



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER s104 RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	K & E Stalker
<b>RM Reference:</b>	RM181925
<b>Proposal:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to establish a 850m<sup>2</sup> residential building platform on a vacant site, construct a residential unit within the proposed building platform, construct a farm storage shed outside of the proposed building platform, and to undertake associated earthworks and landscaping.</p> <p>Application under s221 of the RMA to cancel Consent Notice 876500 to remove conditions restricting residential development on site.</p>
<b>Location:</b>	Slope Hill, Lower Shotover Road
<b>Legal Description:</b>	Lot 6 Deposited Plan 463532, held in Record of Title 613710
<b>Operative Plan Zoning:</b>	Rural General (Outstanding Natural Feature – Slope Hill)
<b>Proposed Plan Zoning:</b>	Rural (Outstanding Natural Feature – Slope Hill)
<b>Activity Status:</b>	Discretionary
<b>Notification Decision:</b>	Publically Notified
<b>Delegated Authority:</b>	Alana Standish – Team Leader Resource Consents
<b>Final Decision:</b>	<b>GRANTED SUBJECT TO CONDITIONS</b>
<b>Date Decision Issued:</b>	<b>31 October 2019</b>

**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.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** to cancel Consent Notice 876500 pursuant to Section 221 of the RMA as it relates to Lot 6 Deposited Plan 463532, as outlined in Section 8 of this decision.
3. 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 publically notified on 18 April 2019. Although two submissions were received, they have both since been withdrawn and written approval provided by both parties (discussed below).

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 25 October 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

#### 3.1.1 THE 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 **restricted discretionary** activity resource consent pursuant to Rule 5.3.3.3 xi as the proposal breaches site standard 5.3.5.1xi in relation to the construction of a farm building which is on a holding that is less than 100 hectares in area and is within an Outstanding Natural Feature within the Wakatipu Basin (Slope Hill). Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3 [i (a)] for the addition, alteration or construction of any building and any physical activity associated with any building such as roading, landscaping and earthworks. In this instance, the applicant proposes to construct a residential unit within the proposed residential building platform which has not yet been approved by resource consent.
- 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 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area. In this instance, the applicant is proposing to identify a residential building platform with an area of 850m<sup>2</sup>.

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

#### 3.1.2 THE PROPOSED DISTRICT PLAN

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.

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 Rural Zone. Resource consent is required for the following reasons, with these rules having legal effect pursuant to s86B:

- A **restricted discretionary** activity resource consent pursuant to Rule 21.8.1 for the construction, replacement or extension of a farm building on a landholding less than 100ha; and within or on an Outstanding Natural Feature (Slope Hill). Discretion is restricted to:
  - a. the extent to which the scale and location of the Farm Building is appropriate in terms of:
    - i. rural amenity values;
    - ii. landscape character;
    - iii. privacy, outlook and rural amenity from adjoining properties;
    - iv. visibility, including lighting.
- A **discretionary** activity resource consent pursuant to Rule 21.4.10 for the identification of a building platform not less than 70m<sup>2</sup> and not greater than 1000m<sup>2</sup>. In this instance, the applicant is proposing to identify a residential building platform with an area of 850m<sup>2</sup>.
- A **discretionary** activity resource consent pursuant to Rule 21.4.11 for the construction of a building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. In this instance, the applicant is proposing to construct a residential unit within the proposed building platform; however this has not yet been approved by resource consent.

Overall, the application is considered to be a **discretionary** activity under the PDP (Stage 2 Decisions Version 2019).

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

The proposed identification of a RBP and consequential construction of a residential unit will change the piece of land subject to this application from farming to residential. Therefore an assessment under the NES is required.

The applicant has owned and farmed the subject site which was originally part of the much greater Glenpanel farming unit, for over 20 years. The applicant has provided a declaration pertaining to whether any activities that are registered as being on the Hazardous Substances and Industries List (HAIL) have historically taken place on the site. Based on the applicant's historic account of activities which have taken place, the site has generally been utilised for grazing purposes, with no HAIL activities having occurred on the site, including in the location of the proposed RBP.

Further, based on the applicant's review of Council records, an activity that is listed on the HAIL has more likely not taken place on the piece of land which is subject to this application.

Based on this evidence, it is accepted the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 3.1.4 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 876500 in its entirety.

### 3.1.5 OVERALL ACTIVITY STATUS

The application was formally received before 21 March 2019 (date which decisions on Stage 2 of the PDP were notified). 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, noting regard must be had to the PDP in considering the application under s104(1)(b).

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

## 4. SUMMARY OF EVIDENCE HEARD

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

## 5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application and Section 42A report are primarily associated with the assessment of landscape and visual amenity effects on the ONF of Slope Hill.

The findings relating to these principal issues of contention are outlined in Sections 8.1 and 8.2 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, access and traffic generation, earthworks and the cancellation of consent notice instrument 876500. Where relevant conditions of consent can be imposed under Section 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 as part of the application and with the imposition of additional mitigation measures in the form of conditions relating to retaining existing planting, restricting further development of the site, and amended design controls for the proposed residential unit located within the proposed platform, I consider that the proposal will not detract from the openness of the landscape or result in a level of domestication that will 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 a residential building platform within an ONF, this platform will be reasonably difficult to see being contained by existing vegetation and topography.*

*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 Section 8.3 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 Partially Operative Otago Regional Policy Statements (ORPS), and
- Precedent

These matters are considered under section 8.4 and 8.5 of the s42a report. Overall, the proposal is consistent with the relevant objectives and policies within the Partially Operative Otago Regional Policy Statement, and will not create a precedent for unwarranted development on an Outstanding Natural Feature.

#### 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 1 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 2 ON ON APPLICATION PURSUANT TO SECTION 221 OF THE RMA

Pursuant to section 104 of the RMA, consent is **granted** to cancel consent notice instrument 876500 in its entirety as it relates to Lot 6 DP 463532 subject to the conditions stated in *Annexure 2* of this decision.

#### 8. OTHER MATTERS

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

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required.

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 Rebecca Holden via email [rebecca.holden@qldc.govt.nz](mailto:rebecca.holden@qldc.govt.nz).

Report prepared by

Reviewed by



Rebecca Holden  
**CONSULTANT PLANNER**



Alana Standish  
**TEAM LEADER RESOURCE CONSENTS**

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

# **ANNEXURE 1**

## **CONSENT CONDITIONS**

## General Conditions

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

Clark Fortune McDonald:

- 'Proposed Building Platform on Lot 6 DP 463532', Rev A dated 19.11.18

Baxter Design Group:

- 'Site Plan', referenced 2819-SK09, dated 15 November 2018
- 'Concept Plan', referenced 2819-SK05, dated 5 December 2018
- 'Site Mitigation Planting Plan', referenced 2819-SK12, dated 18 July 2019
- 'Levels Plan', referenced 2819-SK05, dated 5 December 2018

Sheppard and Rout Architects Limited:

*(Residential Unit):*

- 'Site Plan', Sheet A1.01 dated October 2018
- 'Floor Plan', Sheet A1.02 dated October 2018
- 'Elevations', Sheet A1.03 dated October 2018

*(Farm Shed):*

- Shed Floor Plan and Elevations

**stamped as approved on 31 October 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 Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

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

5. The maximum building height of the residential unit approved by way of this resource consent shall be 4.5 metres above an RL of 443.50.
6. The maximum building height of the farm shed approved by way of this resource consent shall be 4m above an RL of 443.50.
7. The residential unit approved by way of this resource consent shall be restricted to the following external wall materials, finished in the natural range of browns, greens and greys with a LRV between 7-20%:
  - Natural timber left to weather in dark browns or greys;
  - Stained timber cladding;
  - Steel tray;
  - Textured concrete with low reflectivity;
  - Locally sourced schist stone.

8. The exterior wall materials of the farm shed approved by way of this resource consent shall be restricted to following materials finished in the natural range of browns, greens and greys with a LRV of between 7-20%:
- Natural timber cladding, left to weather in dark browns or greys;
  - Stained timber cladding.
  - Corrugated iron.

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

9. Prior to any works on site, the consent holder shall submit a revised landscape plan to Council's Team Leader: Resource Consents for review and certification. The revised landscape plan shall be in general accordance with the landscape plan submitted with the RM181925 application entitled 'Concept Plan', prepared by Baxter Design, referenced 2819-SK05, dated 5 December 2018, but shall be amended to provide:
- a) The proposed curtilage area shall be adjusted to reduce the area of curtilage in Zone A to a maximum of 15m from the northern building platform boundary.
10. 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 'QLDC Guidelines for Environmental Management Plan –June 2019' 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.
11. At least 7 days prior to commencing earthworks on the building platform, 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 shall supervise the earthworks and undertake inspection and assessment as necessary to provide a Schedule 2A certificate as required under Condition (12).

***Prior to construction of the residential unit***

12. Prior to the construction of the residential unit on the building platform the consent holder shall provide to the Manager of Resource Management Engineering at Council a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.2 and demonstrates to Council that the building platform is suitable for building development. In the event that the conditions within the building platform is only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Manager of Resource Management Engineering at Council.

***To be monitored throughout earthworks***

13. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
14. 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.



15. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required for the vehicle crossing.

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

16. Prior to the occupation of the residential unit, the consent holder shall register the approved building platform.
17. All areas of earthworks shall be re-sown in grass within three months of completion of the earthworks and/or planted within the relevant areas as per the Landscape Plan approved by way of this resource consent.
18. Planting shown on the Landscape Plan approved by way of this resource consent shall be implemented in the first available planting season following construction of the residential unit, and shall thereafter be maintained in accordance with the plan. If any plant dies or becomes diseased, it shall be replaced in the next available planting season in accordance with the amended plan certified by Condition (9).
19. Prior to the occupation of the dwelling, the consent holder shall complete the following:
  - 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 existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - c) Any power supply or telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
  - d) The provision of an effluent disposal system in accordance with the SMS Monitoring Ltd report, dated 18 October 2018 submitted with the application. The on-site wastewater disposal and treatment system shall comply with AS/NZS 1547:2012 and shall provide sufficient treatment/renovation to effluent prior to discharge to land.
  - e) The provision of an stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site, as designed by a suitably qualified professional defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The stormwater system shall be subject to the review of Council prior to implementation.
  - f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
  - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

- h) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. The water tank shall be located in the general position shown on the Baxter Design Plan submitted with the application. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.

