

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	BSTGT Limited
RM reference:	RM181310
Application:	Land use consent under s88 of the Resource Management Act 1991 (RMA) to establish an 800m ² residential building platform and to undertake associated earthworks to form access and landscaping; and Application under s221 of the RMA to cancel Consent Notice Instrument 7523286.4 in its entirety.
Location:	Crown Range Road, Crown Terrace
Legal Description:	Lot 1 Deposited Plan 398787 held in Record of Title (RT) 393959
Operative Plan Zoning:	Rural General
Proposed Plan Zoning (Stage 1 Decisions Version):	Deferred
Proposed Plan Zoning (Stage 2 Decisions Version):	Rural and Wakatipu Basin Rural Amenity Zone (Crown Terrace Landscape Character Unit)
Activity Status:	Discretionary
Notification Decision:	Publicly Notified
Delegated Authority:	Alana Standish – Team Leader: Resource Consents
Final Decision:	Granted Subject To Conditions
Date Decision Issued:	22 May 2019

SUMMARY OF DECISIONS

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

1. PROPOSAL AND SITE DESCRIPTION

Section 2 of the Section 42A (S42A) report prepared for Council (attached as Annexure 3) 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 29 November 2018 and no submissions were received.

The applicant has not requested a hearing 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 Ms Alana Standish (Team Leader, Resource Consents) on 9 May 2019.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6 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 subject site is zoned as Rural General within the Operative District Plan (ODP). Resource consent is required for the following reasons:

- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3 [i (b)] for the identification of a building platform of not less than 70m² in area and not greater than 1000m² in area. In this instance, the applicant is proposing to identify a residential building platform with an area of 800m².
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 [a] as the applicant is proposing to breach site standard 22.3.3 [i] which provides that the maximum volume of earthworks on a site within the rural zone over a 12-month period shall be 1000m³. In this instance, the applicant is proposing to undertake 1657m³ of earthworks to form the driveway and to undertake some landscaping. Council's discretion is restricted to this matter.
Note: No earthworks are proposed to take place within the proposed platform, earthworks will take place within the platform at such a time resource consent is sought to construct a residential unit within the platform. The mound is proposed to be constructed once the residential unit has been completed.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 [a] as the applicant is proposing to breach site standard 22.3.3 [ii (a)(iii)] which provides that the maximum height for any fill within the Rural Zone shall not exceed 2 meters. In this instance, the applicant is proposing a maximum fill height of 3.3 metres. Council's discretion is restricted to this matter.

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

PROPOSED DISTRICT PLAN

THE PROPOSED DISCRICT PLAN – STAGE 1 DECISOINS VERSION 2018

The subject site was notified as being within the Rural Zone as part of the Notified Version of Stage 1 of the Proposed District Plan review. However, zoning for the subject site was deferred as part of the Stage 1 Decisions a result of the Wakatipu Basin Land Study.

Overall, no consent is required under Stage 1 of the PDP.

THE PROPOSED DISCRIT PLAN – STAGE 2 DECISIONS VERSION 2019

Stage 2 of the Proposed District Plan was notified on 21 March 2019. The subject site is zoned as Rural and Wakatipu Basin Rural Amenity Zone within Stage 2 Decisions Version of the Proposed District Plan. The location of the proposed platform is within the Wakatipu Basin Rural Amenity Zone. It is noted that as no building is proposed by way of this consent, there are no relevant rules within the Wakatipu Basin Rural Amenity Zone. It is noted that a land use consent will be required under the PDP at such a time a building is proposed. However, as the access to the proposed platform is within the Rural Zone, the proposal requires consent for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for the volume of earthworks. Site standard 25.5.6 provides that the maximum volume of earthworks per site for the Rural Zone shall be 1000m³. In this instance, the total volume of earthworks to form access to the location of the proposed platform is 1657m³. Council's discretion is detailed at Section 25.7.1 of the PDP and listed below:
 - 25.7.1.1 Soil erosion, generation and run-off of sediment.
 - 25.7.1.2 Landscape and visual amenity.
 - 25.7.1.3 Effects on infrastructure, adjacent sites and public roads.
 - 25.7.1.4 Land stability.
 - 25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.
 - 25.7.1.6 Cultural, heritage and archaeological sites.
 - 25.7.1.7 Nuisance effects.
 - 25.7.1.8 Natural Hazards.
 - 25.7.1.9 Functional aspects and positive effects.
- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.15 which provides that the maximum depth of any cut shall not exceed 2.4 metres. In this instance, the maximum cut proposed to form the access to the platform to the platform is 2.8 metres. Council's discretion is detailed at Section 25.7.1 of the PDP and listed above.
- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.16 which provides that the maximum height of any fill shall not exceed 2 metres. In this instance, the maximum cut to form the access to the platform is 3.3 metres. Council's discretion is detailed at Section 25.7.1 of the PDP and listed above.

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

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

As part of the consent application, the applicant has included an assessment prepared by WSP-Opus to determine whether any activities that are registered as being on the Hazardous Substances and Industries List (HAIL) have taken place on the site. This assessment provides that the site has generally been utilised for grazing purposes and the assessment concludes that no HAIL activities have taken place on the site. Otago Regional Council's Senior Environmental Officer, Mr Simon Beardmore, has undertaken a review of the applicant's assessment and concludes that it is more likely than not, there have not been any HAIL activities undertaken on the subject site. Based on these matters, it is considered that the NES does not apply.

4. SUMMARY OF EVIDENCE HEARD

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

5. PRINCIPAL ISSUES IN CONTENTION

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

- Whether the location of the RBP is within an Outstanding Natural Landscape (ONL) or Visual Amenity Landscape (VAL).
- Potential adverse effects arising from cumulative development.
- Whether proposed design controls would respond appropriately to the surrounding landscape.
- Whether the proposal was exceptional and therefore appropriate within a landscape assessed as being an ONL within the Operative District Plan.

The findings relating to these principal issues of contention are outlined in Sections 8.1 and 8.22 of the attached Section 42A report.

6. ASSESSMENT

6.1 ACTUAL AND POTENTIAL EFFECTS (S104(1)(A))

Actual and potential effects on the environment have been addressed in Section 8.2.2 of the s42A report prepared for Council and provides a full assessment of the application. The actual and potential effects are in relation to landscape, infrastructure servicing, earthworks, natural hazards, access and traffic generation and the cancellation of consent notice instrument 7503286.4. Where relevant conditions of consent can be imposed under Sections 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A consent notice instrument is able to be cancelled in accordance with Section 221(3) of the RMA.

A summary of conclusions of that report are outlined below:

“Relying on expert assessments provided for as part of the application and with the imposition of additional mitigation measures in the form of conditions relating to earthworks, landscaping, mounding and the design of any future building located within the proposed platform, the proposal will not detract from the landscape or result in a level of domestication that is considered to have adverse or inappropriate cumulative effects on the environment.

I consider that the proposal is appropriate and while this proposal will result in the establishment of an additional residential building platform within the landscape, this platform does not represent the ‘tipping’ point for development within this area.

Overall I consider that the environment can absorb the proposed development without resulting in unacceptable adverse effects.”

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

As outlined in detail in Sections 8.3.1 and 8.3.2 of the s42A report, overall the proposed development is considered to be in accordance with the relevant policies and objectives of the Operative and Proposed District Plans.

6.3 OTHER s104 MATTERS

Other matters relevant to consider under s104 for this proposal are:

- The Otago Regional Policy Statement (ORPS), and
- Precedent

These matters are considered under section 8.4 and 8.5 of the s42a report. Overall, the proposal is considered in accordance with the ORSP, and will not create a precedent for unwarranted development on an Outstanding Natural Feature or Significant Natural Area.

6.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9 of the s42A report.

7. DECISION ONE 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 *Annexure 1* of this decision imposed pursuant to Section 108 and 220 of the RMA.

8. DECISION ONE ON LAND USE AND SUBDIVISION CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA, consent is **granted** to cancel consent notice instrument 75232286.4 in its entirety subject to the conditions states to **Annexure 2** of this decision.

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.

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 Annexure 1 and 2. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

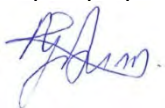
This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

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

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

If you have any enquiries please contact Alex Dunn on phone (03) 443 0126 or email alex.dunn@qldc.govt.nz.

Report prepared by



Alex Dunn
SENIOR PLANNER

Decision made by



Alana Standish
TEAM LEADER, RESOURCE CONSENTS

ANNEXURE 1 – Consent Conditions
ANNEXURE 2 – Cancellation of Consent Notice Conditions
ANNEXURE 3 – Section 42A Report

Date 23 May 2019

ANNEXURE 1 – CONSENT CONDITIONS

General Conditions

1. That the development shall be undertaken/carried out in accordance with the plans:
 - 'Site Plan', prepared by Construkt. SK 00. Dated 5/09/18.
 - 'Land Sections', prepared by Construkt. SK 00. Dated 5/09/18.
 - 'Proposed Building Platform', prepared by Construction Survey. Drawing and Issue No. 1873.BP. s01. Rev A. Date 31-Jan-19.
 - 'Appendix 1 – Structural Landscape Plan', prepared by Vivian + espie. Ref: 1304/001. Dated 30.08.18.

stamped as approved on 22 May 2019.

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. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management.

General

4. All engineering works, including the construction of any retaining walls, 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

5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

7. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve Ltd report (GeoSolve ref JN 180707, dated November 2018 and held on file at Council) and who shall supervise the excavation and filling procedure and retaining wall construction, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
8. Prior commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application for 'Engineering Review and Acceptance' shall include all development items listed below unless a 'partial' review and acceptance approach has been approved in writing by the Manager of Resource Management Engineering at Council so as to enable parts of the works to proceed, if acceptance is issued for those parts of the works, while some of the information listed below is yet to be provided/issued. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The Council shall notify the consent holder prior to commissioning a peer review, including the likely cost of the review. The 'Engineering Review and Acceptance' application(s) 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 (4), to detail the following requirements:
 - a) The provision of a water supply to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of an access way to the building platform that is in general accordance with the plans submitted with the application and complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access way design shall include the following:
 - (i) The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width.
 - (ii) Provision shall be made for stormwater disposal from the carriageway.
 - (iii) Passing bays shall be provided on the steep, curved section of the access to avoid possible vehicle conflicts.
 - (iv) Provision shall be made for an 8m rigid truck to gain access to the building platform.
 - (v) The access way 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.
 - (vi) The cut and fill batter slopes shall be amended to comply with the recommendations in the GeoSolve report (GeoSolve ref JN 180707, dated November 2018 and held on file at Council).
 - (vii) In the event that any retaining structure(s) are proposed for the access way, producer statement(s) in the form of IPENZ PS1 for design shall be provided for the retaining structure(s).
 - c) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be monitored throughout earthworks

9. The earthworks, batter slopes and retaining shall be undertaken in accordance with the recommendations of the report by GeoSolve Ltd (GeoSolve ref JN 180707, dated November 2018 and held on file at Council).
10. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

New Building Platform to be registered

12. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per the plan entitled '*Proposed Building Platform*', Drawing & Issue No. 1873.BP.s01. Rev A, Dated 31 Jan 19' and stamped as an approved plan under condition one of this consent). The area of the building platform shall not exceed 800m². The consent holder shall register this "Land Transfer Covenant Plan" on Register of Title Identifier 393959 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Register of Title

13. Prior to the building platform being registered on the Register of Title, 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 development to the Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water reticulation.
 - b) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering 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 works detailed in Condition (8) above.
 - d) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - e) The consent holder shall remedy any damage to all existing road and/or right of way surfaces and berms that result from work carried out for this consent.
 - f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
 - g) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

- h) All earthworks, geotechnical investigations, engineered fill slopes, and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering the building platform location and the newly-constructed access way. The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against the lot, the Schedule 2A shall include a geotechnical summary table identifying requirements against the lot for reference by future lot owners. The certificate and any supporting information shall be submitted to the Manager of Resource Management Engineering at Council.
- i) The submission of Completion Certificates from both the Contractor and Approved Engineer for all engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- j) In the event that any retaining structure(s) were constructed for the access way, producer statement(s) in the form of IPENZ PS4 for construction shall be provided for the retaining structure(s).
- k) An amended landscape structure plan shall be submitted for certification by the Council's appointed Landscape Architect to include the following:
 - i. an extension to the mound to show the mound encompassing the curtilage area to the south. The mound shall be at least one metre in height from current original ground level and be designed in such a way that species that are detailed on the landscape structure plan are able to be planted and become established. Full details of this mound shall be provided to Council including cross sections; and
 - ii. to include full planting of the 'horse-shoe' of the accessway to ensure there are no 'pockets' of vegetation (i.e. a continuous line of vegetation is required – where new planting will merge with existing matagouri.).
Note: No other changes to the landscape structure plan ('Structural Landscape Plan', prepared by Vivian + espie, reference 1304/001, dated 30.05.18) and held on file at Council is permitted.
- j. All structural landscaping as denoted on the amended structural landscaping plan shall be completed prior to the registration with the exception of the mound and mound planting. All planting must be contained within the subject site.

Ongoing Conditions/Covenants

- 14. At the time that the building platform is registered on the Register of Title for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:

Engineering

- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX

- b) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Tonkin & Taylor, dated 24 March 2009. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
- c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005 (revised 2008), by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 (revised 2008) are met or exceeded.
- d) Prior to the occupation of any residential unit on the lot, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or alternative). 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 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 residential units. In the event that the proposed residential units 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 that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per 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 subdivision consent). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

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

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

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 are approximately 10km 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 recommended that a home sprinkler system be installed in the new residential unit.

- e) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (13h) contains limitations or remedial works required, then a s108 covenant shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).

Landscape

- f) The maximum height of buildings within this platform is restricted to 2.5 metres above original ground level. At any location within the platform the maximum height shall not exceed 628 RL.
- g) All cladding materials must be recessive in tone and selected from the following:
- Timber;
 - Local schist either natural or bagged and painted;
 - Textured concrete with low reflectivity;
 - Rammed earth;
 - Self-rusting steel.
- h) Roof materials must be recessive in tone and selected from the following:
- Natural timber, timber shales or timber shingles;
 - Natural dark grey slate tiles;
 - Oxidised zinc or galvanised iron finished in a dark recessive colour with a light reflectivity value between 7% and 20%;
 - Living green roof systems;
 - Membrane roofing systems for flat roofs in dark grey to black tones.
- i) All exterior colours or stain finishes must be either or combinations of recessive greys, greens and browns through to black tones. Timber is permitted in its natural state or may be coated with a clear protective sealant or stained natural tone.
- j) All glazing must not exceed more than 50% on the west elevation, be recessed to prevent sunlight reflecting off windows and in addition no mirror tinting is permitted.
- k) If not placed underground water tanks must be integrated into part of the building or landscape design to achieve screening from locations external to the site.

Note: In addition to this, if not buried, all water tanks must be located within the curtilage area

- l) Clothes lines or other structures used for drying laundry, rubbish bins and collection areas, and television, radio antennae and/or satellite dishes must be concealed when viewed from off-site locations and included within the curtilage area as identified on the plans approved by condition one (1) of RM181310.
- m) Within 12 months after the construction of any residential unit, the mound as denoted on the amended landscape plan required by condition 13 (k) (ref: XX) of RM181310 and held on file at Council shall be fully implemented. The mound and its associated planting shall be maintained in perpetuity.
- n) All planting as denoted on the structural landscaping plan shall be maintained in perpetuity. Should any plant become diseased or died, it shall be replaced within the next available planting season.

Advice Notes:

1. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181310

Wednesday, 22 May 2019

PREVIOUSLY CONSENTED BUILDING PLATFORM
(RM090297) AREA - 800m²

PROPOSED BUILDING PLATFORM
AREA - 800m²

PROPOSED BUILDING PLATFORM plus CURTILAGE
AREA - 1,242m²









End of proposed driveway

Proposed Mound

Proposed Driveway

Existing Driveway

LEGEND

	Cut
	Fill
	Mound
	Proposed Building Platform
	Previously consented Building Platform
	Proposed Curtilage plus Building Platform
	Existing Driveway
	Proposed Driveway

NOTES

Batter to be topsoiled and planted where gradient allows

EARTHWORK VOLUME

1. Earth Work volume to achieve Building Platform plus Curtilage

Cut	3,688m ³
Total	3,688m³

2. Earth Work Volume to achieve Driveway

Cut	1,068m ³
Fill	498m ³
Total	570m³

3. Earth Work Volume to achieve Mound

Cut	45m ³
Fill	46m ³
Total	-1m³

Total Earth Work Volume 4257³

Note: No earthworks within the identified platform are proposed way of this consent

CH 00

CH 10

CH 20

CH 30

CH 160

CH 40

CH 50

CH 60

CH 70

CH 170

CH 80

CH 90

CH 100

CH 110

CH 180

CH 120




CH 130

CH 140

CH 150

CH 185

LEGEND

	Fill
	Existing Ground Line
	Proposed Ground Line

NOTES

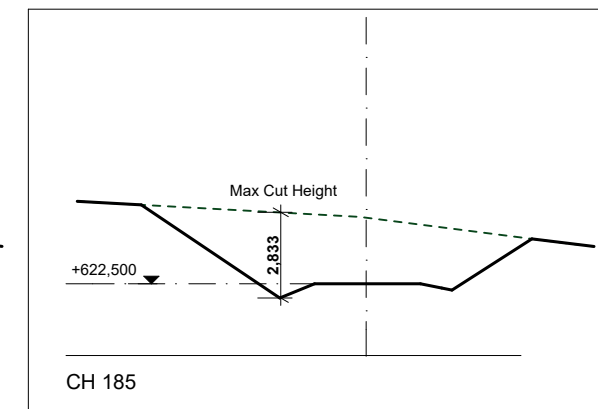
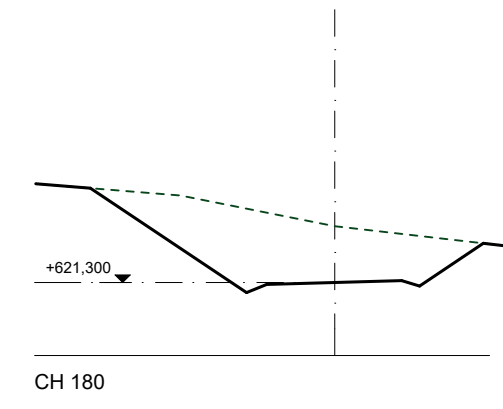
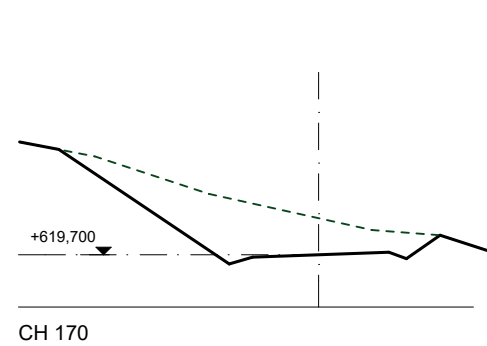
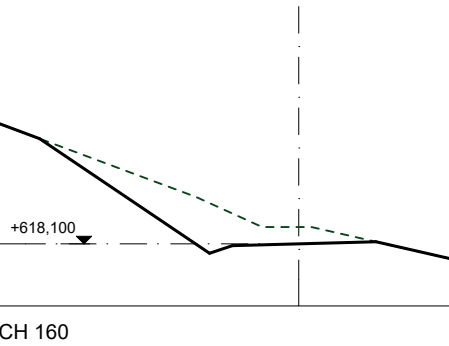
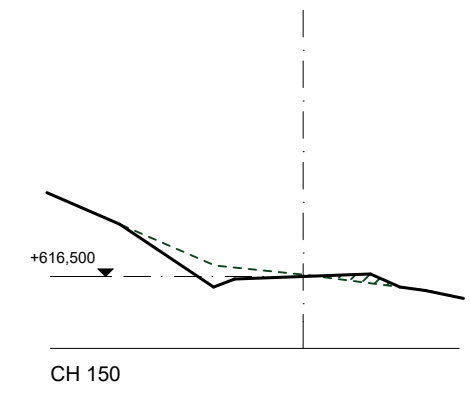
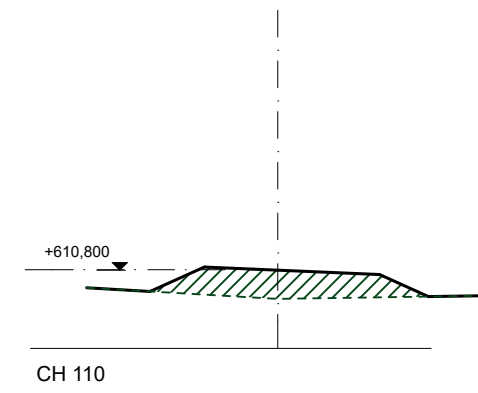
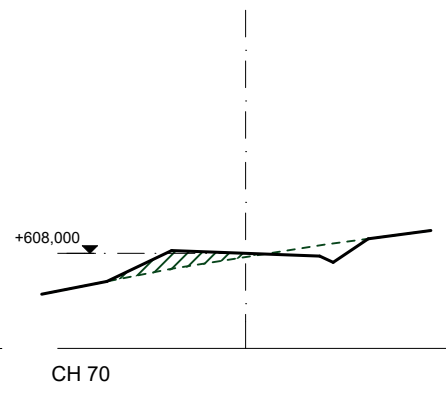
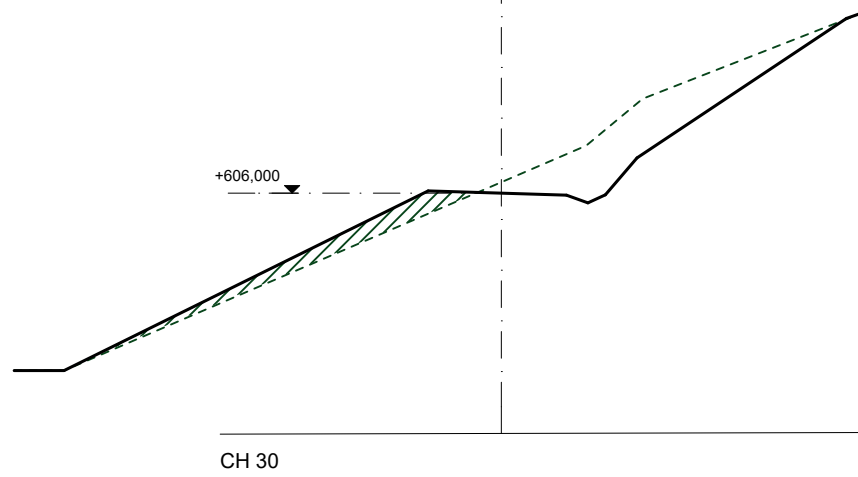
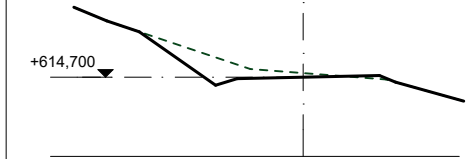
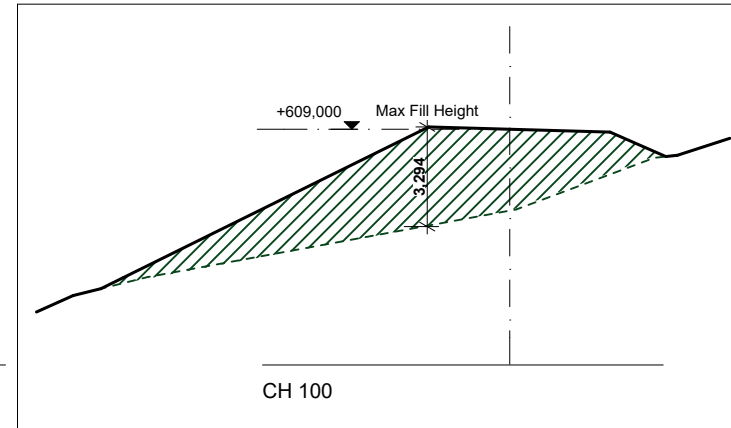
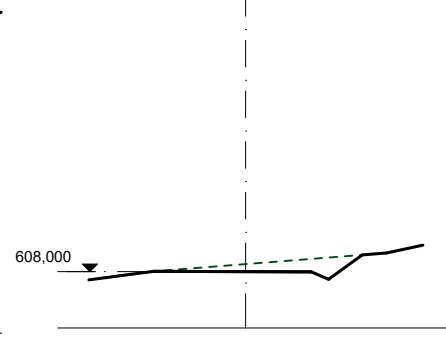
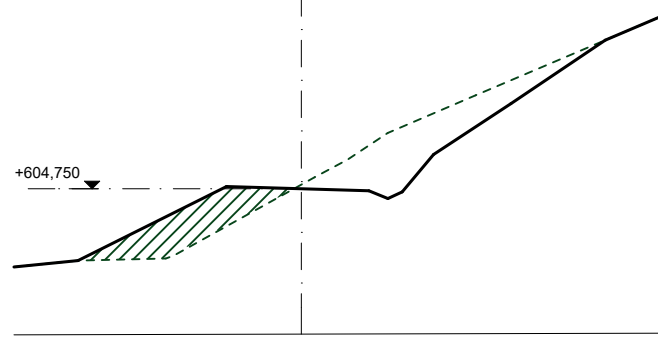
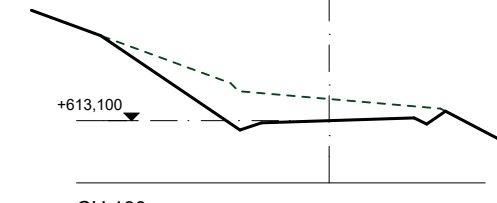
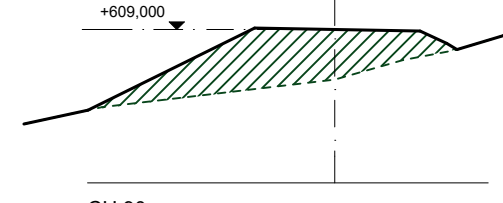
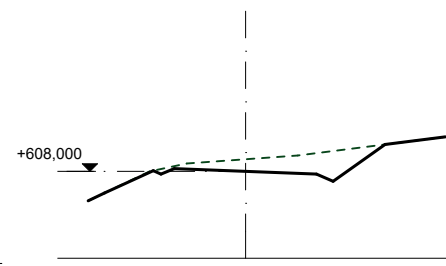
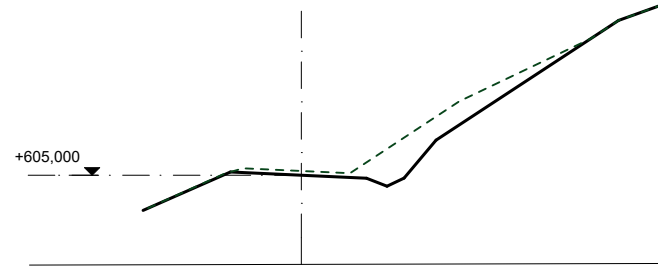
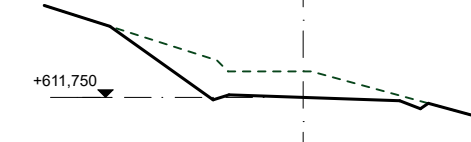
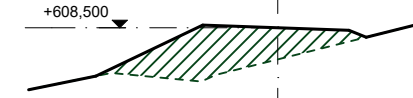
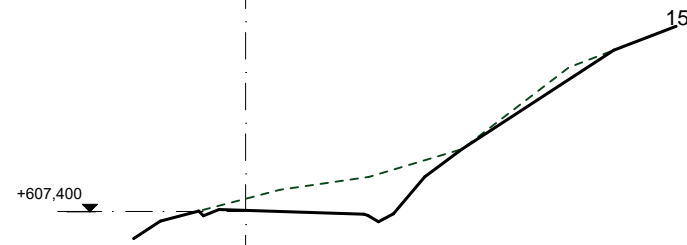
1. Height of cut and fill along driveway varies over length - refer sections for levels and heights

Maximum cut depth occurs at section CH 185

Maximum Cut **2.8m**

Maximum fill depth occurs at section CH 100

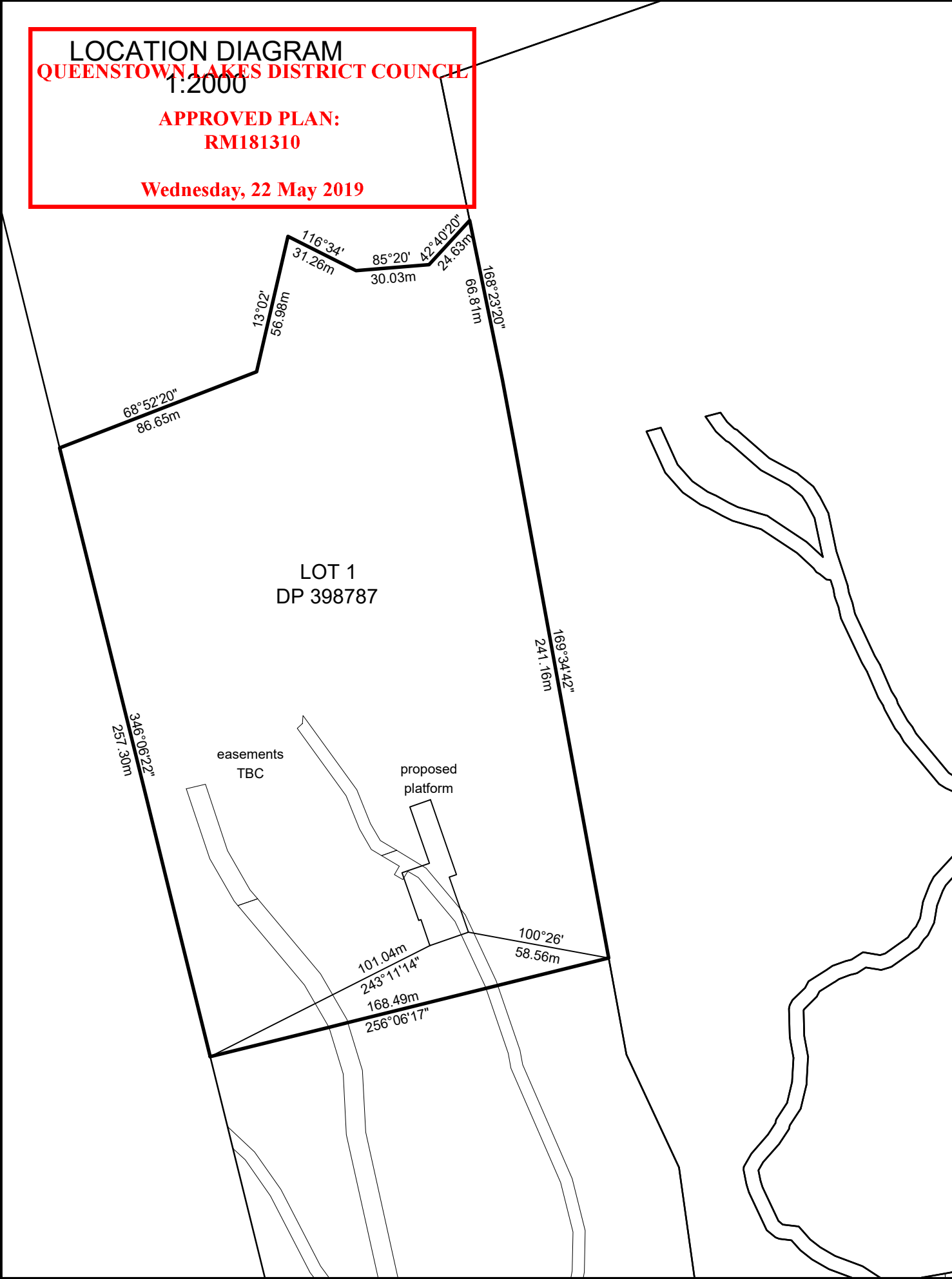
Maximum Fill **3.30m**



LOCATION DIAGRAM
QUEENSTOWN LAKES DISTRICT COUNCIL
1:2000

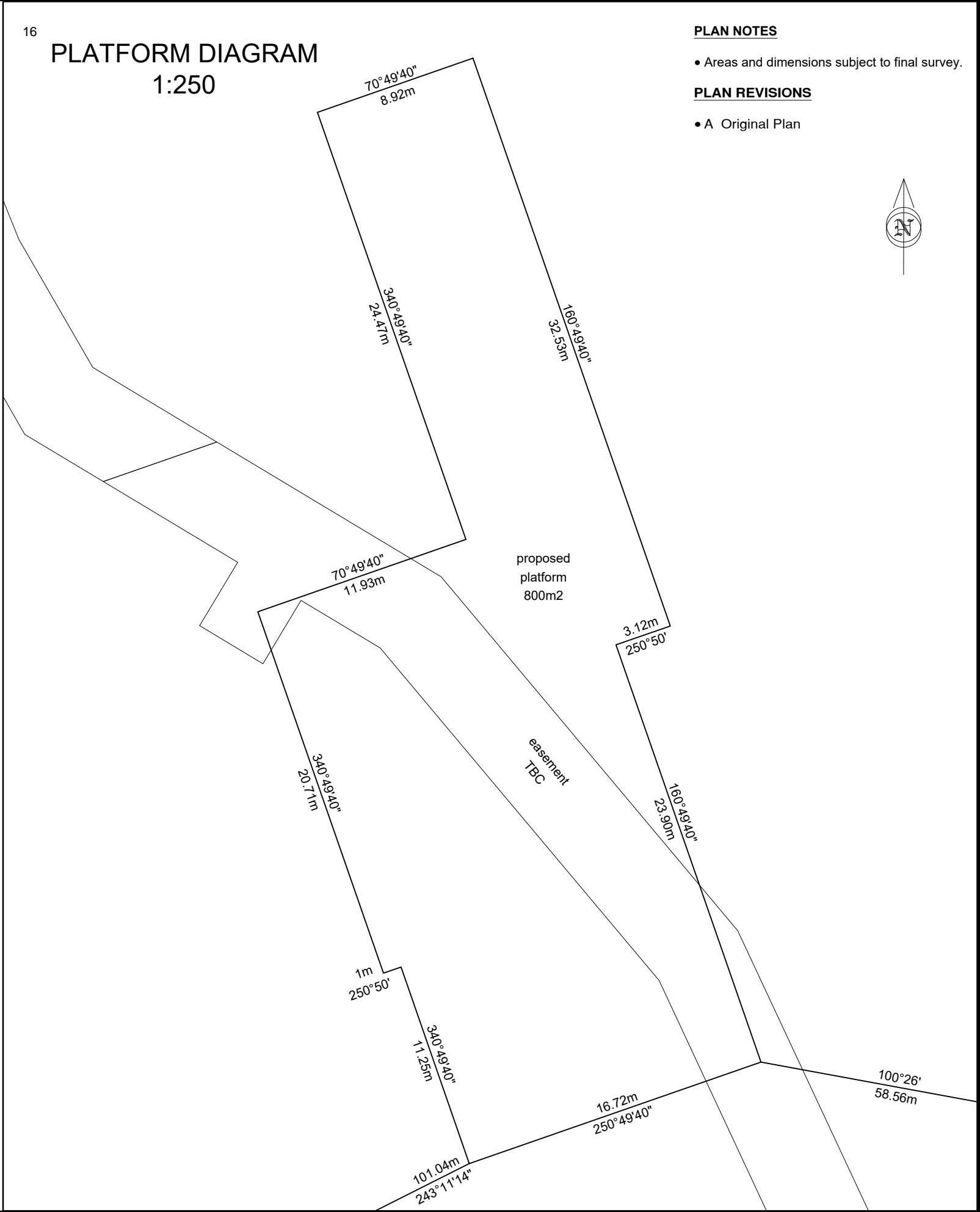
APPROVED PLAN:
RM181310

Wednesday, 22 May 2019



16

PLATFORM DIAGRAM
1:250



- PLAN NOTES
- Areas and dimensions subject to final survey.
- PLAN REVISIONS
- A Original Plan





Planting Schedule

Proposed Driveway Planting

Species	% Mix	Spacing(m)	Size(L)
Carmichaelia petriei	10%	2.5	2.5
Coprosma parviflora	15%	2.5	2.5
Coprosma propinqua	20%	2.5	2.5
Corokia cotoneaster	15%	2.5	2.5
Hebe cupressoides	5%	2.5	2.5
Muehlenbrekia complexa	5%	1	2.5
Olearia lineata	15%	2.5	2.5
Olearia odorata	15%	2.5	2.5

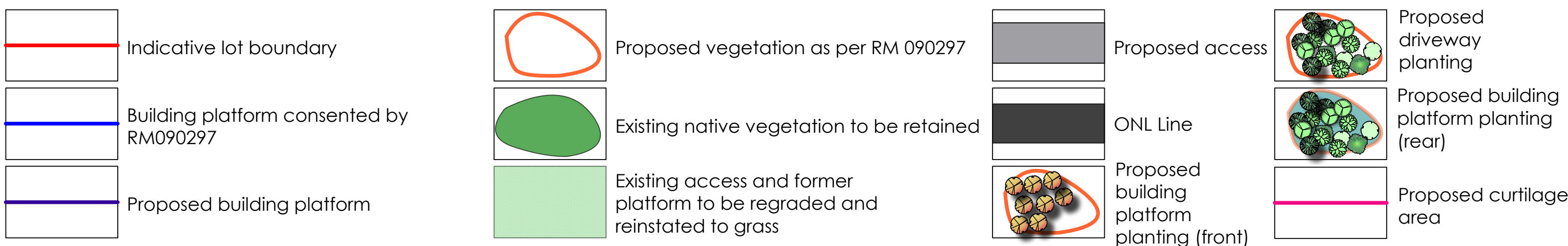
Proposed Building Platform Planting (front)

Poa Cita	100%	1.5	2.5
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Proposed Building Platform Planting (rear)

Carmichaelia pertriei	10%	2.5	2.5
Coprosma parviflora	10%	2.5	2.5
Coprosma propinqua	15%	2.5	2.5
Corokia cotoneaster	10%	2.5	2.5
Hebe cupressoides	5%	2.5	2.5
Leptospermum scoparium	15%	2.5	2.5
Muehlenbrekia complexa	5%	2.5	2.5
Olearia lineata	10%	2.5	2.5
Olearia odorata	10%	2.5	2.5
Pittosporum tenuifolium	10%	2.5	2.5

Key



ANNEXURE 2 – CANCELLATION OF CONSENT NOTICE CONDITIONS

1. Consent Notice Instrument 75232286.4 is cancelled in its entirety.
2. At the time the land use consent authorised by RM181310 is given effect to (i.e. at the time the building platform and associated Covenants are registered on the Record of Title), the consent holder shall cancel Consent Notice Instrument. All costs shall be borne by the consent holder, including any fees by Council Solicitors.

