires the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. Discretion is restricted to all of the following:

- *Indigenous biodiversity values.*
- *Visual amenity values.*
- *Landscape and natural character.*
- *Open space.*
- *Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.*

Mill Stream is a key feature through the site and the proposal has integrated it into the overall design.

From outside of the site, the stream offers little amenity value or character in landscape terms, however internally to the site, the stream is an important feature that could be enhanced as part of the development of the site.

The stream offers little in the way of indigenous biodiversity values.

The Applicant has made enquiries with the Otago Regional Council, the prior landowner and a number of long-term landowners in the area where the stream also passes their properties; the stream is not subject to flooding or natural hazards and no specific mitigation is considered necessary.

### 4.4 Conclusion of Effects

From an evaluation of the activity against the relevant criteria contained in the District Plan, and in consideration of existing and consented land uses on the site and in the wider locale, the effects of the proposal are considered less than minor.

## 5 Statutory Assessment

Section 104 of the Resource Management Act 1991 (**RMA**) requires that the relevant provisions of the operative and proposed plans, or any other matter the consent authority considers relevant and reasonably necessary, be considered when assessing an application.

### 5.1 Objectives and Policies

The relevant objectives and policies of the plans are evaluated in the table below.



Table 1: District Plan Objectives and Policies Assessment.

Objectives	Policies	Assessment
<b>Operative District Plan</b>		
<b>4. District Wide Issues</b>		
4.2.5 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.	<p>(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.</p> <p>(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.</p> <p>(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.</p>	The site is located within a cluster of development and through the location of future building and controls on built form, wider areas of the landscape are protected. The site is not located in a landscape that is vulnerable to degradation. Visual amenity values will be maintained. Subdivision and development is located in an area that can absorb the degree of change proposed.
<b>5. Rural Areas</b>		
<p><b>Objective 1 - Character and Landscape Value</b></p> <p>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</p>	<p>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.</p> <p>1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.</p> <p>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.</p> <p>1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.</p>	The proposed subdivision and RBP occur in a location where the character of the rural area will not be adversely affected. Adverse effects will be mitigated through building design, scale, location and landscaping/earthworks. It is important to recognize that views of built form is not in itself an adverse effect in this landscape.
<p><b>Objective 3 - Rural Amenity</b></p> <p>Avoiding, remedying or mitigating adverse effects of activities on rural amenity.</p>	<p>3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.</p> <p>3.5 Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.</p>	The proposal will not have significant adverse effects on rural amenity. A future dwelling will be well set back from Malaghans Road and Coronet Peak Station Road, and while located up to 5m from an adjoining property, the use and enjoyment of that property (used for pastoral farming) will not change.
<b>15. Subdivision, Development and Financial Contributions</b>		
<p><b>Objective 1 – Servicing</b></p> <p>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.</p>	<p>1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.</p> <p>1.5 To ensure water supplies are of a sufficient capacity, including firefighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.</p> <p>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</p>	Vehicle access to the site is existing and safe. The options for water supply are diverse and no adverse effects will result. Sewage will be treated and disposed via septic tank, and stormwater will be disposed off to ground.

Objectives	Policies	Assessment
	<p><i>maintaining public health and avoids or mitigates adverse effects on the environment.</i></p> <p><i>1.10 To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.</i></p>	
<p><i>Objective 5 - Amenity Protection</i>  <i>The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.</i></p>	<p><i>5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.</i></p> <p><i>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.</i></p>	<p>The proposed allotment size of ~1ha are consistent with the other sites in the cluster and will provide for rural living opportunities at an appropriate density. The pattern of subdivision is consistent with the surrounds and will not result in adverse effects.</p>
<b>Proposed District Plan</b>		
<b>6. Landscapes</b>		
<p><i>6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</i></p>	<p><i>6.3.5.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.</i></p> <p><i>6.3.5.2 Avoid adverse effects from subdivision and development that are:</i></p> <ul style="list-style-type: none"> <li><i>• 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</i></li> <li><i>• Visible from public roads.</i></li> </ul>	<p>The site is not highly visible from public places, however visibility of future built form will be greatly mitigated by way of landscaping and earthworks, such that the resultant effects will be appropriate for this rural environment. Built form will be visible from roads however, for the same reason as above, those visual effects will not be inappropriate.</p>
<b>27. Subdivision and Development</b>		
<p><i>27.2.5 Objective - Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.</i></p>	<p><i>27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.</i></p> <p><i>27.2.5.7 Ensure water supplies are of a sufficient capacity, including firefighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.</i></p> <p><i>27.2.5.12 Ensure appropriate stormwater design and management by having regard to:</i></p> <ul style="list-style-type: none"> <li><i>• Recognise and encourage viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource</i></li> </ul>	<p>Infrastructure is addressed above and no adverse effects will result.</p>

Objectives	Policies	Assessment
	<p><i>through re-use in open space and landscape areas;</i></p> <ul style="list-style-type: none"> <li><i>• The capacity of existing and proposed stormwater systems;</i></li> <li><i>• The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;</i></li> <li><i>• The location, scale and construction of stormwater infrastructure;</i></li> <li><i>• The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow.</i></li> </ul> <p><i>27.2.5.14 Ensure appropriate sewage treatment and disposal by having regard to:</i></p> <ul style="list-style-type: none"> <li><i>• The method of sewage treatment and disposal;</i></li> <li><i>• The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;</i></li> <li><i>• The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.</i></li> </ul>	

The policy in the Proposed District Plan could be subject to change under the review and limited weight should be afforded to these policies.