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

20. 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 prepared by Clark Fortune McDonald entitled '*Proposed Building Platform on Lot 6 DP 463532*', Rev A dated 19.11.18' and stamped as an approved plan under Condition (1) of this consent). The consent holder shall register this "Land Transfer Covenant Plan" on Register of Title Identifier 613710 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.
21. The consent holder shall provide the registered Land Transfer Covenant Plan to Council within 6 weeks of it being registered on the Record of Title.

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

22. Prior to the building platform being registered on the Register of Title, the consent holder shall complete the following:
  - 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 consent holder shall provide 'as-built' plans and information required to detail the water supply 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 (including private laterals and toby positions).
  - c) 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.
  - d) The existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
  - f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

### ***Following completion of the residential unit***

23. No buildings, structures, fixed clothes lines, play equipment, sculptures or any items associated with domesticated landscaping, that will be visible from outside of the site are permitted in zone A of the curtilage area as amended by Condition (9).

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

24. 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 SMS Monitoring, dated 18 October 018. 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) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (12) above 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).
- d) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The proposed stormwater system shall be subject to the review of Council prior to implementation.
- e) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in any new residential unit.

- f) All buildings within the building platform shall be restricted to the following design controls:
- i) A maximum site coverage of 50% of the building platform (425m<sup>2</sup>).
  - ii) A maximum building height of a 4.5 metres above an RL of 443.50.
  - iii) Exterior wall claddings shall be limited to the following:
    - Natural timber left to weather in dark browns or greys;
    - Stained timber cladding;
    - Steel tray;
    - Textured concrete with low reflectivity;
    - Locally sourced schist stone.
  - iv) Roof cladding shall be limited to the following:
    - Steel tray;
    - Stained timber rainscreen;
    - Corrugated iron.
  - v) All external walls, roofs, joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes and solar panels shall be coloured in the natural hues of green, brown or grey with a Light Reflectance Value (LRV) of between 7% and 20%.
  - vi) All roof forms shall be mono-pitched with flat roof connections. Any flat roofs shall be a maximum of 3m high, not exceeding 30% of the total floor area.
  - vii) All window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding
  - viii) Glazing on the north and west elevations of any building shall not exceed 60% of the wall area on each elevation. All glazing shall be non-reflective.
- g) The existing specimen trees indicated on the submitted Landscape Plan (*Baxter drawing no 2819- AK05 dated 5th December 2018 and titled Concept Plan*) shall be retained on site and protected in perpetuity. If any tree requires removal due to death or disease, a plan for appropriate replacement of similar species and eventual size shall be submitted to Council for approval and shall be replaced within the next planting season.
- h) No items associated with domesticated landscaping (such as clothes lines, play equipment etc), that will be visible from outside of the site shall be located within zone A of the curtilage area shown on the landscape plan approved by RM181925 (as amended by Condition 9 of RM181925).

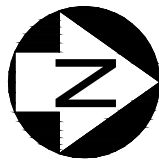
**Advice Notes:**

- *The consent holder is advised that any retaining 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.*
- *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.*

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181925

Thursday, 31 October 2019



Proposed  
Building Platform  
850m<sup>2</sup>

A

LOT 6  
DP 463532  
78.71 Ha  
CT 613710

CLIENT REVIEW

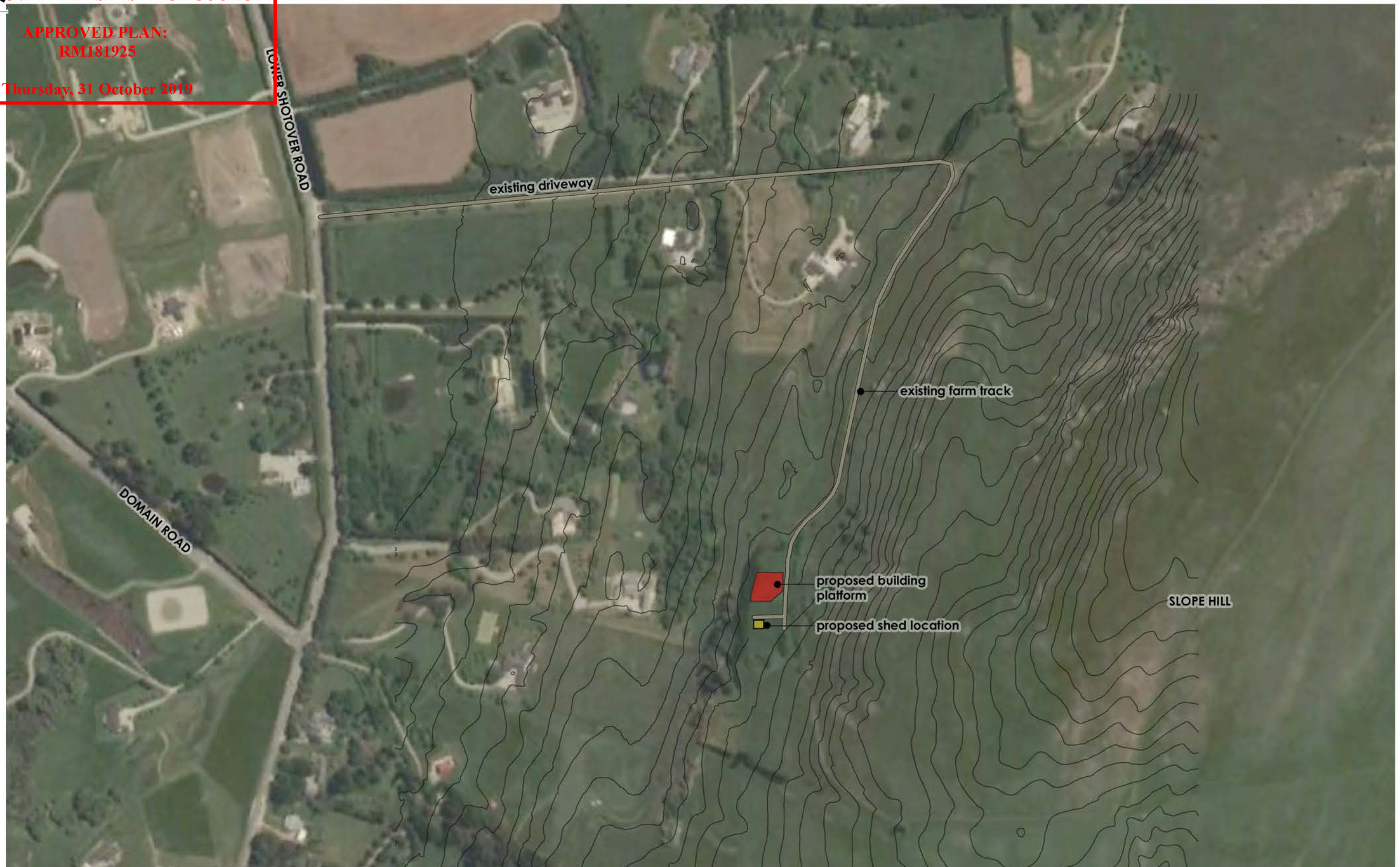
 <b>Clark Fortune McDonald &amp; Associates</b> <small>Licensed Cadastral Surveyors - Land Development - Planning Consultants</small> 309 Lower Shotover Road, P.O.Box 553 Queenstown Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  Shop 2, Otago House, 475 Moray Place, P.O. Box 5960 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz	Rev.	Date	Revision Details	By	Client	Surveyed	Signed	Date	Job No.	Drawing No.
	A	19.11.18	Amend platform shape	CCH	MARYHILL LTD	RG		05-09-18	13601	02
						Drawn	Signed	Date	Scale	Sheet
						CH		2.11.18	1:400 @ A1 1:800 @ A3	01-01
PROPOSED BUILDING PLATFORM ON LOT 6 DP 463532						Designed	Signed	Date	Datum & Level	Rev.
									NZGD2000 / MSL	A



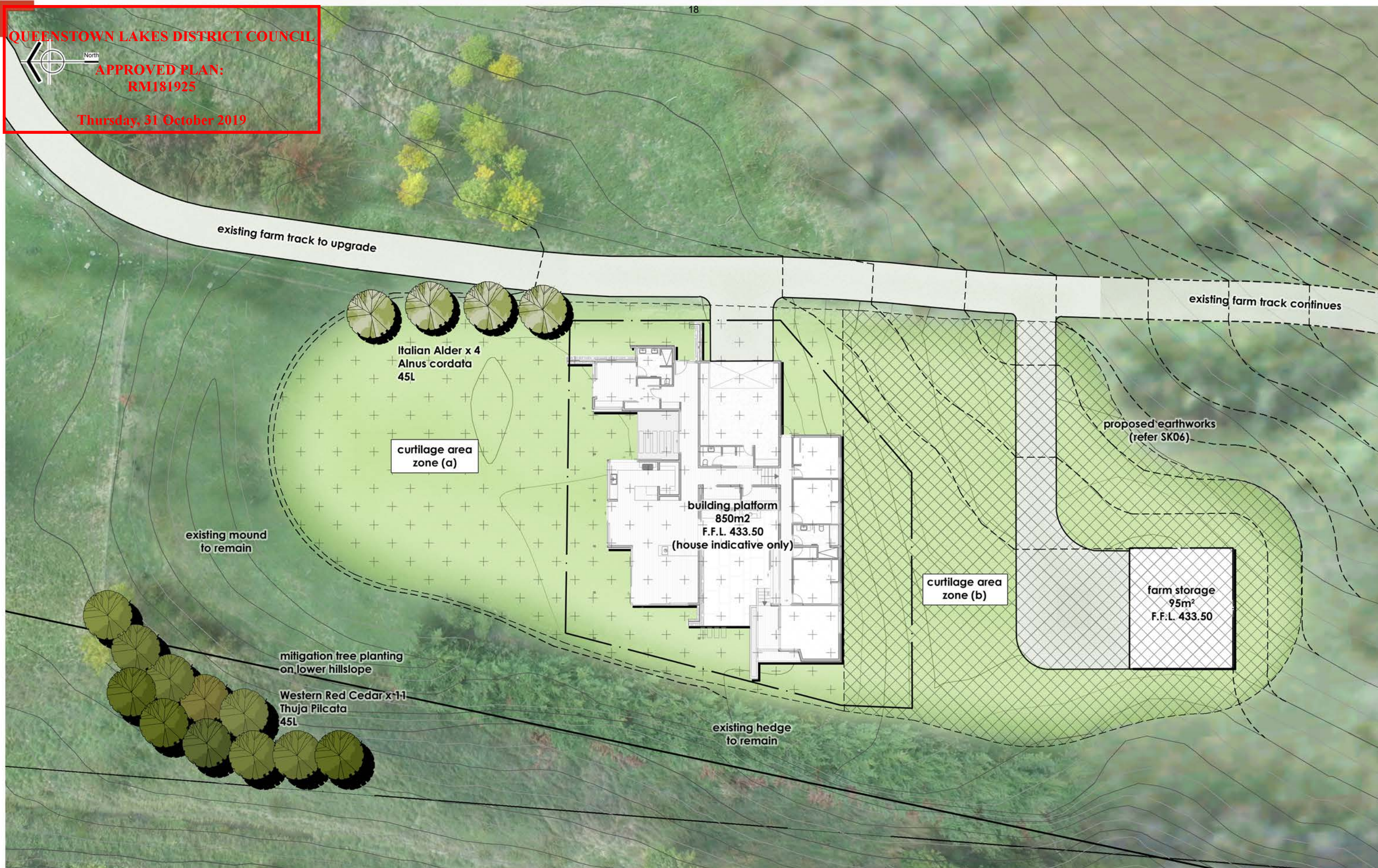
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM181925