ANNEXURE 3 – SECTION 42A REPORT

FILE REF: RM181310

TO Independent Commissioners

FROM Alex Dunn, Senior Planner

SUBJECT Report on a publicly notified consent application.

SUMMARY

Applicant: BSTGT Limited

Location: Crown Range Road, Crown Terrace

Legal Description: Lot 1 Deposited Plan 398787 held in Record of Title (RT) 393959

Proposal: Land use consent under s88 of the Resource Management Act 1991 (RMA) to establish an 800m² residential building platform and to undertake associated earthworks to form access and landscaping.

Application under s221 of the RMA to cancel Consent Notice Instrument 7523286.4 in its entirety.

Operative Plan Zoning: Rural General

Proposed Plan Zoning (Stage 1 Decisions): Deferred

Proposed Plan Zoning (Stage 2 Decisions Version): Rural and Wakatipu Basin Rural Amenity Zone (Crown Terrace Landscape Character Unit)

Public Notification Date: 29 November 2018

Closing Date for Submissions: 18 January 2019

Submissions: None

RECOMMENDATION

(ii) That subject to new or additional evidence being presented at the Hearing (if necessary), the application be GRANTED pursuant to Sections 104 and 221(3) 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 acceptable for the following reasons:
 - The location of the proposed residential building platform is within an area that is able to absorb a future building within the Crown Terrace Escarpment;
 - Design controls, including maximum height and restrictive use of colours and materials will ensure that a future building is able to be recessed into the topography of the site;
 - A future building within the platform, subject to the abovementioned controls, will not breach any ridge line or hill line. The distance from any public place will make any future building reasonably difficult to see from any public place;
 - The platform can be serviced and the risks arising from any natural hazards are considered to be low.
 - The existing Consent Notice Instrument on the Record of Title is redundant and relates to separate allotments that either no longer exist or are held in separate Titles.
2. The proposal is consistent with the relevant objectives and policies of both the Operative and Proposed District Plans for the following reasons:
 - The location of the platform will not result in adverse effects on the character and amenity values of the vicinity which cannot be appropriately avoided, remedied or mitigated;
 - The establishment of the platform does not represent a threshold for cumulative development (including consented but not yet implemented development) within the surrounding area.
 - The mitigation measures, including additional vegetation and mounding, are considered to be appropriate.
3. The proposal promotes the overall purpose of the RMA.

1. INTRODUCTION

My name is Alex Dunn. I am a Senior Resource Consents Planner with Queenstown Lakes District Council. I have been employed as a Planner at Queenstown Lakes District Council for two years. I hold the qualifications of a Bachelor of Environmental Management and Planning from Lincoln University. I am an associate member of the New Zealand Planning Institute, which brings with it obligations with regard to continuing professional development.

Prior to employment at Queenstown Lakes District Council, I was employed as a Resource Consents Planner at Westland District Council from November 2014 until July 2016.

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.

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

2. PROPOSAL AND SITE DESCRIPTION

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

I refer the Commission to the report entitled, '*Assessment of Effects on the Environment, Lot 1 – Barley Station, For BSTGT Limited*', prepared by James Aoake of John Edmonds and Associates, attached as Appendix 1, and hereon referred to as the applicant's AEE.

The applicant has provided a detailed description of the proposal, the site and locality and site history in sections 1 – 3 of the applicant's AEE. This description is considered accurate and is adopted for the purpose of this report with the following comments:

- The earthworks plans submitted within the application indicate that earthworks will also take place to level out the platform as part of this application. However, no earthworks are proposed to take place within the platform as part of this consent, this includes the mound which is proposed to be formed once a residential unit within the platform has been constructed. , Earthworks are instead proposed to be undertaken at such a time a further resource consent is lodged to establish a residential unit within the proposed platform. It is noted that a further land use consent will be required under the Proposed District Plan for the establishment of a residential unit.
- Earthwork volume calculations on the plans submitted subtract fill from cut. This is not correct as the District Plan provides that volume includes earthworks moved around within in a site (i.e. cut from one area and placed as fill on another area). For the purpose of this report, the entire volume of earthworks have been triggered within the earthworks rules below. This has no bearing on the application.
- During the writing of this s42a report, decisions on Stage 2 of the Proposed District Plan review were notified (on March 21 2019).

3. SUBMISSIONS

3.1 SUBMISSIONS

No submissions have been received for this application.

4. CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on these parties have been disregarded.

Person (owner/occupier)	Address (location in respect of subject site)
Andy McQuilkin, Nicola McQuilkin, Samuel McQuilkin, Kate Skeggs and Graeme Todd	Owners of Lot 1 DP 26283 and Lot 1 DP 482448 (117 and 141 Glencoe Road)

The location of sites where persons have provided approval from in relation to the subject site is shown in Figure 1 below:



Figure 1: Subject site (outlined in blue) and location of where approvals have been received (shaded in red).

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

THE OPERATIVE DISTRICT PLAN (ODP)

The subject site is zoned as Rural General within the Operative District Plan (ODP).

The ODP purpose of the Rural Zone is to manage activities so they can be carried out in a way that:

- Protects and enhances nature conservation 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;
- Protects the ongoing operations of Wanaka Airport;
- Protects the ongoing operation of Queenstown Airport.

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of the 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), 5 (Rural Areas) and 22 (Earthworks).

Resource consent is required for the following reasons:

- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3 [i (b)] for the identification of a building platform of not less than 70m² in area and not greater than 1000m² in area. In this instance, the applicant is proposing to identify a residential building platform with an area of 800m².
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 [a] as the applicant is proposing to breach site standard 22.3.3 [i] which provides that the maximum volume of earthworks on a site within the rural zone over a 12-month period shall be 1000m³. In this instance, the applicant is proposing to undertake 1657m³ of earthworks to form the driveway and to undertake some landscaping. Council's discretion is restricted to this matter.

Note: No earthworks are proposed to take place within the proposed platform, earthworks will take place within the platform at such a time resource consent is sought to construct a residential unit within the platform. The mound is proposed to be constructed once the residential unit has been completed.

- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 [a] as the applicant is proposing to breach site standard 22.3.3 [ii (a)(iii)] which provides that the maximum height for any fill within the Rural Zone shall not exceed 2 meters. In this instance, the applicant is proposing a maximum fill height of 3.3 metres. Council's discretion is restricted to this matter.

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

THE PROPOSED DISCRICT PLAN – STAGE 1 DECISOINS VERSION 2018

The subject site was notified as being within the Rural Zone as part of the Notified Version of Stage 1 of the Proposed District Plan review. However, zoning for the subject site was deferred as part of the Stage 1 Decisions as a result of the Wakatipu Basin Land Study.

Overall, no consent is required under Stage 1 of the PDP.

THE PROPOSED DISCRICT PLAN – STAGE 2 DECISIONS VERSION 2019

Decisions on Stage 2 of the Proposed District Plan were notified on 21 March 2019. The subject site is zoned as Rural and Wakatipu Basin Rural Amenity Zone within Stage 2 Decisions Version of the Proposed District Plan. The location of the proposed platform is within the Wakatipu Basin Rural Amenity Zone where platforms can only be created through subdivision. It is noted that as no building is proposed by way of this consent, there are no relevant rules within the Wakatipu Basin Rural Amenity Zone. It is noted that a land use consent will be required under the PDP at such a time a building is proposed. However, as the access to the proposed platform is within the Rural Zone, the proposal requires consent for the following reasons as the rules a legal effect pursuant to s86B:

- A **restricted discretionary** activity resource consent pursuant to Rule 25.4.2 for the volume of earthworks. Site standard 25.5.6 provides that the maximum volume of earthworks per site for the Rural Zone shall be 1000m³. In this instance, the total volume of earthworks to form access to the location of the proposed platform is 1657m³. Council's discretion is detailed at Section 25.7.1 of the PDP and listed below:

25.7.1.1 Soil erosion, generation and run-off of sediment.

25.7.1.2 Landscape and visual amenity.

25.7.1.3 Effects on infrastructure, adjacent sites and public roads.

25.7.1.4 Land stability.

25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.

25.7.1.6 Cultural, heritage and archaeological sites.

25.7.1.7 Nuisance effects.

25.7.1.8 Natural Hazards.

25.7.1.9 Functional aspects and positive effects.

- A **restricted discretionary** activity resource consent pursuant to Rule 25.5.17.3 for earthworks associated with access ways in the Rural Zone which provides that the maximum height of any fill shall not exceed 2 metres. In this instance, the maximum fill to form access to the platform is 3.3 metres. Council's discretion is detailed at Section 25.7.1 of the PDP and listed above.

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

5.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

As part of the consent application, the applicant has included an assessment prepared by WSP-Opus to determine whether any activities that are registered as being on the Hazardous Substances and Industries List (HAIL) have taken place on the site. This assessment provides that the site has generally been utilised for grazing purposes and the assessment concludes that no HAIL activities have taken place on the site. Otago Regional Council's Senior Environmental Officer, Mr Simon Beardmore, has undertaken a review of the applicant's assessment and concludes that it is more likely than not, there have not been any HAIL activities undertaken on the subject site. Based on these matters, it is considered that the NES does not apply.

5.3 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reason:

- A **discretionary** activity consent pursuant to 87B in accordance with Section 221 of the RMA which specifies a change to/cancellation of a consent notice shall be processed in accordance with Sections 88 to 121 and 127(4) to 132. In this instance, the applicant is proposing to cancel Consent Notice Instrument 7523286.4 in its entirety.

5.4 OVERALL ACTIVITY STATUS

The application was formally received and submissions closed before 21 March 2019. Pursuant to s88A(1A) the application shall continue to be processed, considered, and decided as an application for the type of activity that it was, at the time the application was first lodged; as such, the application is considered as a **discretionary** activity under the ODP and the RMA.

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.*

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.

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

7. INTERNAL REPORTS

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

- Mr Cameron Jones, Resource Management Engineer for Council (Appendix 2 to this recommendation).
- Ms Kris MacPherson, Consultant Landscape Architect for Council (report attached as Appendix 4 and addendum as Appendix 5 to this recommendation)

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 (but not restricted by them)
- (iii) Objectives and Policies Assessment
- (iv) Other Matters (precedent, other statutory documents)

8.1 LANDSCAPE CLASSIFICATION

The majority of the subject site is zoned as an Outstanding Natural Landscape – Wakatipu Basin (ONL-WB) and borders on a Visual Amenity Landscape (VAL). The applicant has provided a landscape and visual assessment prepared by Kathryn Ward of Vivian + Espie. Ms Ward, at paragraph 16 of her report, states that:

“The site has a long consent history, which is described in Dr Stephen’s landscape and visual effects assessment report attached as Appendix 5 to this report. I will not repeat the history here (and instead defer to Dr Stephen’s report), however I note that aspects of Court Decision C08/2004 (which concerned an application for resource consent to establish a dwelling on the subject site in another location on the site, approximately 100 metres to the north and approximately 25 metres lower in elevation than RM0900297 and the current proposal) are relevant to this application.”

In reliance on the above and as noted within the applicant's AEE, Ms Ward has prepared a visual assessment based on the ONL assessment matters. The approach to assess the proposal against the ONL provisions is clearly stated within the applicant's AEE:

"The proposed building platform is considered to be located outside of the Wakatipu Basin ONL, however for the purposes of this assessment, the proposal has been assessed under both the Rural Zone and ONL provisions."

Ms MacPherson, on behalf of Council, undertook a peer review of this work noting that Ms Ward had applied the ONL assessment matters. On the day submissions closed (18 January 2019), an email was received from the applicant's agent which raised concern with the review Ms MacPherson carried out. The primary concern raised by the agent was the fact that Ms MacPherson refers to the site as an ONL throughout her report, and utilises ONL assessment matters. The applicant stated that:

"While we consider that proposal achieves the ONL assessment matters it is the VAL assessment matters contained in the Operative District Plan (ODP) under which the application must be assessed, not the ONL matters. In this regard, Ms MacPherson has applied the wrong legal tests (i.e. assessment matters)."

The applicant has suggested that Ms MacPherson should have utilised the VAL assessment matters. This is contradictory to the approach taken by both the agent and the applicant's Landscape Architect, Ms Ward. The ONL (WB) and VAL line within the ODP¹ is a roughly drawn line, and has not been drawn with specific GPS coordinates. This naturally creates a problem when a site appears to be on a line of where 'exactly' the ONL boundary is. It is noted that the PDP through Stage 2 has defined these lines in specific detail and it is noted that the location of the platform is not within the ONL under Stage 2 of the notified PDP. This occurred prior to Council notifying Stage 2 of the PDP, however during the writing of this report Council notified Stage 2 decisions of the Proposed District Plan which does place the location of the proposed platform outside the ONL (within the PDP). Notwithstanding this, I am comfortable with the ONL assessment matters within the ODP being utilised to assess the proposal. Given the uncertainty with the ONL line and agreement between the Landscape Architects to utilise ONL assessment matters, I consider that a conservative approach should be taken.

Following receipt of this email, I asked Ms MacPherson to provide an addendum to her landscape report to address the matters of concern raised by the applicant. With specific regard to the use of ONL assessment matters, Ms MacPherson has stated:

"Although technically the VAL assessment matters can be applied to this building platform – the applicant's Landscape Architect has elected to use the ONL classification assessment matters for two reasons. Number one is the close proximity of the proposed building platform to the ONL/VAL separation line. Number two is the earthworks and other parts of the proposal are located on the ONL side of the line."

I am satisfied that Ms MacPherson's review of the applicant's landscape assessment was not flawed and for the purpose of this report, the subject site is considered to be an ONL within the ODP and as such, ONL assessment matters are being utilised.

Within Stage 2 of the PDP, the proposed platform is located within the Crown Terrace Landscape Character Unit with the access way to the platform being located within an ONL.

8.2 EFFECTS ON THE ENVIRONMENT

8.2.1 The Permitted Baseline

Under the Operative District Plan, activities that could occur as of right in the Rural General Zone and therefore potentially comprise a permitted baseline for this site are:

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

¹ Appendix 8A: Map 2 Landscape Categorisation In The Wakatipu Basin

- Earthworks are permitted in accordance with Site Standard Rules 22.3.3 [i(a)] and [ii(a)] provided the work comprises less than 1,000m³ volume of earth moved within a consecutive 12-month period and fill height is no greater than 2 metres.

The establishment of a residential building platform between 70m² to 1000m² requires resource consent within the Rural General Zone and as such, there is no permitted baseline with regard to the establishment of the platform under the Operative District Plan.

With regard to the Proposed District Plan, the provisions for the Wakatipu Basin Rural Amenity Zone are still subject to Appeal, there is no permitted baseline with regard to the establishment of a residential building platform; it is noted that any platform in the WBAZ can only be established via subdivision, not land use consent. As Appeals for Stage 2 are not yet known, it is considered that there is no permitted baseline as it relates to the Proposed District Plan.

Given the nature and scale of the proposal, which includes earthworks (under both the Operative and Proposed District Plan) for access to the platform and for carrying out landscaping and bunding, I consider that there is no relevant permitted baseline with regard to earthworks.

Likewise, the cancellation of a Consent Notice Instrument always requires consent approval. Overall, it is considered that there is no permitted baseline as it relates to this application.

8.2.2 Actual and Potential Effects on the Environment

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

1. Landscape and Visual Amenity Effects
2. Infrastructure Servicing
3. Access and Traffic Generation
4. Earthworks
5. Natural Hazards
6. Cancellation of Consent Notice Instrument

Landscape and Visual Amenity Effects

As provided for within section 8.1 of this report, the subject site is being assessed as an ONL under the ODP.

The District Plan directs that consideration of applications in the ONL-WB be assessed in light of the relevant assessment matters, that successful applications will be exceptional cases, and that vegetation planted after 28 September 2002 shall not be considered as beneficial, part of the permitted baseline, nor the removal be considered a positive effect. It is my opinion that the establishment of new residential building platforms in an ONL, particularly the Wakatipu Basin, are therefore considered to be inappropriate in most instances due to the high values placed on these landscapes. Applications for new development in these areas need to be exceptional in their characteristics when assessed against the relevant assessment matters for ONL-WB.

I have considered both landscape assessments and the assessment within the applicants AEE, and generally agree with the conclusions reached. These assessments will not be repeated here; however, I will outline my rationale, and points of agreement/disagreement within the framework of the ONL-WB assessment matters, and those pertaining to structures which is also relevant to a future residential unit within the proposed RBP.

I note that the applicant has based their suggested conditions on the previous consent RM090297 (now lapsed) to establish a platform in this location, which included a condition that the maximum height of any building within the platform be no greater than 2.5 metres above Reduced Level (RL) 623 metres (so essentially 625.5 RL). After the close of submissions, the applicant informed Council that this condition was meant to read “no greater than 2.5 metres above ground level to a maximum height of 628 metres” (i.e whichever height is lesser). Confirmation was received that the height poles were placed on site to reflect the latter. Confirmation was also received from the applicant’s landscape architect and Ms MacPherson that the assessment and peer review was based on the latter. Ms MacPherson confirmed

that this discrepancy did not alter her final report and recommendations. I therefore accept that the AEE, applicant's landscape assessment and Council's landscape assessment are correct and based on a height of 2.5 metres above the current ground level to a maximum of RL 628 metres.

Assessment Matter 5.4.2.2 [1] provides assessment criteria for developments within the ONL-WB.

(a) Effects on openness of landscape

The site is located on the Crown Range Escarpment, a landscape feature in itself which is largely visible throughout the Wakatipu Basin. The location of the proposed platform is near the top of the escarpment area and adjoins the Crown Range terrace. The terrace represents an area where the landscape is open and largely unobstructed; whereas the escarpment, while visible from the Wakatipu Basin, is covered in more vegetation which somewhat restricts an element of 'proper' openness which is more prominent on flat landscapes, however this does not detract from the vastness of the escarpment. The element of openness on the subject site itself has been noted to be "*limited on the site; at best it can be described as semi-open, and half surrounded by land that is semi-closed*". This statement was made through the court deliberation for C08/2004, which was a proposal that was granted for a residential building platform further west on the site. However, I agree with Ms Ward and Ms MacPherson that this description of the openness of the site is correct for the location of the platform proposed by way of this consent.

The location of the proposed platform within the subject site will be embedded to fit in with the existing topography. The platform will essentially cut into this existing topography (noting that earthworks within the platform itself is not proposed by way of this consent). Earthworks will be further considered within the platform at such a time a further resource consent is lodged (as one is currently required under both the Operative and Proposed District Plans). Earthworks within the platform are feasible. The applicant also intends to construct a mound to the west of the platform. It is noted that the construction of this mound will take place after the construction of a residential unit; such a requirement can be protected by way of a covenant condition. This will allow a mound to be constructed to nestle around any future building within the platform. While I acknowledge that requiring it to be constructed after any building within a platform is somewhat unusual as the majority of mounds are constructed prior to buildings, the steep topography of the site and location of the proposed mound would restrict construction vehicle movements if required prior to any building being constructed. Ms MacPherson also agrees that the mound is not required prior to the construction of any building within the platform. As such, I recommend a condition that this mound be constructed within 12 months of any building within the platform being constructed.

I further note that while the mound is shown on the earthworks plan, no specific cross sections have been provided, with the applicant's AEE and Ms Ward stating that the corresponding condition from RM090297 be applied to this consent. Ms MacPherson has concurred with such a condition and has also suggested that the mound be extended to the south of the curtilage area to provide appropriate screening of this area. A condition is proposed to ensure that this occurs. The mounding approved through RM090297 was 1 to 1.5 metres high. As such, I am confident that specific plans of the mound can be provided at the time a residential unit is proposed, subject to it being at least 1 metre in height and planted at an appropriate angle to allow vegetation to grow on it.

Overall, I am satisfied that subject to appropriate conditions, adverse effects in relation to effects on the openness of the landscape are considered to be appropriate.

(b) Visibility of development

The applicant's landscape assessment includes a thorough assessment regarding the potential visibility of development within the platform from public places. Ms Ward's opinion is that:

"I consider that development that will result from the proposal can be described as being reasonably difficult to see from all public viewpoints...I consider the proposed development has been designed in such a way that a future dwelling within the proposed building platform will not be easily visible. In these views (given the existing built form that is visible) the future dwelling will not significantly detract from current views."

Ms MacPherson concurs with this statement and states:

"I agree with Ms Ward that the embedment of the proposed dwelling, when combined with the cladding proposed, will make it difficult to see from public locations where it is behind the proposed mound. This is primarily because of the distance of public audiences from the site and their angle of view."

I accept the above conclusions. Further, the maximum height of the building is not to exceed 2.5 metres above original ground level and to be no higher than above RL 628 metres.

Discussion has been had regarding the appropriate extent of glazing on the western elevation of the building. I note that the applicant has volunteered a condition that no more than 50% of the western elevation be glazed. This consent condition is replicated from RM090297 (now lapsed) where the platform was consented to be located on a lower and more visually prominent portion of the site. Ms MacPherson has suggested a calculation that no more than 44% of the building alongside the western elevation comprise of glass. This is a reduction of 6% than the applicant volunteered and is largely due to the length of the proposed platform. Ultimately there is the potential for an additional 8.7 metres of glazing when compared to this 2009 consent.

Along the western façade the current RL varies between 623 and 626 RL. With the maximum height of the building at any one location being 2.5 metres above original ground level to a maximum of 628 RL, the amount of glazing that is potentially visible from the Wakatipu Basin will be extremely limited. Further, mounding and planting will further screen the building to fit in with the topography. It is my opinion that taking into consideration the location of the platform, maximum RL of any future building along with the mounding and landscaping, the amount of glazing at 50% along the platform is acceptable.

Further design controls include restricting the use of materials to recessive materials to ensure a future building will blend with the landscape, as well as restricting the light reflectivity of these materials. Both Ms Ward and Ms MacPherson agree that the proposed design controls are appropriate. I agree with both expert opinions on this matter.

Notwithstanding the above, any building on the platform proposed by way of this consent will be visible from Tobin's Track, however from this height there are many visible buildings and any future building within the proposed platform will not adversely be apparent or over-dominating. I accept that the development will not be visible in such a way that is considered to be adverse.

Overall I consider that the visibility of the development is greatly minimised due to the maximum height of any future building and the location of the building platform on the site. I consider that adverse visual effects are deemed to be appropriate.

(c) Visual coherence and integrity of landscape

An important consideration when assessing applications that utilise ONL assessment matters is whether existing landscape lines and/or forms will be broken, especially whether any ridge or hill lines could potentially be broken. When buildings break ridge lines and other landscape forms; this often has the potential to degrade the form of the corresponding landscape. In this instance, the location of the platform on the site is 'nestled' within the existing topography of the site. Given the maximum height proposed of any future building, no ridge line or other landscape form will be breached. This will ensure that when viewing the Crown Escarpment from the Wakatipu Basin, a future building will not appear dominant on the landscape and will in fact, be quite difficult to see.

There are existing areas of native vegetation on the site, while very small areas are required to be cleared, extensive vegetation is proposed to be planted with a continuous area of vegetation around the area of the driveway. Ms MacPherson concurs with Ms Ward that the building platform with its eastern (rear) planting will not affect the natural character values of the landscape.

Ms MacPherson did raise concern with the access way, which involves cuts and the clearance of some existing Matagouri. To address this concern, it has been suggested that additional vegetation along the access way be included to join with the existing areas of Matagouri. I agree with such a condition and am satisfied that the additional planting will ensure that the site's landscape cohesiveness will not be adversely affected.

The previous platform, which has been cleared, will be regarded and reinstated with grass.

(d) Nature Conservation Values

While a small area of native vegetation is required to be removed for the access way, revegetation is proposed. I acknowledge that during earthworks to construct access to the residential unit, there will be effects associated with a reduction of vegetation on the site. However, I am satisfied that such adverse effects will be short in duration and can be appropriately mitigated by requiring the applicant to undertake extensive native revegetation. Taking this into account I am satisfied that the effects on nature conservation values are deemed to be appropriate.

(e) Cumulative effects of development on the landscape

The applicant has identified other consented platforms and residential units that have been constructed within the near vicinity. In total, there are six consented or built developments within the vicinity of the subject site, including four within the ONL. Ms Ward does not believe that the establishment of the platform proposed by way of this consent would breach a threshold with respect to the Crown Escarpment's ability to absorb this particular proposed development. To this effect, Ms MacPherson has stated:

"I find myself in support of Ms Ward and previous hearing decisions which find there are scattered buildings across the Crown Terrace already and that another of the scale and in the location proposed will not reach the threshold where the landscape cannot absorb this additional change."

Potential adverse effects arising from cumulative developments are an important consideration when considering whether it is appropriate or not to grant resource consent. The findings of both the applicant's Landscape expert as well as Council's Landscape expert concur that the establishment of a building platform be accommodated on the site without having adverse effects on cumulative development.

However, it is noted that Ms MacPherson did proceed to state:

"However, the afore-mentioned water tanks, disposal field, vehicles and outdoor area will require addressing before I can be assured that over domestication will not adversely degrade the ONL's landscape character. The lack of defined space away from the western, visually exposed side of the development for such activities is of concern. Each of the elements may be considered minor but the overall impact of all in combination stretched along the Terrace will be moderately adverse on the cohesiveness, character of the landscape and consequently the views of it."

As the applicant has further addressed, a curtilage area has been provided around the platform where domestic activities will be limited to. Further, as a specific design of a residential unit has not yet been decided upon, the applicant has stated that seeking this much certainty and clarity is not yet possible at this stage. Ms MacPherson addressed the applicant's response and has suggested a condition that if not placed underground, water tanks must be integrated into part of the landscape to achieve screening from locations external to the site, so that tanks are not visible above the ridgeline and so that any screen planting connects to existing vegetation on the site. I accept this condition of consent as being appropriate. I do note that over and above this condition, should the tanks be located outside the proposed platform or curtilage area and are not buried, they are likely to be considered a building and require resource consent. I am satisfied that sufficient consideration and control has been given to water tanks to ensure that potential cumulative effects arising from domestic activities on the site will be acceptable. I note that disposal fields do not require a large land area and do not involve any above ground infrastructure that are considered to be structures or buildings. There is sufficient room for a disposal field to be located on the site without adversely affecting

vegetation. Likewise, the location of vehicular and outdoor living areas will be restricted to the curtilage area identified on the landscape structure plan.

Overall I am satisfied that this development does not cross a threshold of cumulative development within the surrounding area and therefore, potential adverse effects are considered to be appropriate.

(f) Positive effects

The existing platform location has a discernible access way and platform area which has been cleared out. As part of this application, the applicant will regrade and reinstate this area to grass. I consider this to be a positive effect and ensures that there are no lasting effects on the landscape as a result of previous works on the subject site for which consent has now lapsed.

Additional native vegetation will also be planted on the site and with regard to long term effects on ecology, I consider this to be positive. However, I do note that this native vegetation is unlikely to be planted should consent for the platform not be approved.

Conclusion on Landscape and Visual Amenity Effects

Overall, the application has demonstrated that, subject to appropriate design controls and landscaping, the development will not have adverse effects on the environment and I consider that effects arising from the development are acceptable.

Infrastructure Servicing

There are no reticulated services available to this site.

Potable Water

Potable water is able to be provided to the site from a shared supply owned by the Glencoe Land Development Co Ltd. The applicant has demonstrated that 2,100 litres of potable water can be supplied to the location of the platform each day. Mr Jones is satisfied that the evidence of this supply, in the form of ORC water permits and recent water meter logs is acceptable. I accept this evidence also. Further, the applicant has stated that the existing water supply which runs past the location of the proposed building platform is now proposed to be terminated at the building platform location. As such, Mr Jones recommends a condition that as-built plans be provided prior to the registration of the building platform. I accept such a condition.

Mr Jones has commented on the number of private covenants recorded on the Title which provide details that the water supply owner is obligated to maintain the system and to treat the water. Nonetheless, to ensure the lot owners (including any future lot owners) are aware of the water scheme, Mr Jones has recommended that a covenant condition be registered on the Title to inform owners that ultimately, the obligation to ensure their water is potable is their own. I accept that such a condition is practical to ensure lot owners are well aware of the private water scheme.

Taking into consideration the above, the applicant has demonstrated that sufficient potable water is available and subject to the conditions, I consider that the platform can be sufficiently serviced by a potable water supply.

Fire-fighting

As is standard for residential units within the Rural Zone, a minimum 20,000 litre water supply within a 30,000 litre water tank is required to be provided. Such a requirement will be registered as a covenant condition on the Title to ensure lot owners are aware of this requirement. Mr Jones is satisfied that the tracking curves provided for an 8 metre rigid truck (fire truck) ensure that the platform can be appropriately serviced by fire trucks if need be. Mr Jones has also strongly encouraged that due to the location of the site, that the home sprinkler system be installed. While not necessary, I agree with Mr Jones that home sprinkler systems should be encouraged for future residential units located within Rural Zones due to constraints that the New Zealand Volunteer Fire brigade may face in a multiple emergency situation.

Taking into consideration the above, I am satisfied that the applicant has demonstrated that acceptable firefighting provisions are available to the platform.

Wastewater

The application has included a Tonkin and Taylor report (reference 880107.003) that was submitted as part of RM090297 which provides information regarding the suitability for onsite effluent disposal which concluded that such a method of disposal is feasible taking into consideration the soil conditions present. Mr Jones is satisfied that the findings of this Tonkin and Taylor report is still relevant for this proposal

Stormwater

Taking into consideration the size of the site, Mr Jones believes that onsite stormwater disposal will be feasible and that this will be assessed at the time a building consent is lodged. I accept this approach and no specific conditions are recommended in this regard.

I am satisfied that due to the size of the site, stormwater can be adequately managed and effects will therefore be negligible.

Overall, adverse effects in relation to infrastructure servicing are considered to be appropriate.

Earthworks

I note that the applicant included the same Geotechnical report as part of the application that was submitted as part of RM090297 (ref: T&T 880107.003, dated 24 March 2009 and held on file at Council). An updated geotechnical report was also submitted with the application, which is essentially an addendum to the 2009 one. The updated report was prepared by Geosolve (ref: JN 180707, dated November 2018).

I also note that the earthworks plans submitted with the application include earthworks within the platform, however these are indicative only. The applicant has proposed a maximum RL height for any building within the platform which will require earthworks to be undertaken at such a time a residential unit is constructed within the platform. I deem this to be appropriate as this will avoid the requirement to 'level out' the whole platform area when the design of a future residential unit has not yet been decided upon. Further, should the platform be levelled out prior to a specific building design being submitted to Council for resource consent, this could result in a potential scar on the landscape if no consent is put forward in the future to build within the platform. Mr Jones is satisfied that future earthworks within the area of the platform are feasible to be undertaken.

As part of this consent, earthworks to establish the access way to the platform are proposed. The geotechnical report states that retaining may be required along areas of the access way to achieve suitable levels of suitability. I am satisfied that the earthworks to establish the access to the platform are appropriate and there will be no adverse effect on biodiversity or ecosystem services. Overall I am satisfied that the earthworks required to form the access to the location of the proposed platform can be undertaken in such a way that the effects on the environment are acceptable.

Overall, adverse effects in relation to earthworks are considered to be appropriate.

Natural Hazards

The Geosolve report submitted as part of the application provides that the landslide hazard risk is low. Geosolve also provide that liquefaction risk and the risk associated with alluvial fan activity to also be low. Mr Jones has accepted this expert advice and has not recommended any engineering related conditions associated with natural hazards. Based on this information, I am satisfied that the risk of natural hazards on the site is low.

Overall, adverse effects in relation to natural hazards are considered to be appropriate.

Access and Traffic Generation

The vehicle crossing point is currently formed to Council standard and is located on the Crown Range Road. This vehicle crossing point has formed part of previous resource consents and it is acknowledged that there is a sight standard breach to both the north and south. This consent will not exacerbate the existing breach. Access to the subject site itself is via various right of way easements from the Crown Range Road to the subject site. Mr Jones has commented that he is satisfied that the formation of these right of ways is appropriate to the boundary of the subject lot. With regard to the access from the right of way to the subject site itself, Mr Jones is satisfied that a complying access can be constructed to the building platform, including passing bays to avoid vehicle conflict at relative steep sections of the access way. I accept Mr Jones' points and am satisfied that access to the building platform can be feasibly achieved. Overall I am satisfied that the provision for sufficient access is available.

Traffic generation to and from the site will not increase as a direct result from the registration of a residential building platform, however will increase at such a time resource consent or building consent is established to construct a residential unit on the platform. As previously mentioned, the construction of the access from the existing right of way to the platform is feasible. The use of the site for residential purposes in the future, while increasing the use of the existing right of way, is considered to be acceptable and I am satisfied that no undue strain will be placed on the existing vehicle crossing point from the Crown Range Road.

Overall, adverse effects in relation to access and traffic generation are considered to be appropriate.

Cancellation of Consent Notice Instrument 7523286.4

This consent notice instrument is now redundant and relates to platforms on separate allotments held in different Record of Titles. The consent notice relates to a subdivision that was granted by resource consent RM000505. The instrument serves no purpose on this site and is redundant in nature. The design of a future residential unit on the subject lot will be protected by a covenant instrument to be registered on the Record of Title for the subject site. I am satisfied that the cancellation of the consent notice instrument is appropriate.

Overall, adverse effects in relation to the cancellation of the consent notice instrument are considered to be appropriate.

Other

It is noted that the survey plan of the building platform includes the location of an indicative easement. This easement formed part of RM090297 and has since been surrendered. I make no further comment in this regard.

Overall Conclusion

Relying on expert assessments provided for as part of the application and with the imposition of additional mitigation measures in the form of conditions relating to earthworks, landscaping, mounding and the design of any future building located within the proposed platform, the proposal will not detract from the landscape or result in a level of domestication that is considered to have adverse or inappropriate cumulative effects on the environment.