As set out in the evaluation above, the proposal aligns with the outcomes sought in the District Plan objective and policies.

## 5.2 Consideration of Limited Notification

As referred to above, the application is precluded from public notification under section 95B of the RMA. Furthermore, no special circumstances exist that would warrant public notification.

Section 95C sets out the considerations for deciding whether an application is limited notified. We note the following:

- There are no affected protected customary rights groups or affected customary marine title groups [section 95B (2)].
- The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in schedule 11 [section 95B (3)].

In the case of a **boundary activity**, section 95C (7) (a) requires a determination, in accordance with section 95E, as to whether an owner of an allotment with an infringed boundary is an affected person.

As set out in Section 95E (1), for the purpose of giving limited notification of an application for a resource consent, a person is an **affected person** if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

In assessing an activity's adverse effects on a person, an adverse effect of the activity on the person may be disregarded if a rule or a national environmental standard permits an activity with that effect [section 95E (2) (a)]; and, if the activity is a controlled activity or a restricted discretionary activity, an adverse effect of the activity on the person must be disregarded if the effect does not relate to a matter of control or discretion [section 95E (2) (b)].

**Adjoining** is not defined under the Resource Management Act 1991 nor in the District Plan, it is however defined in the Oxford English Dictionary as meaning "next to or joined with". There is only one parcel adjoining the application site, Pt Section 29 Blk XVII Shotover SD, owned by Mr Christopher James Dagg, Mr Ronald Dagg and Mr William Thomas Cooney.

For the reasons outlined above in this AEE, the adverse effects on the adjoining property are considered less than minor. While the RBP will conceivably result in a residential dwelling and activity being located closer than 20m to the adjoining site, the building and activity will not prevent lawful farming activities from being undertaken on that land. There are no residential land uses on the adjoining property and therefore no impacts on residential amenity values. The only visual marker of the boundary is the post and rail fence and to persons outside of the site and at distances within the adjoining site, the setback breach will generally be indiscernible.

### 5.3 Public Notification (95A of RMA)

In regard to public notification, we note:

- The applicant does not request public notification of the application – section 95A (3) (a).
- Public notification is not required under section 95C – section 95A (3) (b).
- Section 95A (3) (c) is not relevant to this application.
- The application is not for an activity that is subject to a rule or national environmental standard that precludes public notification – section 95A (5) (a).
- The application is for one or more of the activities listed in section 95A (5) (b) – being a discretionary subdivision activity and a restricted discretionary boundary activity.

Public notification is therefore precluded under section 95A (5) (b) of the RMA.

In consideration of the above assessment, it is concluded that the proposal will result in less than minor adverse effects. No persons are considered affected. There are no

special circumstances that warrant the public notification of this application, and there are no rules requiring public notification of the application.

#### 5.4 Part 2 of the RMA

The purpose of the RMA, as set out under Section 5(2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration. There are no matters of national importance under Section 6 that need to be recognised and provided for in this application.

The RMA specifies that regard must be had to the relevant matters listed in section 7. The relevant matters include:

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

On the whole, the proposal is considered to efficiently use the natural (land) resource of the site. The proposal will maintain landscape values and the quality of the environment.

There are no matters under Section 8 that require consideration with respect to this application.

The proposal represents a sustainable use of the land resource and will enable an existing activity to be advanced in a more comprehensive manner that is complementary to the locale and activities within it. Adverse effects can be appropriately managed and overall, the proposal is consistent with the purpose of the RMA to promote sustainable management.