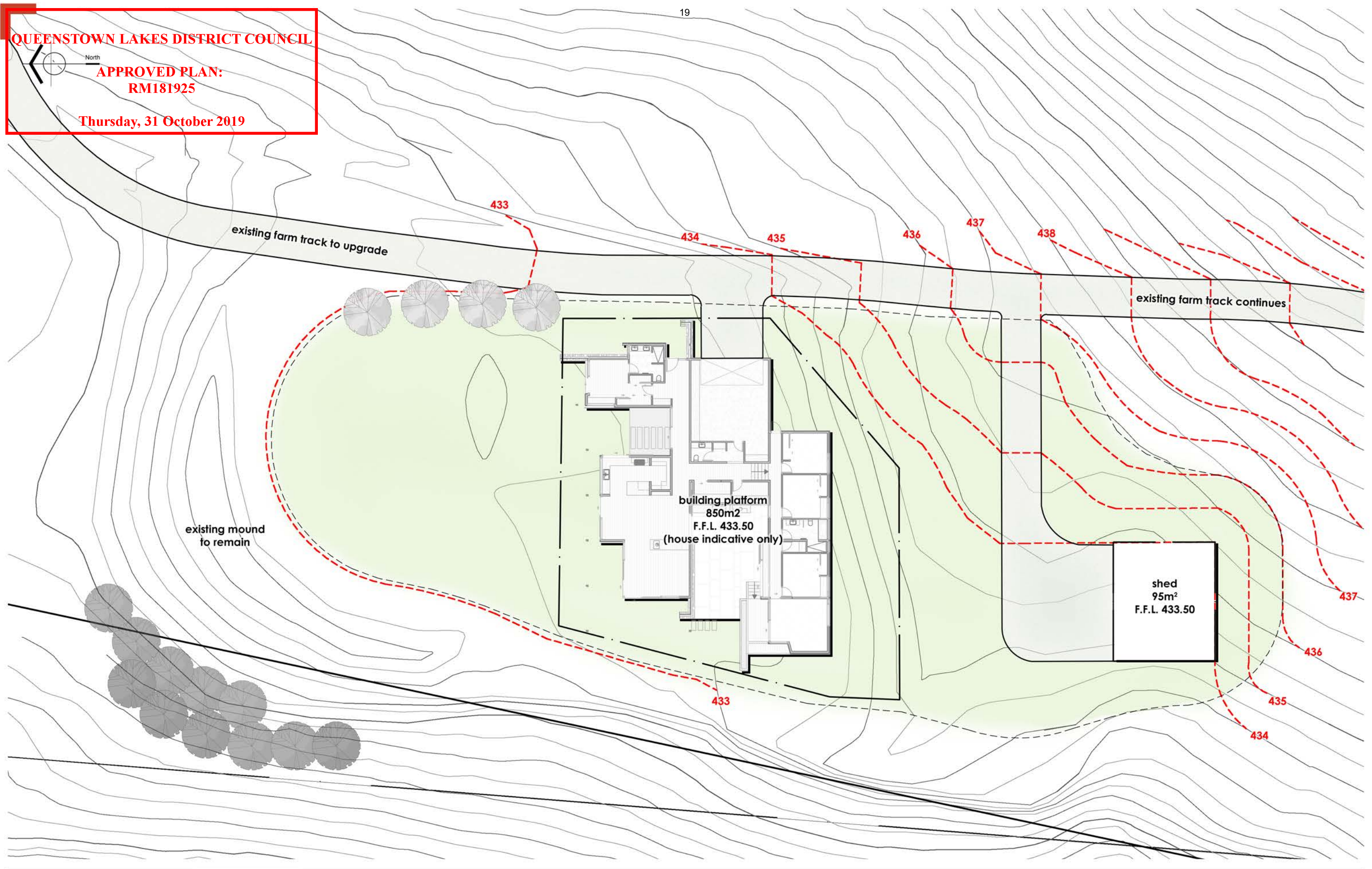
Thursday, 31 October 2019



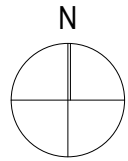












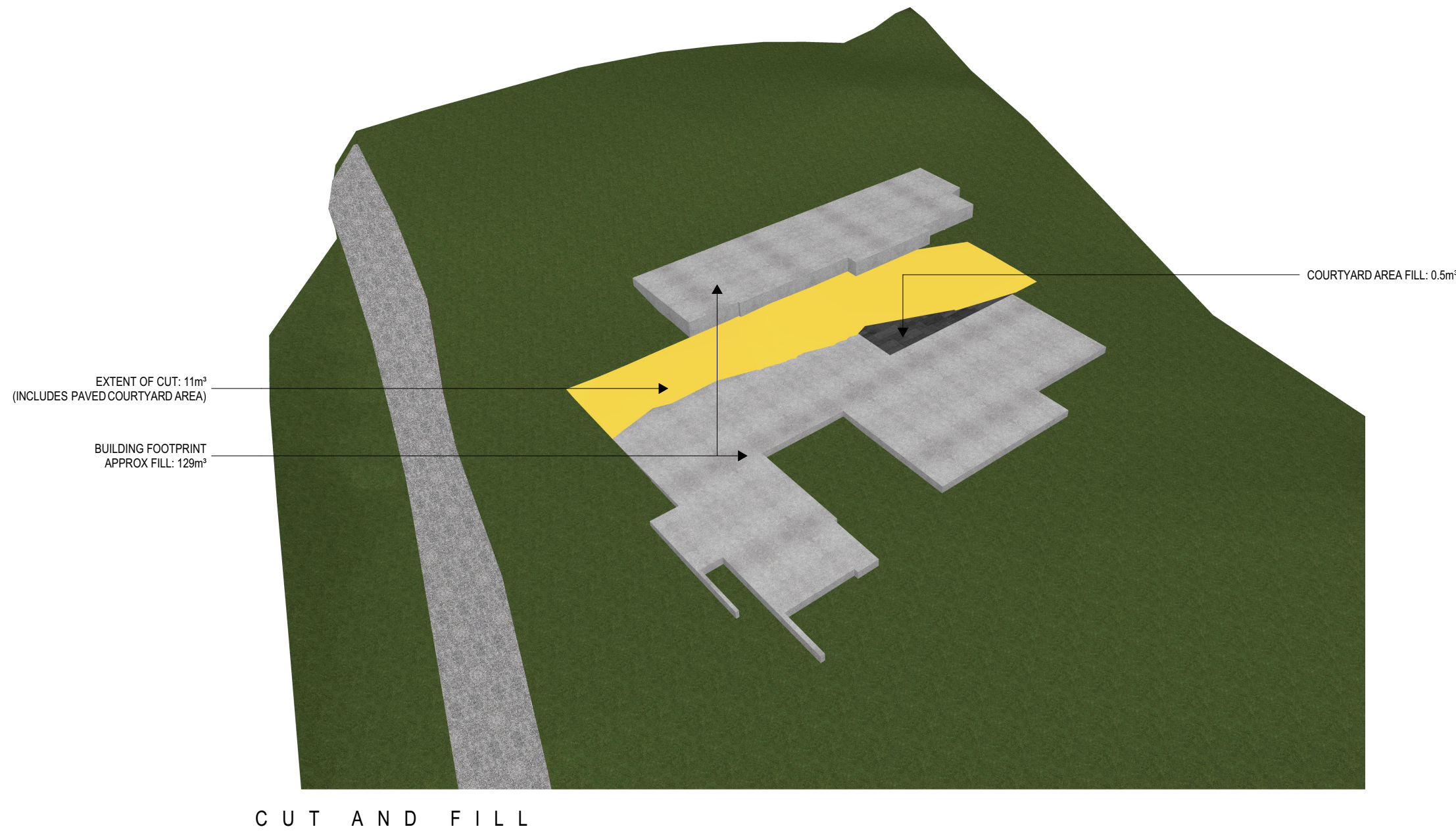
LEGAL DESCRIPTION AND SITE AREAS

LOT 6 DP 463532

SITE AREA: 78.71 Ha  
HOUSE FOOTPRINT: 333m<sup>2</sup>  
SHED FOOTPRINT: 91m<sup>2</sup>

LEGEND

EXISTING SITE LEVELS + 442.680



ISSUED FOR PLATFORM RESOURCE CONSENT 25.10.18

**SHEPPARD & ROUT**

SHEPPARD & ROUT ARCHITECTS LTD  
m PO Box 2426, Christchurch 8140  
p 104 Salisbury Street, Christchurch 8013  
t +64 3 366 1562  
e admin@sheprout.com  
w www.sheprout.com