I consider that the proposal is appropriate and while this proposal will result in the establishment of an additional residential building platform within the landscape, this platform does not represent the 'tipping' point for development within this area.

Overall I consider that the environment can absorb the proposed development without resulting in unacceptable adverse effects.

8.3 THE DISTRICT PLAN – OBJECTIVES AND POLICIES

8.3.1 THE OPERATIVE DISTRICT PLAN

The relevant objectives and policies are contained within Sections 4 (District Wide), 5 (Rural Areas) and 22 (Earthworks) of the Operative District Plan. The applicant has provided an assessment against these objectives and policies at section 6.1 of the applicant's AEE. I consider this assessment to be accurate and it is therefore adopted for the purpose of this report. However, I make the following further comments and further assessment in addition to the applicant's AEE.

Chapter 4 – District-wide Issues

Objective 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 amenity values.

Policy 1 (Future Development) b): To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.

The location of the proposed building platform on the subject site is within an area that has been assessed as being capable of absorbing the proposed level of development. This area of the Crown Escarpment is not 'open' as such due to its undulating and relatively steep topography. It is this topography that is also able to absorb the proposal. No part of any future building will breach a ridgeline or hill line. I consider that the proposal accords with this objective and associated policy.

Policy 3 Outstanding Natural Landscapes Wakatipu Basin

This policy seeks to protect the natural character of the Wakatipu Basin Outstanding Natural Landscape by ensuring that any future built form becomes 'reasonably difficult to see' and acknowledging the importance of protecting the sense of naturalness from public viewpoints. Due to the location of the platform on the site and the distance to any public place, a future building on the platform will be reasonably difficult to see from any public viewpoint. The location of the platform is located near the top of the Crown Range escarpment (adjacent to the Crown Range terrace itself), however no part of any future built form will break the ridge line. It is assessed that the specific location of the proposed platform is within an area that is able to absorb this level of development. I am satisfied that the proposal is consistent with this policy.

Policy 8 Avoiding Cumulative Degradation

This policy seeks to avoid situations where the benefits of planting and further landscaping are outweighed by the adverse effect of built form. In this instance, it is assessed that the landscaping proposed is sympathetic with the surrounding environment and the built form within the platform can be accommodated without creating a situation where cumulative degradation will result. I am satisfied that the proposal is consistent with this policy.

Overall Conclusion – Chapter 4

Overall I am satisfied that the proposal is consistent with the relevant objectives and policies contained within Chapter 4 of the ODP.

Chapter 5 – Rural Areas:

Objective 1 – Character and Landscape Value

Objective 1 and its associated policies seek to protect the character of the landscape and makes specific reference to fully considering the district wide landscape objectives and policies when considering development within the Rural Zone. In this instance, the district wide objectives and policies have been considered and assessed in detail above. Further, policy 1.3 seeks to ensure where land with potential value for rural productive activities is not compromised by the inappropriate location of developments. In this instance, the rural productive capacity of the site is somewhat restricted by the topography of the site

and the overall size of the site. Further, the use of the land for productive rural purposes (such as intensive winter stock grazing) would result in the existing Matagouri on the site being potentially compromised.

Overall and on balance, it is assessed that the proposal is consistent with objective 1 and its associated policies.

Objective 2 – Life Supporting Capacity of Soils

This objective and its associated policies seeks to ensure productive soils are protected from inappropriate development and to promote land management practices to remedy or mitigate adverse effects on soil and vegetation cover. In this instance, it is assessed that the location of the platform is appropriate and the retention of Matagouri and addition of further landscaping will not degrade soil or existing vegetation.

Overall I consider that the proposal is consistent with objective 2 and associated policies.

Objective 3 – Rural Amenity

This objective and associated policies highlights the importance of permitted rural activities that will be noticeable to other residents within the Rural Zone and as such, seeks to ensure that activities are appropriately managed, including the provision to ensure that residential units are set back at a sufficient distance from neighbouring properties to ensure permitted rural activities do not affect future residents. In this instance, the surrounding area is comprised largely of the escarpment landscape with residential units being located within this landscape. The location of the proposed platform on the site ensures that farming activities located on the terrace will not have an adverse effect on the platform and future activities within the platform.

Overall it is assessed that the proposal is consistent with objective 3 and associated policies.

Overall Conclusion – Chapter 5

The other objectives and policies within Chapter 5 seek to ensure the life-supporting capacity of water is protected. In this instance, the proposal will not degrade or affect water quality.

Overall, I consider that the proposal is consistent with the objectives and policies contained within Chapter 5.

Chapter 22 – Earthworks

Objective 1 – Enable earthworks that are part of subdivision, development, or access, provided that they are undertaken in a way that avoids, remedies or mitigates effects on communities and the natural environment

Objective 1 and its associated policies recognises that earthworks are a fundamental part of any application for development and seeks to ensure that earthworks are sympathetic to the landscape and that while being undertaken, suitable environmental protection measures are put in place. In this instance, the access to the proposed building platform will require earthworks however due to the relatively small area and volume of these works, no specific environmental protection measures are proposed or deemed to be necessary. All earthworks will be required to comply with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure. For the scale of earthworks proposed, this is deemed to be sufficient to ensure that the environment is not adversely affected during the construction of the access to the platform. Extensive vegetation around the access way will ensure that the access will not scar the landscape.

Overall, it is assessed that the proposal is consistent with objective 1 and associated policies.

Objective 2 – Avoid, remedy or mitigate the adverse effects of earthworks on rural landscapes and visual amenity area

Objective 2 and its associated policies seeks to ensure that earthworks within an ONL are avoided, where practicable, otherwise remedied or mitigated. The associated policies also seek to ensure that remedial works and re-vegetation measures are effective taking altitude into account. While earthworks are required to form the access from the entrance of the site (i.e. where the right of way from the Crown Range Road ends) to the building platform, the relatively narrow width of the access and extensive and amount of vegetation proposed around the access ensures that there will be no lasting effect on the landscape. The area of cut to form the access will be screened by the natural topography of the site as well as the vegetation. It is assessed that the distance of this access from any public place will ensure that the effect of earthworks on the rural landscape will be acceptable, and therefore is consistent with this objective and related policies.

Overall, it is assessed that the proposal is consistent with objective 2 and associated policies.

Objective 3 – Ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding.

Objective 3 and its associated policies seeks to ensure that where earthworks are to occur, the stability of adjoining sites is not compromised and flooding hazards are not exacerbated. In this instance, due to the distance from neighbouring boundaries and the existing topography of the site, it is assessed that the earthworks proposed will not adversely affect the stability of the subject site or adjoining sites. It is also assessed that the proposed earthworks will not exacerbate the risk of flooding.

Overall, it is assessed that the proposal is consistent with objective 3 and associated policies.

Overall Conclusion – Chapter 22

The other objectives and policies contained within chapter 22 are related to different areas within the Rural Zone and regard water quality of rivers, lakes and aquifers. The proposed building platform is not in close proximity to any river, lake and aquifer.

Overall, I am satisfied that the proposal is consistent with the relevant objectives and policies contained within Chapter 22 of the ODP.

8.3.2 THE PROPOSED DISTRICT PLAN

Proposed District Plan (Stage 1 – Decisions Version 2018)

Zoning for the subject site was deferred as part of Stage 1. However, the objectives and policies contained within the strategic chapters (Chapters 3 – 6) are of relevance to the application as they apply across to the whole District. The applicant's assessment at Section 6.2.1 of the applicant's AEE is considered accurate and is therefore adopted for the purpose of this report with the following comments.

Of relevance, Chapter 3 (Strategic Direction) seeks to protect the unique and distinctive landscapes contained within the District. As noted within the applicant's AEE, all relevant provisions of Chapter 3 are under Appeal and as such, limited weight can be afforded to these objectives and policies.

With regard to Chapter 6 (Landscapes and Rural Character), the PDP seeks ensure that degradation does not result from incremental development, including from mitigation measures such as earthworks, landscaping and mounding. Chapter 6 acknowledges the openness of the Greater Wakatipu area and the potential adverse effects arising from domesticating features such as linear planting. It is also noted that several policies contained within Chapter 6 are subject to Appeal and limited weight can be afforded to them. However, it is assessed that the level of earthworks to form the access and landscaping proposed is adequate and will not result in features that have the potential to detract from the surrounding landscape. The platform is also assessed as being appropriate with it being located in a position that will not detract from the surrounding landscape.

Notwithstanding the above, I am satisfied that the proposal is not contrary to the objectives and policies of Stage 1 of the Proposed District Plan.

Proposed District Plan (Stage 2 Decisions Version 2019)

Council notified its decisions on Stage 2 of the Proposed District Plan on 21 March 2019, which contains certain rules that have immediate legal effect pursuant to section 86B(3) of the RMA. The location of the proposed platform is within the Wakatipu Basin Amenity Zone and is located outside of the ONL. The relevant objectives and policies are contained within Chapter 24 – Wakatipu Basin.

The applicant's assessment at Section 6.2.2 of the applicant's AEE is based on the notified version of the Proposed District Plan (as opposed to the Decisions Version as this was not available at the time the application was lodged). Notwithstanding this matter, these objectives and policies of the Decisions Version are still subject to Appeal. The following assessment and comments are therefore made with regard to the relevant objectives and policies.

The relevant objectives and policies seek to ensure that any developments are designed in such a way that they respond to landform by ensuring buildings are subservient to natural landscape elements. Specifically, policy 24.2.1.5 requires all buildings to be located and designed so that they do not compromise the qualities of adjacent or nearby Outstanding Natural Features and Outstanding Natural Landscapes, or other identified landscape features. With specific regard to this policy and acknowledging that this consent is for a platform as opposed to a building, the maximum height of the any future building within the platform, along with recessive colours and materials and landscaping will ensure that the development will not adversely affect the Crown Range Escarpment ONL.

Objectives and policies within Chapter 25 seek to ensure that earthworks are undertaken in a way that minimises adverse environmental effects. In this instance, earthworks to form the access will be undertaken in accordance with QLDC guidelines. Taking into consideration the level of earthworks proposed, it is satisfied that there will be no lasting adverse effects on landscape.

Due to the limited testing of the relevant objectives and policies of Stage 2, limited weight can be afforded to them. However, I consider that the proposal is consistent with the relevant objectives and policies of Stage 2.

Weighting between Operative District Plan and Proposed District Plan (Stage 1 Decisions Version 2018 and Stage 2 Decisions Version 2019)

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

8.4 OTHER MATTERS UNDER SECTION 104(1)(b))

Regional Policy Statement (RPS)

The Otago Regional Council (ORC) RPS 1998 is currently under review. The Otago Regional Council (ORC) released its decisions on 1 October 2016. Most appeals on the document have now been resolved, though some provisions are still subject to legal processes. Accordingly, the ORC resolved to make the document partially operative (known as the Partially Operative Otago Regional Policy Statement 2019). This decision also revokes parts of the Regional Policy Statement for Otago 1998.

The Operative and Proposed District Plans give effect to the Regional Policy Statement. In summary, the RPS (both the 1998 version and partially operative 2019 version) place an emphasis on protecting landscapes of importance and ensuring productive soils are maintained and protected from development. In this case, it is assessed that due to the scale of the proposal, there will be no adverse effect on productive soils and the landscape is able to absorb this development.

Overall, it is assessed that the proposal accords with the RPS.

8.5 ANY OTHER MATTER UNDER SECTION 104(1)(C))

Precedent

Each application must be considered on its merits, and in doing so it is important consider the potential for precedent effects from the grant of an application. The proposed development within the ONL (as identified and assessed against the ODP only) has the potential to result in precedent effects as any other person might reasonably expect that another similar application could also be granted.

The District Plan directs that any successful application in the ONL must be exceptional in its characteristics. Having considered the application and various supporting documents, I am of the opinion that this application is exceptional in its characteristics and the grant of consent would not constitute a precedent. The application site is unique in its location and topography and the siting of a future building within the platform will not detract from the wider Crown Escarpment ONL and adjacent Crown Terrace landscape. Given the unique nature of this site, the specific location of the proposed platform on this site and the limited number of sites located on the Crown Escarpment, I consider it unlikely that the grant of this consent would give rise to a precedent.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

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

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

It is considered the proposed development is aligned with the Purpose and Principles set out in Part 2 of the RMA. The location of the building platform is assessed as being appropriate and will not result in a loss of any potential productive land use. Any future building within the platform will be reasonably difficult to see and no ridge lines or hill lines will be broken. Landscaping will ensure that the effect of not only a future building within the platform, but as well as earthworks associated with forming the access to the platform will be minimised to a level that has been considered to be acceptable.

Overall the application has demonstrated that the location of the platform is appropriate and will result in sustainable management of natural and physical resources, whilst also not affecting the life supporting capacity of ecosystems, and avoiding, remedying and mitigating adverse effects on the environment. The following matters of national importance listed in Section 6 of the RMA are also considered relevant:

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*

The location of the platform on the site along with design controls and landscaping will ensure that this proposal will not result in an inappropriate development.

Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters. In this instance, it is assessed that the proposal will be in accordance with Section 7.

Overall, I consider the proposal promotes sustainable management.

10. RECOMMENDATION

- Having considered the proposal, it is my opinion that the proposed development can be adequately contained within the site by topography and landscaping to avoid unacceptable effects on the existing landscape character. Earthworks are feasible and the platform is able to accommodate onsite servicing. The development is consistent with the objectives and policies of both the Operative District Plan and Proposed District Plan. The application promotes the purpose of Part 2 of the RMA.
- Overall, I conclude that land use consent and the cancellation of consent notice instrument 7523286.4 can be granted. Recommended conditions are contained within Appendix 6 (land use) and Appendix 7 (cancellation of consent notice instrument) of this report.

Report prepared by



Alex Dunn
SENIOR PLANNER

Reviewed by



Sarah Gathercole
SENIOR PLANNER

Attachments:

Appendix 1	Applicant's AEE
Appendix 2	Engineering Report (Mr Cameron Jones)
Appendix 3	Applicant's Landscape Assessment (Ms Kathryn Ward)
Appendix 4	Council's Landscape Assessment (Ms Kris MacPherson)
Appendix 5	Council's Landscape Assessment Addendum (Ms Kris MacPherson)
Appendix 6	Draft Conditions – Section 108 RMA
Appendix 7	Draft Conditions – Section 221 RMA

Report Dated: 30 April 2019

APPENDIX 1 – APPLICANT’S AEE

Assessment of Effects on the Environment

Lot 1 – Barley Station

For BSTGT Limited

September 2018

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Appendix 2	Proposed Building Platform Plans
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Appendix 4	Tonkin and Taylor Report RM090297
Appendix 5	McQuilkin Affected Party Approval
Appendix 6	Barley Station HAIL Assessment

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Table 1	Consent History
Table 2	Water Allocations

1.0 INTRODUCTION

This Assessment of Effects on the Environment (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;
- A history of the consenting background of the site;
- A description of the proposal;
- A description of the consents sought;
- An assessment of environmental effects;
- Identification and assessment of relevant objectives and policies of the Operative and Proposed District Plans;
- A conclusion

The applicant seeks resource consent to identify a residential building platform on Lot 1 DP 398787, establish structural landscape planting and undertake physical works on the site to form an access to the proposed building platform.

1.1 Consultation

Consultation has been undertaken with the McQuilkins, the owners of Lot 1 DP 482448 and Lot 2 DP 26283 to the north and north-east of the site. Affected Party Approval has been provided which has been attached to this application as **Appendix 5**.

No other persons are considered to be adversely affected by the proposal.

1.2 Notification

The applicant requests that the application is notified in accordance with Section 95A(3)(a) of the RMA.

2.0 SITE DESCRIPTION

The site is located on the western ridge of the Crown escarpment, approximately 500m north of the lookout at the top of the Zig-Zag (Crown Range Road). The site is 4.9983ha in area and is legally described as Lot 1 DP 398787 and held in the Computer Freehold Register 393959. A copy of the title and listed instruments have been attached as **Appendix 1**.

Of particular relevance to the current application is Consent Notice 7523286.4 which lists several conditions relating to the future development of the site. This has been discussed further in Section 3.7.

Figure 1 below shows an aerial view of the site.



Figure 1: Aerial view of site (outlined in Red)

The site is located along the ridgeline of the Crown Terrace. The site slopes generally from the eastern boundary on the top the Crown Terrace, toward the western boundary. The eastern section of the site is generally flat before sloping steeply down toward the eastern boundary at the edge of the existing vegetation which can be seen in **Figure 1** above.

The site is bisected by the Wakatipu Basin ONL line. The eastern side of the site is located within a Visual Amenity Landscape, while the lower, western side of the site is located within the Wakatipu Basin ONL. The operative ONL boundary is approximately shown in **Figure 6**.

The western area of the site is within a landslide risk area. This landslide area covers a portion of the existing access and a level building area which were formed on the site following the resolution of C8/2004. This building platform and access can be seen in **Figure 2** below.



Figure 2: Hazards map of site (outlined in red)

There are no other natural hazards identified within the Council's GIS, nor are there any designations, heritage features or areas of cultural significance within the site or on any of the adjoining properties.

The applicant is the owner of a number of allotments in the vicinity of the site. **Figure 3** below has outlined several of these allotments. Any actual or potential effects on the areas outlined in red must be disregarded.



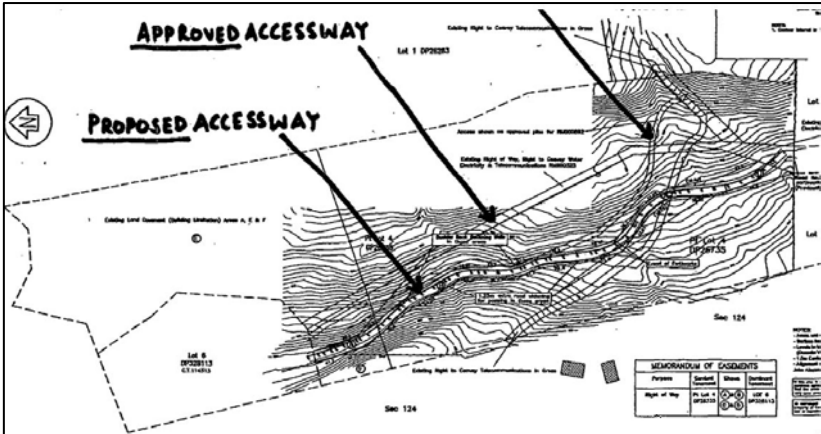
Figure 3: Aerial view of the surrounding area with applicant's land in the vicinity of the site outlined in red (site indicated with star)

2.1 Consent History

The site has an extensive consenting history which forms the basis of the current resource consent application. A full description of the consent history associated with the site has been included in **Table 1** below;

Table 1: Consent History

Reference	Date of Approval	Description of Consent
RM930041 (also known as RC93/41)	03.03.1993	RM930041 granted resource consent to subdivide a large rural allotment into four allotments. The site was originally formed as Lot 3 of this resource consent.
RM980525	18.11.1998	RM980525 provided for subdivision by boundary adjustment which increased the size of site from that which was formed through RM930041. The site was referred to as Lot 6 within this resource consent.
RM000892	12.06.2001	RM000892 granted resource consent to establish a residential unit on Lot 6 in the location of the formed building platform which can be seen in the aerial imagery of the site. This resource consent approved a traditional

		pitched roof residential building with a detach garage. The dwelling had a maximum height of 4.5m.
C8/2004	05.02.2004	RM000892 was appealed to the Environment Court, however the Court upheld the Council decision and resource consent was granted.
RM000892 – 125(1) & (2)	(1) 21.12.2005 (2) 11.07.2008	Two separate time extensions were granted to RM000892. These extensions increased the lapse date for the consent to the 5 February 2010.
RM050685	21.12.2005	<p>RM050685 granted land use consent to undertake earthworks associated with forming the access and change the alignment of the access to Lot 6.</p> 
RM070983	20.11.2007	RM070983 granted subdivision consent to undertake a boundary adjustment between Lot 6 Deposited Plan 328113 and Lots 1 and 2 Deposited Plan 381493 and Section 8 Block X Shotover Survey District. The purpose of the boundary adjustment was to define allotments used for farming purposes and for rural residential purposes. This subdivision formed the site by increasing the size of former Lot 6 from 1.2 ha to 4.9983ha, forming the site in its current form.
RM090297	30.04.2010	<p>RM090297 granted resource consent to identify a residential building platform, establish structural landscaping and undertake physical works to form an access to the building platform in the same location as the current application is seeking.</p> <p>No work was undertaken to give effect to this resource consent, which has since lapsed.</p> <p>The accessway approved under RM090297 (refer to Figure 5) will be identical to the access proposed as part of the current resource consent application.</p>

3.0 DESCRIPTION OF THE PROPOSAL

The applicant seeks resource consent to identify a residential building platform, establish structural landscaping and undertake physical works to form an access to the building platform in the same location and design as the access that was approved through RM090297.

3.1 Building Platform

The proposed building platform will be in the same location as the building platform previously approved through RM090297, however will be of a different shape to provide for the intended design outcomes of the applicant for future development.

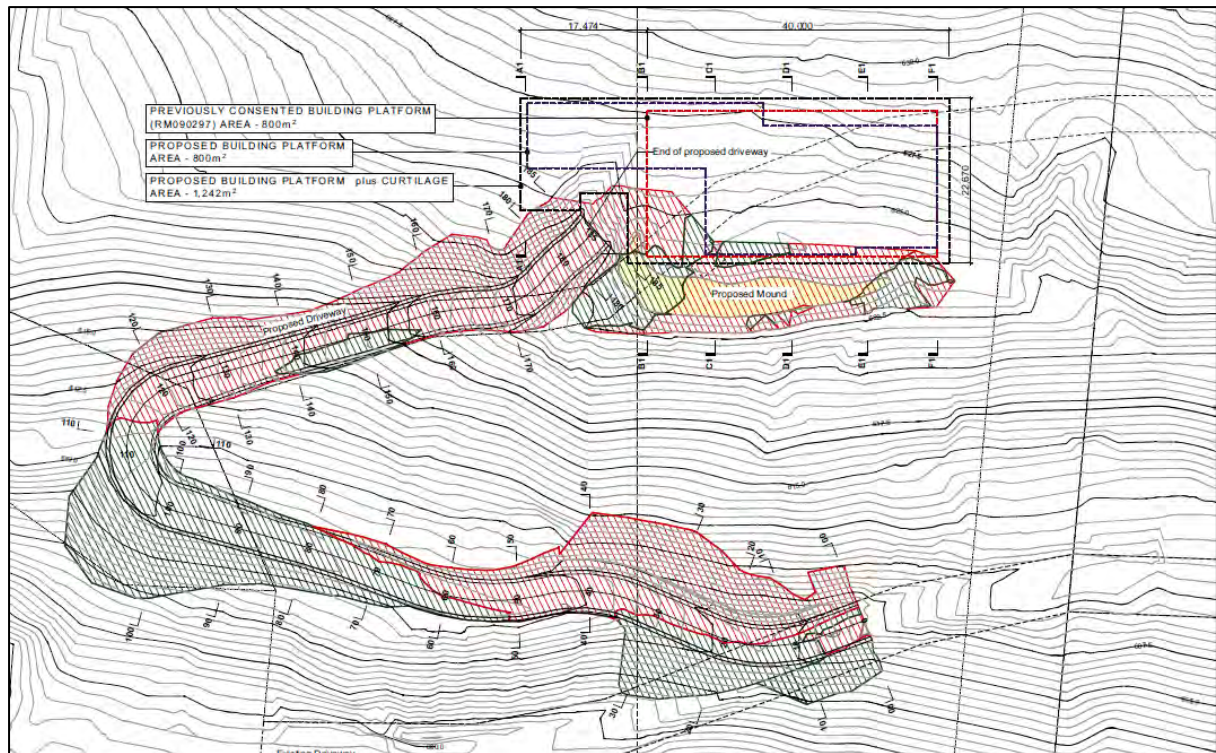


Figure 4: Site plan showing proposed building platform (in blue), building platform approved under RM090297 (in red) and indicative outline of building footprint.

The proposed building platform will be 800m², the same size as what was originally approved through RM090297, albeit an alternative shape. The building platform will extend toward the north 16.5m from the eastern side of the previously approved building platform.

3.2 Landscaping

A comprehensive landscape plan and landscape assessment has been produced by Vivian Espie and is attached as **Appendix 5**. The proposed landscaping has incorporated a variety of native planting throughout the site which will aid in softening future development within the proposed building platform and the form of the accessway.

The proposal will largely retain areas of existing vegetation throughout the site. The only changes to the existing vegetation will be to allow for the formation of the proposed access to the building platform location.

3.3 Services

Services have been fully assessed and provided for through previous resource consent applications. These services have been described below:

3.3.1 Water, Telecommunications and Power

RM000892 established an easement which reticulates water, electricity and telecommunication to the proposed building platform. This easement runs through the proposed building platform location to the formed building area formally referred to as Lot 6. The easement and services within it will be shortened to finish at the proposed building platform.

Water is supplied via Glencoe Station communal water supply owned by Glencoe Land Development Co LTD. This communal supply has a daily take of up to 36,000 L per day shared between 24 allocations. **Table 2** below has detailed these allocations.

Table 2: Water Allocations (site highlighted in yellow)

Title	Owner	Water Allocation (L per day)
Lot 1 DP 370651	Haldyx PTY Limited	1,000
Lot 2 DP 370651	GCL Trustees No 3 Ltd	1,000
Lot 3 DP 370651	Jaspar Investments Limited	1,000
Lot 4 DP 370651	Kerry McIntosh	1,000
Lot 5 DP 370651	Jean-Francios Taquet	1,000
Lot 6 DP 370651	Murray Doyle	1,000
Lot 7 DP 370651	Lumahawi Pty Ltd	1,000
Lot 8 DP 370651	Charles Batchelor	1,000
Lot 9 DP 370651	Park Lane Trustees Ltd	1,000
Lot 10 DP 370651	Glencoe Estate Trustee Ltd	1,000
Lot 11 DP 370651	James Reeves	1,000
Lot 12 DP 370651	Jojoba Investments	1,000
Lot 1 DP 398787	BSTGT Limited	1,000
Lot 2 DP 398787	Goh	1,000
Lot 3 DP 398787	Teo	1,000
Lot 1 DP 398297	John Darby	5,000
Lot 2 DP 398297	John Darby	5,000
Lot 1 DP 26283	Grant Coutts, Peter Cline Little	2,000
Lot 2 DP 26283	Anthony Patrick McQuilkin, Nicola Jane McQuilkin	2,000
Lot 7 DP 322675	B M Waters Farming Company Ltd	2,000
Lot 3 DP 26283	A J Hubbard, B M Waters, J E Waters	2,000
Lot 18 DP 370651	Joint Venture 1 - Lot 18	1,000
Lot 3 DP 493411	Joint Venture 2 - Sec 3 & 10	1,000
Lot 18 DP 370651	Joint Venture 3 - Sec 9	1,000

3.3.2 Wastewater Disposal

A preliminary effluent disposal feasibility assessment was undertaken by Tonkin and Taylor as part of RM090297 (attached as **Appendix 4**). This report is considered to be accurate and has been adopted as part of the current resource consent application.

3.3.3 Stormwater

It is proposed to dispose of stormwater to the ground. Given the size of the site water can be disposed of onsite. Specific stormwater disposal design can be considered during detailed design of the future development of the site. Conditions of consent are proposed to ensure this occurs.

3.4 **Access**

The site is accessed via an established private Right of Way that adjoins the Crown Range Road near the top of the zig zag. This driveway serves the site and three other allotments surrounding the property. These properties are;

- Lot 2 DP 398787 (Refer to Goh in **Figure 7**)
- Pt Lot 3 DP 398787 (Refer to Teo in **Figure 7**)
- Lot 3 DP 21979 (Refer to Wolter – Hewat in **Figure 7**)

The Right of Way is formed over Pt Lot 3, before traversing Lot 2 to the site boundary. Access has been formed from the site boundary to the original building area (formally known as Lot 6) through RM050685.

Figure 5 below shows the driveway to the proposed building platform location approved through RM090297 compared to the formed access and building area approved through previous consents. No changes to the access design approved through RM090297 are proposed from the site boundary to the curtilage area.

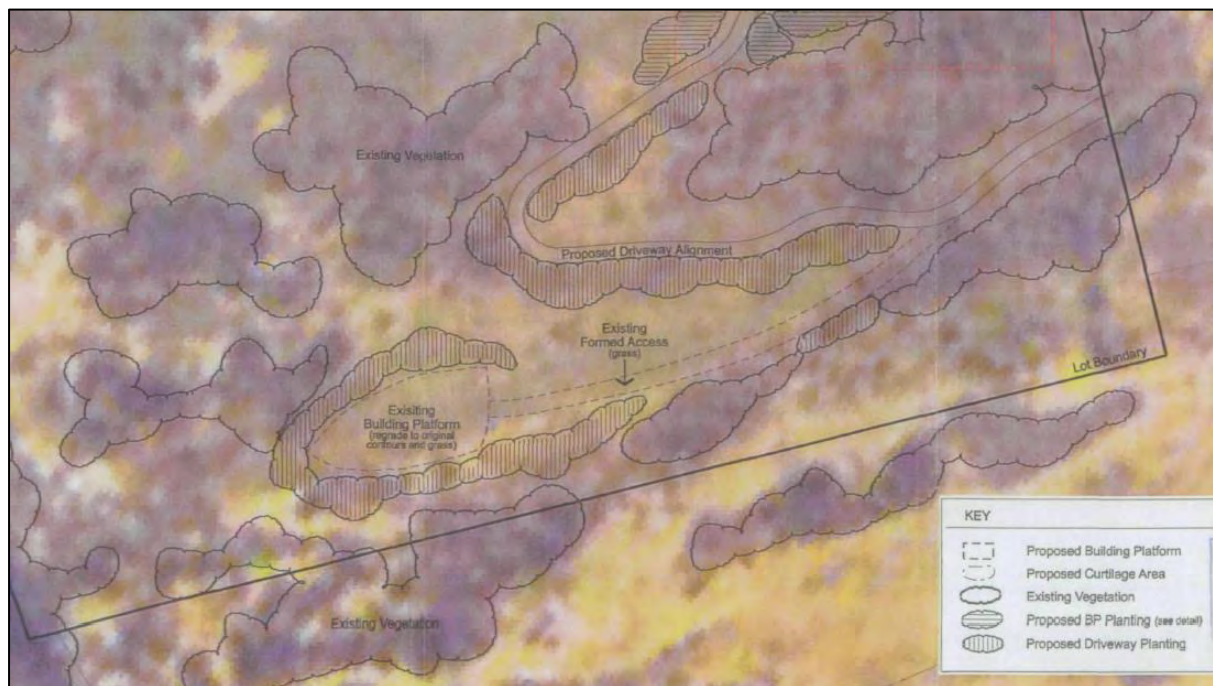


Figure 5: RM090297 Driveway Plan

The access will be formed around an established vegetated area, which will be largely retained during the formation of the driveway. The upper section of the driveway will be situated over an existing unformed farm track that runs from the building platform location to a water tank located on the site following the resolution of C8/2004. This water tank is located upslope, to the east of the formed buildable area.

3.5 Earthworks

RM090297 approved earthworks up to approximately 1,512m³ to reform the access to the proposed building platform location. No changes to the earthworks approved under RM090297 are proposed as part of the current resource consent application. The Geotech and Accessway Plans approved through RM090297 for the earthworks have been attached to this application as **Appendix 4**.

3.6 Proposed Conditions of Consent

The following conditions of consent are proposed to ensure the future development within the proposed building platform will be appropriate:

Design Controls

1. *The following design controls shall apply to any future buildings within the approved residential building platform:*

- *All buildings shall be located within the approved building platform*
- *Maximum building height within the building platform within this platform is restricted to 2.5m above RL 623m as indicated in the application.*
- *External roofing materials shall be limited to Cedar shingles in a natural finish, Slate, Tray or Colorsteel roofing finished in a dark recessive colour with a light reflectivity between 7% and 20%.*
- *All cladding material shall be selected from the following:*
 - o *Natural timber;*
 - o *Natural local stone;*
 - o *Textured concrete with low reflectivity; and/or*
 - o *Rammed earth*
- *Roof materials shall be selected from the following:*
 - o *Natural timber, timber shakes or timber shingles*
 - o *Natural dark grey slate tiles*
 - o *Oxidized zinc or galvanized iron finished in dark grey tones*
 - o *Living green roof systems*
 - o *Membrane roofing systems for flat roofs in dark grey to black tones.*
- *All exterior colours or stain finishes shall be either or combinations of recessive greys, greens and browns through to black tones. Timber is permitted in its natural state or may be coated with a clear protective sealant or stained natural tone.*
- *All external cladding, infrastructure and roofing material shall avoid glare and high reflectivity when viewed from locations external to the site and in addition be less than 36% on walls and on roofs less than 26%.*
- *All glazing shall not exceed more than 50% on the west elevation, be recessed to prevent sunlight reflecting off windows and in addition no mirror tinting is permitted.*
- *If not placed underground water tanks shall be integrated into part of the building or landscape design to achieve screening from locations external to the site.*
- *Clothes lines or other structures used for drying laundry, rubbish bins and collection areas, and television, radio antennae and/or satellite dishes shall be concealed when viewed from off-site locations.*

Landscaping

2. *Landscaping shall be carried out in accordance with the 'Structural Landscape Plan' approved under Condition _ of this Consent (RM18_____). The approved landscape plan shall be implemented within the first planting season following the completion of any future building constructed within the approved building platform.*

Earthworks

3. *Prior to any work commencing on the site, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate to detail the following engineering works required:*
 - a. *The nature and extent of earthworks associated with this consent, including any earthworks required to reinstate the consented dwelling platform location approved under resource consent RM000892 and the access approved under resource consent RM000892 and RM050685.*

3.7 Cancellation of Condition of Consent Notice

Resource consent is sought to cancel Consent Notice 7523286.4 as this instrument has been carried down through previous applications and has no further relevance to the siteⁱ.

4.0 DISTRICT PLAN PROVISIONS

4.1 Operative District Plan (ODP)

The site is zoned Rural General Zone under the Operative District Plan. The purpose of the Rural General Zone is;

‘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.*
- Protects the on-going operations of Wanaka Airport.*

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 proposal will require resource consent under the ODP for the following rules:

Building Platform

- A **Discretionary** activity under Rule 5.3.3.3(i)(b) to identify a building platform that is greater than 70m² and not greater than 1000m².

Earthworks

- A **Restricted Discretionary** activity under Rule 22.3.2.3(a) as the proposal will breach the following site standards;
 - 22.3.3(i) for earthworks within the Rural General Zone over a volume of 1000m³.
 - 22.3.3(ii)(a) for proposed cut and fill to form the accessway.

The matters to which Council has reserved discretion have been outlined in Rule 22.3.2.3(b) and are outlined below;

- The nature and scale of the earthworks
- Environmental protection measures
- Remedial works and revegetation
- The effects on landscape and visual amenity values
- The effects on land stability and flooding
- The effects on water bodies
- The effects on cultural and archaeological sites
- Noise

4.2 Proposed District Plan (PDP)

Under the PDP, the site is to be split-zoned between the Rural Zone (Stage 1 of the PDP) and the Wakatipu Basin Rural Amenity Zone (Stage 2 of the PDP). **Figure 6** below has shaded the Wakatipu Basin Rural Amenity Zone (WBRAZ) (as notified) with the remainder of the figure being zoned Rural.

ⁱ Condition (a) of CONO 7523286.4 relates to the building platforms on Lot 2 DP 398787 and Pt Lot 3 DP 398787.



Figure 6: Aerial of site with PDP zoning overlay (shaded (above dashed line) = WBRAZ, remaining area = Rural Zone)

It is noted that the WBRAZ boundary as notified accords with the notified Wakatipu Basin ONL boundary, noting again that the ONL boundary bisects the site. The proposed building platform is considered to be located outside of the notified Wakatipu Basin ONL, however for the purposes of this assessment the proposal has been assessed under both the Rural Zone and ONL provisions.

It is also noted that following the resolution of Stage 2 provisions, the area of the site located within the WBRAZ will likely be included within the Rural Character Landscape, however this would not trigger any additional rules within Stage 1 matters.