**APPENDIX 3 – ENGINEERING REPORT**



## ENGINEERING MEMO - SUBDIVISION

**TO:** Hamish Anderson

**FROM:** Damian Hyde

**DATE:** 10/07/2018

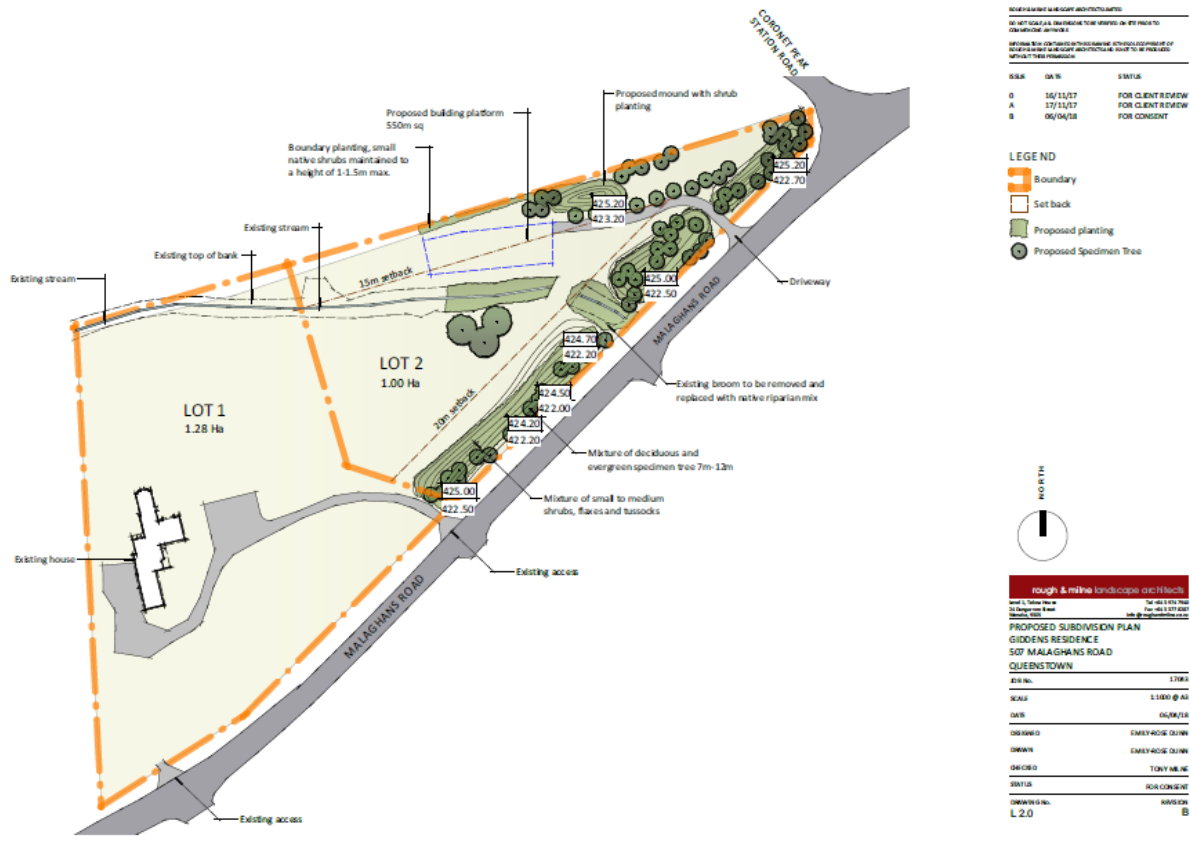
APPLICATION DETAILS	
REFERENCE	RM171332
APPLICANT	Brett Giddens Trust
APPLICATION TYPE & DESCRIPTION	Subdivision consent is sought to undertake a 2 lot Subdivision and establish a new building platform.
ADDRESS	507 Malaghans Road
ZONING	Rural General
LEGAL DESCRIPTION	Lot 4 DP 12952
SITE AREA	2.29Ha
ACTIVITY STATUS	Discretionary

### Location



Comments		
	Existing Use	Rural general allotment with single existing dwelling.
	Neighbours	The lot is neighboured to the north and west by one farming RG lot of 27.5ha. To the south and east the site is bordered by Malaghans Road and Coronet Peak Station Road.
	Topography/Aspect	The subject site is relatively flat and bisected by a stream running east to west.
	Water Bodies	

### Subdivision Proposal Plan



This engineering assessment is based on the ODP as of 10<sup>th</sup> July 2018 noting that pending PDP currently under consultation may come into effect prior to the outcome of any RMA hearing process for this notified consent. The PDP may alter recommended conditions/consent notices herein and especially in regard to NZ Fire & Emergency volumetric requirements for onsite firefighting requirements (may increase from 20m<sup>3</sup> to 45m<sup>3</sup> of static firefighting storage). These areas have been highlighted green to enable final decision consideration in the final decision version.



ENGINEERING			COMMENTS	Condition
		Means of Access	<p><b>Access</b> - Both lots will have legal frontage to Malaghans Rd.</p> <p>Proposed Lot 1 has an existing gravel access leading to the existing onsite dwelling. I am satisfied the formation meets Council standards and no upgrade of the access within the property is required. The unsealed crossing point is addressed below.</p> <p>Proposed Lot 2 will have a new internal access leading through to the building platform and be approximately 40-50m total length from Malaghans Rd. The shape of the building platform restricts the approach options for future dwellings such that it should be formed as part of the subdivision and I recommend construction prior to s224 in compliance with Council standards.</p>	X
		Crossing Point – Lot 1	<p>Malaghans Road is an arterial road with a 100km/h speed limit.</p> <p><b>Lot 1</b> - Proposed Lot 1 has 2 existing crossing points. The western most crossing is chipsealed surface finish and located directly opposite Coronet View Road intersection and is presently used as a secondary access for the lot owner. This crossing does not meet Council sight line distances of 170m towards Queenstown due to trees/vegetation contained within the allotment boundaries. I recommend that prior to s224 the vegetation is removed or the crossing location removed by removing the gate and reinstatement of the continuous fence line.</p> <p>The main crossing point to Lot 1 services the dwelling but is unsealed within the road corridor. Council standards require this crossing point to be sealed to the lot boundary to prevent edge break of the road and to prevent the unsafe migration of gravels onto the live carriageway. I recommend a condition in this respect.</p>	<p>X</p> <p>x</p>