PROJECT: STALKER HOUSE  
LOWER SHOTOVER ROAD

DRAWING: SITE PLAN

DATE: OCTOBER 2018

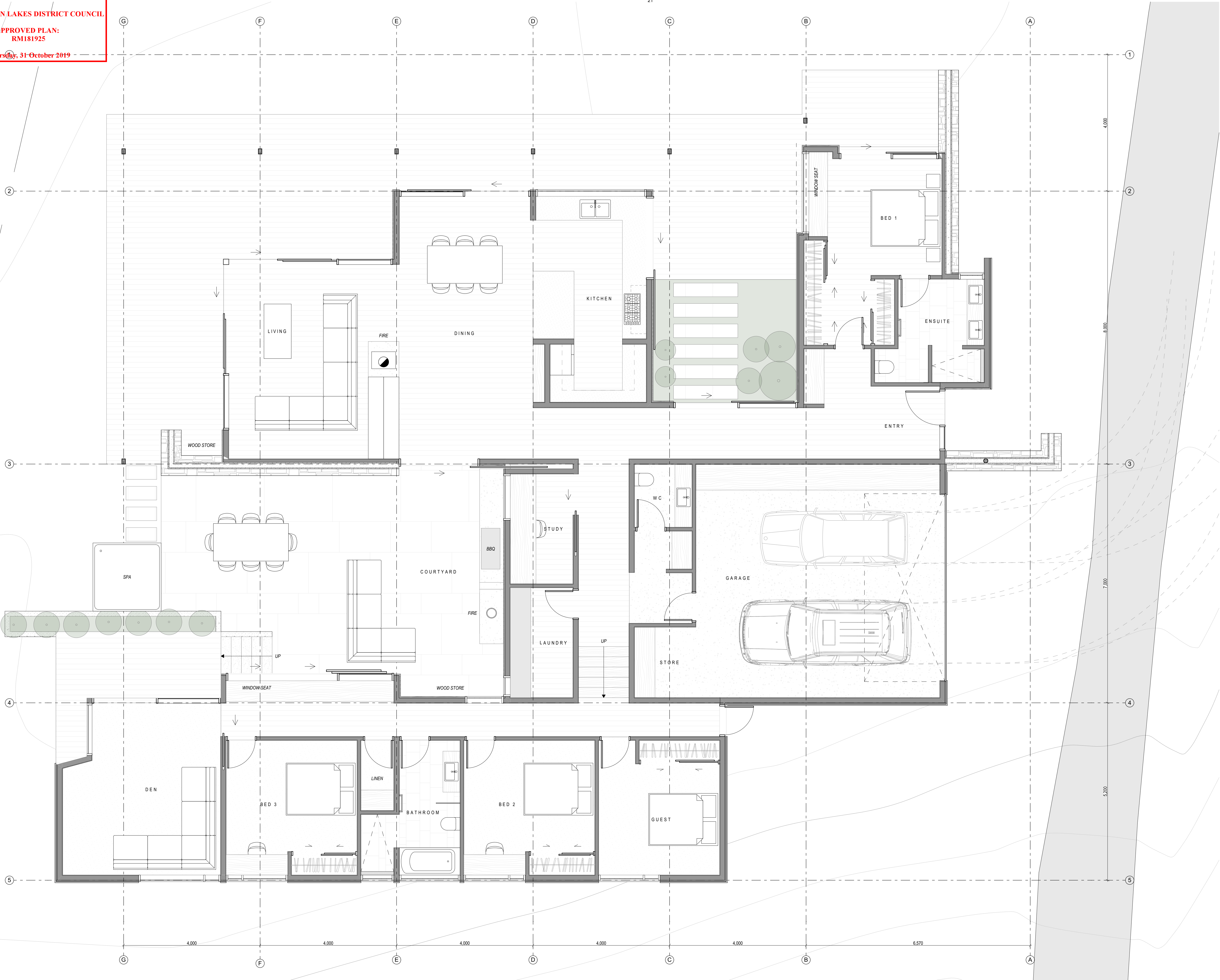
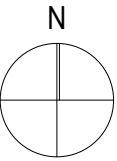
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DRAWN: MW

DRAWING STATUS: FOR INFORMATION[☒]  
FOR TENDER ☐ FOR CONSTRUCTION[☐

JOB: **2425** SHEET: **A1.01**





ISSUED FOR PLATFORM RESOURCE CONSENT 25.10.18

SHEPPARD & ROUT ARCHITECTS LTD  
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PROJECT: STALKER HOUSE  
LOWER SHOTOVER ROAD

DRAWING: FLOOR PLAN

DATE: OCTOBER 2018

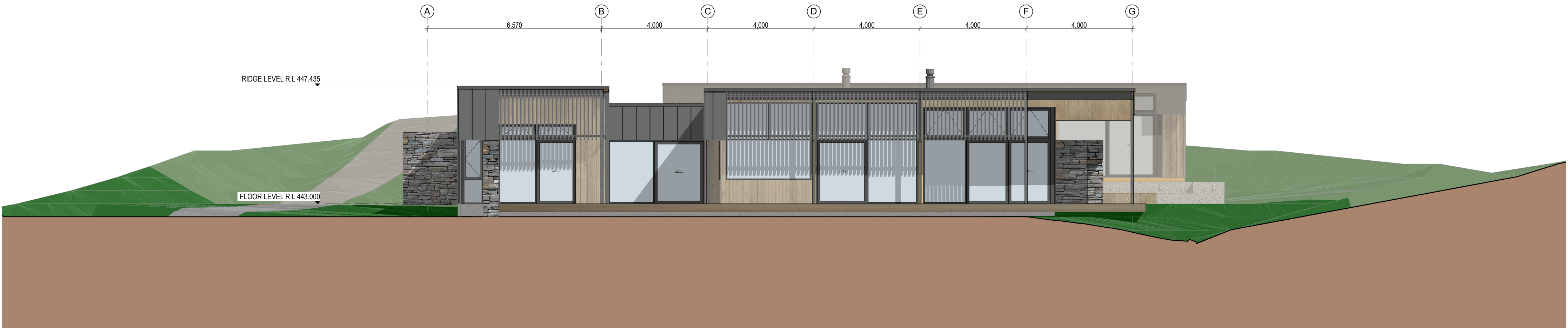
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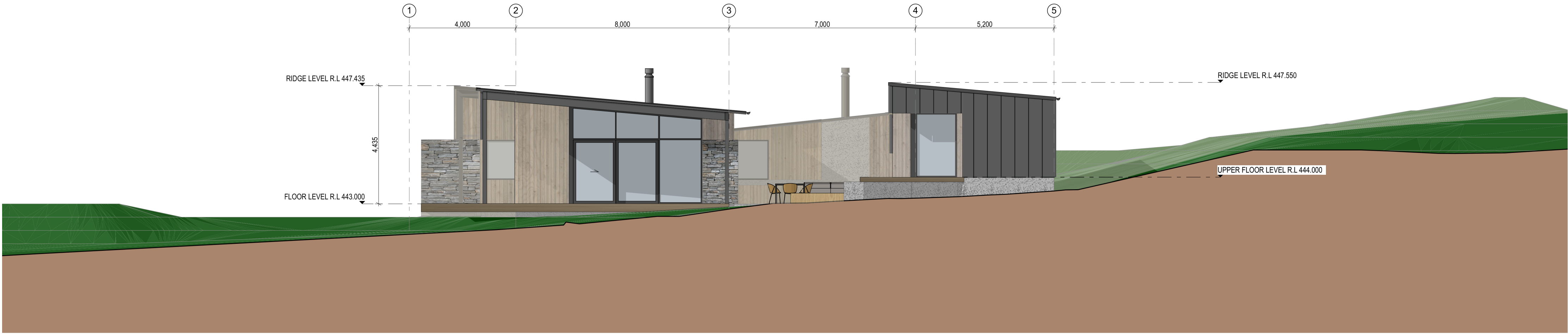
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JOB: 2425 SHEET: A1.02

SHEPPARD & ROUT



N O R T H   E L E V A T I O N



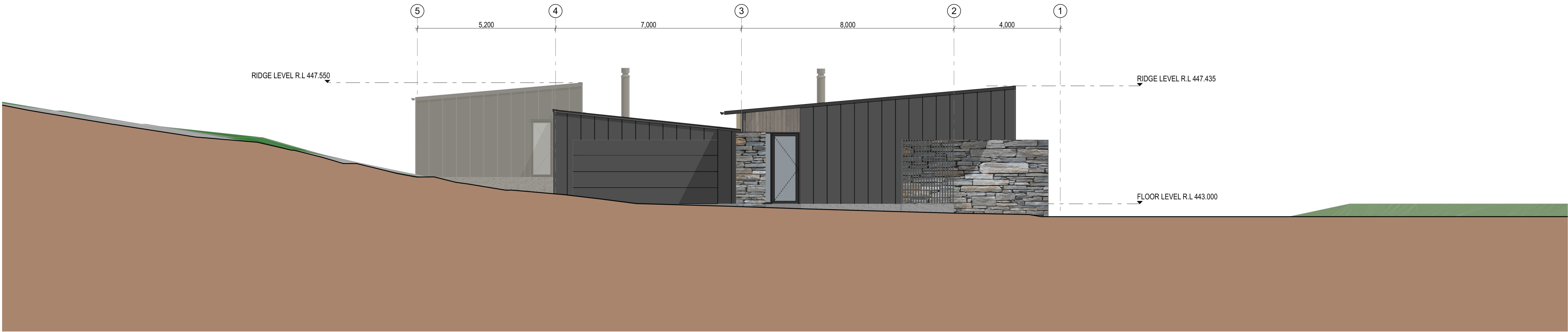
W E S T   E L E V A T I O N

**SHEPPARD & ROUT**

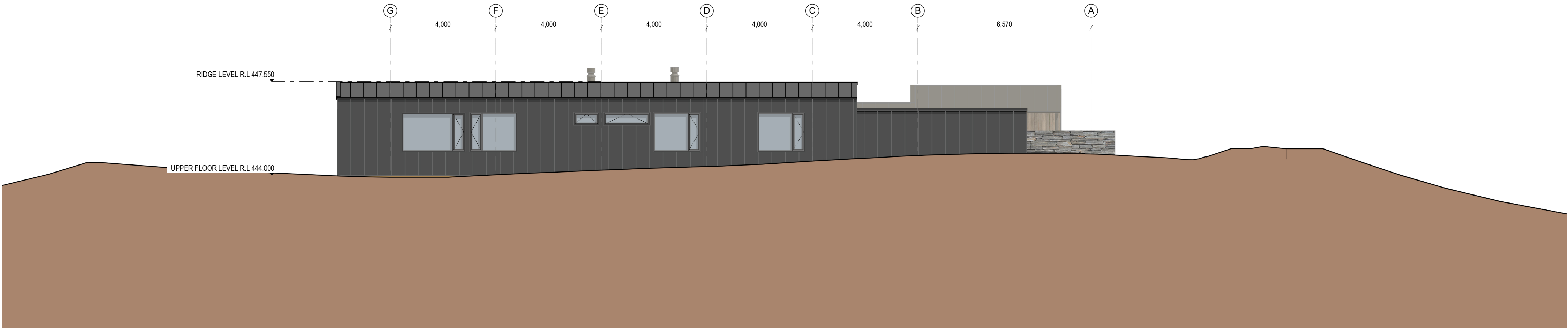
SHEPPARD & ROUT ARCHITECTS LTD  
m PO Box 2426, Christchurch 8140  
p 104 Salisbury Street, Christchurch 8013  
t +64 3 366 1562  
e admin@sheprout.com  
w www.sheprout.com