4.2.1 Stage 1 Provisions

The area below the dashed line outlined in **Figure 6** above, is zoned Rural within Stage 1 of the PDP. Under the Rural Zone provisions, resource consent will be required for the following;

- A **Discretionary** activity under Rule 21.4.11 with regards to the construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. Resource consent will be required under this rule to form the access to the proposed building platform.

There are no rules of relevance to the Rural Character Landscape that are triggered by the current application.

4.2.2 Stage 2 Provisions

Part of the site is included within the Wakatipu Basin Rural Amenity Zone notified through Stage 2 of the District Plan Review. Hearings have yet to conclude for this Zone and there are no provisions which have immediate legal effect that would impact the current proposal.

4.3 **Weighting of ODP vs PDP**

It is considered that given decisions on Stage 1 of the PDP are presently under appeal in the Environment Court and decisions on Stage 2 are yet to issue (with hearings still underway), minimal weight should be given to the PDP provisions for the purposes of assessing the proposal, and much greater weight should be given to the relevant ODP provisions.

4.4 Activity Status and Considerations

Overall, the development is a **Discretionary** activity.

Section 104 and 104B of the Resource Management Act (RMA) set out the relevant considerations for resource consent applications carrying the **Discretionary** activity status.

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- a) any actual or potential effects on the environment of allowing the activity; and
 - b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
 - c) any other matter the consent authority considers relevant and reasonably necessary to determine the application

104B Determination of applications for discretionary or non-complying activities

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.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Receiving Environment

The site is located at the ridgeline of Crown Terrace, which drops down to Arrow Junction to the west.

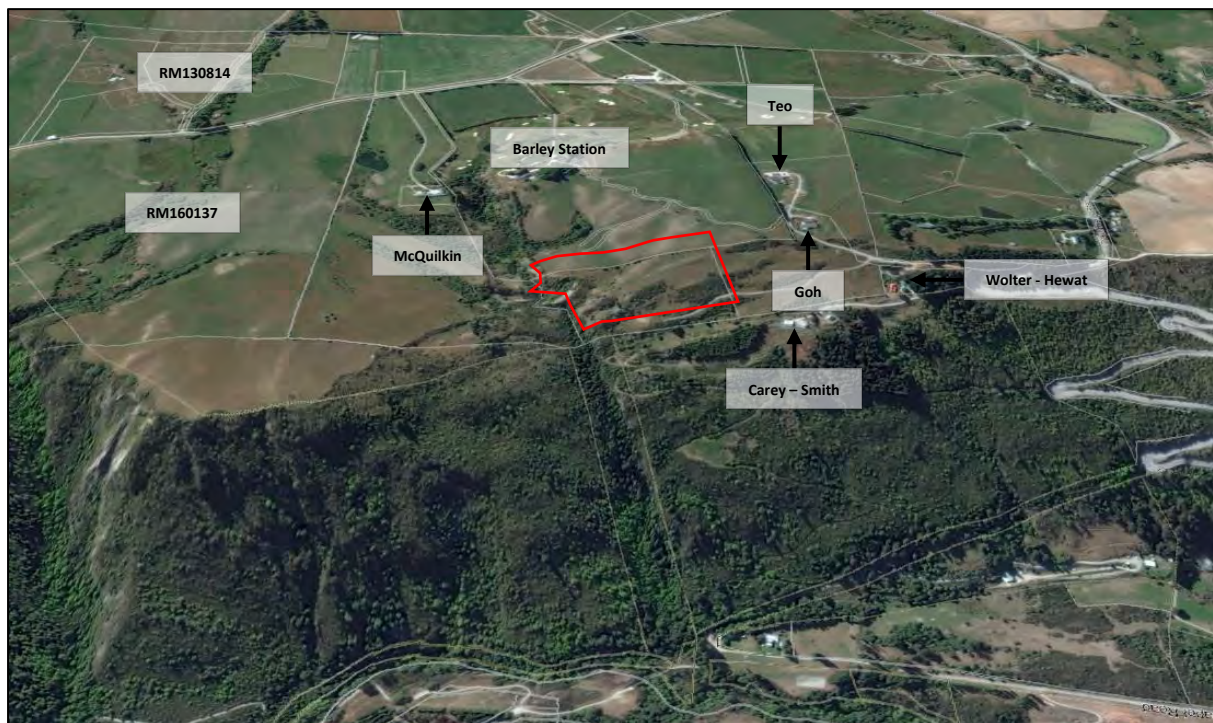


Figure 7: Google earth view showing surrounding residential properties within the receiving environment

The receiving environment is comprised of large rural living allotments with scattered residential developments throughout. **Figure 7** has identified several surrounding allotments formed for rural residential living. The allotments identified above have been described in the table below:

Properties identified in Figure 7	Description of Residential Development
Wolter - Hewat	This property has an existing three-bedroom dwelling with a detached studio sleepout/yoga room. The main dwelling is accessed via a shared driveway with Carey-Smith, while the yoga room/sleep out is accessed via the ROW to the site.
Carey - Smith	This property has two residential units located upon it; 'Creagh Cottage' which was approved through RM930192, and a residential unit located toward the north of the existing cottage approved through RM161100. This allotment also has two barns located near 'Creagh Cottage'.
Goh	This allotment borders the southern boundary of the site and has an existing dwelling located upon it. This dwelling is located at the south-eastern corner of the allotment and is orientated toward the west.
Teo	This property is located to the south-east of the proposed building platform and is situated approximately 130 metres to the east of the Goh residence. There is an existing dwelling located on this allotment which is elevated above the Goh residence, orientated to provide views toward the west.
Barley Station	Barley Station is owned by the applicant and is a large estate with associated golf course, tennis court, swimming pool and property managers dwelling. Any effects of the proposal on the land outlined in Figure 3 must be disregarded.
McQuilkin	The McQuilkin residence is located to the north-east of the site. This property contains an existing dwelling which is orientated to provide views towards the west. The McQuilkin's have provided their written approval for the proposed development. In accordance with s.95D(e) of the RMA, any effects of the proposal on this party <u>must</u> be disregarded.
RM160137 (Resolved [2018] NZEnvC 85)	RM160137 (appealed and upheld by Environment Court) approved the subdivision of the area indicated in Figure 7 , into two allotments, and the identification of two 1000m ² residential building platforms on each of the allotments.
RM130814	RM130814 was the final of several consents which approved the creation of five rural residential allotments in the area shown in Figure 7 , and a further six rural residential allotments on the eastern side of Glencoe Road to the south of these properties. The site subject to the current application is of a similar size to the allotments formed through RM130814.

5.2 Permitted Baseline

Under section 104(2) of the RMA the Council may disregard an adverse effect of a proposed activity on the environment if a plan permits an activity with that effect. Such activities form part of the permitted baseline.

Case law (e.g. *Lloyd v GDC*, W106/2005, and *Luggate Holdings Limited v QLDC* W081/2009) has established that the permitted baseline is broader than as stated in s.104(2), and is comprised of the following three categories of activities:

- what lawfully exists on the site at present;
- activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent, and
- activities which could be carried out under a granted, but as yet unexercised, resource consent.

What lawfully exists on site at present

The existing access and cleared building area approved through previously approved resource consents have been formed on the site. Water supply, telecommunication and power have also been provided to the site and the location of the proposed building platform.

Activities that could be undertake as of right

The following earthworks are permitted within the Rural General Zone;

- Earthworks up to a maximum volume of 1000m³;
- The formation of accessways with a maximum upslope cut or batter that is 1m or less in height;
- Cuts and batters laid back no more than 65°;
- Fill being no more than 2m high.

Activities which could be carried out under a granted, but as yet unexercised, resource consent

There are no active resource consents that are of relevance to the site. However, the previously approved consents (summarised in section 2.1 above) are considered to be of some relevance to the proposal as they indicate the level of effects that the Council has previously considered can be absorbed by the site and the receiving environment.

The resource consents outlined in section 2.1 of this report therefore inform this application. Of particular relevance is RM090274, which approved a building platform in the same location as what is currently proposed. The proposal will however alter the building platform shape from what was previously approved.

The application will re-establish the driveway in the same location and design as what was previously approved through RM090274, albeit in minor way.

5.3 Rural Character

The area of the Crown Terrace surrounding the site is characterised by large rural residential allotments with open undulating pastoral areas between allotments. The location of the proposed building platform and access will be within formed depressions within the topography of the receiving environment, allowing for the development to be largely absorbed into the site.

The proposed landscaping will be consistent with the existing landscaping present on the site. The landscaping has been located near areas where established vegetation is present, aiding in retaining the undulating, largely open pastoral land the is apparent in the upper, eastern areas of the site.

Overall, the proposal will not diminish the rural character of the receiving environment.

5.4 Landscape and Visual Effects

The site is located along the ridgeline of the Crown Terrace, a prominent escarpment that delineates the eastern side of the Wakatipu Basin. Views of the site from public areas are limited to less elevated locations throughout the Wakatipu Basin, and glimpsing views from the top of Tobin's Track to the north of the site.



Figure 8: Photo of Proposed Building Platform from McDonnell Road (excerpt from **Appendix 3**)

Figure 9 below shows the proposed building platform and height poles outlining the maximum height limit proposed as a condition of consent.



Figure 9: Photo of Height Poles taken from the North toward the South

The proposed building platform location is located on a relatively level terraced section of the site that will be set back from the main ridgeline to the west. The site slope ups to the rear of the building platform screening views of the development from areas to the east.

A comprehensive landscape assessment has been undertaken by Kathryn Ward from Vivian Espie and has been attached to this application as **Appendix 3**. This report has assessed the proposed building platform against the relevant District Plan assessment matters and concluded that;

'In relation to landscape character, the proposed development will result in an additional instance of rural living. The subject site and its immediate vicinity form a node of residential use and have resulted in a man-made and modified area. I consider that the proposal will result in a change to the current use of the development area, but I consider that the change will not result in significant negative effects on landscape character.'

In relation to visual effects:

- *The proposed activities are reasonably difficult to see from public roads and footpaths.*
- *Neighbouring properties will not be affected by the proposal, nor will their visual amenity be affected.*
- *The footprint of the proposed building platform is longer than the platform previously consented by RM090297 but is no larger. I consider that although the future built form is longer in length, it will not be more visually prominent and have any adverse visual effect than previously consented.*

An assessment against the assessment matters of the Queenstown Lake District Plan indicates that the proposal accords with the intentions of the objectives and policies that relate to the ONL (WB) of the ODP.'

The landscape report is considered accurate and forms part of this assessment of effects on the environment.

Overall, given the limited visibility of the site, distance from prominent public areas, and design controls proposed any actual or potential effects of the proposal on the landscape character and visual amenity values will be no more than minor.

5.5 Neighbourhood Effects

Section 5.1 has identified several allotments surrounding the site that have been developed for residential purposes. The actual or potential effects of the proposal on these neighbouring sites have been assessed below:

Wolter - Hewat

The building platform will not be able to be viewed from the Wolter – Hewat property. This site is located approximately 300m away from the approved building platform which is also elevated above this property. Existing vegetation and the topography of the receiving environment will screen the site from this allotment.

Carey – Smith

The Carey – Smith property to the south adjoins the entire western boundary of the site. As described in section 5.1, the Carey – Smith property has two residential units located upon it.

Creagh Cottage is located to the south-west of the proposed building platform location. The building platform will not be visible from this dwelling. Only the lower section of the proposed driveway will be viewed.

The residential unit approved under RM160137 is located to the immediate west of the proposed platforms location and is lowered approximately 36m below the level of the building platform. Views from this unit may be achieved, however views will be limited to the break in existing vegetation that will be formed by the proposed access.

Both residential units on the Carey – Smith property are orientated to provide views toward the west away from the site and proposed building platform location.



Figure 10: Aerial view of the surrounding properties in comparison to the approximate location of the building platform (outlined in red)

Goh & Teo

The Goh and Teo residences are located to the south-east of the site. Views of the dwelling from these two properties will be obstructed by existing vegetation, both horizontal and vertical separation of the building platform to these dwellings, and the nature of the undulating topography of the receiving environment. The proposed design controls, and in particular the height limits to be enforced, will result in the building being sunk into the site and obscuring all views of the development from these properties.

Increased traffic on the shared access will be within the what was initially anticipated when the sites were formed through RM980525.

Other Properties

As outlined in section 5.1, the effects of the proposal on properties to the east (Barley Station) and the north (McQuilkin) of the site must be disregarded.

Views from other properties on the Crown Terrace will be limited to the site due to the nature of the topography of the receiving environment. The natural landform in combination with the horizontal and vertical separation of the building platform from other properties around the site, any effects of the proposal on other properties will be negligible.

5.5.1 Summary of Neighbourhood Effects

After assessment, it is considered that there will be a negligible effect of the proposal on the views and visual amenity of neighbouring properties.

5.6 Earthworks

The earthworks proposed were assessed in depth through the approval of RM090297. No substantial changes to the earthworks associated with the formation of the accessway are proposed as part of the current resource consent application.

The matters to which Council discretion is restricted for earthworks are outlined within Rule 22.3.2.3(b). An assessment of these matters against the current proposal has been undertaken below;

(i) The nature and scale of the earthworks

Earthworks subject to the current application will be limited to the formation of the new driveway as outlined in **Figure 5**. The scale of the works will not be highly noticeable within the receiving environment.

It is noted that earthworks associated with the building platform do not form part of the current resource consent application and will be assessed at the time resource consent is sought for a dwelling within the building platform.

(ii) Environmental protection measures

Site management techniques will be implemented throughout earthworks to ensure any actual or potential effect from works proposal are appropriately addressed and managed while being undertaken. Standard conditions of consent will further ensure that the proposed works will be undertaken in accordance with standard practice.

(iii) Remedial works and revegetation

At the completion of works, all areas disturbed will be either developed or revegetated to ensure that all exposed soils are appropriately remedied. A condition of consent is also proposed to require remedial work to be undertaken.

(iv) The effects on landscape and visual amenity values

The proposed earthworks will provide for the access. Upslope cuts for the proposed access will breach permitted cut levels prescribed within the ODP. As outlined in **Appendix 3**, given the established landscaping on the site, the distance both horizontally and vertically of the site from surrounding public places where the proposed building platform may be viewable, and the nature of the proposed access, any actual or potential effect of the proposed development will be less than minor.

(v) The effects on land stability and flooding

A geotechnical report has been prepared by Tonkin & Taylor Ltd (T&T) through RM090297 which assessed the suitability of the building platform and accessway. All areas of cut and fill will be designed by a suitably qualified engineer. Conditions of consents will ensure that any works are undertaken appropriately.

(vi) The effects on water bodies

There are no water bodies in the immediate vicinity of the site. Earthworks will have no effect on surrounding water bodies.

(vii) The effects on cultural and archaeological sites

There are no known effects on cultural heritage, and no history of the property as an archaeological site.

(viii) Noise

The area where works are proposed is separated from surrounding residential units by distance, topography and existing vegetation. The application is for domestic scale activity, therefore Construction Noise Standards can and will be complied with. It is anticipated that any actual or potential noise effects will be less than minor within the receiving environment.

5.7 Heritage Effects

Neither the site, nor any of the surrounding land contains any matters of heritage significance or value.

5.8 Cumulative Effects

The site is located within an established rural residential node of development. The appropriateness of a building platform on the site has been assessed and established through previous resource consents. The building will be reasonably difficult to see from all surrounding public locations.

The residential use of the site will be able to be absorbed into the receiving environment. It is not anticipated that there will be a noticeable cumulative effect on the environment from the use of the site on the surrounding environment, noting also that the rural residential use was anticipated when the site was created.

5.9 Summary of Assessment of Environmental Effects

Overall, it is considered that any actual or potential effect of the proposal will be no more than minor.

6.0 OBJECTIVES AND POLICY ASSESSMENT

6.1 Operative District Plan

The objective and policies relevant to the current application can be found in Part 4 – District Wide Issues, Part 5 – Rural General Zone and Part 22 - Earthworks. Those of direct relevance to the current application have been assessed below;

6.1.1 District Wide Residential Objectives and Policies (ODP)

Objective 1 – Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's Lakes, rivers and wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Policies:

1.1 To encourage the long-term protection of indigenous ecosystems and geological features.

1.3 To manage the sensitive alpine environments from the adverse effects of development.

1.4 To encourage the protection of sites having indigenous plants or animals or geological or geomorphological features of significant value.

1.5 To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.

1.7 To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.

1.18 To manage and protect the sensitive alpine environments by avoiding, remedying or mitigating any adverse effects of development.

Proposed native landscaping is consistent with the existing vegetation and has been strategically located to both enhance the amenity values of the site and provide aiding in softening the future development with the building platform. Existing vegetation will be largely retained during the formation of the proposed accessway. There will be no introduced species proposed as part of the current application.

4.2 Landscape and Visual Amenity (ODP)

Objective:

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

Policies:

1. Future Development

- a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

As outlined landscape assessment attached as **Appendix 3**, the proposed development will be absorbed into the natural topography of the site without detracting from the landscape and visual amenity values of the receiving environment.

2. Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)

- a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- c) To allow limited subdivision and development in those areas with higher potential to absorb change.*
- d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*

3. Outstanding Natural Landscapes (Wakatipu Basin)

- a) To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:

 - i. Landscape values and natural character; and*
 - ii. Visual amenity values - recognising and providing for:*
 - iii. The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor, which in the context of the landscapes of the Wakatipu basin means reasonably difficult to see;**

- iv. *The need to avoid further cumulative deterioration of the Wakatipu basin's outstanding natural landscapes;*
 - v. *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads.*
 - vi. *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*
- b) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
 - c) *To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development*

The building platform proposed has been strategically located to ensure that any future development can be absorbed into the topography of the site. Design controls proposed will allow for the future development of a building within the building platform without resulting in less than minor adverse effects on the landscape.

The proposed accessway will result in upslope cuts that will breach earthworks provisions. Planting proposed on the downslope side of the access, in combination with the existing upslope planting will alleviate any actual or potential visual effect of the driveway from surrounding public areas.

4. *Visual Amenity Landscape*

- 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 the 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.*

The building platform location is not highly visible from public places or public roads. The landscaping and planting proposed is consistent with the existing vegetation throughout the site, and no linear planting is proposed.

8. *Avoiding Cumulative Degradation In applying the policies above the Council's policy is:*

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

The proposal, including the proposed design controls, will ensure that the building platform, access, and future development can be appropriately absorbed into the landscape. The proposal will reinstate a building platform previously approved for the site. The cumulative effects of the proposed development have been discussed in section 5.4 of this application.

6.1.2 Rural Objectives and Policies (ODP)

Objective 1 – Character and Landscape Value

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

Policies:

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

- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*
- 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.*
- 1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

The district wide objectives and policies have been assessed and overall the proposal is consistent with these.

The proposed design controls, position of the building platform and natural topography of the site will appropriately absorb the future development into the site.

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.*

The proposal will not result in adverse effects on activities located in the surrounding rural area. The surrounding allotments are utilised for rural residential living areas. The remaining sites to the east are owned by the applicant and any effects on these allotments must be disregarded.

The building platform is appropriately setback back from all neighbouring properties.

6.1.3 Earthworks Objectives and Policies (ODP)

Objective 1

Enable earthworks that are part of subdivision, development, or access, provided that they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment.

Policies:

- 1.1 Promote earthworks designed to be sympathetic to natural topography where practicable, and that provide safe and stable building sites and access with suitable gradients.*
- 1.2 Use environmental protection measures to avoid, remedy or mitigate adverse effects of earthworks.*
- 1.3 Require remedial works and re-vegetation to be implemented in a timely manner.*
- 1.4 Avoid, remedy or mitigate the long term adverse effects of unfinished projects.*

Objective 2

Avoid, remedy or mitigate the adverse effects of earthworks on rural landscapes and visual amenity areas.

Policies:

- 2.3 Ensure cuts and batters are sympathetic to the line and form of the landscape.*
- 2.4 Ensure remedial works and re-vegetation mitigation are effective, taking into account altitude and the alpine environment.*

Objective 3

Ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding.

Policies:

- 3.1 Ensure earthworks, in particular, - cut, fill and retaining, - do not adversely affect the stability of adjoining sites.*
- 3.3 Avoid the adverse effects of earthworks on steeply sloping sites, where land is prone to erosion or instability, where practicable. Where these effects cannot be avoided, to ensure techniques are adopted that remedy or mitigate the potential to decrease land stability.*

The proposed earthworks will be consistent with what was previously sought and approved for the site. All works involved with the formation of the accessway will be in accordance with the recommendations outlined within the Tonkin & Taylor report attached as **Appendix 4**.

Conditions of consent proposed will require areas of cut, retaining and fill to be designed by a suitably qualified professional.

Overall, the proposed earthworks will be consistent with Objectives 1 – 3 and subsequent policies above.

6.2 Proposed District Plan

The Objectives and Policies from both Stage 1 and 2 of the PDP that are of direct relevance to the current application have been reproduced and assessed below:

6.2.1 Stage 1 Objectives and Policies

Decisions on Stage 1 of the Proposed District Plan (PDP) have been released and the lodgement period for appeals has concluded. It is understood that over 100 appeals on the Stage 1 Decisions have been lodged. Accordingly, it is considered that little weight can be afforded to the Stage 1 Decisions, however for the sake of completeness the relevant Stage 1 objectives and policies (Decisions Version) are assessed below. The relevant objectives and policies are contained in the following chapters: Chapter 3- Strategic Direction, Chapter 6 – Landscapes and Rural Character, Chapter 21 - Rural, and Chapter 28 – Natural Hazards.

It is also noted that the proposal is subject to several matters to be addressed through Stage 2 of the District Plan review (i.e. Earthworks, WBRAZ etc) for which hearings are currently occurring and/or decisions are yet to be issued and it is therefore considered that little weight can be given to the PDP objectives and policies as a whole.

Chapter 3 – Strategic Directionⁱⁱ

3.2 Strategic Objectives

3.2.4 The distinctive natural environments and ecosystems of the District are protected.

3.2.4.1 *Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.*

3.2.4.2 *The spread of wilding exotic vegetation is avoided.*

The proposed landscaping will be appropriate within the receiving environment, and existing native planting will be largely retained throughout the site.

3.2.5 The retention of the District's distinctive landscapes.

3.2.5.1 *The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.*

ⁱⁱ All relevant Strategic Objectives and Policies have been appealed.

3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.

The building platform and accessway have been designed to reduce the visual prominence of these features from surrounding public areas. Design controls proposed will ensure that any future development of the building platform will be absorbed into the topography of the site and not result in adverse effects to the natural landscape.

3.3 Strategic Policies

Rural Activities

- 3.3.20 *Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.*
- 3.3.22 *Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments*
- 3.3.23 *Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas*
- 3.3.24 *Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character*

The site is currently utilised for light grazing, however given the nature (steep/highly vegetated) and size of the site is not the most suitable for farming purposes. Furthermore, the site was developed with the intention of being developed for residential purposes.

The proposal can be absorbed into the natural topography of the site without resulting in adverse effects that are greater than minor on the surrounding natural landscape. It is considered that any actual or potential cumulative effects of the proposed development will not result in alteration to the character of the rural environment to the point where the area is no longer rural in character.

Landscapes

- 3.3.29 *Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.*
- 3.3.30 *Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.*
- 3.3.31 *Identify the District's Rural Character Landscapes on the District Plan maps*
- 3.3.32 *Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.*

The nature of the proposal, and design controls proposed will aid in avoiding adverse effects of the proposal on the surrounding landscape. The proposal can be absorbed into the natural landscape of the site without having a noticeable effect on the landscape values of the site.

Chapter 6 – Landscapes and Rural Characterⁱⁱⁱ

Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

ⁱⁱⁱ All relevant Landscape Policies have been appealed.

- 6.3.4 *Avoid urban development and subdivision to urban densities in the rural zones.*
- 6.3.5 *Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.*
- 6.3.8 *Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.*
- 6.3.9 *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.*
- 6.3.10 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).*

The building platform is located within a terraced section of the site that can absorb the residential development proposed. The proposal will largely retain the existing vegetation present throughout the site which in combination with proposed native landscaping and design controls will ensure that any future development of the site can be absorbed.

Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features

- 6.3.12 *Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application*
- 6.3.13 *Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wahi tūpuna.*
- 6.3.16 *Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.*

The site was formed with the intention of being developed for residential purposes. The proposed access will largely follow recessed areas within the site aiding to reduce the alteration to the landscape and overall visual prominence of any future development.

The proposal will not result in any effects on the cultural and historic matters on the site.

Managing Activities in Rural Character Landscapes

- 6.3.19 *Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.*
- 6.3.21 *Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.*
- 6.3.22 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.*
- 6.3.23 *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.*
- 6.3.26 *Avoid adverse effects on visual amenity from subdivision, use and development that:*

- a. is 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); or*
- b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads*

6.3.27 *In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character.*

The allotment was formed with the intention of providing for the future residential use of the site. The proposed development is in the same position where a building platform has been previously approved for the site.

As outlined in the AEE, the proposal will not be highly visible from surrounding public places, and design controls and landscaping will mitigate the potential effects on visual amenity and landscape values of the future development of the site.

Chapter 21 – Rural^{iv}

Objective 21.2.1

A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

21.2.1.3 *Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.*

21.2.1.6 *Avoid adverse cumulative impacts on ecosystem services and nature conservation values.*

21.2.1.8 *Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.*

21.2.1.9 *Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*

The building platform is appropriately setback from all internal boundaries.

The proposal will not have an adverse cumulative effect on the ecosystem and nature conservation values as all landscaping proposed is native to New Zealand.

Standard conditions of consent will ensure that firefighting measures are appropriately addressed through the future development of the building platform.

Objective 21.2.2

The life supporting capacity of soils is sustained.

Policies

21.2.2.3 *Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.*

The proposed landscaping will be consistent with native species existing throughout the site. The earthworks proposed will not result in effects on the life supporting capacity of the soil within the site.

Objective 21.2.4

^{iv} All relevant Rural Objectives and Policies with the exception of Objective 21.2.2 and 21.2.2.1 have been appealed.

Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

Policies

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.

The proposal will re-establish a residential building platform in a location that was formed with the intention of being developed for residential purposes.

Chapter 26 – Natural Hazards

Objective 28.3.1

The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.

Policies

28.3.1.1 Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. the potential for natural hazard risk to human life to be exacerbated; and***
- b. the potential risk of damage to property and infrastructural networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure.***

28.3.1.2 Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.

The proposed building platform was moved from the previously approved buildable location (formally Lot 6) to the current location via RM090297 to avoid the section of the site that has been identified as being within a potential landslide risk area. The proposed building platform location has not been identified as being within an area prone to landslide risk.

Objective 28.3.2^v

Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

Policies

28.3.2.1 Avoid significantly increasing natural hazard risk

28.3.2.2 Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:

- a. accelerate or worsen the natural hazard risk to an intolerable level;***
- b. expose vulnerable activities to intolerable natural hazard risk;***
- c. create an intolerable risk to human life;***
- d. increase the natural hazard risk to other properties to an intolerable level;***
- e. require additional works and costs including remedial works, that would be borne by the public***

28.3.2.3^{vi} Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:

- a. the likelihood of the natural hazard event occurring over no less than a 100 year period;***
- b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land;***

^v Objective 28.3.2 is under appeal

^{vi} Policy 28.3.2.3 is under appeal

- c. *the effects of climate change on the frequency and scale of the natural hazard;*
- d. *the vulnerability of the activity in relation to the natural hazard;*
- e. *the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;*
- f. *the potential for any structures on the subject land to be relocated;*
- g. *the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;*
- h. *management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.*

The land stability risk that is associated with the site will only impact the lower section of the proposed driveway. All recommendations outlined in the Tonkin & Taylor Report (**Appendix 4**) will be complied with during the construction phase of this proposal. All cut, retaining and fill will be designed by a suitably qualified professional.

There are no land stability risk issues relating to the proposed location of the building platform.

6.2.2 Stage 2 Objectives and Policies

Stage 2 of the PDP was notified on the 23 November 2017. The submission and further submission period has closed, and hearings are ongoing. Decisions are yet to be issued. As such, limited weight can be given to the objectives and policies of Stage Two of the PDP. Nonetheless the relevant Stage Two objectives and policies (contained within Chapter 24 – Wakatipu Basin and Chapter 25 – Earthworks) are assessed below.

Wakatipu Basin Objectives and Policies (PDP)

Objective 24.2.1

Landscape and visual amenity values are protected, maintained and enhanced.

Policies:

- 24.2.1.1 Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values.*
- 24.2.1.2 Ensure that subdivision and development maintains and enhances the Wakatipu Basin landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8*
- 24.2.1.3 Maintain and enhance the landscape character and visual amenity values associated with the Zone and Precinct and surrounding landscape context by controlling the colour, scale, form, coverage, location (including setbacks from boundaries and from Identified Landscape Features) and height of buildings and associated infrastructure, vegetation and landscape elements.*
- 24.2.1.7 Control earthworks and vegetation clearance so as to minimise adverse changes to the landscape character and visual amenity values.*
- 24.2.1.8 Ensure land use activities protect, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, Precinct and wider Wakatipu Basin area.*

As previously discussed, the proposed development will be appropriately absorbed into the site, minimising the actual or potential effects of the proposal on the landscape character and visual amenity values of the receiving environment. Design controls proposed will ensure future development is recessive in nature, while landscaping and placement of the building platform will reduce the overall impact of the development on surrounding properties.

Objective 24.2.4

Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Policies:

24.2.4.1 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

24.2.4.3 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

24.2.4.4 Ensure development does not generate servicing and infrastructure costs that fall on the wider community

24.2.4.5 Ensure development infrastructure is self-sufficient and does not exceed capacities for infrastructure servicing.

The proposal will largely retain existing vegetation throughout the site. All services are already provided to the building platform under previously approved consents and the proposal will therefore not result in additional costs to or pressures on the wider community.

Earthworks Objectives and Policies (PDP)

The nature and scale of earthworks is appropriate to facilitate the proposed development and standard site management techniques will appropriately mitigate any actual or potential effects of the earthworks.

Furthermore, after review of the Stage 2 – Earthworks Chapter it is considered that the overall and objectives and subsequent policies, as they relate to the current proposal have been addressed through previous assessment, and no further assessment need be required.

6.3 Summary of ODP and PDP Objectives and Policy Assessment

In summary, the proposal is consistent, and not contrary to the objectives and policies in both the Operative and Proposed District Plans.

7.0 OTHER MATTERS**7.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

A preliminary HAIL Assessment of the site has been undertaken by WSP Opus which has been attached as **Appendix 6**. This report has concluded that there has been no evidence of any HAIL activities occurring on the site and therefore the NES does not apply.

8.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The purpose of the Act is set out in Section 5 and concerns the sustainable management of natural and physical resources. This application will enable the efficient use and development of the land, while maintaining the existing amenity values of the Crown Terrace environment. The proposal will benefit the property owners' social and economic well-being while providing for housing for future generations on a site always intended to be utilised for residential purposes. As such, it is considered that the proposal will be consistent with Part 2 of the Act.

9.0 CONCLUSION

Overall, the proposed development is anticipated to result in effects that are less than minor on the environment and on people, and the proposal is consistent with the policy direction provided within both the Operative and Proposed District Plans.

APPENDIX 2 – ENGINEERING REPORT (MR CAMERON JONES)



ENGINEERING REPORT

TO: Alex Dunn
FROM: Cameron Jones
DATE: 30/01/2019

APPLICATION DETAILS	
REFERENCE	RM181310
APPLICANT	BSTGT Limited
APPLICATION TYPE & DESCRIPTION	Consent is sought to identify a residential building platform and remove a consent notice which does not relate to the subject lot.
ADDRESS	117 Glencoe Road, Crown Terrace; accessed from Crown Range Road
ZONING	Rural General
LEGAL DESCRIPTION	Lot 1 DP 398787
SITE AREA	4.9983 ha
ACTIVITY STATUS	Non-complying

Application	Reference Documents	Documents provided with consent application.
	Previous Relevant Consents	RM000892 (previous approval to construct a dwelling to the northwest of the proposed location). RM090297 (previous approval to identify an RBP; lapsed).
	Date of site visit	05/10/2018

Location Diagram



Comments		
	Existing Use	Vacant rural allotment.
	Neighbours	Rural allotments on all sides; mostly occupied by dwellings.
	Topography/Aspect	Moderately to steeply sloping towards the west.

ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Means of Access	<p>Vehicle crossings</p> <p>The lot gains access to Crown Range Road via a sealed vehicle crossing. I am satisfied that this crossing complies with District Plan requirements for length and break over angles.</p> <p>There is approximately 62m of sight distance available to the north, and 100m to the south. Site Standard 14.2.4.2(iv) requires at least 170m of sight distance for roads with a 100 km/hr speed limit. Regardless, I am satisfied that this will not result in any adverse traffic safety effects, as the horizontal and vertical alignment of Crown Range Road in this location greatly reduces traffic speeds.</p>	
			<p>Access</p> <p>Access to the lot is over a series of right of way easements over Lots 2 and 3 DP 398787. This right of way is formed to an adequate standard up to the point where the access way is exclusively used by the subject lot. From this point, the formation does not comply with Council's standards, but the applicant has provided plans for the upgrading of the access, I am satisfied that a compliant access can be constructed. I recommend a condition that the detailed design of the access be provided to Council for Engineering Acceptance prior to the commencement of works. I recommend a condition that the access be formed to the building platform prior to registration of the building platform.</p>	X

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	Earthworks as required to establish an access way to the building platform, along with landscaping. Although earthworks to level the building platform are shown on some plans, it is understood that these are not included in the application.	
		Cut /Fill Volume (m3)	Cut: 1,113m ³ Fill: 544m ³	
		Total Volume (m3)	1,657m ³	
		Area Exposed (m2)	Not specified.	
		Max Height Cut/Fill (m)	Max cut: 2.8m Max fill: 3.3m	
		Prox. to Boundary	Given the size of the site and the distance to any boundaries, I am satisfied that the works will not result in any instability beyond the lot boundaries. Regardless, I recommend a condition to ensure this.	X
	Stability	Geotech assessment by	GeoSolve Ltd	
		Report reference	GeoSolve ref JN 180707, dated November 2018.	

		Report comment	The report presents the results of 5 test pits and associated Scala penetrometer tests, along with mapping and assessment of historic landslide activity on the site. The report provides recommendations regarding cut and fill batter slopes, and concludes that constructing the proposed access way will be feasible, though geogrid reinforcement may be required for some fill slopes, where the existing slope is close to the recommended batter slope. Retaining may also be required to achieve suitably stability. I recommend that these recommendations be incorporated into the design of the access way, including the provision of design Producer Statements for retaining walls, if required. I recommend a condition that all earthworks be supervised by a suitably qualified person as per the recommendations of the GeoSolve report.	X
		Rock breaking	Not anticipated.	
		Rock blasting		
		Preconstruction survey	Not required.	
		Retaining	The GeoSolve report states that retaining may be required to achieve suitable levels of stability for the access way. A condition is recommended to ensure that all retaining is constructed to Council's standards and an advice note is recommended in regards to Building Act requirements for retaining structures.	X
		Recommendations on cut/batter slopes	As per the GeoSolve report.	X
		Fill certification/specific foundation design required	Not required.	
		Engineers supervision	The earthworks processes will need to be supervised by a suitably qualified engineer to ensure the access is constructed in accordance with Council's standards and the recommendations made in the GeoSolve report. An appropriate condition is recommended.	X
		Uncertified fill covenant	Not required.	
		Schedule 2a Certificate	Required to determine geotechnical requirements for construction within the building platform and ensure stability of the access way.	X
		Clean fill only	Not required.	
	Site Management	Report reference	Appropriate conditions are recommended to ensure that the site management is undertaken in accordance with the 'Guide to Earthworks in the Queenstown Lakes District' brochure.	X
		Specific sedimentation management	Not required.	
		Specific stormwater management		
		Neighbours	I am satisfied that the earthworks are feasible and no adverse effects will result on neighbouring sites.	
		Traffic management	I am satisfied that traffic management will not be necessary.	
		Construction crossing	Not required.	