		<b>Crossing Point – Lot 2</b>	<p><b>Lot 2</b> - A new crossing point is required fronting Malaghans Road in breach of DP Transport site standard <b>Rule 14.2.4.2(vi) Minimum Distance of Vehicle Crossings from Intersection</b>. The rule requires 100m separation from the Coronet Peak Station Road/Malaghans Road intersection however the proposal only obtains a distance of approximately 50m in this 100km/hr speed zone. The Lot 2 crossing point is located on the same side of the road preceding the intersection and is provided with compliant 170m sight distances in both directions, albeit viewed over farmland towards Arrowtown. As a result it is my opinion that this configuration is unlikely to trigger any transportation conflicts either now or in the future as intended to be avoided by the above rule. I am satisfied it is unlikely to result in unsafe traffic outcomes.</p> <p>I recommend formation of the sealed Lot 2 crossing point in compliance with Council standards.</p> <p>An existing farm gate servicing proposed Lot 2 is located near the intersection with Coronet Peak Station Road. I recommend this gate (secondary access) be removed as part of the subdivision and replaced with continuous fencing to remove any future confusion over which access point to utilise.</p>	<p>X</p> <p>X</p>
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ENGINEERING			COMMENTS	Condition
<b>EARTHWORKS</b>	Extent	Description	Minor earthworks are proposed to establish a residential building platform on the site and to complete earthwork bunds/screening for the site. No breach of earthwork rules is sought with the application and therefore no engineering earthwork conditions are necessary or recommended.	

<b>SERVICES</b>	Existing Services	Existing services to the existing dwelling on proposed Lot1 are on-site stormwater disposal, on-site wastewater disposal and onsite water bore. As part of the proposed subdivision, these services will be established for proposed Lot 2.	
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	<b>Water</b>	<b>Potable</b>	<p>The applicant is proposing 3 possible methods of water supply.</p> <ul style="list-style-type: none"> <li>a) To install a new water bore on Lot 2. No details are provided with the application in this regard but considering the proximity to Mill Creek this seems likely to be successful.</li> <li>b) Provide the water supply using the existing Lot 1 onsite water bore. This is shown on ORC records as Well F41/0016 but with no volume data provided with the application or on ORC records. Some draw down bore testing should be provided to establish flow rates with the detailed designs to demonstrate sufficient volume. This source would also require a right to take and convey water easements over Lot 1 in favour of Lot 2.</li> <li>c) Take water directly from Mill Stream that runs through the site. The applicant has supplied an email from the Otago Regional Council which stipulates rights to take water for domestic use to the daily volumes required by QLDC. This is located at the head of Mill Creek and I am satisfied it can likely provide the 2.1m<sup>3</sup> day for an additional lot. This would require water to be treated to comply with NZ Drinking water standards as may be affected by stock effluents and other contaminant entering the upstream catchment</li> </ul> <p>I recommend a condition that details of the actual water supply be provided to Council prior to starting and detail exactly what solution is being used to legally and practicably service Lot 2. The water supply needs to be physically constructed as part of the subdivision to ensure adequate supply and quality rather than being a potential supply method.</p>	<b>X</b>
		<b>Fire-fighting</b>	<p>I recommend a condition that a 20,000l tank for fire-fighting purposes is located on proposed Lot 2 and that a compliant fire-fighting water supply is provided to Lot 1, if cannot be shown as existing compliant service.</p>	<b>X</b>
	<b>Effluent Disposal</b>		<p>An onsite Wastewater Disposal &amp; Site Soils Assessment has been supplied by Graeme Heazlewood of Southern Monitoring Services Ltd with onsite disposal located at the portion of site nearest the Coronet Peak Station Road and 50m away from the Mill Creek. SMS propose that the effluent be disposed by way of a secondary treatment on-site effluent disposal system due to the proximity within the Lake Hayes Catchment but maintaining the setback from the Creek. The depth to water table corresponds broadly with the 5m + detailed in the expert liquefaction assessment.</p> <p>I accept the SMS advice and recommend a consent notice alerting future owners of Lot 2 to onsite disposal requirements.</p>	<b>X</b>
	<b>Stormwater</b>		<p>The applicant is proposing to discharge stormwater to ground. I am satisfied this can be addressed through the BC process and make no recommendations.</p>	<b>X</b>

	<b>Power &amp; Telecoms</b>	<p>Separate power and wired telecommunications connections are required to each lot prior to the issue of 224c.</p> <p>A condition of consent has been recommended in this regard for monitoring purposes.</p>	<b>X</b>
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<b>NATURAL HAZARDS</b>	<b>Hazards on or near the site</b>	<p>Council hazard mapping shows potential hazards close to the subject site:</p> <p>Alluvial Fan (Recently active)</p> <p>Liquefaction Risk (Possibly Susceptible, Opus 2002)</p>	
	<b>Hazard assessment by</b>	Geosolve Limited reports x 2	
	<b>Report references</b>	<ol style="list-style-type: none"> <li>1) Geotechnical Assessment, 507 Malaghans Road, Queenstown, 24 Feb 2018. GeoSolve Ref: 180079 and</li> <li>2) Liquefaction Assessment – Supplementary letter 507 Malaghans Road, Queenstown, 31 May 2018. Geosolve ref: 180079</li> </ol>	