PROJECT: STALKER HOUSE LOWER SHOTOVER ROAD	
DRAWING: ELEVATIONS	
DATE:	OCTOBER 2018
SCALE:	1:100 (1/2 SCALE @ A3)
DRAWN:	MW
DRAWING STATUS:	FOR INFORMATION? FOR TENDER <input type="checkbox"/> FOR CONSTRUCTION <input type="checkbox"/>
JOB:	2425
SHEET:	A1.03





E A S T E L E V A T I O N



S O U T H E L E V A T I O N

SHEPPARD & ROUT

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w www.sheprout.com

PROJECT: STALKER HOUSE  
LOWER SHOTOVER ROAD

DRAWING: ELEVATIONS

DATE: OCTOBER 2018

SCALE: 1:100 (1/2 SCALE @ A3)

DRAWN: MW

DRAWING STATUS:  
FOR TENDER ☐ FOR INFORMATION ☒  
FOR CONSTRUCTION ☐

JOB: **2425** SHEET: A1.04

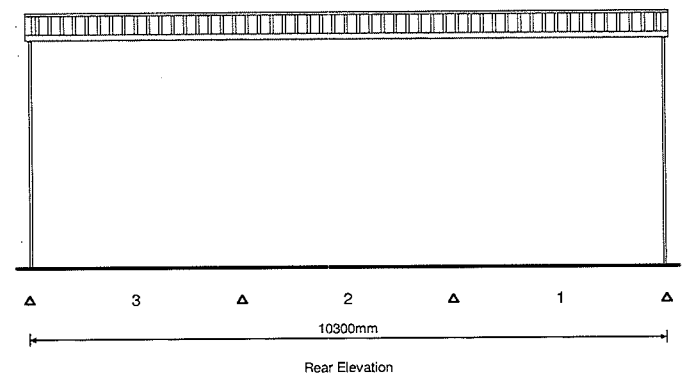
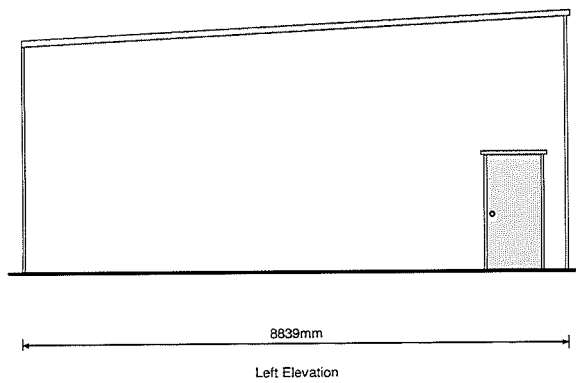
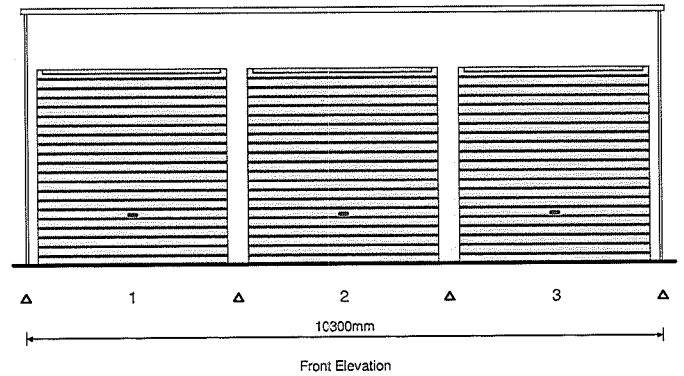
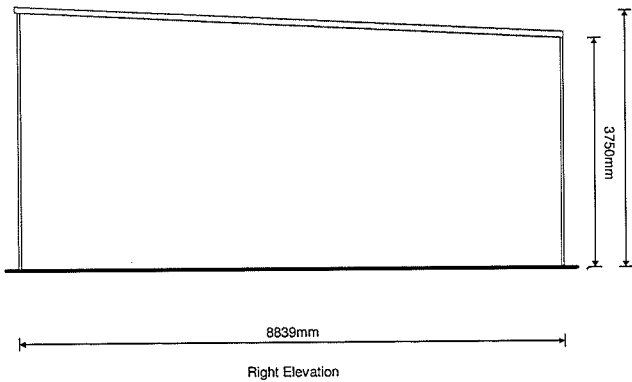
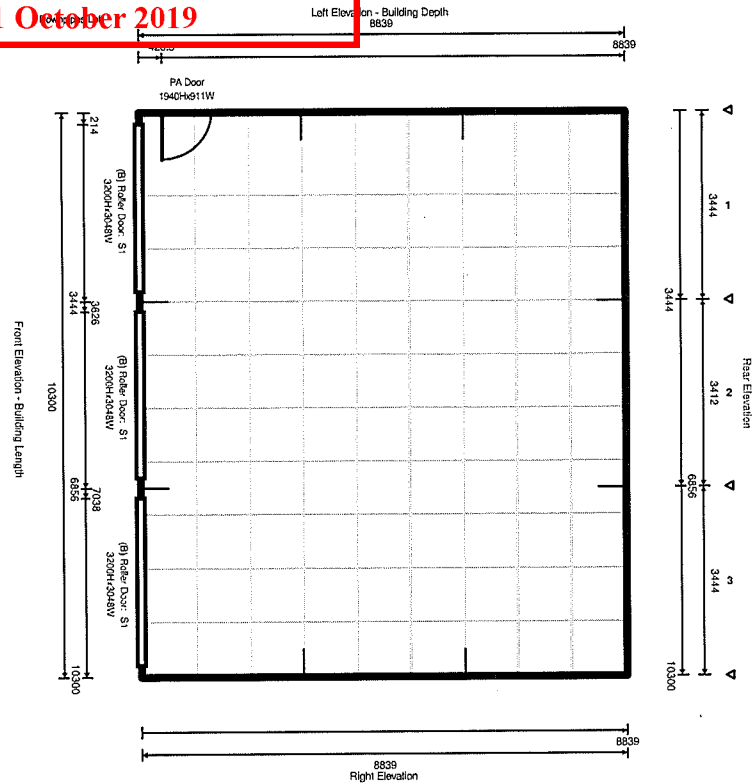


# QUEENSTOWN LAKES DISTRICT COUNCIL

Consent Version: 2

## APPROVED PLAN: RM181925

Thursday, 31 October 2019



# **ANNEXURE 2 CONSENT NOTICE CANCELLATION CONDITIONS**

1. Consent Notice Instrument 876500 is cancelled in its entirety.
2. At the time the land use consent authorised by RM181925 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 COUNCIL'S S42A PLANNING REPORT**

**FILE REF: RM181925**

**TO** Independent Commissioners

**FROM** Rebecca Holden, Consultant Planner

**SUBJECT** Report on a Publicly Notified Consent Application.

**SUMMARY**

**Applicant:** K & E Stalker

**Location:** Slope Hill, Lower Shotover Road

**Proposal:** Application under Section 88 of the Resource Management Act 1991 (RMA) to establish a 850m<sup>2</sup> residential building platform on a vacant site, construct a residential unit within the proposed building platform, construct a farm storage shed outside of the proposed building platform, and to undertake associated earthworks and landscaping.

Application under s221 of the RMA to cancel Consent Notice 876500 to remove conditions restricting residential development on site.

**Legal Description:** Lot 6 Deposited Plan 463532, held in Record of Title 613710

**Operative Plan Zoning:** Rural General (Outstanding Natural Feature – Slope Hill)

**Proposed Plan Zoning:** Rural (Outstanding Natural Feature – Slope Hill)

**Activity Status:** Discretionary

**Public Notification Date:** 18 April 2019

**Closing Date for Submissions:** 21 May 2019

**Submissions:** 2 (subsequently withdrawn)

## RECOMMENDATION

- (i) That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:
1. It is considered that the adverse effects of the activity will be acceptable for the following reasons:
    - The location of the proposed residential building platform and farm building is within an area nestled into topography and existing vegetation such that the Outstanding Natural Feature of Slope Hill is able to absorb a future building in this location;
    - Design and landscape controls, including additional vegetation, maximum height and restrictive use of colours and materials will ensure that a future building(s) is able to be recessed into the topography and vegetation of the site;
    - A future building within the platform, subject to the abovementioned controls, will not breach any ridge line or hill line, and will be reasonably difficult to see from any public place, as will the proposed farm shed;
    - The platform can be serviced and the risks arising from any natural hazards are considered to be low.
    - It is considered that the cancellation of the existing Consent Notice Instrument on the Record of Title is appropriate.
  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 and farm shed 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 and construction of the farm building 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 design controls, are considered to be appropriate.
  3. The proposal promotes the overall purpose of the RMA.

## 1. INTRODUCTION

My name is Rebecca Holden. Since April 2019 I have been a consultant planner for the Queenstown Lakes District Council, assisting the Resource Consent team with processing applications on their behalf. Prior to this I was employed by the QLDC as a Senior Consents Planner between October 2014-2016 and then worked as a Consultant Resource Management Planner for a local Queenstown consultancy from January 2017-November 2018. I hold the qualifications of a Bachelor of Arts (with Honours) from the University of Canterbury. I am an associate member of the New Zealand Planning Institute, which brings with it obligations with regard to continuing professional development.

Prior to my time working in Queenstown I held roles as a resource consent or policy planner in Local Government within New Zealand and the UK, spanning over 14 year's experience.

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 application report prepared by Lucy Milton of LM Consulting Limited attached as Appendix 1 to this report, and hereon referred to as the applicant's AEE.

The applicant has provided a detailed description of the proposal and the site and locality in Sections 1.1-.1.3 of the AEE. This description is considered accurate and is adopted for the purpose of this report.