		Revegetation	An appropriate condition is recommended to ensure all exposed areas are stabilised or re-vegetated at the completion of earthworks.	X
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SERVICES	Existing Services		RM000892 established a building platform to the northwest of the proposed platform location. This included provision of reticulated power and telecommunications, and I am satisfied that these were installed.	
	Water	Potable	Water is supplied from a shared supply owned by the Glencoe Land Development Co Ltd. The applicant has provided evidence that this scheme can easily supply 2,100 litres per day of water to the building platform, in the form of ORC water permits and recent water meter logs. I accept this evidence, and I recommend a condition that at least 2,100 litres of water per day be provided to the building platform prior to registration of the building platform. The applicant states that the existing water supply (which runs past the proposed building platform) will be terminated at the building platform location, and for this reason I recommend a condition that as-built plans of the water supply be provided prior to registration of the building platform. The application includes a number of private covenants, including covenants regarding the water supply, which state that the supply's owner is obligated to maintain the system and treat the water. Regardless, I recommend a covenant condition informing future lot owners that ultimately, the obligation to ensure their water is potable is their own.	X
		Fire-fighting	At the time a dwelling is constructed, the lot owner will need to install a static firefighting water reserve of 20,000 litres within a 30,000 litre tank. I am satisfied that this is easily assessed at the time a dwelling is proposed. The applicant has provided tracking curves demonstrating that an 8m rigid truck (fire appliance) can access the building platform. I recommend an appropriate covenant condition regarding the requirement for a static firefighting water reserve at the time a dwelling is proposed.	X
	Effluent Disposal		The T&T report referenced above (T&T ref 880107.003, dated 24 March 2009) includes an assessment of the suitability of the site for on-site effluent disposal, concluding that this will be geotechnically feasible given the soil conditions present. I accept this assessment, and I recommend an appropriate covenant condition regarding effluent disposal.	X
	Stormwater		Given the size of the site, I am satisfied that on-site stormwater disposal will be feasible, and will be a requirement of the Building Consent process for a future dwelling. I make no recommendations in this regard.	
	Power & Telecoms		As discussed above, I am satisfied that power and telecommunications connections were made as part of the works for RM000892. Regardless, it is unclear exactly where this reticulation ends, and I recommend an appropriate condition that the applicant provide confirmation from the service providers that this reticulation is connected and live prior to registration of the building platform.	X

NATURAL HAZARDS	Hazards on or near the site	<p>Council's engineering assessment for RM090297 states the following regarding natural hazards:</p> <p><i>"The QLDC Hazard Register identifies this site as being subject to a landslide hazard. Tonkin & Taylor have carried out geotechnical assessments within the site, confirming the presence of an existing schist landslide feature with is likely to adversely affect the consented dwelling location. However, they have determined that the proposed building platform location is located at least 50m upslope of this instability feature and is unlikely to be adversely affected by this hazard. I accept the findings of the Tonkin and Taylor geotechnical assessments and consider the location of the proposed building platform to be acceptable in terms of hazard risk."</i></p> <p>GeoSolve also assesses the landslide hazard as being unlikely to affect the proposed building platform.</p> <p>I accept this assessment, and make no recommendations regarding the landslide hazard on the site.</p> <p>GeoSolve states that the risk due to liquefaction is low, as the groundwater table is expected to be at depth below the site. They also conclude that <i>"the risk of alluvial fan activity affecting the site is considered to be very low and unlikely to affect a future development"</i>. I accept this expert advice.</p>	
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PROJECT INFORMATION	Developers Engineering Representative	Required for connections and survey plan works.	X
	Notice of commencement	Not required.	
	Traffic Management Plan	Not required.	
	Design Certificates	Required for access way design.	X
	Completion Certificates	Required for access way construction.	X
	As builds	Required for water connection.	X

TITLE	Covenants/consent notices	<p>Consent is sought to cancel consent notice 7523286.4, as it was carried down from previous subdivisions and is not applicable to the subject site. The consent notice contains conditions regarding provision of a static firefighting water reserve and on-site effluent disposal. As these conditions are out-dated and new covenant conditions are proposed, I am satisfied the consent notice can be removed from the title.</p> <p>I recommend new covenant conditions regarding geotechnical requirements, potable water monitoring, firefighting water, and on-site effluent disposal. These are discussed further in the relevant sections herein.</p>	X
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RECOMMENDED CONDITIONS

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

General

1. All engineering works, including the construction of any retaining walls, 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. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
3. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
4. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve Ltd report (GeoSolve ref JN 180707, dated November 2018) and who shall supervise the excavation and filling procedure and retaining wall construction, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
5. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) 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) The provision of a water supply to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of an access way to the building platform that is in general accordance with the plans submitted with the application and complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access way design shall include the following:
 - (i) The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width.
 - (ii) Provision shall be made for stormwater disposal from the carriageway.
 - (iii) Passing bays shall be provided on the steep, curved section of the access to avoid possible vehicle conflicts.
 - (iv) Provision shall be made for an 8m rigid truck to gain access to the building platform.
 - (v) The access way 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.

- (vi) The cut and fill batter slopes shall be amended to comply with the recommendations in the GeoSolve report (GeoSolve ref JN 180707, dated November 2018).
- (vii) In the event that any retaining structure(s) are proposed for the access way, producer statement(s) in the form of IPENZ PS1 for design shall be provided for the retaining structure(s).
- c) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be monitored throughout earthworks

- 6. The earthworks, batter slopes and retaining shall be undertaken in accordance with the recommendations of the report by GeoSolve Ltd (GeoSolve ref JN 180707, dated November 2018).
- 7. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 8. No earthworks, temporary or permanent, are to breach the boundaries of the site.

New Building Platform to be registered

- 9. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per XX plan titled 'Proposed Building Platform on Lot X DP XXXX', Job No. XX, Revision X, dated X/XX/XXXX). The consent holder shall register this "Land Transfer Covenant Plan" on Register of Title Identifier 393959 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Register of Title

- 10. Prior to the building platform being registered on the Register of Title, 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 development to the Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water reticulation.
 - b) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering 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 works detailed in Condition (5) above.
 - d) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - e) The consent holder shall remedy any damage to all existing road and/or right of way surfaces and berms that result from work carried out for this consent.
 - f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
 - g) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

- h) All earthworks, geotechnical investigations, engineered fill slopes, and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering the building platform location and the newly-constructed access way. The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against the lot, the Schedule 2A shall include a geotechnical summary table identifying requirements against the lot for reference by future lot owners. The certificate and any supporting information shall be submitted to the Manager of Resource Management Engineering at Council.
- i) The submission of Completion Certificates from both the Contractor and Approved Engineer for all engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- j) In the event that any retaining structure(s) were constructed for the access way, producer statement(s) in the form of IPENZ PS4 for construction shall be provided for the retaining structure(s).

Ongoing Conditions/Covenants

11. At the time that the building platform is registered on the Register of Title for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:
 - a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX
 - b) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Tonkin & Taylor, dated 24 March 2009. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
 - c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005 (revised 2008), by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 (revised 2008) are met or exceeded.
 - d) Prior to the occupation of any residential unit on the lot, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or alternative). 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 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 residential units. In the event that the proposed residential units 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 that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per 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 subdivision consent). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

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

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

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 10km 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 recommended that a home sprinkler system be installed in the new residential unit.**

- e) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (10h) contains limitations or remedial works required, then a s108 covenant shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).

Advice Note:

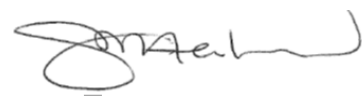
1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
2. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

Prepared by:



Cameron Jones
LAND DEVELOPMENT ENGINEER

Reviewed by:



Steve Hewland
LAND DEVELOPMENT ENGINEER

APPENDIX 3 – APPLICANT’S LANDSCAPE ASSESSMENT (MS KATHRYN WARD)

vivian+espie

resource management and landscape planning

BARLEY STATION PROPOSAL

Glencoe Road, Queenstown

Landscape and Visual Effects Assessment Report

Kathryn Ward – Landscape Planner – 28th August 2018

APPENDICES

1. Queenstown Lakes District Plan Assessment Matters Relating to an Outstanding Natural Landscape (Wakatipu Basin)
2. Structural Landscape Plan
3. Viewpoint Location and Planning Context Map
4. Photographs
5. Dr Mike Stevens Landscape and Visual Effects Assessment Report (RM090297)
6. Drone Photographs

INTRODUCTION

1. This report identifies and evaluates the landscape and visual effects that may potentially arise from a proposal to establish a building platform on Lot 1 DP398787 (**the site**), which is 4.99 in area and is located on the Crown Terrace of the Crown Mountain Range.
2. The methodology for this assessment has been guided by the landscape related Objectives, Policies and Assessment Matters of the Operative Queenstown Lakes District Plan (**the ODP**), by the Guidelines for Landscape and Visual Impact Assessment produced by the UK's Landscape Institute and Institute of Environmental Management and Assessment¹(which is the definitive methodology used in the UK and Europe and is becoming increasingly widely used in New Zealand), and by the New Zealand Institute of Landscape Architects "Landscape Assessment and Sustainable Management" Practice Note².
3. The ODP is currently under review and a Proposed District Plan (**the PDP**) has been notified, subject to submissions, further submissions and hearings. Decisions on Stage 1 of the PDP have been issued and are currently subject to appeal. Certainty can therefore not be given to the provisions of the PDP. As will be explained, the site is within an outstanding natural landscape of the Wakatipu Basin. The PDP provisions that apply to the site are very similar to the applicable ODP provisions. In my assessment, I have given some consideration to the provisions of the PDP but have taken more guidance from the ODP.

DESCRIPTION OF THE PROPOSAL

4. This report identifies and evaluates the landscape and visual effects likely to arise from a proposal to reinstate consent for the building platform previously approved by RM090297. On 6th May 2009, Dr Mike Steven for Vivian+Espie Limited wrote a landscape and visual effects report in respect of RM090297, which I have attached as Appendix 5 of my report. I have read and agree with Dr Steven's assessment of the RM090297 proposal and consider it relevant to my assessment of the current proposal. I therefore adapt parts of it in this report.

¹ Landscape Institute and Institute of Environmental Management and Assessment; 2013; 'Guidelines for Landscape and Visual Impact Assessment – 3rd Edition'; Routledge, Oxford.

² New Zealand Institute of Landscape Architects Education Foundation; 2010; Best Practice Note 10.1 'Landscape Assessment and Sustainable Management'.

5. The landscape related conditions associated with the previous consent RM090297 include the following:

- A building platform of 800m² is to be located within Lot 1, DP398787 (the site).
- The maximum height of buildings within this platform is restricted to 2.5 metres above RL 623m.
- External roofing materials are limited to Cedar shingles in a natural finish, Slate, Tray or Colorsteel roofing finished in a dark recessive colour with a light reflectivity between 7 and 20%.
- All cladding materials must be selected from the following:
 - Natural timber
 - Natural local stone
 - Textured concrete with low reflectivity; and/or
 - Rammed earth
- Roof materials must be selected from the following:
 - Natural timber, timber shakes or timber shingles
 - Natural dark grey slate tiles
 - Oxidized zinc or galvanized iron finished in dark grey tones
 - Living green roof systems
 - Membrane roofing systems for flat roofs in dark grey to black tones.
- All exterior colours or stain finishes must be either or combinations of recessive greys, greens and browns through to black tones. Timber is permitted in its natural state or may be coated with a clear protective sealant or stained natural tone.
- All external cladding, infrastructure and roofing material must avoid glare and high reflectivity when viewed from locations external to the site and in addition be less than 36% on walls and on roofs less than 26%.
- All glazing must not exceed more than 50% on the west elevation, be recessed to prevent sunlight reflecting off windows and in addition no mirror tinting is permitted.
- If not placed underground water tanks must be integrated into part of the building or landscape design to achieve screening from locations external to the site.

- Clothes lines or other structures used for drying laundry, rubbish bins and collection areas, and television, radio antennae and/or satellite dishes must be concealed when viewed from off-site locations.
6. The current proposal seeks to retain the previously approved conditions outlined above. However, the building platform is now proposed to be configured differently, as per Appendix 2 of this report. It will comply with the previously approved 800m² maximum size however.
 7. In summary, the current proposal seeks to reinstate the building platform approved by (now lapsed) RM090297 and associated conditions. The current proposal is the same as the previously approved proposal (RM090297), with the exception of the shape of the proposed building platform being 1.5m outside of the original platform envelope.

LANDSCAPE CHARACTER

Existing Landscape Character

8. The Crown Range is the name given to the north-south running line of mountains that stretch between Soho Creek in the north and the Kawarau River to the south. They are a subset of the Criffel Mountains and Harris Mountains that run from the Kawarau River (Gibbston Valley) via Cardrona to Wanaka in the north. The Crown Range themselves are therefore a relatively small mountain range, running a length of approximately 2 kilometres.
9. The Crown Escarpment rises sharply as an extraordinary and jagged backdrop wall to the Queenstown and eastern Wakatipu area. The image of Queenstown through the Cardrona Valley backed by the silhouette of the Crown Range and Crown Terrace is a widely appreciated and memorable one. The Crown Terrace itself is an area of open pastureland, accessed by the Crown Range Zig-Zag and a number of stations and dwellings. Their formative processes are legible and dynamic and there are some significant transient aesthetic effects from weather, light and atmospheric conditions.
10. Pursuant to both the ODP and the PDP, the Crown Range Escarpment is an ONL. This is illustrated on Appendix 3. The landscape category boundary line of the ODP and PDP excludes the Crown Terrace, a glacial terrace perched some 200m above the Wakatipu Basin. The land of the terrace is gently sloping generally from east to west across a number of fans leading from the lower slopes of the Crown Range. The terrace is divided in places by a number of gullies that drop steeply into the Crown Terrace face. The Terrace is an open pastoral landscape with gentle undulation and Glencoe Road upslope.

11. The classification as the site is a pastoral landscape in the Arcadian sense with rolling fields, hedgerows and is adjacent to the Outstanding Natural Landscape (ONL) of the Crown Terrace face, the Crown Range and Mt Beetham (981masl) a prominent small peak that rises from the Crown Terrace.
12. To the south and west of the subject site are a number of consented dwellings and residential building platforms as indicated on Appendix 3. These approved dwellings are located on larger sites and extend up the mountainside to the Crown Terrace, as well as downhill on The Crown Escarpment, within the ONL. These various dwellings/building platforms generally sit on large lots and the building locations use topography and earthworks to ensure that most (but not all) buildings are invisible or difficult to see from the basin floor.
13. The subject site itself is located on the lip of the Crown Escarpment as it meets the Crown Terrace. The site contains areas of native matagouri and woody shrub vegetation in the gully. Indigenous vegetation is clumped to scattered areas that occur throughout the property and in the gully.

PLANNING CONTEXT AND PLANNING HISTORY

14. The subject site is identified as being located within the Rural General Zone pursuant to the ODP and is split-zoned between the Rural Zone and the Wakatipu Basin Rural Amenity Zones pursuant to the PDP. The landscape categorisation of the site is based on a determination of the Environment Court C180/1999² and C87/2002³. In the ODP the steep escarpment of the Crown Face is categorised as an outstanding natural landscape (ONL), whilst the Crown Terrace is categorised as a visual amenity landscape. I understand that the PDP proposes to generally retain these categorisations of the site, (although the visual amenity landscape is described in the PDP as a “rural character landscape”)³.
15. The PDP landscape category is shown on Appendices 2 and 3⁴. I consider the line defining the edge of the ONL has been mapped in a broad manner. Within the property boundary of the subject site the ONL line runs to the close vicinity of the previously approved and expired building platform, and the location of the building platform sought by this application. The PDP line has been transposed onto Appendix 2, being a site plan showing the proposed activities. The proposed building platform is immediately outside the identified ONL, while much of the proposed driveway formation and associated earthworks are within the ONL. I consider that the part of the site that is inside the ONL exhibits

³ Regarding PDP landscape categorisation, I refer to the Stage 2 PDP Stream 14 rebuttal evidence of Helen Mellsop (QLDC consultant landscape architect), paragraph 6.5.

⁴ Ibid.

considerable modification and is largely congruous (in terms of landscape character) with the area to the north that is outside the ONL. Notwithstanding this, I have assessed the proposed activities against the ONL provisions of the ODP and PDP.

16. The site has a long consent history, which is described in Dr Steven's landscape and visual effects assessment report attached as Appendix 5 to this report. I will not repeat the history here (and instead defer to Dr Steven's report), however I note that aspects of Court Decision C08/2004 (which concerned an application for resource consent to establish a dwelling on the subject site in another location on the site, approximately 100 metres to the north and approximately 25 metres lower in elevation than RM09027 and the current proposal) are relevant to this application, I therefore summarise the key findings of the Court's decision below:

- The landscape of the Crown Terrace in the vicinity of the original proposed development site is not an open landscape (paragraph 25 of the Decision).
- The most important locations for the identification of visibility are:
 - State Highway 6 (Queenstown to Cromwell Road) on the eastern side of Morven Hill
 - The intersection of Speargrass Flat Road and Arrowtown Lake Hayes Road.
- The development approved by the Court would be reasonably difficult to see from these locations and would not be visually prominent compared with other dwellings in the area. The other dwellings the Court referred to remain visually prominent today, most relevantly the Carey-Smith and Wolter dwellings shown on Appendix 3 to this evidence (refer to paragraph 34 of the decision).
- Regarding visual coherence, the Crown Face, while it may be geomorphically uniform, is far from coherent vegetatively (paragraph 14)
- Regarding cumulative effects, while the proposal approved by the Court would introduce domestic elements: *"which are inconsistent with the natural character of the Crown Face as a whole, but not within the area of the zig zag."* (paragraphs 48-49), existing development has *"already compromised both the visual coherence and naturalness of the Crown Face and its landscape setting"* and the proposal approved by the Court did not *"represent[s] a threshold with respect the Face's ability to absorb further change."* The Court noted that the

existing houses in the vicinity of the Zig-Zag, together with the proposed house: “... *form a very loose cluster in which the proposed Lot 6 house will fit, and much less visibly.*”

- The proposed dwelling would not detract from the landscape value of the Wakatipu Basin (paragraph 97). At paragraph 100, the Court found that the ‘assessment matters are cumulatively in favour of the proposal.’

17. The resource consent application associated with RM090297 was consented via Commissioner Decision dated 31st March 2010. The aspects of the Decision that are relevant presently include the following:

- The proposal was only visible from two locations: (paragraph 5.2.2):
 - 1) State Highway 6 near its intersection with Morven Ferry Road; and
 - 2) The top of Tobin’s Track from Arrowtown.
- “*We find that the site is located within a broadly visible expanse of ‘open landscape’ when viewed from SH6 or Tobin’s Track.*” (paragraph 7.2)
- “*In spite of the openness of the landscape, we find that the proposed development would be reasonably difficult to see from public roads and places...We base our conclusion on the platform location, access construction, landscape plans and building design and colouring that the Applicant presented at the hearing.*” (paragraph 7.3)
- “*the mass of the terrace face is far from coherent as it includes fence lines and tree plantations that disrupt the naturalness of the setting. We agree with Dr Steven’s on this matter and with his reference to the Court’s view (paragraphs 41 and 79). We do not find that the proposed development will noticeably disturb whatever visual coherence and landscape integrity remains.*’ (paragraph 7.4)
- “*We agree that the site does not embrace an indigenous ecosystem of significant value. However, we do find that the native bush (matagouri) provides an important natural covering for the site and should, insofar possible, be preserved and, if possible, extended.*” (paragraph 7.5).

18. Overall, I consider that the relevant aspects of these decisions to the current proposal are that the site has been found to be compromised in terms of openness, human modification and visual coherence. The Court found that a dwelling could be placed here in a way that is reasonably difficult to see. Furthermore, Commissioner decision RM090297 found that a building platform in the currently proposed location and of a very similar configuration would be appropriate in terms of effects, including visual effects.

Effects of the activities on Landscape Character

19. Landscape character effects are:⁵

“... the effects of change and development on landscape as a resource. The concern here is with how the proposal will affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character.”

20. I have considered the assessment matters of Part 5.4.2.2(1) of the ODP. Appendix 1 of this report is a table that sets out assessment findings in relation to all of the relevant assessment matters. Some of these assessment matters relate to landscape character and some of them relate to views and visual amenity. In this section of my report I describe and summarise my findings in relation to landscape character effects. When describing effects, I will use the following hierarchy of adjectives:

- Negligible;
- Very Low;
- Low;
- Moderate;
- High;
- Very High;
- Extreme⁶.

21. Landscape character effects are the effects that an activity may have on the landscape as a resource in its own right. I have considered these effects with reference to the relevant assessment matters of the District Plan, which are attached to this report as Appendix 1.

⁵ Landscape Institute and Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment* (3rd ed, Routledge, Oxford, 2013) at paragraph 5.1 and Glossary.

⁶ New Zealand Institute of Landscape Architects Education Foundation; 2010; Best Practice Note 10.1 'Landscape Assessment and Sustainable Management', page 8.

22. The proposal will result in the creation of a single rural living property, a building platform and its associated activities. It will also result in the creation of a driveway to access the proposed platform using batter slopes and retaining walls as well as revegetation of parts of the site.
23. As discussed, the approved dwellings and residential building platforms on other sites (as shown on Appendix 3) have altered the landscape character of the vicinity of the site. I consider that these developments have modified the vicinity such that it exhibits a different character to the natural character of the broader landscape setting.
24. I consider that the proposed building platform, which will be located within the higher part of the site, will sit comfortably within its context and will accord with the character of the area, rather than alter it.
25. It is to be borne in mind that the native matagouri and vegetation established on the property since RM090297 was granted is now 8 years older, significantly established and provides for dense vegetation that offers more effective screening opportunities than in 2010 when the consent was granted.
26. While the proposal will amount to a character change in that the site will go further from being a natural landscape character to one with human occupation, when seen in the local context (as per Appendix 3), the proposed building platform will not be particularly high on the landform and will not appear removed from the existing pattern of occupation. A curtilage area is proposed which will contain all domestic activities. Together these mitigations will lower the impact of the denaturalising effect of the future human occupation of the site, to a point that it will only be of a slight to low degree. I also refer to the Commissioner's Decision to approve RM090297 (stated in paragraph 7.5) that *"the subject site in question does not embrace an indigenous ecosystem of significant value."*
27. Due to the above, I do not consider that the proposed platform and the inevitable future dwelling will result in adverse effects on landscape character.
28. I consider that development on the proposed platform can be absorbed into this landscape without significant or broad adverse effects on the landscape character of the surrounds. The area to the immediate south of the site is without agricultural use and has been developed into a node of rural

residential type development. I consider that the future establishment of a dwelling in accordance with the proposal will accord with existing character of the area.

29. The majority of the site (i.e. the area outside the proposed building platforms and domestic areas) will be managed as it is currently. The Structural Landscape Plan attached as Appendix 2 of my report proposes the retention of existing vegetation on site, and the same species, density and locations of proposed planting as was approved by Council as part of RM090297. I consider that the landscape management of the site will result in a positive change to the landscape character of the site over time. This effect needs to be considered alongside the de-naturalisation effect of the proposed building platform.
30. I consider that the proposed development will have a slight degree of positive landscape character effect on the relevant vicinity, in that the vegetative character of the area around the building platform will become more consistent with the relatively natural (albeit interrupted and incoherent) landscape character that broadly surrounds it in this part of the Crown Escarpment.
31. As set out in paragraph 26, The proposed building platform will bring a slight to low degree of adverse effect on landscape character due to it introducing another instance of human occupation. However, in relation to the particular context, the proposed activities will not be unusual, due to the existing development set out in Appendix 3. As set out in paragraph 30, there will also be a slight positive effect from proposed vegetative work. Overall, I consider that the context of the proposal is such that it will be considerably absorbed, will accord with existing patterns and will not broadly affect The Crown Terrace as a whole. The character of the relevant vicinity is made up of both natural and human-imposed patterns. As has been discussed (and observed by the Court), this particular vicinity includes a number of dwellings, some of them quite prominent. Locating built form in the way that will be enabled by the current proposal will not discord with these patterns, will be less influential than other existing built form and will not cumulatively alter the vicinity's character in a way that degrades it overall.

VIEWS AND VISUAL AMENITY

Existing views and visual amenity

32. The areas from which the proposal is potentially visible (zone of theoretical visibility, ZTV) have been subject to debate as part of Environment Court Decision C08/2004 and the Commissioner Decision RM090297. For the purposes of my assessment, I have assessed visual effects from public roads in the Basin as well as Glencoe Road and Tobin's Track. The location of individual viewpoints, along with photographs are set out in Appendices 4 and 5 to this report.
33. Observers within the ZTV that are potentially affected by the proposal (visual receptors) include:
- Public users of Intersection of State Highway 6 and Morven Hill
 - Public users of Intersection of Speargrass Flat and Arrowtown Lake Hayes Road
 - Public users of McDonnell Road
 - Public users of Tobin's Track
 - Public Users of Glencoe Road
 - Neighbouring properties
34. Building profile poles were erected on the corners of the proposed building platform to depict the maximum possible extent of built form. I observed the profile poles from many viewpoints as I will discuss. I note that I have not accessed the neighbouring private properties to assess the effects of the proposed development but have observed neighbouring land from nearby public land and from the site.

Effects of the activities on views and visual amenity

35. Visual effects are the effects that an activity may have on specific views and on the general visual amenity experienced by people. Again, Appendix 1 sets out a full assessment of the proposal in relation to the relevant ODP assessment criteria. In this part of my report I summarise the findings of that assessment that relate to visual effects.
36. Paragraph 33 sets out the observers that will potentially gain views of the proposed building platform and may therefore be affected by the proposal. I discuss the visual effects brought about by the proposal in relation to potential observers below.
37. Appendix 4 to this report is a series of images taken from viewpoints that are representative of public views. For each viewpoint. This section of my report should be read in conjunction with that Appendix.
- Public Users of McDonnell Road
38. A public user of McDonnell Road will be able to gain views of the Crown Escarpment intermittently; however, the subject site will be difficult to ascertain from this distance of approximately 1.5km. The

proposed building platform location is reasonably difficult to see and is screened by existing vegetation as indicated in Appendix 4, Viewpoint Location 1. I consider the visual amenity of a public user of McDonnell Road will not be adversely affected as a result of this proposal and any future built form will not be a prominent feature in the wider view.

Public users of Intersection of State Highway 6 and Morven Hill

39. SH6 runs parallel with the western arm of Kawarau River, connecting Queenstown to Cromwell, and more west coast locations including Haast and Hokitika. As a user travels along State Highway 6 through the Morven Hill Area a view of the Crown Escarpment comes into view when passing the intersection adjacent to Bendemeer Hill. This part of SH6 is highly used by local people on a day to day basis and by tourists travelling throughout the region.

40. Users of SH6 have views of the upper reaches of Crown Escarpment and the subject site from a point about 100m past the Bendemeer Road turn off for approximately 200m before existing topography obscures the view. When travelling east on SH6, views of the Crown Escarpment are available again on the straight stretch of SH6 adjacent to the Morven Ferry Road turn off. These views are available at a distance of approximately 3.5km from the subject site. From this location, the subject site is located close to the lip where the Crown Escarpment meets the Crown Terrace, to the rear of an established pine shelterbelt and vegetated covered slope below the grandeur and enormity of the overall view of the Crown Range. The proposed building platform and profile poles used for the purposes of this assessment were barely visible with the use of binoculars as indicated on Viewpoint Location 2. Given the distances involved, the profile poles were not visible to the naked eye. I consider that a dwelling sited on the platform would be discernable but would be sufficiently recessive in appearance as to not be prominent in the views. Further to earth mounding, proposed and existing screening vegetation will break up the view and mitigate visual effects. I consider that a dwelling would be such a small part of the overall view that its impact on the visual amenity from this location would be insignificant.

41. Existing native vegetation is proposed to be retained and additional native planting proposed to provide additional visual screening of future built form as per the previous but now lapsed RM090297. The existing and proposed vegetation and topography will provide a substantial degree of visual screening of the proposed building platform when viewed from SH6. Mounding around the building platform and the cut batter behind the platform will be revegetated as indicated on Appendix 2, Structural Landscape Plan.

42. Overall, I consider the visibility of the proposed development will have a less than very low degree of visual effects on a user of SH6/ Bendemeer Hill. Future built form will be reasonably difficult to see.

Public users of Intersection of Speargrass Flat and Arrowtown Lakes Hayes Road

43. The Crown Terrace and subject site are minimally visible intermittently when travelling along Speargrass Flat Road between the intersection of Slopehill Road and the intersection with Arrowtown Lake Hayes Road (as depicted on Viewpoint Locations 3 and 4). At distances of 4.5km and 3.5km from the subject site, I consider that a road user travelling east along Speargrass Flat Road will not be able to gain visibility of a future dwelling on the proposed building platform. From both viewpoint locations, it was very difficult to gain sight of the profile poles, with the use of binoculars. The existing native vegetation within the subject site is viewed as swathing the Crown Escarpment to form a continuous cover. I consider that future built form will not be visible from these locations, will be visually recessive and constrained by design controls, and screened by vegetation in the foreground and on the Crown Escarpment itself.

Users of Hogan's Gully Road

44. The subject site forms a dominant part of the backdrop for users of Hogan's Gully Road when travelling towards McDonnell Road. The subject is visible intermittently, although building poles are difficult to discern as indicated in Viewpoint Locations 5 to 8. The proposed activities would be reasonably difficult to see, screened by topography and existing vegetation. I consider that with the proposed vegetation and the proposed restrictions on exterior cladding (i.e. that it be visually recessive), future built form would be very difficult to discern. I consider that a future dwelling would not be a prominent feature in the view and be much less dominant than the other dwellings on the Crown Escarpment that are visible from these locations.

Public Users of Glencoe Road

45. Users of Glencoe Road would come closest to the proposed platform at an approximately 750m distance. The nature of the road means that users have a wide but changing panoramic view of Frankton Arm and The Wakatipu Basin to the north. A proposed platform will not be visible from the road as indicated on Viewpoint Location 9 screened out of view by topography and landform.

Public Users of Tobin's Track

46. Public users of Tobin's Track will be able to gain minimal views of the proposed building platform intermittently from the intersection of Glencoe Road and the track, which is screened by existing

topography and foreground vegetation. Within the subject site, the proposed building platform is screened further by existing undulating topography of the Crown Terrace and existing native vegetation as indicated on Viewpoint Locations 10, 11 and 12.

47. From the scenic lookout of Tobin's Track, indicated on Viewpoint Location 12, a user may be able to gain very minimal views of future built form, however I consider this will be very minimal in the wider view of the Crown Terrace and The Remarkables. It is important to bear in mind that the existing benches located at the scenic lookout are orientated towards Arrowtown and Coronet Peak, with a viewer having their back to the subject site.
48. I consider that the proposed building platform will be reasonably difficult to see from Tobin's Track. Proposed earthworks and further vegetation is proposed to the rear of the platform, which will make the subject site very difficult to discern. I consider that the proposed activities will mean a public user of Tobin's Track will continue to experience visual amenity as they do currently.

Neighbouring properties

49. I have considered the visual effects of the proposal on neighbours and set out my opinions in the following paragraphs. Neighbouring properties are labelled on Appendix 3. Owners and occupiers of private properties that are within the vicinity of the site include properties accessed off the Crown Range Zig-Zag and Glencoe Road.
50. The neighbouring properties of Carey-Smith (RM930192, RM161100), Goh (Lot 2 DP398787) Allen (Lot 1 DP444028) and Wolter (Lot 3 DP21979) are located in a manner that they are unable to obtain views of the proposed building platform due to the topography and existing vegetation of the subject site.
51. McQuilkin (Lot 2 DP26283) is located on the Crown Terrace and is accessed via Glencoe Road. I understand that this neighbour has provided an affected party approval, therefore I have not considered the effects of the proposal on this neighbouring property.
52. I consider that the proposal will have no effect on the views and visual amenity that are enjoyed by occupiers of neighbouring properties and that there is no adverse effect on the visual amenity enjoyed by these properties.

CONCLUSIONS

53. It is proposed to establish a building platform within the subject site in a location previously consented by RM090297 (which has now lapsed). Design controls and landscape mitigation including associated mounding and native vegetation plantings are proposed as per the previous consent RM090297.
54. In relation to landscape character, the proposed development will inevitably result in an additional instance of rural living. The subject site and its immediate vicinity form a node of residential use and has resulted in a modified area. I consider that the proposal will result in a change to the current use of the site but I consider that the change will site comfortably within its context and will not result in significant adverse effects on landscape character.
55. In relation to visual effects:
- The proposed activities are reasonably difficult to see from public roads and places (including tracks).
 - Neighbouring properties will not be affected by the proposal nor their will their visual amenity be affected.
 - The footprint of the proposed building platform is differently configured (longer) than the platform previously consented by RM090297 but is no larger. I consider that although the future built form is longer in length, it will not be more visually prominent nor have any greater adverse visual effect than that previously consented.
56. An assessment against the assessment matters of the Queenstown Lake District Plan indicates that the proposal accords with the intentions of the objectives and policies that relate to the ONL (WB) of the ODP.

Kathryn Ward, vivian+espie

28th August 2018

vivian+espie

resource management and landscape planning

BARLEY STATION PROPOSAL Appendix 1: Assessment Matters

Glencoe Road, Queenstown
Kathryn Ward – Landscape Planner – 26th July 2018

APPENDIX 1: QUEENSTOWN LAKES DISTRICT PLAN ASSESSMENT MATTERS RELATING TO AN OUTSTANDING NATURAL LANDSCAPE (WAKATIPU BASIN)

HEADING	ASSESSMENT MATTER		FINDINGS
(a) Effects on openness of landscape	In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:	(i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;	The site is 4.99ha in area and takes in part of the broadly visible expanse of the Crown Escarpment and lip of the Crown Terrace. The openness of the subject site has been debated as part of historical lapsed applications as stated in my report. The lower slopes of the subject site are densely colonised by native matagouri and woody shrubs. The upper parts of the site where the building platform is located is on the lip of the Crown Escarpment where it meets the terrace. As such the building platform is adjacent to open pastoral landscape in the upper parts of the slope and in a densely enclosed landscape in the lower slopes of the subject site.
		(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;	The proposed building platform, access-way and associated activities are located such that the new elements that will be introduced will be well contained in terms of landform and/or vegetation. I consider that the re-contouring and all proposed vegetation will result in the subject site blending in with the vegetated Crown Escarpment below to a higher degree than currently. As set out in relation to the above assessment matter, the proposed building platform is practically on a dividing line between the more vegetated (and therefore less visually coherent and less open) slopes below it and the more uniform and visually simple pasture land above it. As such, it is at a transitional point in the landscape and will not interrupt a broad open area. I do not consider that openness will be reduced.

		(iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.	The proposed development is contained by native vegetation and steep escarpment topography within the development area. The lower half of the Crown Escarpment is also significantly contained due to the existing pine and larch woodlot trees. I consider that these landscape elements, primarily the existing topography and vegetation, appropriately contain any potential adverse effects resulting from the proposal.
(b) Visibility of Development	In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:	(i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access;	<p>I have included a section in the main body of this report which clearly describes the surrounding public and private places that the proposed development is potentially visible from. Public places from which visibility is available include:</p> <ul style="list-style-type: none"> • Intersection of State Highway 6 and Morven Hill • Intersection of Speargrass Flat and Arrowtown Lake Hayes Road • McDonnell Road • Hogan's Gully Road • Tobin's Track • Glencoe Road <p>I consider that development that will result from the proposal can be described as being reasonably difficult to see from all public viewpoints.</p>

		(ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes;	As discussed in the main body of the report, the proposed development will not be visually prominent such that it dominates or detracts from public or private views. I consider the proposed development has been designed in such a way that a future dwelling within the proposed building platform will not be easily visible. In these views (given the existing built form that is visible) the future dwelling will not significantly detract from current views.
		(iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).	<p>The existing topography and vegetation within the site provide significant screening of the proposed building platform and their associated activities.</p> <p>Proposed vegetation and earthworks will provide additional screening of the proposed building platform and access way and associated outdoor activities. The proposed batter slope and retaining walls for the access way are designed to blend in with the immediately surrounding topography and be less visually prominent from public and private places. The earthworks will initially be vegetated in natives as indicated on Appendix 2. Native shrubs are proposed to bolster vegetation to either side of the proposed driveway and surrounding the proposed building platform. The proposed landscaping on Structural Landscape Plan (Appendix 2) is as was proposed and approved for RM090297. Overall, significant screening will be achieved using earthworks and vegetation that ties in with existing landscape character.</p>
		(iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and	I do not consider that the proposed vegetation and earth mounds will detract from the existing natural patterns and processes within the site and surrounding landscape. The earthworks have been designed so that from outside the immediate area of the building platform, the finished landform will tie in with existing landform. All proposed vegetation is to bolster and extend natural patterns and native vegetation.