	<p><b>Report on Hazards</b></p>	<p>The two reports have both been prepared by Geosolve Ltd to address known natural hazards associated with the site.</p> <p>The following hazards have been addressed:</p> <p><b>Flooding:</b> In the earliest report Geosolve confirm that there is approximately 2.5m freeboard between normal water level and the Lot 2 platform level and provide anecdotal feedback that the creek has not breached it's banks in known history. They confirm satisfaction that finished floor levels can be set as part of future building consent applications with no obvious freeboard requirements identified. I accept their advice and make no recommendations in this regard.</p> <p><b>Liquefaction:</b> In the latter Geosolve report titled GeoSolve, liquefaction assessment – Supplementary Letter for 507 Malaghans Road, Queenstown, GeoSolve Ref: 180079 and dated 31 May 2018. They conclude:</p> <p>It is not considered appropriate at this site to look at the free-field settlement values in isolation and consideration has been made of the crust thickness, surface bearing soils and LSN in assessment of the site's technical category and foundation design.</p> <p>Due to the 5.7 m non-liquefiable crust, LSN values and predicted free field settlements it is considered that this site can be classified as equivalent to a TC2 site in accordance with MBIE guidelines<sup>6</sup> for Canterbury.</p> <p>For concrete floors supporting a structure on this ground profile the following foundation option is recommended:</p> <ul style="list-style-type: none"> <li>• Excavate to remove the upper site soil and then place and compact 800 mm of engineered certified gravel fill below the underside of foundation slab level;</li> <li>• The 800 mm (minimum) thick raft of certified gravel fill, should be placed in four 200 mm thick layers. The fill raft should extend a minimum of 1 m beyond the building foundation footprint. A geotextile filter cloth layer should be placed at the base of the excavation on top of the natural alluvial deposit. A geogrid should also be incorporated within the gravel raft. A fill specification and/or compaction methodology can be provided by Geosolve upon request.</li> </ul> <p>If the above works are carried out then a raft foundation designed to meet TC1 requirements can then be constructed on top of the 800 mm gravel layer.</p> <p>Following placement of the 800 mm granular certified fill the soil will provide 300 kPa ultimate geotechnical bearing capacity (100 kPa allowable bearing capacity).</p> <p>I accept that liquefaction can be mitigated through foundation designs and recommend a consent notice to alert future owners that Specific Engineering Design is required for the Lot 2 dwelling in compliance with the expert report.</p> <p><b>Seismic:</b> The Geosolve report states the following; <i>"A risk of seismic activity has been identified for this region and appropriate allowance should be made for seismic loading during any design of proposed buildings and foundations."</i></p> <p>I accept the geotechnical report from Geosolve and recommend conditions in line with the report accordingly.</p>	<p>X</p>
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<b>TITLES</b>	<b>Consent Notices</b>	<p>I recommend consent notice conditions on the title of lot 2 for the following:</p> <ul style="list-style-type: none"> <li>• Construction within building platform</li> <li>• On site wastewater treatment and disposal requirements.</li> <li>• Provision of fire-fighting static storage and connection for Lots 1 &amp; 2</li> <li>• Installation of water treatment (if required)</li> <li>• SED Foundations (foundation recommendations made by GeoSolve in their report “<i>Liquefaction Assessment – Supplementary Letter, 507 Malaghans Road, Queenstown, GeoSolve Ref: 180079</i>”.</li> </ul>	<b>X</b>
	<b>Easements</b>	A condition is recommended to ensure all necessary easements are granted or reserved.	<b>X</b>
	<b>Building platforms</b>	Digital location on survey plan required. I recommend a condition that the building platform location be supplied to QLDC.	<b>X</b>

## 1.0 **RECOMMENDED SUBDIVISION CONDITIONS**

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

### **General**

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 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. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with **Condition (1)**, to detail the following requirements:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water each to Lot 1 and to the building platform on Lot 2 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 vehicle access to the building platform on Lot 2 from Malaghans Road. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width and provision shall be made for the disposal of stormwater runoff. The access may be unsealed surface finish within the Lot 2 boundaries and the gate provided at this access location, if any gate, shall be set back at least 6m from the frontage boundary.
  - c) The provision of a chip sealed vehicle crossing to each Lots 1 and 2 from Malaghans Road to be in terms of Diagram 2, Appendix 7 of the District Plan. The chip sealed crossing shall

extend from the edge of the sealed frontage road to the respective lot boundaries and shall each 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. These crossing points each service the primary access to/from the respective lots.

3. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.

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

4. 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. Dependent upon the final water supply solution to Lot 2 this shall include the right to take and convey water over/from Lot 1 in favour of Lot 2.