For completeness, the proposed development is summarised as follows:

- Identification of an 850m<sup>2</sup> (10.3 x 8.9m) residential building platform ("RBP") and associated curtilage areas, landscaping and earthworks outside of the proposed RBP.
- Access to the RBP will be provided by a private driveway connected to Lower Shotover Road, approximately 420m north of the junction of Domain Road and Lower Shotover Road. The driveway to the proposed building platform follows an existing farm track connecting to the eastern side of the proposed RBP.
- Construction of a four-bedroom, single-storey, mono-pitch residential unit within the identified RBP. The proposed building will reach a maximum building height of 4.5m above a specified Finished Floor Level (FFL), and be clad in recessive colours and materials.
- Associated landscape mitigation and access formation to the RBP is also proposed.
- Construction of a 95m<sup>2</sup> farm shed to the south of the RBP which will reach a maximum building height of 4.2m above original ground level and be clad in recessive colours and materials to match the proposed residential unit.
- Cancel consent notice 876500 in its entirety from the title for the subject site.
- Earthworks associated with the proposed development meet permitted volumes of less than 1000m<sup>3</sup>.

The applicant has volunteered a suite of design controls to be registered on the title for the subject site by way of a Land Covenant. These are addressed in the assessment contained within section 8 of this report.



It is noted that the notified application identified that the RBP and proposed residential unit were within the Inner Horizontal surfaces of the Airport Approach designation whereby approval had not yet been attained from the Queenstown Airport Corporation ("QAC"). However, since this time written approval from QAC, who are the relevant requiring authority for designation 4, has been provided pursuant to section 176 of the Resource Management Act ("RMA").

### 3. SUBMISSIONS

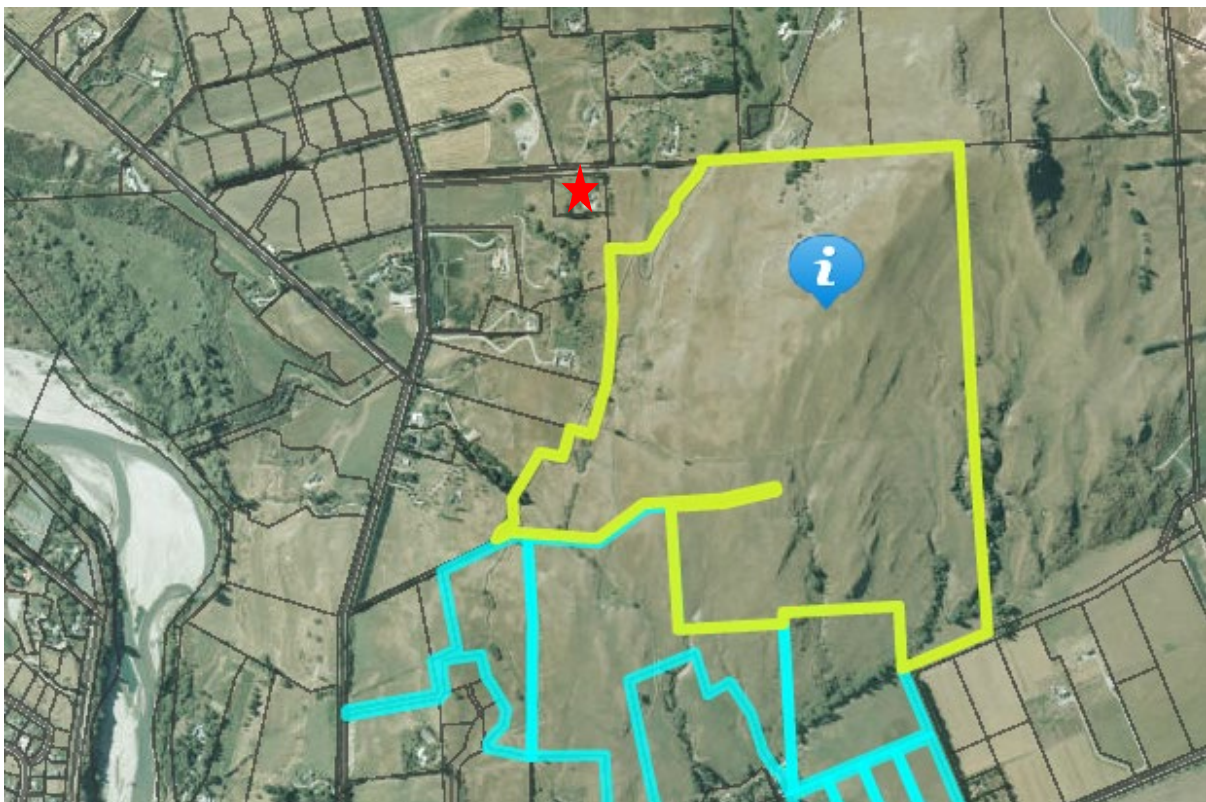
#### 3.1 SUBMISSIONS

On 18 April 2019 the application was publically notified and notice of the application was served on surrounding properties in the near vicinity of the application site that may be adversely affected by the proposal, and to those properties that had provided affected party approval. The submission period closed on 21 May 2019. Although two submissions were originally received, they have both since been withdrawn and written approval provided by both parties (discussed below).

### 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)
Grant William Stalker and Donald William Bennett	Owner of subject site (Lot 6 DP 463532).
Kaye Stalker Family Trust & Shane David Muir, Victoria Mary Robertson and Property & Business Trustees Limited	208A Lower Shotover Road, Wakatipu Basin (Lot 1 DP 304273).
Queenstown Airport Corporation	Requiring authority for Designation 4 - Airport Approach and Land Use Controls. <i>Note: this approval is provided under s176 of the RMA.</i>



**Figure 1:** subject site (highlighted yellow) in relation to written approvals (marked by red star)

## 5. PLANNING FRAMEWORK

### 5.1 THE OPERATIVE DISTRICT PLAN

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

The purpose of the Rural Zone, as outlined in the ODP, 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) and 5 (Rural Areas).

Resource consent is required for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 5.3.3.3 xi as the proposal breaches site standard 5.3.5.1xi in relation to the construction of a farm building which is on a holding that is less than 100 hectares in area and is within an Outstanding Natural Feature within the Wakatipu Basin (Slope Hill). Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3 [i (a)] for the addition, alteration or construction of any building and any physical activity associated with any building such as roading, landscaping and earthworks. In this instance, the applicant proposes to construct a residential unit within the proposed residential building platform which has not yet been approved by resource consent.
- 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 70m<sup>2</sup> in area and not greater than 1000m<sup>2</sup> in area. In this instance, the applicant is proposing to identify a residential building platform with an area of 850m<sup>2</sup>.

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

### 5.2 THE PROPOSED DISTRICT PLAN

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.

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 Rural Zone. Resource consent is required for the following reasons, with these rules having legal effect pursuant to s86B:

- A **restricted discretionary** activity resource consent pursuant to Rule 21.8.1 for the construction, replacement or extension of a farm building on a landholding less than 100ha; and within or on an Outstanding Natural Feature (Slope Hill). Discretion is restricted to:
  - a. the extent to which the scale and location of the Farm Building is appropriate in terms of:
    - i. rural amenity values;

- ii. landscape character;
  - iii. privacy, outlook and rural amenity from adjoining properties;
  - iv. visibility, including lighting.
- A **discretionary** activity resource consent pursuant to Rule 21.4.10 for the identification of a building platform not less than 70m<sup>2</sup> and not greater than 1000m<sup>2</sup>. In this instance, the applicant is proposing to identify a residential building platform with an area of 850m<sup>2</sup>.
  - A **discretionary** activity resource consent pursuant to Rule 21.4.11 for the construction of a building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. In this instance, the applicant is proposing to construct a residential unit within the proposed building platform; however this platform has not yet been approved by resource consent.

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

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

The proposed identification of a RBP and consequential construction of a residential unit will change the piece of land subject to this application from farming to residential. Therefore an assessment under the NES is required.

The applicant has owned and farmed the subject site which was originally part of the much greater Glenpanel farming unit, for over 20 years. The applicant has provided a declaration pertaining to whether any activities that are registered as being on the Hazardous Substances and Industries List (HAIL) have historically taken place on the site. Based on the applicant's historic account of activities which have taken place, the site has generally been utilised for grazing purposes, with no HAIL activities having occurred on the site, including in the location of the proposed RBP.

Further, based on the applicant's review of Council records, an activity that is listed on the HAIL has more likely not taken place on the piece of land which is subject to this application.

Based on this evidence, I accept that the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 5.4 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 876500 in its entirety.

### 5.5 OVERALL ACTIVITY STATUS

The application was formally received on 19 December 2018, being before the date which decisions on Stage 2 of the PDP were notified (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, noting regard must be had to the PDP in considering the application under s104(1)(b).

Overall, 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 of the RMA empowers 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 Steve Hewland, Consultant Resource Management Engineer for Council (Appendix 2 to this recommendation).
- Ms Renee Davies of 4Sight Consulting Limited, Consultant Landscape Architect for Council (report attached as Appendix 3 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:

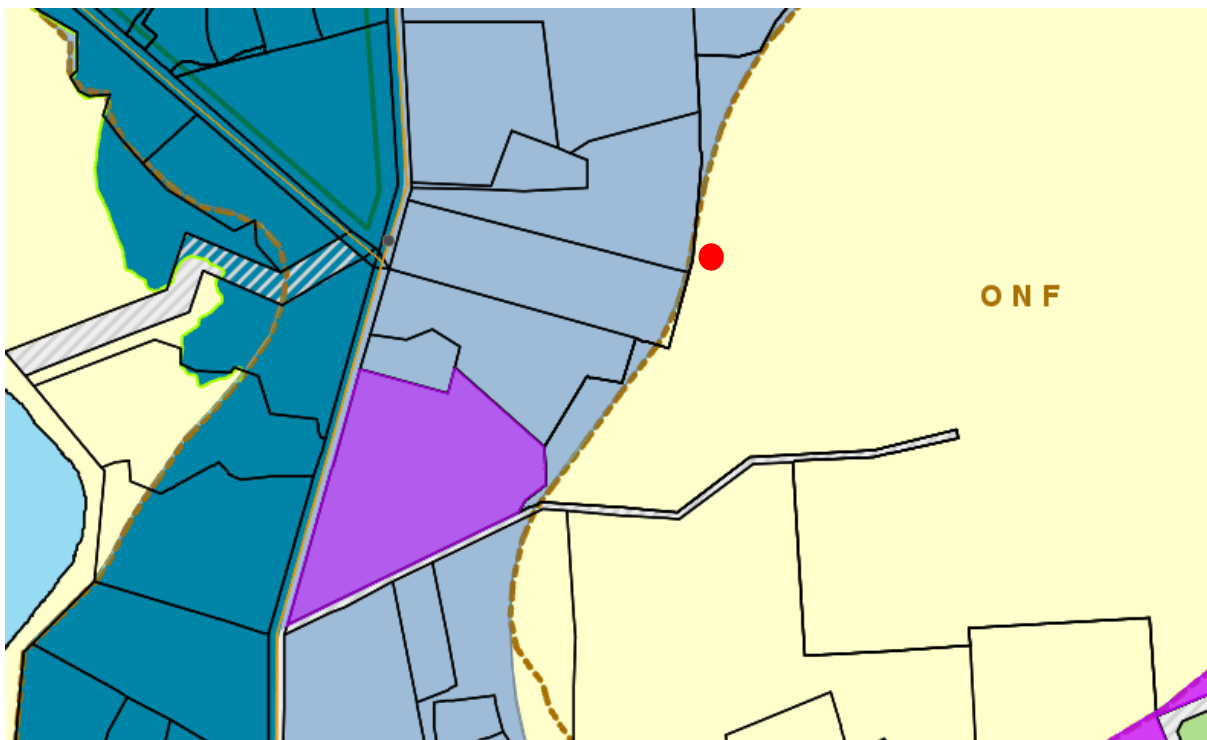
- (i) Landscape Classification
- (ii) Effects on the Environment guided by Assessment Criteria (but not restricted by them)
- (iii) Objectives and Policies Assessment
- (iv) Other Matters (precedent, other statutory documents)

## 8.1 LANDSCAPE CLASSIFICATION

Accompanying the application is a Landscape Assessment Report prepared by Baxter Design Group ("Baxter's") whereby the proposed residential building platform is identified as being located on the edge of an Outstanding Natural Feature. Baxter's note a discrepancy between Operative and Proposed District Plans (notified version 23 November 2017) in terms of the location of this boundary, with the proposed RBP being located approximately 10m east of the ONF boundary identified on PDP Planning Maps, and 300m east of the ONF boundary within the ODP.

Ms Davies who has reviewed the Landscape Assessment Report prepared by the applicant on behalf of Council agrees with this assessment, noting further that in terms of both the ODP and PDP, the subject site is within the ONF of combined Lake Hayes and the roche moutonnée of Slope Hill.

Since the time these landscape assessments were carried out, decisions on Stage 2 of the PDP have been notified (21 March 2019), including the Wakatipu Basin Variation. The decision version of Planning Map 30 confirms that the location of the proposed RBP is within the ONF of Slope Hill. Figure 2 below shows the approximate location of the RBP in relation to the ONF boundary identified on PDP Planning Maps (Decision Version 2019):



**Figure 2:** approximate location of proposed RBP (red dot) in relation to the ONF boundary (PDP Decision Version 2019)

Accordingly, the ONF classification of the location of the RBP and the proposed shed to the south-east of this is accepted.

## 8.2 EFFECTS ON THE ENVIRONMENT

### 8.2.1 The Permitted Baseline/Existing Environment/Receiving Environment

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

- Earthworks are permitted in accordance with Site Standard Rules 22.3.3 [i(a)] and [ii(a)] provided the work comprises less than 1,000m<sup>3</sup> 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 70m<sup>2</sup> to 1000m<sup>2</sup> requires resource consent within the Rural General Zone, as does the construction of any building including a farm shed in an ONF and on a property less than 100 hectares.

As discussed in detail in Section 8.2.2 below, I note that the existing vegetation established on site prior to 28 September 2002 may be considered part of the permitted baseline pursuant to Assessment Matter 5.4.2.2(1) of the Operative District Plan.

As such, with the exception of the existing vegetation planted prior to 28 September 2002, there is no permitted baseline with regard to the establishment of the platform or construction of the residential unit and farm shed under the Operative District Plan.

With regard to the Proposed District Plan, decisions on Stage 2 have confirmed the majority of the site, including the location of the proposed residential building platform and farm shed as being located within the Rural Zone and on an Outstanding Natural Feature. Given resource consent is required for all activities proposed, there is no permitted baseline with regard to the construction of buildings. Pursuant to Section 21.21.1.2 of the PDP, existing vegetation planted prior to 28 September 2002 may be considered part of the permitted baseline.

I note that the provisions within Chapter 21 – Rural are subject to appeals.

The cancellation of a Consent Notice Instrument always requires consent approval.

Overall, with exception of the existing vegetation planted prior to 28 September 2002, 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:

- i. Landscape and Visual Amenity Effects
- ii. Infrastructure Servicing
- iii. Access and Traffic Generation
- iv. Earthworks
- v. Cancellation of Consent Notice Instrument

### ***i. Landscape and Visual Amenity Effects***

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

Both the ODP and PDP direct that consideration of applications on an ONF 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.

As mentioned, the applicant has provided a landscape assessment report prepared by Baxter Design Group which assesses the landscape and visual effects of the proposal against the assessment matters contained within the ODP and PDP. Ms Davies of 4Sight Consulting Limited has reviewed this assessment on behalf of Council.

As noted by Ms Davies, the applicant has identified the existing planting on site as being established pre-2002. This includes:

- the willow located on the eastern side of the RBP;
- the vegetation to the south of the RBP; and

- the existing macrocarpa hedge on the western side of the RBP.

On visiting the site, Ms Davies observed that the planted specimens listed above appear to have been placed in anticipation of the site being developed as a residential platform, and she is not convinced that this vegetation was planted before 2002. The date at which this planting was undertaken is important as the Baxter's landscape assessment relies on this vegetation as screening and mitigation and therefore the degree of effect of the proposed development is completely reliant on this vegetation. Existing vegetation that obstructs or substantially interferes with views of the development from roads or other public places cannot be considered as beneficial under the assessment matters of both the ODP and PDP unless Council considers the vegetation (or some of it) to be appropriate for the location in the context of the proposed development (refer to the assessment matters within both the ODP and PDP cited in Section 8.1 above).

I note that Ms Davies has provided evidence in the form of aerial photographs to find evidence of the date this vegetation was planted, however as an aerial photograph from 2002 is unavailable and the photograph for the period 2004-2012 spans so many years, it is difficult to pinpoint the exact time of planting. Accordingly, there is no definitive proof that the planting occurred post 28 September 2002.

Notwithstanding the date at which the vegetation was planted (pre or post September 2002), Ms Davies notes that the proposed planting plans submitted with the application are "*considered appropriate to the site context and will link with the surrounding vegetation typology of nearby properties, while still retaining a degree of open rural pasture character*". I accept this statement.

Furthermore, the decision version of Planning Map 30 of the PDP identifies the site within but on the edge of the ONF adjoining Landscape Unit 11: Slope Hill 'Foothills' and Slope Hill. In the landscape addendum dated 19 July 2019 provided by the applicant, Baxters have described the vegetation patterns within the site being more consistent with the descriptions of Unit 11, being a mix of rural and rural residential landscape with a pattern of shelterbelts and exotic tree planting. Based on all the landscape evidence presented (including Baxters and Ms Davies), and my own visit to the site, I accept this view. Given the close proximity to the rural residential developments on the hillside below, the minor plateau which the proposed RBP is located (nesting development into the hillside) and the vast openness of the hillside above, I do not consider that this existing vegetation obstructs or substantially interferes with views of Slope Hill. I therefore consider it appropriate to treat the existing planting within the site as forming part of the existing environment/permitted baseline and accept the applicant's assessment on the basis that planting occurred prior to September 2002, with the exception of the following matters raised by Ms Davies.

Taking into consideration the direction of the ODP and PDP mentioned above, it is my opinion that the establishment of new residential building platforms on an ONF, particularly the Wakatipu Basin, is 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 ONF (within both the ODP and PDP).

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 ONF assessment matters, and those pertaining to structures (which are also relevant to the proposed residential unit within the proposed RBP and the proposed farm shed). In doing so, I rely on the additional assessment provided by Ms Davies who has accepted that the vegetation that exists onsite was planted pre-2002.

### **Operative District Plan**

Assessment Matter 5.4.2.2 [1] within the ODP provides assessment criteria for developments within Outstanding Natural Landscapes (Wakatipu Basin) and Outstanding Natural Features – District Wide.

#### **(a) Effects on openness of landscape**

Contrary to the Baxter's assessment, Ms Davies has identified that the proposed building platform will be partially visible from the upper area of Dalefield Road. Further, Ms Davies is of the view that the location of the proposed RBP sits within the visible lower area of Slope Hill above the existing developed and highly vegetated areas.

However, in terms of whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place, I accept the Baxter's description of the site that the proposed location of the RBP as being on a minor plateau which is nestled into Slope Hill. I also accept Ms Davies advice that the existing vegetation disconnects the site from the broader open pastoral landscape and slopes of Slope Hill above, and although the proposed location of the RBP sits within the visible lower area of Slope Hill, it is contextualised by this existing vegetation and nestled into the hillside.

Overall, I accept both the Baxter's and Ms Davies assessment that the proposed RBP is not within a broadly visible expanse of open landscape when viewed from any public road or public place.

Further, due to the existing vegetation containing the proposed development (it is accepted that this vegetation was planted pre September 2002 without evidence to the contrary), Ms Davies agrees with the Baxter assessment that the proposal will not adversely affect open space values. I accept this view.

Accordingly, I consider any adverse effects on the environment in terms of effects on openness of landscape are acceptable and no more than minor.

#### **(b) Visibility of development**

In terms of the visibility of the proposed development when viewed from public roads and other public places, I accept the applicant's assessment that the proposed development will be reasonably difficult to see from the public viewpoints identified due to distance, scale, the dominating background landscape, the existing vegetation, limited earthworks required to form the driveway and the architectural controls.

I note that this assessment is supported by Ms Davies who agrees with the conclusions reached by the applicant, although considers that the built form is likely to be a minor component of change albeit not very discernible.

On this basis, I consider the adverse visual effects of the development on the quality of views to the ONF of Slope Hill are acceptable and no more than minor.