		(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).	<p>As mentioned in the main body of the report, the proposed building platform is not visible from the majority of the surrounding public places.</p> <p>I consider that the re-contouring and proposed revegetation of these slopes will allow the development area to blend in with the wider landscape more so than the current situation. Ultimately, the vegetative cover of the site will be retained and enhanced. As has been discussed elsewhere, the proposed activities will be contained and associated with the existing rural living development to the south. The vast and broad ONL of The Crown Escarpment will remain unsullied.</p>
		(vi) the proposal does not reduce neighbours' amenities significantly.	<p>Private properties will not be able to gain visual access of the proposed building platform and its associated activities. Neighbours' land in the immediate vicinity, shown in Appendix 3, is located to the south and north east. The proposed platform is not visible from neighbouring properties and is screened by existing natural topography and surrounding vegetation.</p>
(c) Visual coherence and integrity of landscape	In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:	(i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;	<p>Future built form within the proposed building platform will not be located where it will break the line and form of any ridges, hills and any prominent slopes. The proposed building platform has been designed to bench into the topography, taking into account views of the Crown Face. The earthworks have been designed so that, unless viewed from immediately beside one of the platforms, the landform of the slope will be retained and built form will be well hidden. The proposed earthworks build on and tie in with natural topography.</p>
		(ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;	<p>All proposed earthworks are to be revegetated in native plant species and have been designed so as to marry into existing landform as much as possible. The proposed access road extends to an existing access road. I consider that the landscaping associated with the proposed building platform will bring positive effects in relation to naturalness, particularly in relation to ecology, biodiversity and habitat.</p>

		(iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.	No boundaries are proposed as part of this application. The natural form of the landscape will not be affected in this regard.
(d)Nature Conservation Values	In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:	(i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;	<p>The proposed building platform and future domestic activity is located within the benched area which is proposed to be revegetation. The access-way to this building platform has not yet been constructed.</p> <p>Proposed earthworks, in the short term, may disturb this site. However, the proposal is to be revegetated with natives as indicated on Appendix 2. The remaining native vegetation will be retained.</p>
		(ii) the development proposed will have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;	The proposal will increase the native vegetation within the site as is shown on Appendix 2, which has been previously approved by RM090297. Therefore, I consider that the proposal will result in a slight positive effect regarding indigenous ecosystems within the site.
		(iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).	The proposed development will not result in the introduction of wilding pines or noxious weed species that have a high potential to spread.

(e)Cumulative effects of development on the landscape	In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:	(i) whether and to what extent existing and potential development (i.e. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape;	<p>There are 6 existing developments which are built or consented within the vicinity of the subject site. Of these developments 4 are located within the Outstanding Natural Landscape (see Appendix 3).</p> <p>The existing consented development is obviously part of the receiving environment. However, all of this existing and consented development has compromised the naturalness and simplicity of the relevant part of The Crown Escarpment as compared with its unmodified state, I do not consider that this proposal breaches a threshold with respect to the Crown Escarpment's ability to absorb change.</p>
		(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;	<p>The proposal will change the activities undertaken within the site; it will result in a slight increase in domestication that occurs within this part of the site.</p> <p>I do not consider that the proposal will further degrade the landscape such that the existing land use represents a threshold with respect to the sites ability to absorb further change. As is set out in the body of this report, I consider that the proposed activities will be well absorbed into existing patterns without causing a significant character change.</p>
		(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;	<p>The proposal will further extend domestic activity that is established in the adjacent neighbouring area as has been described above. This domestic activity is associated with human occupation, rather than with nature. The proposed building platform and associated landscape proposals will not compromise the local landscape character; they will accord with existing patterns and will be substantially hidden.</p>

		(iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;	I do not consider that the proposed development will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects. As discussed elsewhere, visibility is particularly low and ecologically, the proposal will improve the site.
		(v) where development has occurred or there is potential for development to occur (i.e. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.	Due to the previous approved dwellings and/or building platforms, the site lends itself, if appropriately designed and mitigated, to absorb a certain level of development, such as that proposed. Due to this, I consider that the proposed development will not lead to further degradation of natural values or domestication of the landscape. The proposal has used existing patterns and careful design to allow a building platform that will not cumulatively compromise this sensitive vicinity.
(f) Positive Effects	In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:	(i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;	As discussed, the Structural Landscape Plan attached in Appendix 2 proposed planting further native vegetation as part of the proposal. Therefore, I consider that the ecosystems within the site will be enhanced.
		(ii) whether the proposed activity provides for the retention and/or reestablishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;	The proposal provides for a comprehensive revegetation of native plants as stated.

		(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development;	The proposal will not provide protection of open space any more than the existing situation.
		(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (i.e. structures or development anticipated by existing resource consents)	Residential development on this site will assist in combating these threats.



Planting Schedule			
Proposed Driveway Planting			
Species	% Mix	Spacing(m)	Size(L)
Carmichaelia petriei	10%	2.5	2.5
Coprosma parviflora	15%	2.5	2.5
Coprosma propinqua	20%	2.5	2.5
Corokia cotoneaster	15%	2.5	2.5
Hebe cupressoides	5%	2.5	2.5
Muehlenbrekia complexa	5%	1	2.5
Olearia lineata	15%	2.5	2.5
Olearia odorata	15%	2.5	2.5
Proposed Building Platform Planting (front)			
Poa Cita	100%	1.5	2.5
Proposed Building Platform Planting (rear)			
Carmichaelia pertriei	10%	2.5	2.5
Coprosma parviflora	10%	2.5	2.5
Coprosma propinqua	15%	2.5	2.5
Corokia cotoneaster	10%	2.5	2.5
Hebe cupressoides	5%	2.5	2.5
Leptospermum scoparium	15%	2.5	2.5
Muehlenbrekia complexa	5%	2.5	2.5
Olearia lineata	10%	2.5	2.5
Olearia odorata	10%	2.5	2.5
Pittosporum tenuifolium	10%	2.5	2.5

Key

Indicative lot boundary

Building platform consented by RM090297

Proposed building platform

Proposed vegetation as per RM 090297

Existing native vegetation to be retained

Existing access and former platform to be regraded and reinstated to grass

Proposed access

ONL Line

Proposed driveway planting

Proposed building platform planting (rear)

Proposed building platform planting (front)

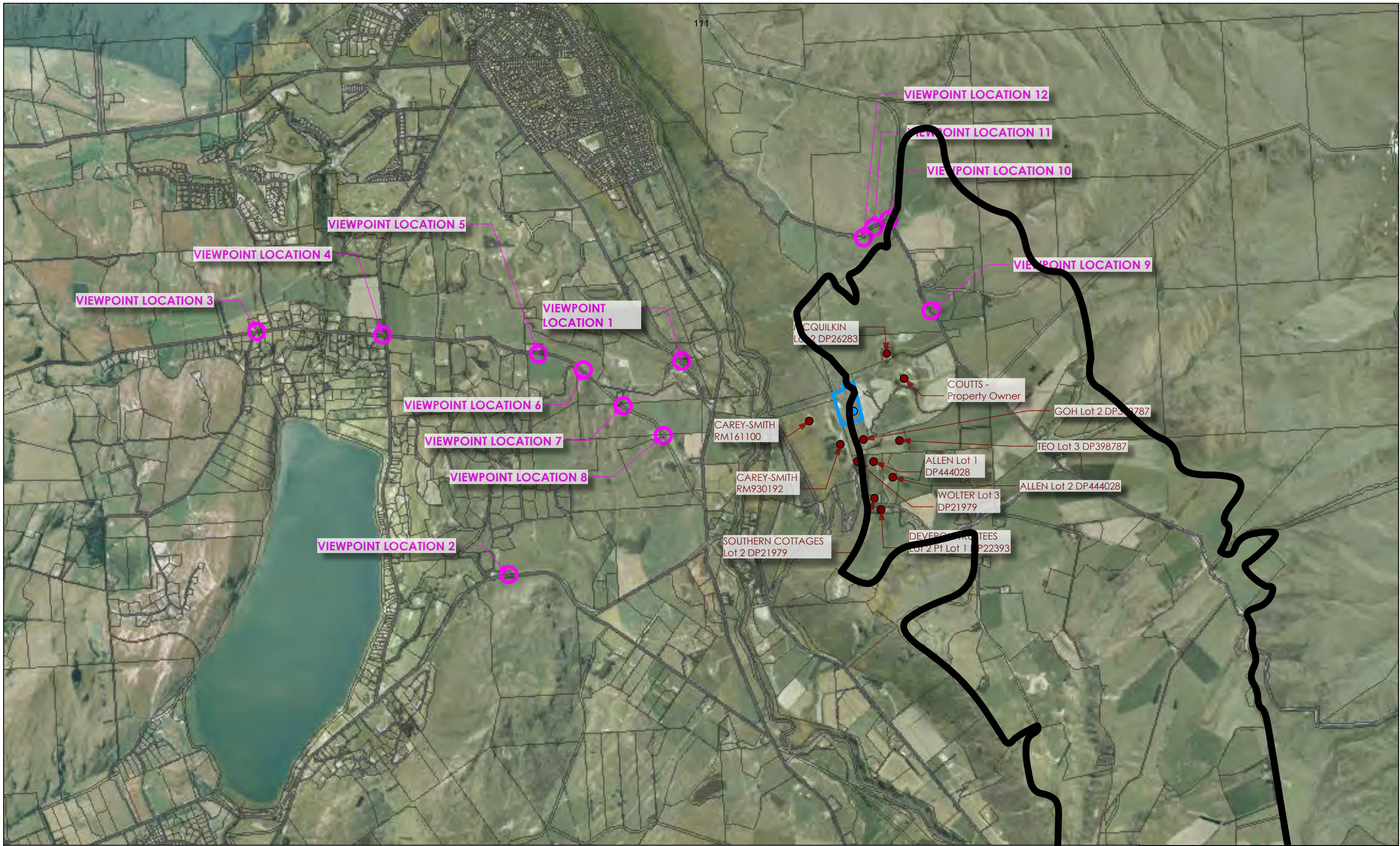
Proposed curtilage area

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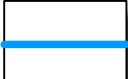


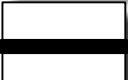
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BARLEY STATION PROPOSAL
Glencoe Road, Queenstown

Appendix 1: Structural Landscape Plan
Drawn: KW Ref: 1304/001 Date: 30.08.18 Scale: NTS
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Key

	Subject site		Existing approved building platforms/dwellings
	Viewpoint Locations		ONL Line

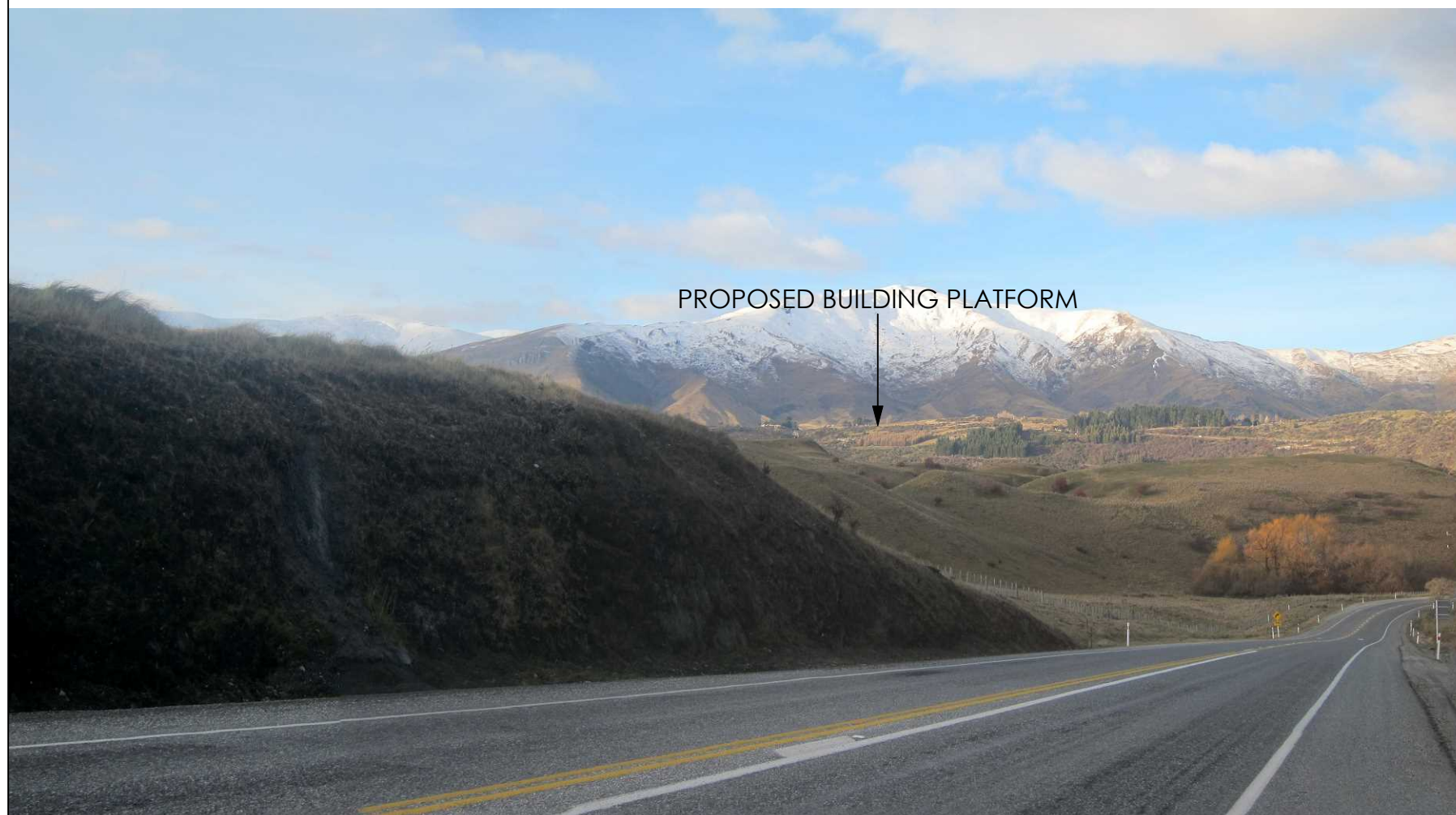


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 BARLEY STATION
 Glencoe Road, Queenstown
Appendix 3: Viewpoint Location Map
 Kathryn Ward - Landscape Planner - 26th July 2018



VIEWPOINT LOCATION 1: MCDONNELL ROAD

From this location, the proposed building platform poles were reasonably difficult to see when stationary and with the use of binoculars. The proposed activities and access way are screened by existing native vegetation, screened further by proposed vegetation. The exterior cladding and roofing materials will be visually recessive by design controls as indicated in the report. At a distance of approximately 1.7km from the subject site, I consider that there will be no change from the situation that was previously consented as per RM090297.



VIEWPOINT LOCATION 2: BENDEMEER HILL/STATE HIGHWAY 6

From SH6 adjacent to Bendermeer Hill, I consider that the proposed building platform is very difficult to discern at an approximate distance of 2.5km from the subject site. I consider that an eastbound traveller will not consider the proposed activities as a prominent feature in the wider landscape due to factors of scale, height restriction, location on the crown terrace and exterior cladding treatments. I deem the proposed activities very difficult to discern with the use of binoculars and more visually recessive than adjacent developments on the Crown Escarpment.

NOTE: All photographs in Appendix 4 were taken with a Canon S95 Camera with 50mm camera lens on Wednesday 4th & 13th July 2018

VIEWPOINT LOCATION 3: INTERSECTION OF SLOPEHILL ROAD AND SPEARGRASS FLAT ROAD

At the intersection of Slopehill Road and Speargrass Flat Road, a eastbound traveller is able to gain visibility of the Crown Escarpment at an approximate distance of 4.5km. As depicted, the proposed activities are not visible from this location and the building poles very difficult to see with the aid of binoculars.

PROPOSED BUILDING PLATFORM



VIEWPOINT LOCATION 4: INTERSECTION OF SPEARGRASS FLAT ROAD/ ARROWTOWN LAKE HAYES ROAD

A brief glimpse of the proposed activities are potentially visible at the intersection of Speargrass Flat Road and Arrowtown Lake Hayes Road. The proposed building platform however is difficult to see at a distance of approximately 3.5km from site, screened by foreground trees and undulating topography.

Should these trees be felled or removed, I consider that the design controls proposed will deem future built form as difficult to discern and not a prominent feature in the wider landscape.

PROPOSED BUILDING PLATFORM





VIEWPOINT LOCATION 5: ADJACENT TO 131 HOGAN'S GULLY ROAD

Views of the proposed activities are potentially visible from adjacent to 131 Hogan's Gully Road. From this location, the proposed activities will not be a prominent feature in the wider view, dominated by a mountainous backdrop. I consider the design controls proposed will mean the building envelope and exterior treatment of future built form will be significantly less prominent than neighbouring properties on the Crown Escarpment. From this location, visibility of the building poles is difficult to discern with the use of binoculars, screened by existing vegetation, proposed to be planted further.



VIEWPOINT LOCATION 6: HOGAN'S GULLY ROAD 200m FROM MCDONNELL'S ROAD INTERSECTION

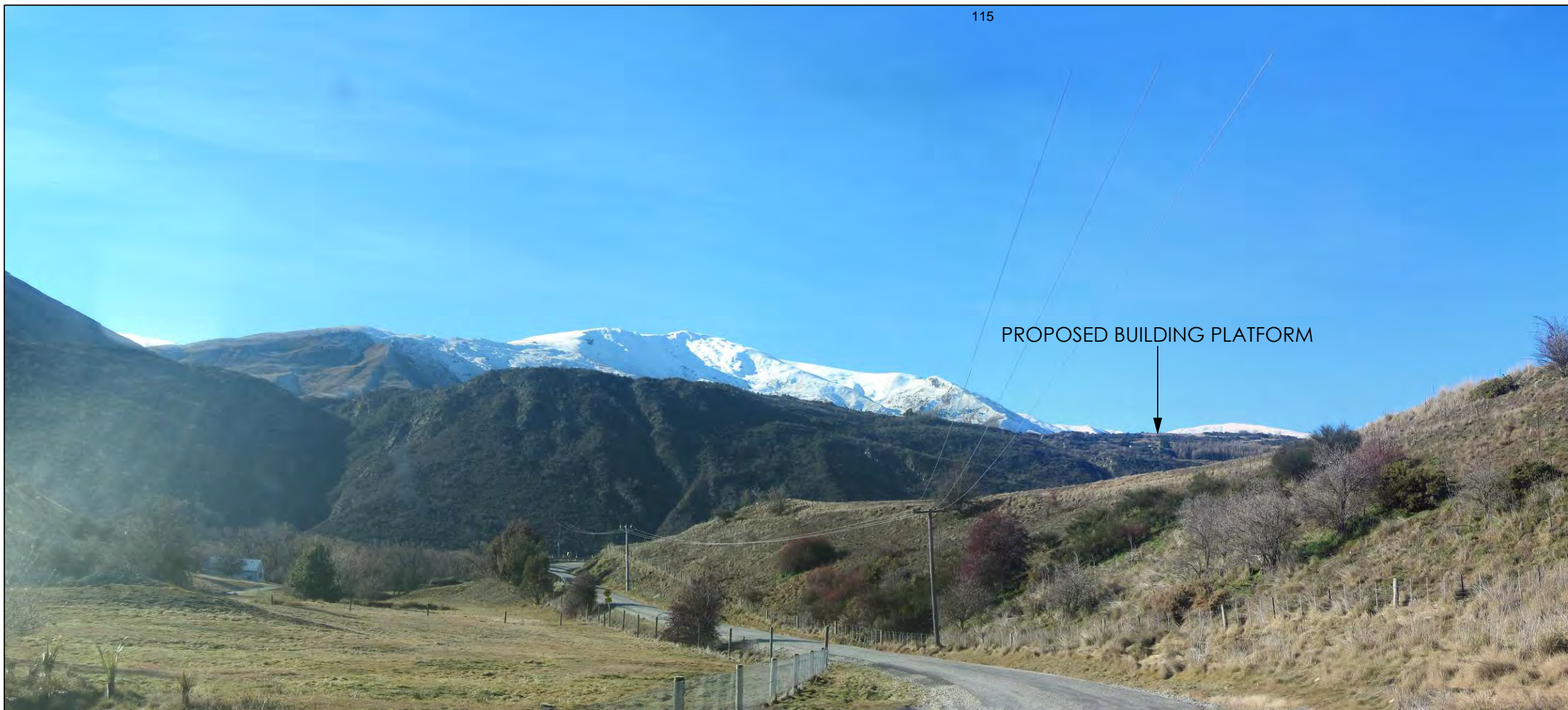
Users of Hogan's Gully Road will be able to gain very minimal views of the proposed activities when travelling towards McDonnell Road. Visibility of the building poles were difficult to see with the use of binoculars, screened by existing vegetation and the scale of the building envelope. I consider that that future built form will not be a prominent feature from this location.

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BARLEY STATION
Glencoe Road, Queenstown

Appendix 4: Photographs

Kathryn Ward - Landscape Planner - 26th July 2018



VIEWPOINT LOCATION 7: HOGAN'S GULLY ROAD

Views of the subject site can be obtained intermittently when travelling along Hogan's Gully Road. I consider that future built form will not be a prominent feature in the view and visually recessive and contained by design controls. From this location the building poles were not visible with the use of binoculars, screened by existing vegetation. I consider that following the earthworks and proposed planting as indicated on Appendix 2, that the proposed activities will be reasonably difficult to see.



VIEWPOINT LOCATION 8: HOGAN'S GULLY ROAD

200m from the intersection of Hogan's Gully Road and McDonnell Road, the proposed activities are minimally visible. I consider that the building platform and associated design controls will locate visually recessive future dwelling that is not prominent in the wider view and screened by existing and proposed vegetation. From this location the poles were visible with the aid of binoculars.

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BARLEY STATION
Glencoe Road, Queenstown

Appendix 4: Photographs
Kathryn Ward - Landscape Planner - 26th July 2018

PROPOSED BUILDING PLATFORM



VIEWPOINT LOCATION 9: GLENCOE ROAD

Users of Glencoe Road will be able to gain a brief glimpse of the building platform on the uphill part of the road when approaching Beetham Hill. This is the only location where visibility can be obtained, screened for the remaining parts of the road by topography. I consider that when the proposed vegetation and earth mounding is established, future built form will not be discernable from Glencoe Road. The poles in the foreground are the consented Glencoe Trust building platform.

VIEWPOINT LOCATION 10: TOBIN'S TRACK

Public users of Tobin's Track will be able to gain very minimal views of the proposed activities from the intersection of Glencoe Road to the Scenic Lookout. As depicted, the upper part of the roof will be visible. I consider that once the proposed vegetation has established and earthmounding is complete that the proposed activities will not be visible and be reasonably difficult to see.

Note: Tobin's Track is an excavated track with vegetated embankments to each side. This view is obtained from the top looking over this vegetation and not from the path itself.

PROPOSED BUILDING PLATFORM



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BARLEY STATION
Glencoe Road, Queenstown

Appendix 4: Photographs

Kathryn Ward - Landscape Planner - 26th July 2018



VIEWPOINT LOCATION 11: TOBIN'S TRACK

From the mid point of Tobin's Track to the Scenic Lookout, the proposed activities become more difficult to discern, screened in the majority by existing topography.

Once the proposed vegetation and earthmounding is established, I consider that the proposed future built form will be reasonably difficult to see.

Note: Tobin's Track is an excavated track with vegetated embankments to each side. This view is obtained from the top looking over this vegetation and not from the path itself.



VIEWPOINT LOCATION 12: SCENIC LOOKOUT AT TOBIN'S TRACK

From the scenic lookout of Tobin's Track, a viewer will be able to gain a view of the proposed building platform. However, I consider that when the vegetation is established, future built form will be reasonably difficult to see. The proposed activities will not be a dominant feature in the wider view and visual amenity will be as it is currently.

Note: The benches on the lookout are orientated towards Coronet Peak, therefore a viewer will have their back to the subject site.

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BARLEY STATION
Glencoe Road, Queenstown

Appendix 4: Photographs
Kathryn Ward - Landscape Planner - 26th July 2018

GLENCOE LAND DEVELOPMENT COMPANY LTD
LOT 1
CROWN TERRACE
LANDSCAPE AND VISUAL EFFECTS ASSESSMENT REPORT

Dr Michael Steven (Landscape Planner)

Vivian & Espie Ltd

May 09



**GLENCOE LAND DEVELOPMENT COMPANY LTD
LOT 1
CROWN TERRACE**

LANDSCAPE AND VISUAL EFFECTS ASSESSMENT REPORT

Dr Michael L. Steven (Landscape Planner)

6 May 2009

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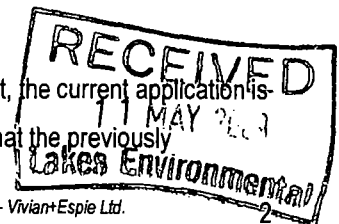
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INTRODUCTION

- 1 This report identifies the landscape and visual effects likely to arise from the proposal by Glencoe land development Company Ltd to establish a building platform on Lot 1, DP 398787, Crown Terrace. Associated with the establishment of the proposed building platform is the proposal to extend an existing access track to a previously consent building platform for the purpose of vehicular access to the proposed building platform.

- 2 As is explained in the planner's report that accompanies this document, the current application is necessitated by the discovery, following geotechnical investigations, that the previously

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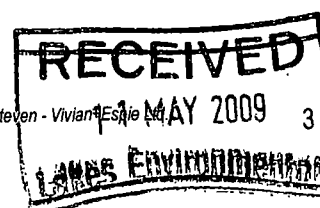


consented building platform in the same locality (but on a differently defined lot), was unsuitable for development.

- 3 The previously consented dwelling was the subject of Environment Court decision C08/2004¹. While the current application is for a different, but nearby location on the same property, several of the findings of the decision relating to the original application are relevant also to the current application. These will be discussed later in this report.
- 4 The application seeks consent to create a building platform and consent for an extension to an existing access road to permit the development of a residential dwelling on Lot 1, DP 398787.
- 5 The site of the proposed building platform is higher up the escarpment face than the site of the previously consented building platform. The proposed site is above that area that might reasonably be regarded as being, visually and topographically on the escarpment of the Crown Terrace (the Crown Face), and is more closely associated with the landscape of the terrace itself, as Figure 3 indicates. The predominant vegetative cover of exotic pasture grasses and scattered matagouri scrub differs from the dense exotic woody weed and indigenous scrub vegetation found elsewhere on the Crown Face. The site appears to be on a cusp of the two landforms (terrace and escarpment), within an area where the steep escarpment face transitions into the relatively flat-rolling agricultural landscape of the terrace.
- 6 Viewed from the floor of the basin (e.g., from the viewpoints assessed in this report) the upper escarpment face in this locality and the transition area where the proposed building platform is located have a relatively high visual absorption capability. This derives from the high variation in texture and colour in the vegetation of the escarpment, and the mixed land use patterns. The Environment Court (Decision C08/2004) referred to this area as being characterised by "a particularly confusing melange of exotic trees and both introduced and native shrubs and other plants". This melange includes exotic pine plantations at varying degrees of maturity, and a small area in horticultural production (vineyard). Residential dwellings and related structures, and the prominent line of the Zig-Zag further compound the incoherent nature of landscape patterns within the wider locality.

¹ C08/2004. *Main Frame Ltd v Queenstown Lakes District Council*.

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THE QUEENSTOWN LAKES PARTIALLY OPERATIVE DISTRICT PLAN

Zoning

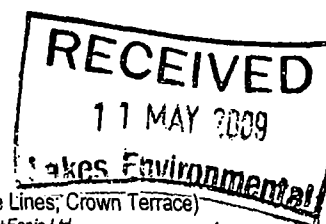
- 7 The application site is identified on District Plan Map 13 as being within the Rural General Zone. Development within this zone requires 'discretionary activity' resource consent. Further discussion on this aspect of the application is contained in the accompanying planning report prepared by Southern Planning Group.

Landscape categorisation

- 8 The landscape classification of the site was determined in the Environment Court's decisions C180/1999² and C87/2002³. The steep escarpment face (the Crown Face) beneath the Crown Terrace has been identified by the Court (C180/1999) as being part of the "outer ring" of outstanding natural landscape (ONL) that defines the Wakatipu Basin. The Crown Terrace itself was identified as being an enclave of visual amenity landscape within the outer ring of ONL. That the top edge of the escarpment formed the boundary between the pastoral, visual amenity landscape (VAL) of the terrace and the ONL landscape of the escarpment face was confirmed in decision C087/2002.
- 9 The lines defining the edge of the ONL are poorly defined and mapped only in a coarse manner, as is evident from the planning map, '*Appendix 8A Map 2: Landscape categorisation in the Wakatipu Basin*', included as an appendix to this report (Appendix C). Within the locality of the application site the ONL/VAL demarcation line appears to be on or about the 600 m contour line. Spot levels in the vicinity of the proposed building platform are +/- 625 m, which could be interpreted to place the site within the visual amenity landscape (VAL), rather than the ONL of the escarpment.
- 10 Figure 3 shows the site as viewed from the top of Tobins Track, above Arrowtown. If the ONL is understood to be the escarpment face (the Crown Face) and the terrace itself the VAL, then the

² C180/1999. *Wakatipu Environmental Society Inc. v Queenstown Lakes District Council*

³ C87/2002. *Wakatipu Environmental Society Inc. v Queenstown Lakes District Council (Landscape Lines; Crown Terrace)*
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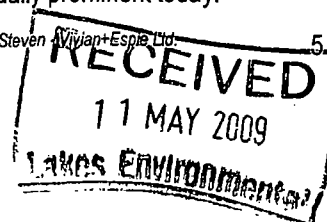


location of the building platform lends support to the proposition that the site is more on the terrace (and consequently VAL) than on the escarpment face, in which case it is within the ONL.

- 11 The location of the boundary in this area is certainly not clear cut. In terms of the attributes by which landscape significance is generally understood, there is little about the landscape in the locality of the proposed site that suggests it warrants classification as an ONL. Even the landscape of the escarpment face in the locality of the site falls short of the threshold for ONL, in my opinion – the aspects of the landscape that may once have been valued for natural science and aesthetic reasons have been substantially modified through a range of cultural interventions.
- 12 However, despite the lack of certainty as to the correct classification, for the purposes of this assessment the proposed site is accepted as being located within the ONL-Wakatipu Basin of the Crown Terrace escarpment and the assessment undertaken on this basis.

PERMITTED BASELINE AND THE IMPLICATIONS OF DECISION C08/2004

- 13 The effects of the proposed development must be considered in the context of other consented developments within the locality, of which the previously consented development on the property is the most relevant example. Consent for this development was granted in Environment Court decision C08/2004.
- 14 Several aspects of the Court's decision are relevant to the consideration of the current application, and these are summarised below:
 - 14.1 The landscape of the Crown Face in the vicinity of the original proposed development site is not an open landscape (para. [25])
 - 14.2 The most important locations for the identification of visibility were:
 1. State Highway 6 (the Queenstown-Cromwell Road) on the eastern side of Morven Hill;
 2. The intersection of Speargrass Flat Road and the Arrowtown – Lakes Hayes Road.
 - 14.3 The Court concluded that the original proposal would be reasonably difficult to see from these locations, and would not be visually prominent compared with other dwellings in the area. The other dwellings the Court referred to remain visually prominent today.

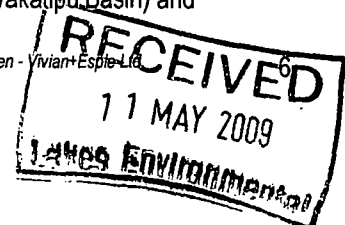


- 14.4 Regarding visual coherence, the Court found that the Crown Face, while it may be geomorphologically uniform, is far from coherent vegetatively (para.[41]). On the same issue (at para. [79]) the Court observed; "...while geomorphologically simple, the Crown face is, at first sight, a particularly confusing melange of exotic trees and both introduced and native shrubs and other plants." This situation remains today – perhaps more so as a consequence of several years of vegetative growth since the 2004 decision.
- 14.5 Regarding nature conservation values, the Court observed (at para. [45]) the extent to which exotic trees and shrubs have established on the Crown Face. The Court expressed doubt; "...as to the Council's and community's capacity and/or will to avoid exotic species in this area."
- 14.6 Regarding cumulative effects, the Court found (paras. [48-49]) that the proposal would introduce domestic elements; "which are inconsistent with the natural character of the Crown Face as a whole, but not with the area around the Zig-Zag." The Court found that existing development had "already compromised both the visual coherence and naturalness of the Crown face and its landscape setting... We do not consider this development represents a threshold with respect to the Face's ability to absorb further change. The Court noted that the existing houses in the vicinity of the Zig-Zag, together with the proposed house; "...form a very loose cluster in which the proposed Lot 6 house will fit, and much less visibly."
- 14.7 At para. [97] the Court found that the proposed house would not detract from the landscape value of the Wakatipu Basin. At para. [100] the Court found that the '...assessment matters are cumulatively in favour of the proposal.'
- 15 Acknowledging that the Lot 6 land that was the subject of the Court's decision is in a different location to that which is the subject of the current application, the two sites are within the same locality. Many, if not all of the conclusions reached by the Court in C08/2004 can be taken to be equally relevant to the current application.

ASSESSMENT OF EFFECTS ON THE LANDSCAPE OF THE CURRENT PROPOSAL

- 16 Part 5.4.2.2 of the QLDC Partially Operative District Plan lists the assessment matters relating to subdivision and development in Outstanding Natural Landscapes (Wakatipu Basin) and

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Outstanding Natural Features – District wide. The full text of the relevant assessment matters, and an assessment matrix in which the proposed development is considered in respect of each of the assessment factors, is included in Appendix A to this report. This section summarises the effects under the following headings:

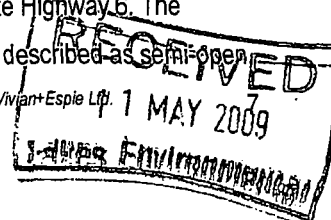
- (a) Effects on openness of landscape
- (b) Visibility of development
- (c) Visual coherence and integrity of landscape
- (d) Nature conservation values
- (e) Cumulative effects of development on the landscape
- (f) Positive effects.

- 17 Decision C08/2004, at paragraph [21], notes the difficulty of applying the assessment criteria, given that (a), (e), (f) ... are matters that "merely have to be taken into account", whereas (b) *Visibility of development*, (c) *Visual coherence and integrity of landscape*, and (d) *Nature conservation values*, amount to tests that have to be satisfied. The assessment shows that criteria (b), (c) and (d) can each be satisfied to the extent that the effects are either non-existent (c) and (d), or less than minor (b). It is likely that conservation values will be enhanced as a consequence of revegetation.
- 18 In the assessment that follows the building platform and access road have been taken as a single development proposal and have not been assessed separately against the QLDC ONL assessment criteria.

Effects on openness of landscape

- 19 Openness is understood as being an absence of trees and other tall, spatially-defining vegetation and structural elements, as distinct from the absence of structural elements alone. As such, openness is not synonymous with the similar construct of open space, which refers to an absence of structures. Openness is diminished through the presence of tall trees, which constrain views and create a closed or compartmentalised landscape.
- 20 Accordingly, the location of the proposed site cannot be regarded as an open landscape, in the sense that openness is used to describe the character of large areas of the Crown Terrace itself, and the slopes of the Crown Range above the Terrace. This is apparent in Figure 3 and other images of views towards the site taken from the McDonnell Rd and State Highway 6. The escarpment and terrace edge in the vicinity of the proposed site can be described as semi-open

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but becoming closed as adventive woody plants and plantation trees establish and mature. Openness will continue to diminish across the escarpment face irrespective of the outcome current application.

- 21 The Court, in decision C08/2004 determined that the Crown Face is not currently an open landscape. This situation has not changed in the 5 years since this decision – rather, the landscape is likely less open than it was 5 years ago. The Court noted that the landscape in the vicinity of the site has “quite extensive areas of trees planted on it in a patchwork.” (para. [25]). This same patchwork pattern – a largely incoherent melange of trees, shrubs, crop plants and plantation tree species – is evident in some of the photographs provided with this report.