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

5. 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 Lot 2 building platform as shown on the Site 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 (2)** above.
  - d) The Lot 1 existing crossing point (secondary lot access) in the southwest lot corner is not presently afforded with compliant 170m sight distances towards the southwest Malaghans Road traffic due to onsite obstruction from Lot 1 trees/vegetation. The consent holder shall either remove all necessary Lot 1 trees/vegetation to achieve compliant sight distances (as measured 3.5m back from the Coronet View Road slip lane nearest the lot) or the boundary access gate in the southwest lot corner shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this location.
  - e) The Lot 2 existing boundary gate fronting Coronet Peak Station Road shall be removed and replaced with continuous fencing to permanently close and prevent vehicle access at this (secondary) location.
  - f) The consent holder shall submit to the Subdivision Planner at Council Chemical and bacterial tests of the water supply for both Lots 1 & 2 that clearly demonstrate compliance with the Drinking Water Standards for New Zealand 2005 (Revised 2008) noting the lot water supplies may each be separately sourced depending on the detailed engineering solution adopted by the consent holder. The chemical test results shall be no more than 5 years old, and the bacterial test results no more than 3 months old, at the time of submitting the test results. The testing must be carried out by a Ministry of Health recognised laboratory (refer to <http://www.drinkingwater.esr.cri.nz/mohlabs/labmain.asp>).

In the event that the test results required above show the water supply does not conform to the Drinking Water Standards for New Zealand 2005 (Revised 2008) then a suitably qualified and experienced professional shall provide a water treatment report to the Subdivision Planner at Council for review and certification. The water treatment report shall contain full

details of any treatment systems required to achieve potability, in accordance with the Standard. The consent holder shall then complete the following:

- i) The consent holder shall install a treatment system that will treat the subdivision water supply to a potable standard on an ongoing basis, in accordance with Drinking Water Standards for New Zealand 2005 (Revised 2008). The design shall be subject to review and certification by Council prior to installation and shall be implemented prior to the issue of section 224(c) certification for the subdivision.

OR

- ii) A consent notice shall be registered on the relevant Computer Freehold Registers for the serviced lots, subject to the approval of Council. The consent notice shall require that, prior to occupation of the dwelling an individual water treatment system shall be installed in accordance with the findings and recommendations contained within the water treatment report submitted for the RM171332 subdivision consent. The final wording of the consent notice shall be reviewed and approved by Council's solicitors prior to registration.
- g) The consent holder shall provide evidence to the satisfaction of the Subdivision Planner at Council as to how the water supply will be monitored and maintained on an ongoing basis.
  - h) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
  - i) Provide written evidence of an existing electricity connection to the building(s) on Lot 1.
  - j) 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 boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
  - k) Provide written evidence of an existing telecommunications connection to the building on Lot 1.
  - l) The Lot 1 fire fighting supply shall either be demonstrated to comply or shall be upgraded to comply with NZ Fire and Emergency onsite fire fighting requirements. This shall include a minimum of 20,000 litres to be maintained at all times as a static firefighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre firefighting reserve is to be provided for each residential unit 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 existing 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 residential units. In the event that the residential unit provides 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 FENZ 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.

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

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

6. 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 dwellings/buildings on Lot 2 shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX.
- b) Standard NZS 3604 building foundation solutions are not suitable for Lot 2. The owner of Lot 2 shall engage a suitably qualified professional engineer to design the foundations of any dwellings/buildings to be erected on the site. The design shall take into account the 'Liquefaction Assessment – Supplementary Letter for 507 Malaghans Road, Queenstown GeoSolve Ref: 180079' and dated 31 May 2018 as submitted with the RM171332 subdivision consent application and which provides the following site specific foundation recommendations:
  - (i) Either design dwelling foundations to a Technical Category 2 (TC2) site in accordance with MBIE guidelines for Canterbury,
  - Or,
  - (ii) Design a concrete raft foundation supporting the dwelling to meet Technical Category 1 (TC1) in accordance with MBIE guidelines for Canterbury on top of the following 800mm required ground improvement gravel layer:
    - Excavate to remove the upper site soil and then place and compact 800 mm of engineered certified gravel fill below the underside of foundation slab level;
    - The 800 mm (minimum) thick raft of certified gravel fill shall be placed in four 200 mm thick layers. The fill raft shall extend a minimum of 1 m beyond the building foundation footprint. A geotextile filter cloth layer should be placed at the base of the excavation on top of the natural alluvial deposit. A geogrid should also be incorporated within the gravel raft. A fill specification and/or compaction methodology can be provided by Geosolve upon request.
- c) At the time a dwelling is erected on Lot 2, the owner for the time being shall engage a suitably qualified person as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design an effluent disposal system in terms of AS/NZS 1547:2012 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. The design shall take account of the recommendations made in the 'Site and Soils' investigation report by Southern Monitoring Systems, dated 24 January 2018, submitted with the RM171332 subdivision consent application. To maintain high effluent quality such a system will require the following:

- Secondary treatment of effluent as a minimum requirement, with high specification systems for tertiary UV treatment of effluent required where depth to groundwater is less than 1.5m or where surface water bodies or bores are located within 50m of the proposed disposal field.
  - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore, unless prior consent is obtained from the Otago Regional Council.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
  - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
  - Irrigation lines or distribution pipes shall be buried at least 300mm below ground level to protect from freezing unless alternative frost protection is provided.
  - A producer statement shall be provided to Council that confirms that the system has been installed in accordance with the approved design.
- d) At the time that a dwelling is erected on Lot 2, 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).
- e) At the time a dwelling/building is erected on Lot 2, 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. 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 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 FENZ 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.

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

#### **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 QLDC.
2. The consent holder is advised to obtain any necessary consent approvals from the Otago Regional Council for the water supply.

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Prepared by:



**Damian Hyde**  
**ENGINEERING CONSULTANT**

Reviewed by:



**Michael Wardill**  
**REPORTING TEAM LEADER**

**APPENDIX 4 – LANDSCAPE ARCHITECT'S REPORT**



## LANDSCAPE REPORT RM17132

**To:** Hamish Anderson, Consultant Planner, QLDC

**From:** Rachael Annan, Landscape Planner  
Perception Planning Ltd.

**Date:** 9 May 2018

**Subject:** Review of the landscape and visual assessment of a proposed 2 lot subdivision at 507 Malaghans Road

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### 1.0 INTRODUCTION

- 1.1 My name is Rachael Annan. 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 Brett Giddens (Brett Giddens Trust), dated 22 November 2017, and peer reviewed on behalf of the applicant by Tony Milne (Rough and Milne Ltd), dated 6 March 2018.
- 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 a site visit undertaken on 27 March 2018.
  - 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 My report is written in response to updates made by the applicant post lodgement and with reference to the Rough and Milne '**Proposed Subdivision Plan**', dated 6 April 2018. I understand that the relevant landscape and visual aspects of the proposal are as follows:
  - 2.1.1 Subdivision of land into two allotments; Lot 1 with the existing residential dwelling will be 1.28ha while new Lot 2 will be approx. 1ha and with a residential building platform (RBP) of some 550m<sup>2</sup>.
  - 2.1.2 Proposed new vehicle access from Malaghans Road (provided after consent lodgement, QLDC engineer advice, and my site visit discussion with the applicant)
  - 2.1.3 While the application does not include land use consent to build a dwelling, consent is sought to breach a 15m internal boundary setback. The application proposes to setback the RBP 5m from the north boundary.
- 2.2 Landscape and design controls proposed involve:



- 2.2.1 Landscape planting through the proposed lot 2 areas to provide softening and screening of the proposed RBP (from Malaghans Road, and to a lesser extent to views from the north)
- 2.2.2 Proposed earthworks requiring 400m<sup>3</sup> to contour along the Malaghans Road boundary (within the proposed lot 2).
- 2.3 I also note the following design controls put forward by the applicant by email (6 April, 2018):
  - 2.3.1 *'Any dwelling within the 550m<sup>2</sup> residential building platform shall not exceed 350m<sup>2</sup> building coverage.*
  - 2.3.2 *The maximum height for any buildings within the building platform shall be 5.5m above ground level.*
  - 2.3.3 *External materials shall include any or all of the following as predominant materials: schist stone, timber, board and batten, linearboard, or painted plaster. With the exception of naturally occurring material such as stone and unpainted timber, exterior building colours shall have a LRV of ~~no greater than 35%~~ [between 5-35%].*
  - 2.3.4 *Roofing shall have a LRV of ~~no greater than 35%~~ [between 5-35%].*
  - 2.3.5 *Gabled roof pitch between 35 and 45 degrees (I will need to double check this with an architect but pretty sure this is fine for an "alpine" styled building).*
  - 2.3.6 *Landscape plan for proposed Lot 2 shall be implemented in general accordance with the approved plan and shall be completed within two years of obtaining s224 (c) certification or prior to the establishment of a dwelling on the platform, whatever is the earliest.*
  - 2.3.7 *Should any of the structural ~~landscape~~ [planting] shown on the landscape [planting] plan die, it shall be replaced within the following ~~landscape~~ [planting] season.*
  - 2.3.8 *At a time that a dwelling is erected within the platform, all water storage facilities shall be either located underground or appropriately screened from views from Malaghans Road.*
  - 2.3.9 *Any ancillary structures shall be clad and coloured to match the principal dwelling.'*
- 2.4 I generally support these measures, though am cautious about the phrase 'in general accordance with', as that mitigation measures ultimately used on the ground should be at least as effective as measures consented.

### 3.0 SITE AND LANDSCAPE CONTEXT

- 3.1 I have read the description of the landscape by Mr Giddens and Mr Milne and generally concur with their descriptions.

### 4.0 VISUAL CATCHMENT AND VIEWING AUDIENCE

- 4.1 I have read the visual catchment description provided by Mr Giddens and Mr Milne and generally agree with their descriptions.
- 4.2 Near the proposed RBP (to the north and east of the existing stream through the site), the site is more open in character. This contributes to a greater level of visibility into the site for road users on approach from the east along Malaghans Road. From this aspect, road users face approach directly towards the site along a straight length of the road.
- 4.3 Comparatively, on approach from the west along Malaghans Road, after a sweeping curve in the road, views to the site are more contained to near views. Existing vegetation within the site (predominantly to the south and west of the creek and through proposed 'lot 1' of the application site) further filters this view.