Visibility of development

- 22 For comparative purposes, the visibility of the proposal has been assessed from two of the same general locations as were identified as being important for the assessment of visibility in the original application. The locations of the viewpoints are shown in the topographical map in Appendix A.
- 23 Views were also considered from the rest area at the top of Tobins Track (Figure 3).
- 24 Views from the intersection of Speargrass Flat Road and the Arrowtown – Lakes Hayes Road, considered in the previous Environment Court hearing (decision C08/2004) were investigated but not considered significantly relevant, as visibility from this location was poor owing to intervening trees.
- 25 Visibility has been assessed in the field from each of the locations referred to above, with the naked eye and with the aid of binoculars. The likely visual effects are represented in photographs of the site showing profile poles erected indicating the elevation of a hypothetical dwelling on the site. All photographs were taken using a Canon 70 mm professional lens on a Canon EOS 40D digital camera. The date of photography was Monday 4 May, 2009.
- 26 From all viewpoints the poles proved extremely difficult to see with the naked eye. While poles were just visible with the use of binoculars, generally only two of the 4 poles erected were visible. No poles were identified as breaking the prominent ridgeline of the upper escarpment edge, not did they appear above the skyline.



- 27 On photographic images, poles were only able to be identified when images were enlarged some 500%. In no images were all the poles able to be recognised (generally only 1 or 2 poles could be identified), and in some images, none at all.
- 28 Accordingly, a future structure on the proposed building platform may be regarded as being reasonably difficult to see.
- 29 The Crown Face is broadly visible from locations on the Remarkables Ski-field road, but from a distance of 6 km. At this distance I do not consider the visual effects of a building on the proposed site to be of any consequence and accordingly views were not assessed from The Remarkables access road.
- 30 A significant factor in minimising the visibility of a future dwelling on the site is the relatively high visual absorption capability of the site that derives from the patterns and texture of vegetation and rocks on the escarpment face. A low profile building form, together with materials and colours that are characteristic of the locality will significantly reduce the visibility of a future structure on the proposed building platform.

Visual coherence and integrity of landscape

- 31 The principal issue in considering of the effects of the proposal on visual coherence is the question of whether a dwelling on the proposed building platform would break the prominent line that forms the upper edge of the escarpment, or Crown Face. Field assessments using binoculars were unable to detect poles rising above the ridgeline from any position, and similarly on enlarged photographic images.
- 32 As Figures 4, 5 and 6 illustrate the prominent ridgeline above the escarpment (which from some viewpoints is also the skyline) is in places vegetated with matagouri scrub. Further planting of grey scrubland species such as matagouri upslope of the proposed building platform should ensure that no part of a future dwelling breaks the skyline ridge.
- 33 The maintenance of matagouri scrub is also important in screening views from other dwellings in the vicinity of the proposed building platform, as Figures 1 and 2 illustrate. As the south-east corner of the proposed building platform is close to a stand of matagouri that performs an



important screening function when viewed from the nearest dwelling, care should be taken to preserve all existing stands of matagouri when excavating the building platform.

Nature conservation values

- 34 The vegetation of the site is largely exotic pasture grasses, with occasional clumps of grey scrubland, predominantly matagouri (*Discaria toumatou*). The matagouri is located on the steeper slopes within the site, and not within the area of the proposed building platform. It appears that the site has been grazed in the years prior to subdivision and development, as many of the wilding exotic species that are common on the Crown Face to the north and south of the site are absent from Lot 1. Because of the rough pasture resulting from the land's grazing history the site is not considered to have particular conservation value.
- 35 Never the less, retention of all matagouri species outside the building platform is recommended.

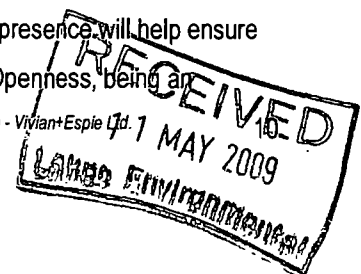
Cumulative effects of development on the landscape

- 36 As the Court noted in decision C087/2002, there has been considerable cultural change to the landscape of the Crown Terrace in the vicinity of the Zig-Zag. As well as the Zig-Zag and conspicuous exotic vegetation, including a prominent coniferous plantation, there are three dwellings in the vicinity. A dwelling on the proposed building platform will appear to be a part of a loose but coherent cluster of buildings within the locality. The Court's comment that the dwelling that was the subject of the previous hearing does not represent "a threshold with respect to the Face's ability to absorb further change" is equally applicable with respect to a future dwelling on the proposed building platform.

Positive effects

- 37 The greatest threat to the naturalness and openness of the ONL landscape in this part of the Crown Face is the spread of exotic woody weed species, including sycamore and coniferous species. While these have not established to any significant degree on Lot 1, the potential remains for the semi-openness of the site to be invaded by woody weed species as has happened elsewhere on the escarpment. A planned revegetation program (part of the mitigation proposals that accompany this application) and an on-site residential presence will help ensure the maintenance and enhancement of current levels of naturalness. Openness, being an

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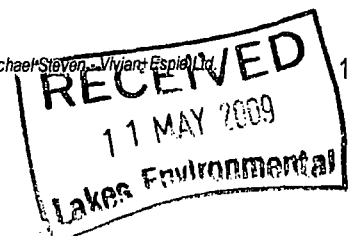
absence of 3-dimensional vegetative forms, will diminish as matagouri establishment increases, but this is a natural process within this landscape and should not be considered a negative effect.

MITIGATION

- 38 Careful site selection and building design controls (outlined elsewhere in the application) will ensure a degree of 'mitigation by design'. The proposed building platform is located in a position where minimal woody vegetation is required to be removed, and the existing grey scrubland community on the site (predominantly matagouri) will be augmented and enriched through a revegetation program using indigenous scrubland and grassland species.
- 39 Proposals for planting mitigation and revegetation are presented in the landscape plans prepared by Darby Partners Ltd, which accompany this application and I endorse the proposals outlined.

CONCLUSIONS

- 40 There is topographical and visual evidence to support the proposition that the site of the proposed building platform is within the visual amenity landscape of the Crown Terrace, as distinct from the outstanding natural landscape of the escarpment, or Crown Face. Be that as it may, the proposal has been assessed as if it were located within the ONL of the Crown Face.
- 41 The potential effects of the proposal have been assessed with reference to the QLDC assessment criteria for outstanding natural landscapes and found to be non-existent, or less than minor. As such, the likely effects of the proposal may be regarded as no greater than the effects that were assessed by the Court in granting consent for the previous building platform in decision C08/2004—perhaps even less so. In the 5 years that have passed since that decision, some of the factors that were considered by the Court will have changed such as to render the receiving environment even less sensitive. Visual coherence, naturalness and aspects valued for natural science reasons have almost certainly been diminished further owing to exotic trees growth and woody weed invasion, and the effects of landscape management generally.
- 42 Accordingly I regard the proposal to establish a building platform and access road as detailed in the application, to be acceptable in respect of both landscape and visual factors. In particular,



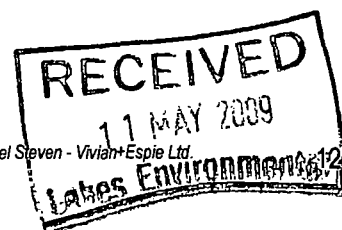
the proposal passes the tests of the QLDC assessment criteria in that likely effects are either of no consequence or are less than minor.

- 43 I endorse the proposed building and design guidelines, and the planting proposals submitted for mitigation purposes.

Michael L. Steven

May 6, 2009

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APPENDIX A: QLDC LANDSCAPE ASSESSMENT MATTERS

OUTSTANDING NATURAL LANDSCAPE (WAKATIPU BASIN) AND OUTSTANDING NATURAL FEATURES – DISTRICT WIDE

- 5.4 **Resource Consents – Assessment Matters - Rural Zones**
 5.4.2 **Assessment Matters**
 5.4.2.2 **Assessment Matters**

(1) Outstanding Natural Landscapes (Wakatipu Basin) and Outstanding Natural Features – District wide.

These assessment matters should be read in the light of two further guiding principles. First that they are to be stringently applied to the effect that successful applications for resource consent will be exceptional cases.

...

(a) Effects on openness of landscape

In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:

- (i) *whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;*
- (ii) *whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;*
- (iii) *whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.*

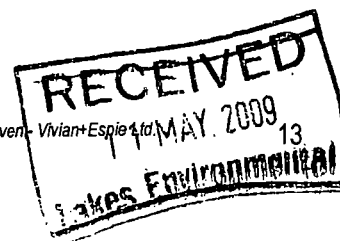
(b) Visibility of development

In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:

- (i) *the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and*
- (ii) *the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and*
- (iii) *the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).*
- (iv) *any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and*
- (v) *the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).*
- (vi) *the proposal does not reduce neighbours' amenities significantly.*

(c) Visual coherence and integrity of landscape

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In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:

- (i) *structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;*
- (ii) *any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;*
- (iii) *any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.*

(d) Nature Conservation Values

In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

- (i) *the area affected by the development proposed in the application does not contain any indigenous ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;*
- (ii) *the development proposed will have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;*
- (iii) *the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).*

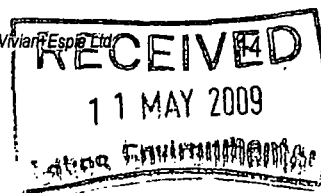
(e) Cumulative effects of development on the landscape

In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:

- (i) *whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape;*
- (ii) *where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;*
- (iii) *whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;*
- (iv) *whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;*
- (v) *where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.*

(f) Positive Effects

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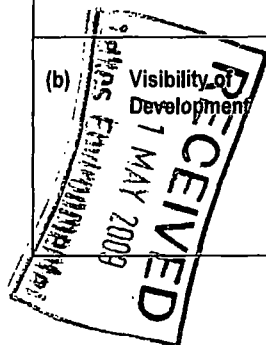


In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:

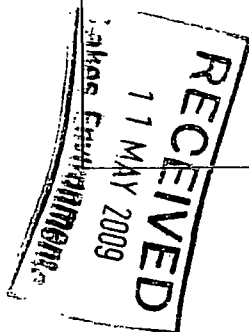
- (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;*
- (ii) whether the proposed activity provides for the retention and/or reestablishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;*
- (iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development;*
- (iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (ie. structures or development anticipated by existing resource consents)*



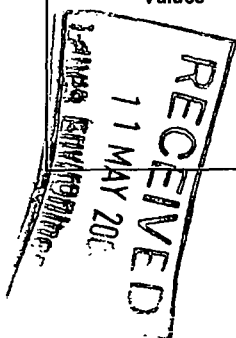
ASSESSMENT CRITERIA	INDICATORS		ASSESSED EFFECTS
(a) Effects on openness of landscape	In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:	(i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;	The immediate environs of the site, including the Crown Face in this locality, are at best semi-open, verging on closed, as the landscape is colonised by adventive exotic woody plants. Exotic coniferous plantations also diminish openness, and this effect will continue as planted and adventive trees become more mature over the coming 5-10 years.
		(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;	Open space has already been diminished to a minor degree by the erection of three other residential dwellings in the locality, but not to the extent that a dwelling on the proposed building platform (BP) will exceed a threshold beyond which effects on open space are more than minor. The scale of the landscape relative to built development ensures that perceptions of open space will remain.
		(iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.	The proposed building platform is located above the escarpment on land more closely associated topographically with the terrace. Existing stands of matagouri scrub around the proposed BP provide a high degree of screening from below, and a naturally occurring low embankment on the edge of the BP site provides some further containment.
(b) Visibility of Development	In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:	(i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of	Field assessments and the examination of photographic images indicate that a dwelling on the proposed BP will be reasonably difficult to see from public roads, including legal roads such as Tobins Track.. Views of the proposed BP from public places are generally from distances in excess of 1.75 km



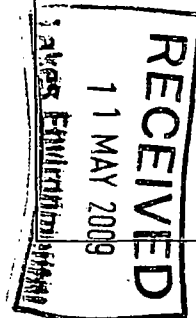
		unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and	
		(ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and	A future dwelling on the proposed site that accords with the proposed design guidelines will not be visually prominent from public places or private views. Views to the proposed BP from other local dwellings are largely screened by landform and matagouri scrub vegetation. The elevated position of other dwellings in the locality, and the dominant orientation and outlook across the Basin towards the south ensures the dominant characteristic of all local views is overwhelmingly of natural landscapes.
		(iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).	An earth bund immediately downhill of the proposed BP, together with the protection and enhancement of existing matagouri scrub vegetation will ensure a high degree of screening.
		(iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and	Future plantings of matagouri and other grey scrubland species can be undertaken in patterns that are entirely consistent with existing local patterns of vegetation. Patterns of vegetation on adjacent landholdings are in fact highly cultural and dominated by exotic species.
		(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).	The aesthetic values attributed to the wider landscape, being based to a large extent on the imposing scale and topography of the mountain and basin landscape, are sufficiently resilient to be unaffected by the proposed development. The proposed development will not impact

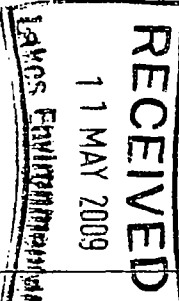


		(vi) the proposal does not reduce neighbours' amenities significantly.	upon the integrity of natural science values, such as are associated with the landforms and vegetation of the wider landscape of the inner Wakatipu Basin.
(c) Visual coherence and integrity of landscape	In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:	(i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;	The building platform has been located to achieve the 'best fit' in the topography, taking into account near and distant views towards the Crown Face. Field assessments indicate that from no position do indicative profile poles break the ridgeline formed where the escarpment face joins the Crown Terrace. The possibility of minor encroachments can be safeguarded against by planting grey scrubland species uphill of the proposed BP.
		(ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;	Earthworks necessary for the construction of an access road will follow the line of an existing bench (Figure 10). The slope across which the road will be cut is well vegetated with matagouri above and below the line of the road. Earthworks necessary for the development of the building platform will be screened by a future dwelling to be set into the slope, against cut faces.
		(iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.	Landholdings in the wider locality are already fenced and the character of a sub-divided agricultural landscape already exists on the Crown terrace part of the property (see Figure 3)
(d) Nature Conservation Values	In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:	(i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;	Indigenous matagouri scrub is well established on the site, but not within the area of the proposed building platform. The proposed BP comes close to matagouri scrub in the south east corner, and attempts should be made to protect and preserve all specimens, as much for screening purposes as for the protection of conservation values. Across the site generally, conservation values are not high, as the dominant vegetation is exotic pastoral

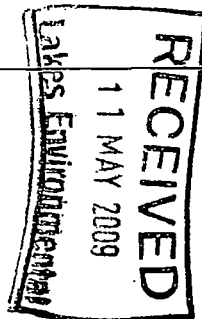


			grassland. As far as can be determined, there are no geomorphological or geological features of significance on the site of the proposed BP, nor on Lot 1 generally.
		(ii) the development proposed will have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;	There will be no adverse effects of any degree on ecological systems or on geological or geomorphological features.
		(iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).	No exotic vegetation of a type that is likely to spread and naturalise is proposed for landscape use in association with the development of the site. However, such species occur widely within the locality and without on-site management could spread and establish on Lot 1.
(e) Cumulative effects of development on the landscape	In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:	(i) whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape;	Three existing residential dwellings and some ancillary structures are located between Lot 1 and the Crown Terrace road above the Zig Zag. These dwellings are indicated in Figure 3. As the Court found in Decision C087/2002, the previous proposal would introduce domestic elements "which are inconsistent with the natural character of the Crown Face as a whole, but not with the area around the Zig-Zag." The Court found that existing development had "already compromised both the visual coherence and naturalness of the Crown face and its landscape setting... We do not consider this development represents a threshold with respect to the Face's ability to absorb further change. The Court noted that the existing houses in the vicinity of the Zig-Zag, together with the proposed house; "...form a very loose cluster in which the proposed Lot 6 house will fit, and much less visibly." The situation has not changed since this decision, and the potential current application to compromise visual coherence and naturalness is no



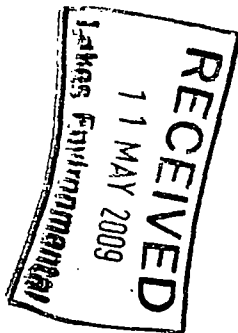
			greater than the previous application.
		(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;	The Court's comments above apply equally to the current application.
		(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;	The Court's comments above apply equally to the current application.
		(iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;	Through appropriate building design controls and the exclusive use of indigenous plants for screening and revegetation, the visual and ecological effects of development on the proposed building platform are likely to be less than the effects that have arisen as a consequence of previous development in the locality
		(v) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.	The local landscape, particularly that of the Crown Terrace, already exhibits a degree of domestication associated with agricultural development and rural residential living. The proposed development is consistent with that character. No significant degradation of natural character will occur as a consequence of the proposal as the character of the locality has already been determined by existing development.
(f) Positive Effects	In considering whether there are any positive	(i) whether the proposed activity will protect,	The greatest threat to local ecosystems is colonisation by

	effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:	maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;	woody exotic weed species, including coniferous trees.
		(ii) whether the proposed activity provides for the retention and/or reestablishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;	The past agricultural history of the site has resulted in a vegetation community of exotic pastoral grasses and scattered matagouri scrubland. Given the extent of grassland still apparent on the site, the area is susceptible to invasion by exotic woody weed species. A planned program of re-vegetation using indigenous grey scrubland species will combat this threat.
		(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development;	Not applicable to the current application.
		(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (ie. structures or development anticipated by existing resource consents)	Existing and potential adverse effects relate largely to the spread of exotic woody weed species. Residential development on this site will assist in combating these threats.



APPENDIX B: SITE PHOTOGRAPHY

- Figure 1: View from building platform towards the closest dwellings
- Figure 2: View up-slope towards proposed building platform from the formed access road below.
- Figure 3: View towards site from lookout at the top of Tobins Track.
- Figure 4: View towards the site (circled) from the eastern end of Hogans Gully Road.
- Figure 5: View towards the site from the McDonnell Rd Road
- Figure 6: View from State Highway 6 west of Arrow Junction.
- Figure 7: The reverse view to that illustrated in Figure 6, featuring the eastern profile poles of the proposed building platform
- Figure 8: View from proposed building platform looking north-west towards Arrowtown, showing western profile poles
- Figure 9: View towards site from McDonnell Rd on edge of Arrowtown
- Figure 10: The line of the proposed access road follows an existing bench in the hillside



LOCATION OF PROPOSED DEVELOPMENT & VIEWPOINTS

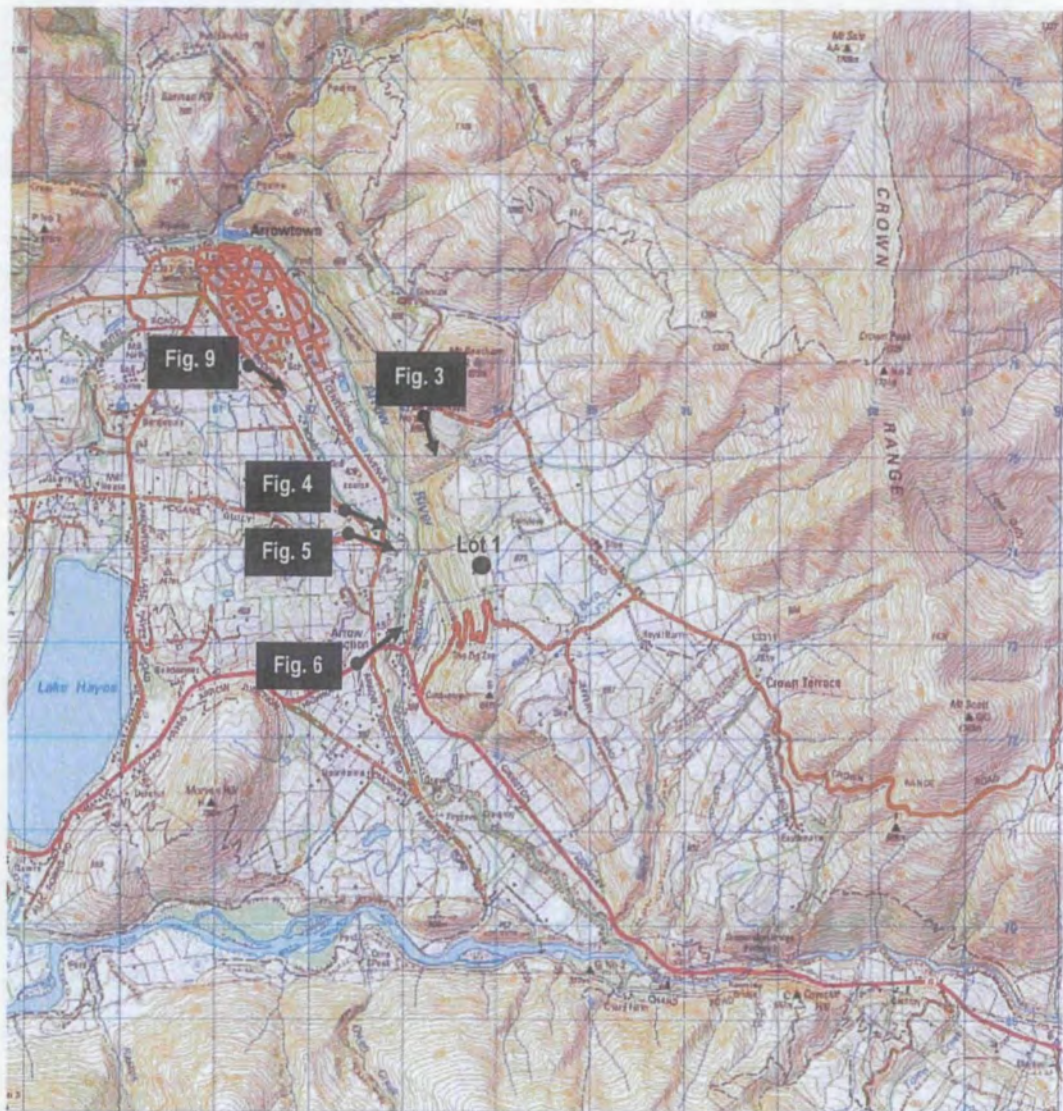


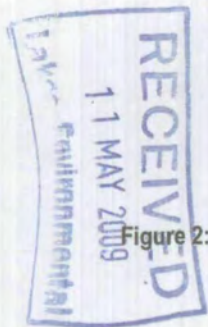


Figure 1: View from building platform towards the closest dwellings. This image shows the extent to which views towards the proposed platform are screened by matagouri scrub on the slope immediately below the platform. Removal of this vegetation will likely open up views towards a future dwelling. See also Figure 2



Figure 2: View up-slope towards proposed building platform from the formed access road below. This view is similar to that which may be had from the nearest existing dwelling. This image shows the importance of matagouri scrub, particularly plants of the skyline, in screening the proposed building platform. No profile poles are visible.

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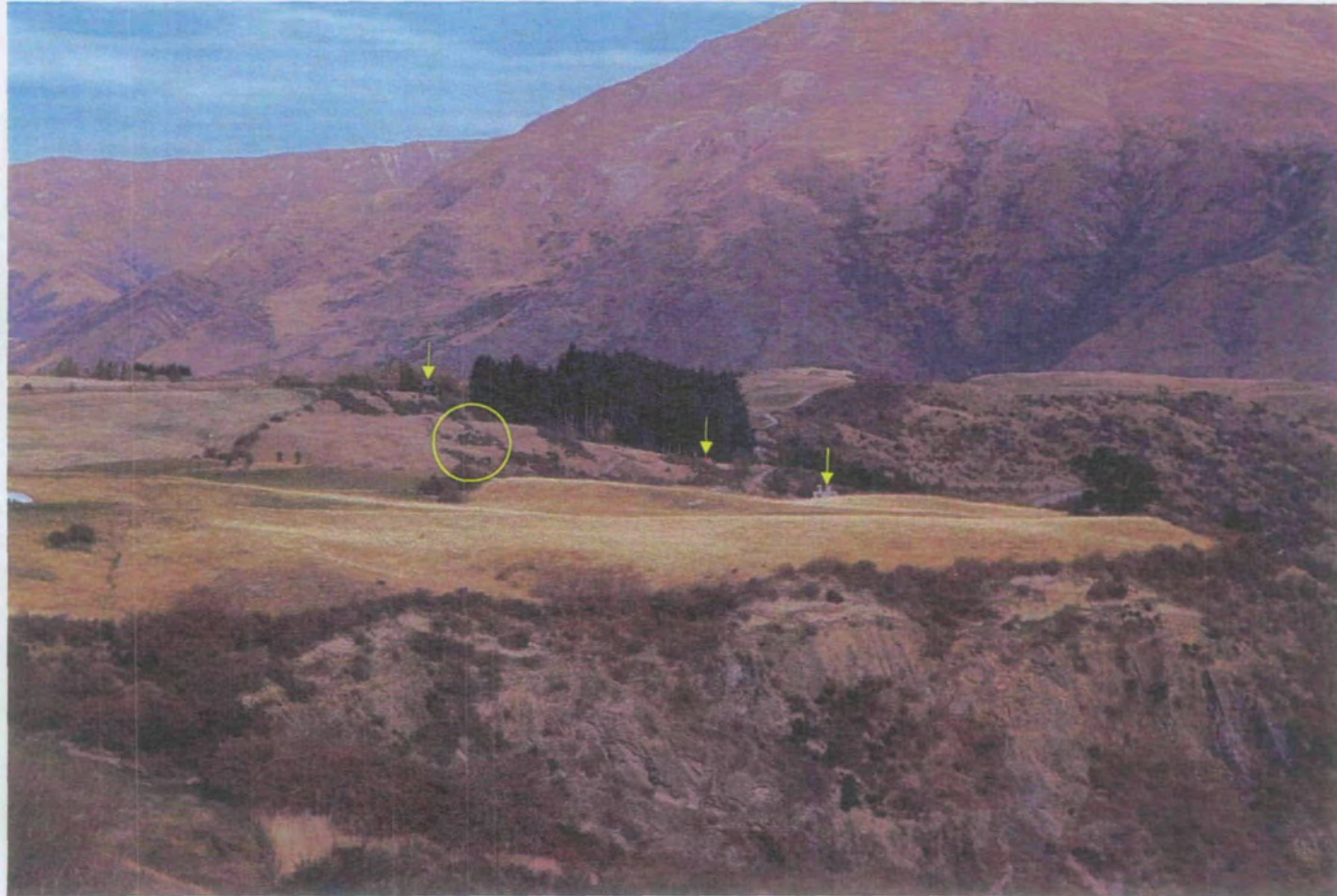


Figure 3: View towards site from lookout at the top of Tobins Track. The location of poles is circled. Poles are visible with aid of binoculars but not visible to the naked eye. Only one pole (emphasised in red) can be identified on the image. Viewing distance approximately 1.75 km. The location of the building platform in this image supports the proposition that it is within VAL, rather than the ONL of the Crown terrace escarpment (the Crown Face). Three existing dwellings in the locality are arrowed.

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Figure 4: View towards the site (circled) from the eastern end of Hogans Gully Road. In the field the position of the poles can only be determined with the aid of binoculars. Only two poles (emphasised in red) can be identified on a magnified image. Neither pole breaks the skyline. Planting of matagouri on the skyline behind the building platform is recommended to increase visual absorption capability.

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Figure 5: View towards the site (circled) from the McDonnell Rd Road. In the field the position of the poles can only be determined with the aid of binoculars. Only two poles (emphasised in red) can be identified on a magnified image. Neither pole breaks the skyline. Planting of matagouri on the skyline behind the building platform is recommended to increase visual absorption capability. Viewing distance 1.7 km approx.

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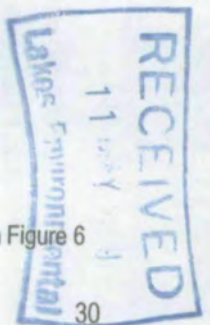
Figure 6: View from State Highway 6 west of Arrow Junction. In the field the position of 2 poles can be determined with the aid of binoculars. Neither pole appears to break the ridgeline. No poles can be recognised with any accuracy on the photographs. Planting of matagouri on the skyline behind the building platform is recommended to increase visual absorption capability. Viewing distance 1.6 km approx.

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Figure 7: The image shows the reverse view to that illustrated in Figure 6, featuring the eastern profile poles of the proposed building platform. The position on SH6 from which Figure 6 was taken is indicated. Matagouri scrub on the site, and exotic pines lower down the hill, illustrate the capacity of vegetation for screening views from the Basin

Landscape Assessment_Lot 1 Glencoe Land Development Company Ltd_Final_Dr Michael Steven - Vivian+Espie Ltd.



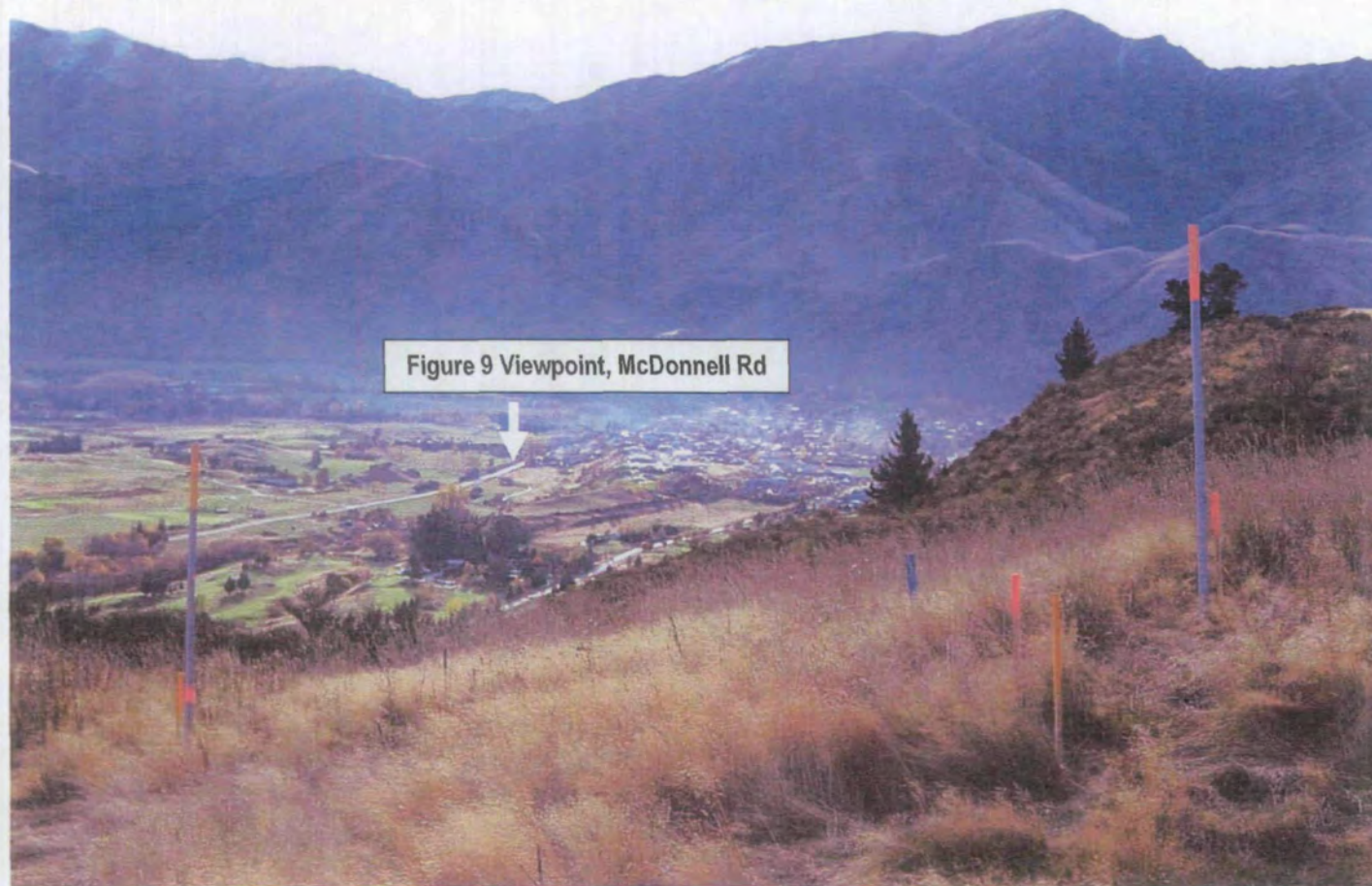


Figure 8: View from proposed building platform looking north-west towards Arrowtown, showing western profile poles. The degree of exposure to this part of the basin suggests a high degree of potential visibility but in fact the poles can only be seen with the aid of binoculars and cannot be identified on an image taken from the position indicated.

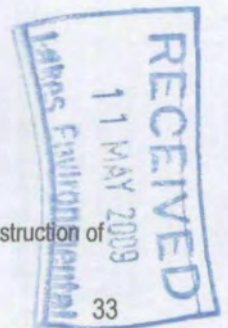


Figure 9: View towards site from McDonnell Rd on edge of Arrowtown (location indicated in previous figure). In the field the position the poles can be determined with the aid of binoculars. No poles break the ridgeline. No poles can be recognised with any accuracy on the photographs. The approximate location of the building platform is circled.