- 4.4 Near views from Coronet Peak Station Road currently take in the open aspect of the proposed RBP area. For a short length along Cornet Peak Station Road, an intervening roadside tree row restricts the views to the site from dwellings across the road.
- 4.5 Nearby properties within the surrounding rural residential cluster are typically more vegetated than the proposed 'lot 2' of the application site. While the application notes four properties within this group, I consider that this group could equally be considered to include another 2-3 adjacent properties to the south.
- 4.6 Vegetation outside the application site may contribute to reducing a future dwelling's visibility or visual soften its appearance. However, this vegetation cannot be relied on by the applicant for mitigation as it is outside their control.

## 5.0 RELEVANT PLANNING PROVISIONS

- 5.1 The application site is within the Rural General Zone of the operative Queenstown Lakes District Plan, and subject to a landscape classification overlay, located within a Visual Amenity Landscape (VAL).
- 5.2 The overall activity status of the application is discretionary.
- 5.3 Relevant objectives, policy and assessment matters of the operative district plan include:

### SECTION 4 DISTRICT-WIDE ISSUES

#### 4.2. Landscape and Visual Amenity

##### 4.2.5 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.

#### 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.

#### 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.

#### 9. Structures

To preserve the visual coherence of:



(a) outstanding natural landscapes and features and visual amenity landscapes by:

- encouraging structures which are in harmony with the line and form of the landscape;
- avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;
- encouraging the colour of buildings and structures to complement the dominant colours in the landscape;
- encouraging placement of structures in locations where they are in harmony with the landscape;
- promoting the use of local, natural materials in construction.

(b) visual amenity landscapes

- by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and

(c) All rural landscapes by

- limiting the size of signs, corporate images and logos
- providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.

## **SECTION 5 – RURAL AREAS**

### **5.2 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:

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

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

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

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

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

Policies:

3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.

3.5 Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.

5.4 On balance, I am satisfied that the potential landscape and visual effects of the proposal meets these relevant objectives and policies. Where there is a proposed boundary setback breach to the north, I consider this will be appropriately addressed with relevant recommendations in place (as outlined in the last section of this report).

## **6.0 ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS**

6.1 The Queenstown Lakes Operative District Plan: SECTION 5 RURAL AREA – RULES include the following assessment matters with regards to applications within Visual Amenity Landscape:

- (a) Effects on natural and pastoral character
- (b) Visibility of Development





(c) Form and Density of Development

(d) Cumulative effects of development on the landscape

(e) Rural Amenity

- 6.2 I accept the findings of the application that the site sits within a small cluster of rural residential properties. As I have already noted, the proposed 'lot 2' is more open in character than the remainder of the rural residential enclave. The proposed planting and mounding will assist the lot to better settle into this surrounding pattern, and provide softening and screening of its appearance. I concur that the proposal being in this way contained within an area of similar sized properties, will not result in '*an over domestication of this landscape setting*'.
- 6.3 I agree that the effects of the proposal will be contained to the immediate local landscape (with landscape and built form mitigation measures and subsequent recommendations in place). In combination these measures will provide for a future development appropriate to this setting.
- 6.4 I consider that the concentrated development pattern of the immediate setting affords higher potential to absorb the landscape change of the application. In this way, the application will not reduce the pastoral character of the wider landscape.

## 7.0 CONCLUSIONS / RECOMMENDATIONS

- 7.1 I concur with Mr Milne's statement that all mounding and planting should be carried out prior to building on the Lot 2 RBP. Given the currently open nature of the 'lot 2' area of the site, I would encourage the applicant to undertake planting as soon as practicable, to enable its establishment and greater effectiveness for mitigation and enhancement of a future building.
- 7.2 Mr Milne also notes that
- ... 'there is no need to completely screen future built form, rather the appropriate response would be to filter and soften views of it. In regard to landscape outcome, it is a case of settling future built form into the surrounding landscape without detracting from public or private views.'*
- I consider that effectively addressing this matter involves landscape treatment (in this case proposed planting and mounding) along with sympathetic building design and placement.
- 7.3 Noting that this is a subdivision consent, the proposed built form conditions offer assurance regarding future built development (as set out under paragraph 2.3 of this report).
- 7.4 I recommend that no further subdivision, than this two-lot proposal, is permitted on the application site.
- 7.5 Boundary fencing shall be kept rural in appearance, with post and wire fencing (post and rail at entrances), and/or informal hedging.
- 7.6 I also recommend that future vehicle parking is limited to 4 vehicle spaces (including any garaging) and is to be contained entirely within RBP. This is to help ensure a suitably low key and appropriate level of development within a VAL area adjacent Malaghans Road.
- 7.7 With regards to the RBP reduced internal boundary setback of 5m, I understand that affected persons approval is being sought from the adjacent neighbour to the north. The applicant has provided for a boundary hedge and some tree planting to this area (as illustrated by Rough and Milne '**Proposed Subdivision Plan**', dated 6 April 2018). However, I recommend that this planting is increased by another 3 trees between the RBP and adjacent north boundary.
- 7.8 As a condition of consent, I recommend that Council approval of future development of lot 2 involves assessment against the application mitigation measures and subsequent recommendations (both the recommendations noted here and in Mr Milne's report). This is with regards to both landscape and built form design.
- 7.9 With these measures in place I can provide support I can support findings of application with regards to the landscape and visual effects.

## **APPENDIX 5 – 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.