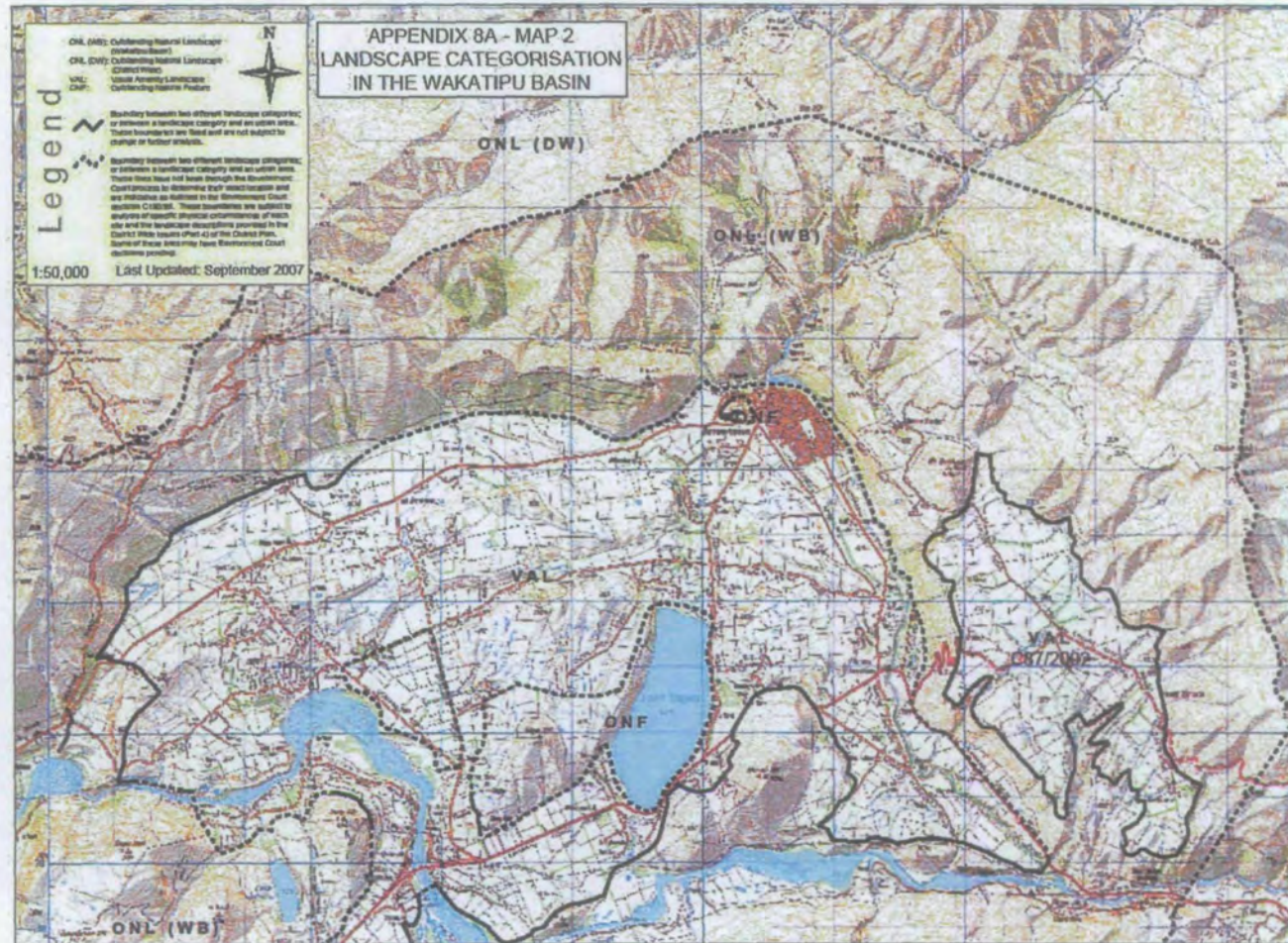


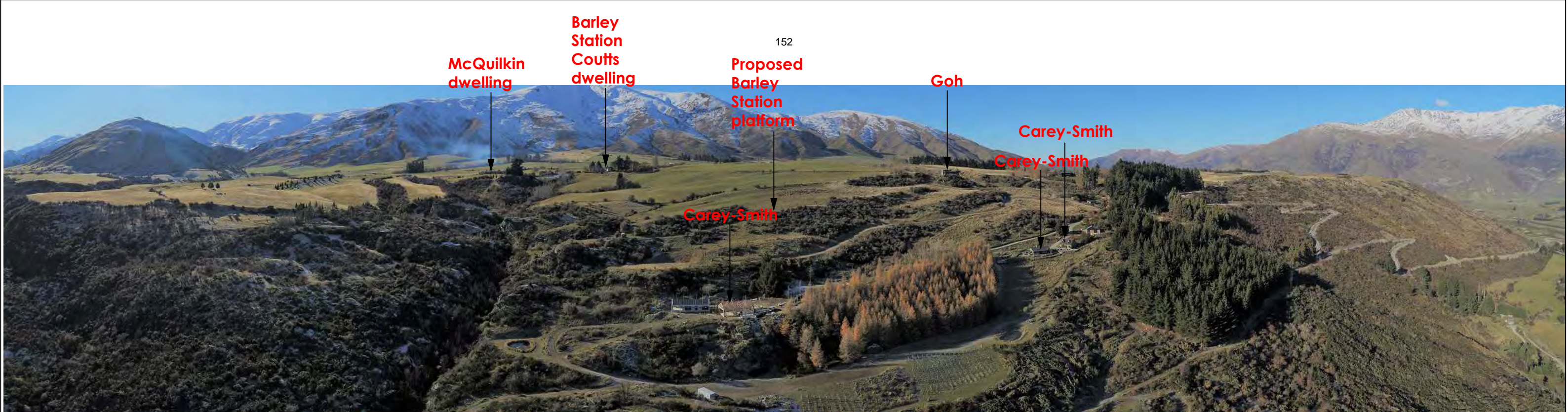
Figure 10: The line of the proposed access road follows an existing bench in the hillside that is bordered above and below by mature matagouri scrub. If protected during construction of the access road, and augmented by further planting of bare areas (left foreground) this vegetation will provide adequate screening of earthworks.

Landscape Assessment_Lot 1 Glencoe Land Development Company Ltd_Final_Dr Michael Steven - Vivian+Espie Ltd.

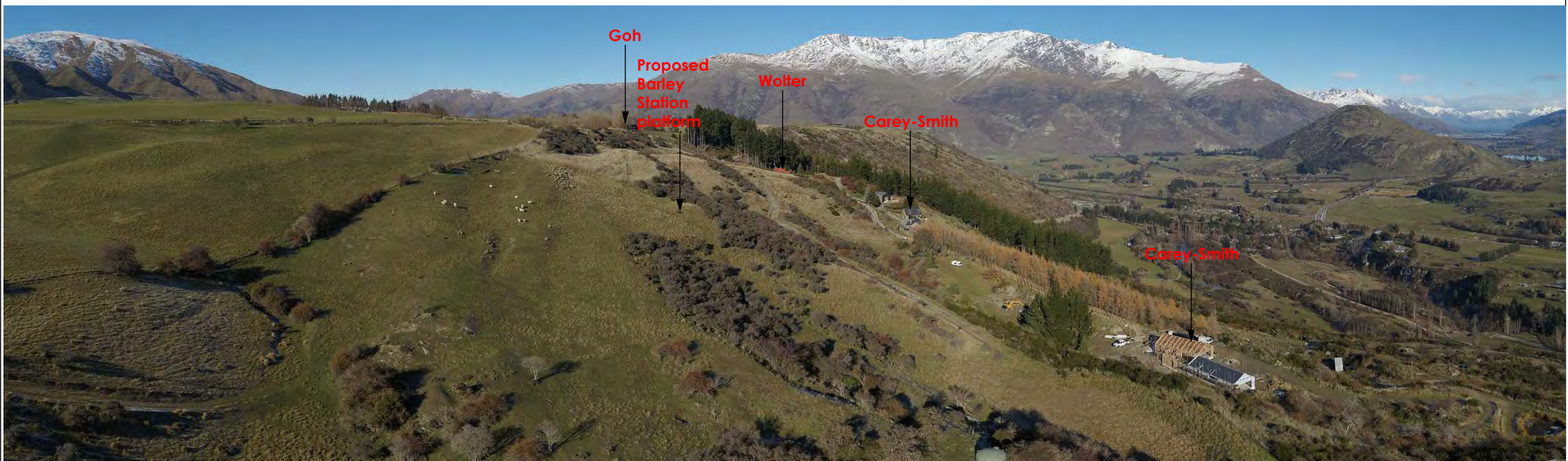


APPENDIX C: "APPENDIX 8A MAP 2: LANDSCAPE CATEGORISATION IN THE WAKATIPU BASIN"





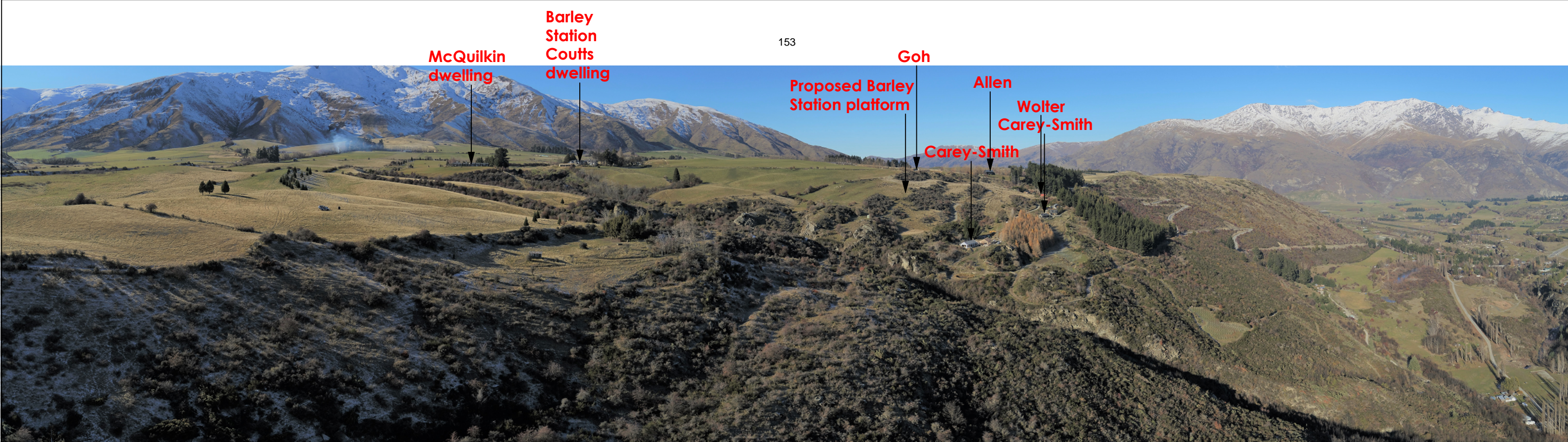
DRONE PHOTOGRAPH 1: Looking towards the Crown Terrace



DRONE PHOTOGRAPH 2: Looking towards the Crown Crown Range Zig-Zag

NOTE: The photographs in Appendix 5 were taken by drone on 5th June 2018.

These photographs are for indicative purposes only and are not intended to be used as visualisations.



DRONE PHOTOGRAPH 3: Looking towards the south east point of the Crown Terrace



DRONE PHOTOGRAPH 4: Looking towards the Wakatipu Basin

NOTE: The photographs in Appendix 5 were taken by drone on 5th June 2018.

These photographs are for indicative purposes only and are not intended to be used as visualisations.

APPENDIX 4 – COUNCIL’S LANDSCAPE ASSESSMENT (MS KRIS MACPHERSON)

Memo

FILE REF: RM181310 – BSTGT

TO: **Alex Dunn** – Planner, Planning & Development, QLDC

FROM: Kris MacPherson – Registered NZILA Landscape Architect

DATE: 31 October 2018

SUBJECT: **Landscape assessment review**

INTRODUCTION

1. An application for resource consent has been lodged with Queenstown Lakes District Council (QLDC) to establish a building platform and construct an accessway on Lot 1 DP 398787 which is located on the western ridge of the Crown escarpment.
2. The site is 4.9983ha and had a consented building platform and accessway (RM090297) but this consent has lapsed and the current application supersedes that consent. Some earthworks have been undertaken on the building platform area and an established farm track (not in the proposed accessway location) provides access to this.
3. There are similarities between the previous consented proposal and the current proposal; these include the location and scale of the accessway, the general location on the site of the building platform (but not its shape) and some of the planting proposals.
4. The proposal is to maintain the area of the building platform to 800m². The platform shape will narrow in the east-west direction and will extend further north along the site. A planted earth mound is proposed to the west of the building platform and a curtilage area is also proposed.
5. The existing farm track will be grassed and planted. There will be earthworks and planting associated with the proposed building platform and accessway proposals.
6. The site has been part of a contested consenting history which underscores its ongoing value and sensitivity within the landscape. There are subdivision and development controls from previous applications and consent hearings which have been brought forward as part of this application.
7. Under the Operative District Plan (ODP) the site is zoned Rural General with underlying classifications that bisect the site. The eastern side has an underlying Visual Amenity Landscape (VAL) classification whilst the western side of the site lies within the Wakatipu Basin Outstanding Natural Landscape (ONL-WB) classified land. The categorisation of the site was determined in Environment Court decisions C180/19992 and C87/2002.

8. Under the Decisions version of the stage 1 Proposed District Plan (PDP) the site straddles two zonings. Roughly speaking, the eastern part has Wakatipu Rural Amenity zoning (WRAZ) whilst the western portion (on which the building platform is located) is zoned Rural.
9. This report provides a review of the landscape and visual effects assessment of the proposal as described in applicant's Landscape and Visual Effects Assessment report (dated August 2018) written by Ms K Ward from Vivian & Espie Ltd.
10. I have also read the previous application's landscape assessment also produced by Vivian & Espie Ltd and reviewed the conditions to that granted consent because these are referred to in this application's AEE and Landscape Assessment reports. Further the subdivision of the site was subject to an Environment Court Hearing and Decision C8/2004. This discusses the vicinity and draws conclusions to which I will refer where pertinent.
11. I will evaluate the adequacy of the submitted assessment and specifically addresses the following aspects:
 - i. Whether the assessment methodology is appropriate and robust and if the assessment methodology provided is adequate for the proposal.
 - ii. Whether the analysis and classification of the landscape context of the site is robust and corresponds to the landscape attributes and values;
 - iii. Whether the key issues or considerations have been missed and if the assessment has correctly interpreted the nature and magnitude of the visual and landscape effects;
 - iv. Whether the conclusions of the assessment are credible and justifiable;

ASSESSMENT REVIEW

12. *Assessment Methodology* - the assessment methodology provided is adequate for the proposal. The report is clear and follows accepted professional practice. The visual catchment was comprehensively identified and assessed.
13. *Analysis and Classification of the Landscape context of the site* - the subject site and context are concisely and adequately described. I generally agree with Ms Ward's analysis of the landscape. Despite the site being truncated by the ONL boundary line, the application chooses to attribute the ONL classification to the entire site and I support this. I also agree that the application of the PDP Rural Character Landscape (RCL) assessment criteria seems most appropriate in this time of unresolved PDP matters. The RCL reflects most appropriately the VAL outcomes of the ODP so I think some consideration of the ONL assessment (21.21.1) criteria must also be undertaken. I also agree with her summation of the findings of both the Environment Court Decision C08/2004 and Commissioner report for RM09027.

14. *Key Issues and Assessment Interpretations* - I will first review against the ODP assessment criteria for ONL landscapes (5.4.22(1)) and then I will make comments regarding PDP matters that are not covered by that review.
15. Effects on Openness of the Landscape - I agree with Ms Ward that previous court deliberations of the existing landscape (C08/2004) of which the subject site is a part conclude: *"In our view those values are limited on the site; at best it can be described as semi-open, and half surrounded by land that is semi-closed"*.
16. The decision (C08/2004) goes on to state that the natural elements on the site are the topography and some vegetation. I agree with Ms Ward that the proposal will not compromise the topography element of the wider ONL. On the subject site and the wider ONL the matagouri has matured during the 8 years since that decision. I agree with Ms Ward that this makes the matagouri important as a natural element on the site and in the ONL.
17. Visibility of Development - I consider that Ms Ward has undertaken a comprehensive visual assessment, covering off key locations worthy of assessment.
18. The height of the building envelope has been maintained from previous consent conditions. I agree with Ms Ward that the embedment of the proposed dwelling, when combined with the cladding proposed, will make it difficult to see from public locations where it is behind the proposed mound. This is primarily because of the distance of public audiences from the site and their angle of view.
19. Some concerns were raised in previous deliberations regarding the ongoing maintenance and care of the proposed earth mound and its planting. This is because the mound is located between the dwelling and the expansive views down to Lake Wakatipu and beyond - it is intended to mitigate potential adverse effects of the proposed building on public views. In Decision C08/2004 the Court considered that this concern could be managed by combining the mound with rock retaining in gabion baskets to reduce the possibility of 'mound reduction' overtime.
20. There is no information regarding the integration of this solution in the current proposal. I consider it an important management tool to use and I recommend its reinstatement into the design at building platform stage.
21. Further, Ms Ward does not discuss the difference between the length of the current proposed building platform and the previously proposed platform. This is important because the proposed development will be longer in prime views by 17.4m. In other words, the proposed elements will stretch along the Crown Terrace.
22. There is a proposed condition to consent which has transferred directly across from the previous lapsed consent which states that 50% of the western facade be permitted as glazing. This amounts to 8.7m additional length of glazing on the western side of the building.
23. There is no mounding proposed in front of the additional length of platform along the western facade. While I consider that the building will be difficult to see from public road because of distance and mitigations proposed in the application, I do consider that the mitigations should apply across the full extent of the building platform as anticipated in the previous consent. There are risks of glare from the setting sun for audiences in some parts of the Wakatipu Basin below. I also consider that 25m of glazing on this facade should stand as a condition of consent if no specific design for the building is provided at this stage. This because of risks to the landscape character and to views of the landscape, its ONL status and the wide visual catchment.

24. I also consider that night light spill from this additional 8.7m length is worthy of note. I consider that this would have an adverse effect on the experience of the landscape character for members of the public by increasing the building's visibility during nights, early mornings and late afternoons.
25. I agree that the location of the platform and inevitable building will not be visually prominent such that it dominates public or private views. However the 17.4m extension will sit above the landform to the east. This was not the case for the previously proposed platform, where the roof and wall were hidden by topography from private views. The treatment of this wall is important and again whilst the cladding materials and plantings proposed would be sufficient to reduce visibility of the building there are additional considerations which I discuss below.
26. No discussion of the location of water tanks is provided in the report or on the plan. I consider that a full set out of all infrastructural elements in addition to understanding the building footprint is important to achieve a complete assessment of effects. In the S92 response to questions on this matter Council was assured that these would not be on the building platform but somewhere else and well hidden. However the water tanks should be incorporated on the building platform.
27. Without skilled design there is the risk that the artificiality of mitigation will detract from existing the landscape patterns and character of the ONL. I recommend that the building platform is proposed such that it can contain all building elements required for the entire proposal.
28. I consider the location of the water tanks and proposed mitigations are important and should be incorporated into the proposal at this stage of the proposal rather than at the building design stage.
29. The curtilage area as shown on the plan extends to the south of the building platform and is not located behind the proposed mound. It is entirely possible that elements not coloured and textured sensitively could be positioned in this area. These might include a clothes line, a bright blue trampoline or yellow sun umbrellas. Such elements would detract from the public's appreciation of landscape values of the wider landscape and reduce neighbours' amenities significantly.
30. I recommend that the mound is extended to surround the curtilage area to the south to reduce potential adverse effects to the character of the ONL.
31. If vehicles approach the building platform on the accessway they are exposed to views from the west. This is inevitable however there is no indication that the vehicles will park anywhere but in full view of the majority of public audiences. The colours and potential reflectivity off several parked vehicles can be anticipated as adverse visual effects and be additional elements which erode the ONL values of the vicinity.
32. I recommend that proposed parking areas for three vehicles are identified, away from the western side of the development, as part of the proposal.
33. Visual Coherence & Integrity of Landscape - I agree with Ms Ward that the building platform with its eastern or rear planting will not affect the natural character values of the landscape. However the accessway requires earthworks which will encroach into the existing matagouri areas depicted to be retained on the Landscape Plan. I agree with Ms Ward that the existing vegetation is important to retain because of the visual continuity across the ONL that it provides. (ref Para.16)
34. The extent of the cuttings for the accessway will reduce the areas of existing matagouri and adversely affect the naturalness of the landscape and the site's cohesiveness with the rest of the landscape. The proposed planting will introduce small pockets of native plantings. I consider that more generous swathes of vegetation that merge with the existing matagouri within the 'horseshoe'

of the proposed accessway would mitigate the earthworks more effectively. This would reduce the risk of adversely affecting the natural forms of the landscape.

35. The disposal field location is not identified and its treatment in the landscape is not described. There are some treatments on and around this piece of infrastructure that could detract from the visual coherence of the site in the ONL and reduce its overall integrity. I consider it is important to resolve these matters at this stage of the application given the sensitivity of the site.
36. Nature Conservation Values - I agree with Ms Ward that there will be temporary effects from the amount of earthworks. But that long term there will be little adverse effect on the natural conservation values of the landscape.
37. Cumulative Effects - I find myself in support of Ms Ward and previous hearing decisions which find there are scattered buildings across the Crown Terrace already and that another of the scale and in the location proposed will not reach the threshold where the landscape cannot absorb this additional change.
38. However, the afore-mentioned water tanks, disposal field, vehicles and outdoor area will require addressing before I can be assured that over domestication will not adversely degrade the ONL's landscape character. The lack of defined space away from the western, visually exposed side of the development for such activities is of concern. Each of the elements may be considered minor but the overall impact of all in combination stretched along the Terrace will be moderately adverse on the cohesiveness, character of the landscape and consequently the views of it. I recommend that all positions are confirmed by Council specialists prior to consent being granted.
39. Positive Effects - I see no positive effects from this proposal.
40. **The PDP rules** for the WBAZ are currently under appeal and so will not be referenced here. The RCL assessment criteria of 21.21.1 include much that is covered in the discussion above. The PDP ONL (21.21.1) criteria from the decisions version Stage 1 will also be referenced. Only matters not covered will be discussed below.
41. Of note is the change from ODP to PDP rules which permit a building to be constructed of a consented building platform. This means that Council's opportunity to control and manage the style of development is at building platform stage only. Further the PDP states that development in ONL landscapes will be the exception and will be presumed inappropriate in most locations.
42. Effects on Landscape character and Visual amenity have already been discussed above.
43. Design & Density of Development: I consider the omission of the infrastructural elements essential to the operation of the proposed development is a missed opportunity to aggregate development. By clustering all elements on the building platform, as anticipated by the PDP, impacts on landscape character could be reduced.
44. Other Factors in all Landscape Categories (21.21.3.1) The PDP offers a tool for Council to require more details regarding particular developments on particular sites. I consider that specific building design and site arrangement, rather than the nomination of a building platform, would assist Council to confirm if the entire development would be appropriate in this sensitive ONL. Especially when evaluating the location and size of glazing on the dwelling, the water tanks and the positioning of other domestic activities. This because no usable curtilage is provided for such activities on the eastern side of the building platform. Over domestication along the crest of the Crown Escarpment is a risk to the ONL character and integrity.

45. Earthworks - Chapter 22 in the ODP provides for assessment of the impacts of proposed earthworks. This is not directly responded to in the Landscape Assessment Report. Although Ms Ward does mention earthworks in some other contexts.
46. Nature and Scale of the Earthworks - I consider the earthworks required for the accessway important in this regard because they are located on the western slopes of the Crown Escarpment and exposed to most public views. I agree that these earthworks will be sympathetic to the natural contours of the land when complete.
47. However the AEE and LVA report don't give any time frame for this activity. I recommend that in order that the duration of the moderately adverse impacts on views and amenity values are reduced; the earthworks should be completed within one earthworks season.
48. I also recommend that the mitigation planting should be undertaken in the planting season immediately following the earthworks.
49. Effects on rural landscape and visual amenity values, including on ONL - I consider that there is potential for the scale and location of the cut and fill for the accessway to adversely affect visual quality and amenity values of the landscape. I have discussed this and make recommendations in Para 30, 32, 38, 43, & 44, 48.

RECOMMENDATIONS

Prior to consent being granted I recommend that:

Specific design of the site including the dwelling concept, the water tanks location and mitigation, the disposal field location and treatment; be submitted to enable a comprehensive assessment of the entire proposal.

Should consent be granted I recommend that the following conditions be included:

1. That the earth mound is extended in length to reduce potential effects from the extended building platform, inevitable building and curtilage activities.
2. The earth mound is detailed such that Council can be assured of the inclusion of rock retaining.
3. The planting in the 'horse-shoe' of the accessway is changed from pockets to a full coverage of the area including portions where the existing matagouri will need to be removed for earthworks.
4. That the landscape related consent conditions proposed in the AEE report section 3.6 are included in the consent. Except for :
 - In section 1 Design Controls - The two points relating to water tanks and glazing allowance on the western facade:
 - The location of identification of all infrastructure approved by Council prior to construction of the building. The extent of glazing on the western facade remains at 25m.
 - In section 2 Landscaping -that all the planting be undertaken in the planting season immediately after earth works are completed and prior to house construction. Only the mound planting is undertaken after to house construction.
5. That accessway earthworks are undertaken in a single earthworks season.

Prepared by:

Kris MacPherson

BLA

Registered NZILA Landscape Architect

Reviewed by:



Helen Mellsop

BLA, BHB, Dip Hort (Distinction)

Registered NZILA Landscape Architect

APPENDIX 5 – COUNCIL’S LANDSCAPE ASSESSMENT ADDENDUM (MS KRIS MACPHERSON)

Addendum

FILE REF: RM181310 - BSTGT

TO: A. Dunn – Planner, Planning and Development, QLDC

FROM: Kris MacPherson – Registered NZILA Landscape Architect

DATE: 14 February 2019

SUBJECT: Landscape Commentary to Applicant's Response

INTRODUCTION

1. The Queenstown Lakes District Council (QLDC) has received written response from the applicant's planner regarding the Landscape Assessment Review Memo which I wrote in October 2018.
2. My memo provided a review of the Landscape and Visual Effects Assessment of the proposal as described in applicant's Landscape and Visual Effects Assessment report (dated August 2018) written by Ms K Ward from Vivian & Espie Ltd and other supplied documentation.
3. In this addendum I will answer that written response and to additional matters requested by QLDC.

RESPONSE

1. The Use of the ONL Assessment Matters - Although technically the VAL assessment matters can be applied to this building platform - the applicant's Landscape Architect has elected to use the ONL classification assessment matters for two reasons. Number one is the close proximity of the proposed building platform to the ONL/VAL separation line. Number two is the earthworks and other parts of the proposal are located on the ONL side of the line.
2. Clearly the applicant's Landscape Team consider that the actual difference in character and value on the site, from one side of the separation line to the other, is insignificant. The planner was clearly satisfied with this approach at the time of lodgement or the applicant's LV Report would not have been submitted with the application.
3. As stated in my review memo, my role was to assess whether *"the analysis and classification of the landscape context of the site was robust and corresponds to the landscape attributes and values."*

4. In this case, I continue to support the precautionary, yet efficient, approach taken of applying the ONL assessment matters across the whole of the application. I reviewed the assessment accordingly and hence my repeated reference to the ONL assessment matters.
5. Should the QLDC choose to use the VAL assessment matters for the building platform, and the water tanks and the ONL assessment matters for the new driveway, some of the earthworks, and the planting - I see problem with that. The VAL and PDP RCL assessment matters both require assessment of the effects on the proposal on the adjoining ONL. These can only be assessed by using the ONL assessment matters.
6. Water Tanks - The portion of the site that is outside the ONL classified land is higher on the site and is also generally open pasture. There is ample room in this area to locate future water tanks and to provide access to them for water tankers should this ever be required.
7. The crest of the hill is located here as well. Water tanks are considered buildings. It is important to consider if their location will mean they break the skyline when viewed from the south, southeast and west. This would generate adverse visual effects under VAL 5.4.2.2.3b(v). Also creating a singular vegetated clump in the open pasture will be a poor outcome. It would be best if the tanks and additional vegetation were located adjacent to existing vegetation of similar texture and habit.
8. It is these concerns that generated my recommendation that Council approve the location ahead of building construction. This was an acknowledgement that QLDC considers water tanks to be buildings and as such, their location requires real consideration.
9. The applicant's proposed control states: *"If not placed underground water tanks must be integrated into part of the building or landscape design to achieve screening from locations external to the site."* Council is now clear that the water tanks will not be part of the building.
10. In my opinion this proposed control could be amended to read: *"If not placed underground water tanks must be integrated into part of the landscape design to achieve screening from locations external to the site, so that the tanks are not visible above any ridgeline and so that any screen planting connects to existing vegetation on the site."* I consider this amendment would be adequate to achieve an acceptable outcome.
11. Rock Retaining - I agree that the requirement to maintain the rock retaining can be set aside. The applicant has offered to add taller species to the plant list. The extent of mound planting shown on the Indicative Planting Plan received mid-Feb, together with the agreement to fully plant out the "horse shoe" or switch-back area of the driveway are satisfactory mitigation.
12. Extent of Glazing - As I noted in my review of the proposal; the extent of glazing (50%) on the potential building's western facade on the platform was expressly stated as a condition to the RM090297 consent. That meant that the commissioners and specialists involved, in granting the consent to the shorter length of building platform, considered that limiting the amount of glazing on the west side of the building to be an important constraint to register at building platform stage.
13. As a precautionary approach, when considering varying that condition for this proposal from the consented activity, my question is: what has changed to render this requirement no longer a condition? The building is the same height, has the same materiality and is at the same level. However it has an even longer length of wall on the west side. By inference that means more glazing

than before (8.7m more if the condition continues to state the same percentage of the wall length as the allowance measure).

14. I see little in this proposal to mitigate for the additional length of glazing. As no specific design of the dwelling has been submitted to QLDC, I continue to support the RM090297 consent conditions - these enable 25m of glazing along the western facade. I recommend the existing proposed condition is changed to read:

“ All glazing must not exceed more than 44% on the west elevation, be recessed to prevent sunlight reflecting off windows and in addition no mirror tinting is permitted.”

15. I note that the Indicative Planting Plan (Feb 2019) demonstrates an effective dwelling design which achieves this percentage. I acknowledge that this dwelling design is not part of this consent application; it is purely an example of what may be achieved.

Prepared by:

Kris MacPherson

BLA

Registered NZILA Landscape Architect

APPENDIX 6 – RECOMMENDED CONDITIONS OF LAND USE CONSENT UNDER S108 RMA

General Conditions

1. That the development shall be undertaken/carried out in accordance with the plans:
 - ‘Site Plan’, prepared by Construkt. SK 00. Dated 5/09/18.
 - ‘Land Sections’, prepared by Construkt. SK 00. Dated 5/09/18.
 - ‘Proposed Building Platform’, prepared by Construction Survey. Drawing and Issue No. 1873.BP. s01. Rev A. Date 31-Jan-19.
 - ‘Appendix 1 – Structural Landscape Plan’, prepared by Vivian + espie. Ref: 1304/001. Dated 30.08.18.

stamped as approved on xxx.

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. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management.

General

4. All engineering works, including the construction of any retaining walls, 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

5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC’s Land Development and Subdivision Code of Practice, in relation to this development.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC’s Land Development and Subdivision Code of Practice and ‘A Guide to Earthworks in the Queenstown Lakes District’ brochure, prepared by the Queenstown Lakes District Council to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

7. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve Ltd report (GeoSolve ref JN 180707, dated November 2018 and held on file at Council) and who shall supervise the excavation and filling procedure and retaining wall construction, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
8. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) 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 (4), to detail the following requirements:
 - a) The provision of a water supply to service the building platform in accordance with Council's standards. The building platform shall be supplied with a minimum of 2,100 litres per day of potable water that complies/can be treated to comply with the requirements of the Drinking Water Standard for New Zealand 2005 (revised 2008).
 - b) The provision of an access way to the building platform that is in general accordance with the plans submitted with the application and complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. The access way design shall include the following:
 - (i) The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width.
 - (ii) Provision shall be made for stormwater disposal from the carriageway.
 - (iii) Passing bays shall be provided on the steep, curved section of the access to avoid possible vehicle conflicts.
 - (iv) Provision shall be made for an 8m rigid truck to gain access to the building platform.
 - (v) The access way 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.
 - (vi) The cut and fill batter slopes shall be amended to comply with the recommendations in the GeoSolve report (GeoSolve ref JN 180707, dated November 2018 and held on file at Council).
 - (vii) In the event that any retaining structure(s) are proposed for the access way, producer statement(s) in the form of IPENZ PS1 for design shall be provided for the retaining structure(s).
 - c) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be monitored throughout earthworks

9. The earthworks, batter slopes and retaining shall be undertaken in accordance with the recommendations of the report by GeoSolve Ltd (GeoSolve ref JN 180707, dated November 2018 and held on file at Council).

10. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
11. No earthworks, temporary or permanent, are to breach the boundaries of the site.

New Building Platform to be registered

12. At the time the consent is given effect to, the consent holder shall provide a 'Land Transfer Covenant Plan' showing the location of the approved building platform (as per the plan entitled '*Proposed Building Platform*', Drawing & Issue No. 1873.BP.s01. Rev A, Dated 31 Jan 19' and stamped as an approved plan under condition one of this consent). The area of the building platform shall not exceed 800m². The consent holder shall register this "Land Transfer Covenant Plan" on Register of Title Identifier 393959 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

Prior to the registration of the building platform on the Register of Title

13. Prior to the building platform being registered on the Register of Title, 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 development to the Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Water reticulation.
 - b) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Manager of Resource Management Engineering 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 works detailed in Condition (8) above.
 - d) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - e) The consent holder shall remedy any damage to all existing road and/or right of way surfaces and berms that result from work carried out for this consent.
 - f) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
 - g) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.
 - h) All earthworks, geotechnical investigations, engineered fill slopes, and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering the building platform location and the newly-constructed access way. The Schedule 2A certification shall include a statement under Clause 3(e) covering Section 106 of the Resource Management Act 1991. In the event the Schedule 2A includes limitations or remedial works against the lot,

the Schedule 2A shall include a geotechnical summary table identifying requirements against the lot for reference by future lot owners. The certificate and any supporting information shall be submitted to the Manager of Resource Management Engineering at Council.

- i) The submission of Completion Certificates from both the Contractor and Approved Engineer for all engineering works completed in relation to or in association with this development (for clarification this shall include all Roads, Water and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- j) In the event that any retaining structure(s) were constructed for the access way, producer statement(s) in the form of IPENZ PS4 for construction shall be provided for the retaining structure(s).
- k) An amended landscape structure plan shall be submitted for certification by the Council's appointed Landscape Architect to include the following:
 - i. an extension to the mound to show the mound encompassing the curtilage area to the south. The mound shall be at least one metre in height from current original ground level and be designed in such a way that species that are detailed on the landscape structure plan are able to be planted and become established. Full details of this mound shall be provided to Council including cross sections; and
 - ii. to include full planting of the 'horse-shoe' of the accessway to ensure there are no 'pockets' of vegetation (i.e. a continuous line of vegetation is required – where new planting will merge with existing matagouri.).
Note: No other changes to the landscape structure plan ('Structural Landscape Plan', prepared by Vivian + espie, reference 1304/001, dated 30.05.18) and held on file at Council is permitted.
- j. All structural landscaping as denoted on the amended structural landscaping plan shall be completed prior to the registration with the exception of the mound and mound planting. All planting must be contained within the subject site.

Ongoing Conditions/Covenants

- 14. At the time that the building platform is registered on the Register of Title for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time a residential unit is proposed:

Engineering

- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX
- b) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Tonkin & Taylor, dated 24 March 2009. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the residential unit.
- c) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005 (revised 2008), by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision

of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 (revised 2008) are met or exceeded.

- d) Prior to the occupation of any residential unit on the lot, domestic water and firefighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve within a 30,000 litre tank (or alternative). 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 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 residential units. In the event that the proposed residential units 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 that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per 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 subdivision consent). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

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

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

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

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

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 are approximately 10km 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 recommended that a home sprinkler system be installed in the new residential unit.

- e) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (13h) contains limitations or remedial works required, then a s108 covenant shall be registered on the relevant Computer Freehold Registers detailing requirements for the lot owner(s).

Landscape

- f) The maximum height of buildings within this platform is restricted to 2.5 metres above original ground level. At any location within the platform the maximum height shall not exceed 628 RL.
- g) External roofing materials are limited to Cedar shingles in a natural finish, Slate, Tray or Colorsteel roofing finished in a dark recessive colour with a light reflectivity between 7% and 20%.
- h) All cladding materials must be selected from the following:
 - Natural timber
 - Natural local stone
 - Textured concrete with low reflectivity; and/or
 - Rammed earth.
- i) Roof materials must be selected from the following:
 - Natural timber, timber shales or timber shingles
 - Natural dark grey slate tiles
 - Oxidised zinc or galvanised iron finished in dark grey tones
 - Living green roof systems
 - Membrane roofing systems for flat roofs in dark grey to black tones.
- j) All exterior colours or stain finishes must be either or combinations of recessive greys, greens and browns through to black tones. Timber is permitted in its natural state or may be coated with a clear protective sealant or stained natural tone.
- k) All external cladding, infrastructure and must be less than 36% on walls and on roofs less than 26%.
- l) All glazing must not exceed more than 50% on the west elevation, be recessed to prevent sunlight reflecting off windows and in addition no mirror tinting is permitted.
- m) If not placed underground water tanks must be integrated into part of the building or landscape design to achieve screening from locations external to the site

Note: In addition to this, if not buried, all water tanks must be located within the curtilage area

- n) Clothes lines or other structures used for drying laundry, rubbish bins and collection areas, and television, radio antennae and/or satellite dishes must be concealed when viewed from off-site locations and included within the curtilage area as identified on the plans approved by condition one (1) of RM181310.
- o) Within 12 months after the construction of any residential unit, the mound as denoted on the amended landscape plan required by condition 13 (k) (ref: **XX**) of RM181310 and held on file at Council shall be fully implemented. The mound and its associated planting shall be maintained in perpetuity.

- p) All planting as denoted on the structural landscaping plan shall be maintained in perpetuity. Should any plant become diseased or died, it shall be replaced within the next available planting season.

Advice Notes:

1. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.

APPENDIX 7 – RECOMMENDED CONDITIONS FOR CANCELLATION OF CONSENT NOTICE INSTRUMENT 75232286.4 UNDER S221(3) RMA

1. Consent Notice Instrument 75232286.4 is cancelled in its entirety.
2. At the time the land use consent authorised by RM181310 is given effect to (i.e. at the time the building platform and associated Covenants are registered on the Record of Title), the consent holder shall cancel Consent Notice Instrument. All costs shall be borne by the consent holder, including any fees by Council Solicitors.