In terms of whether the proposed development will be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes, I consider that the proposal will not be visually prominent. However, this assessment relies on the existing vegetation screening the built form whereby if removed, the proposed development would be visually prominent. As such, Ms Davies has recommended that the existing vegetation relied upon in assessing this application be protected in perpetuity. I accept Ms Davies view in this regard and recommend appropriate conditions of consent be imposed.

Submitted with the application is a landscape plan showing minimal additional planting to appropriately screen the proposed built form. Ms Davies supports this approach given the present openness of Slope Hill, noting that increasing the "*density of vegetation within this part of Slope Hill beyond what is existing will have a cumulative effect in reducing the clarity of the Slope Hill topographical feature*". However, she recommends changes to the planting plan to introduce some indigenous planting to enhance natural character values, integrating into the existing vegetative character of the site and surrounds.



I note that post-notification, the applicant provided an additional landscape plan and accompanying landscape addendum to address concerns raised by the owners of 208A Lower Shotover Road, Wakatipu Basin (Lot 1 DP 304273). The additional mitigation planting includes clusters of mass indigenous planting toward the western boundary of the site. Given the location of this additional planting is downhill of the proposed RBP, it will not intrude into the openness of the ONF slopes above. I consider that Ms Davies recommendations have been addressed in respect of the inclusion of indigenous planting.

In summary, I agree with the applicant that the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape given the location of the proposed RBP is nestled into the hillside and its visibility will be limited as a result of existing vegetation (discussed above), additional mitigation planting, proposed design controls and the adjacent rural residential development to the west. For the same reasons, I also accept that the proposed development will not significantly reduce neighbour's amenities.

Overall, I consider any actual or potential adverse effects on the environment associated with the visibility of development are acceptable and no more than minor.

(c) Visual coherence and integrity of landscape

As mentioned above, the proposed RBP will be nestled into the hillside and will therefore not break the line and form of any ridges, hills and prominent slopes. Further, the proposed driveway correlates with an existing farm track and follows the natural topography of the site.

The applicant has provided a suite of volunteered design and landscape controls which, overall, will ensure a recessive design for a future building within the RBP. I note that any earthworks and landscaping are similarly restricted such that the naturalness of the landscape will be unaffected. However, I consider a number of these design controls either inappropriate for Council to monitor in perpetuity (once this document is registered on the title) or require rewording to provide clarity. As such, an amended suite of conditions is included in Appendix 4 (draft Landuse Conditions).

Overall, I accept the conclusions reached in the Baxter assessment and those provided by Ms Davies such that I consider any adverse effect on the environment in terms of visual coherence and integrity of the landscape are acceptable and no more than minor.

(d) Nature Conservation Values

As identified by the applicant, the site is presently characterised by pastoral land with exotic trees and hedges. As such, no indigenous ecosystems or geological features will be adversely affected by the proposal. The applicant proposes to plant a cluster of Western Red Cedar to the west of the RBP to mitigate views from this direction. This species is reflective of species in the surrounding context.

As mentioned above, I note that in response to matters raised in a submission from the owners of Lot 1 DP 304273 (who have since provided written approval), the applicant has provided an amended plan entitled 'Site Mitigation Planting' which includes mass native planting in clusters to the west, south-west and north of the proposed RBP and adjacent to the existing gate. The amended plan submitted will align with the recommendations within Ms Davies memo regarding the introduction of some indigenous vegetation to the mitigation planting, which will enhance natural character values.

Overall, I consider any adverse effect on the environment in terms of nature conservation values to be nil.

(e) Cumulative effects of development on the landscape

In terms of whether the existing and potential development may have already compromised the visual coherence and naturalness of the landscape, both the applicant and Ms Davies acknowledge that the existing landscape displays the cloak of human influence comprising a scattering of residential and farm buildings, shelter belts and clusters of exotic trees across the landscape.

However, Ms Davies has identified that there have been few developments consented within the ONF of Slope Hill, with the exception of two residential units which are both located at a lower elevation than that of the proposed RBP. At these lower elevations, Ms Davies is of the view that the surrounding rural landscape below the site has been able to absorb this development due to the existing complex vegetative and topographical character of this part of the Slope Hill foothills.

In respect of the proposed development, Ms Davies considers that the addition of a domestic element within the ONF at the elevation proposed represents a creep of domestic form into the ONF, despite the vegetative screening. As such, Ms Davies concludes that any further development over and above that proposed in this application, would cross the threshold of over-domestication.

Ms Davies refers to the ONF boundary within the ODP compared to that within the PDP whereby the boundary has moved, presumably in recognition that development along the foot of Slope Hill has compromised the values and qualities of the ONF. Although, I consider that an alternative explanation could be that the ONF boundary within the ODP follows the location of the existing Arrow Irrigation water race indicating that this line is somewhat arbitrarily drawn. In any respect, further creep, being a gradual movement of development up the slopes of Slope Hill is seen as undesirable, an outcome which the District Plan seeks to avoid.

Given the above, Ms Davies has formed a view that the proposed development is at that threshold of the site and broader ONF's ability to absorb development, due predominantly to its elevation. I accept this view and acknowledge that it is only due to the vegetative screening that the development can be absorbed into the landscape at all.

Given the acceptance of the existing vegetation being planted pre-September 2002, screening of the proposed development will therefore result in adverse cumulative effects on the environment that are acceptable and no more than minor in this instance, especially given the proposed development will be reasonably difficult to see from surrounding public roads and public places.

#### (f) Positive Effects

Although limited positive effects resulting from the proposal have been identified by the applicant (in relation to the relevant assessment matters), Ms Davies has identified two potential positive effects based on her recommendations, the first being the small amount of mitigation planting to include indigenous vegetation rather than exotic species. Secondly, Ms Davies has recognised an opportunity for protection of the remainder of the site from further development by the imposition of an open space covenant.

In terms of the inclusion of indigenous vegetation, I note that the applicant has provided an additional mitigation planting plan to include clusters of mass indigenous planting on the periphery of the subject site which will address Ms Davies recommendation.

In respect of the recommended open space covenant for the balance of the subject site, I consider that the land contained within the ONF is afforded a great level of protection from future development under the ODP and PDP. Further, I note that the protection of the ONF from inappropriate subdivision and development is listed as matter of national importance within Part 2, section 6 of the RMA. Therefore I do not consider an open space covenant necessary to protect the remainder of the site given the high level of protection already afforded through its landscape classification.

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

The relevant assessment matters are contained within Section 21.21.1 of the PDP relating to development within Outstanding Natural Features or Outstanding Natural Landscapes within the District.

Ms Davies accepts the assessment provided by the applicant within the Baxter's report. I consider that the conclusions reached under the assessment matters pertaining to the ODP (above) are similarly relevant to the assessment matters within the PDP, and as such, these will not be repeated here.

Overall, for the reasons outlined in the assessment above, I am of the view that the proposed development will result in adverse effects on the environment that are acceptable and no more than minor in terms of landscape quality and character, visual amenity, the design and density of development, and cumulative effects on the landscape, subject to the imposition of conditions of consent as detailed throughout the assessment above.

### *Conclusion on Landscape and Visual Amenity Effects*

Overall, I consider that effects arising from the development in terms of landscape and visual amenity are acceptable, subject to appropriate conditions of consent being imposed in relation to landscaping, design controls and further development of the site.

### **ii. Infrastructure Servicing**

There are no reticulated Council services available to the site.

#### *Potable Water*

Water for the proposed development is proposed to be sourced from an existing bore and water supply for the Glenpanel Water Scheme. The applicant has provided confirmation from the Glenpanel Water Scheme that the new demand for potable water to the site can be supported, which I accept.

Mr Hewland has noted that there is an existing reticulation from the bore (near Ladies Mile) within an easement that passes close to the western extent of the proposed building platform. The applicant has provided a conceptual reticulation model of this supply which has been reviewed by Mr Hewland, who has concluded that he is satisfied that this water supply is feasible. An appropriate condition of consent has been recommended requiring it to be installed to the building platform, which I accept.

#### *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.

The applicant proposes a static storage tank for firefighting, which Mr Hewland is satisfied will be located in accordance with Councils standards. Such a requirement will need to be registered as a covenant condition on the Title to ensure lot owners are aware of firefighting requirements.

Appropriate conditions have been recommended by Mr Hewland which I accept.

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

#### *Effluent Disposal*

The applicant has submitted a report prepared by SMS confirming the feasibility of onsite wastewater disposal. This report identifies Category 4 soils and a water table at 1.9m. As such, Mr Hewland recommends a condition for installation prior to occupation of the residential unit and an enduring covenant requiring a secondary treatment system that takes into account the SMS report recommendations. I accept this approach.

#### *Stormwater*

As there is no reticulated network, stormwater will need to be disposed of onsite.

As noted above, SMS have identified Category 4 soils (NZS1547:2012) and a shallow 1.9m water table which will require a specific design to be undertaken. Accordingly, Mr Hewland has recommended a covenant to be registered on the title advising of this which I accept.

Overall, Mr Hewland is satisfied that due to the topography there are no significant overland flows to manage but has identified that a typical cut-off drain will need to be included at the toe of the slope behind the dwelling, which can be assessed under the building consent application. A relevant condition of consent can be imposed via a covenant condition to ensure this is picked up at building consent time.

#### *Telecom and Power*

The applicant has provided confirmation from the network utility providers for telecom and power confirming capacity in the networks to service the proposed building platform. Mr Hewland has recommended a condition that these services are extended underground, which I accept.

Overall, I consider any actual or potential adverse effects on the environment in relation to infrastructure servicing to be acceptable, subject to appropriate conditions of consent.

#### **iii Access and Traffic Generation**

The proposed RBP will be accessed via an existing right of way off Lower Shotover Road that currently serves six properties, including the subject site. As this vehicle crossing is unsealed and meets with the sealed formation of Lower Shotover Road, Mr Hewland has recommended that it is sealed to the boundary in accordance with Councils standards.

The applicant proposes to form a new driveway from the existing right of way along an existing farm track which roughly follows the contour of the hill to the proposed building platform location. Mr Hewland considers that this farm track can be upgraded to Councils standards for residential access without any significant works, and recommends a related condition of consent, which I accept.

Mr Hewland notes that the proposed dwelling includes a large double garage that complies with the minimum dimensional standards and notes that there is sufficient manoeuvring area available on the site for vehicles, which I accept.

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

#### **iv. Earthworks**

In terms of the earthworks required to facilitate the proposed development, these are limited to the upgrading of the existing farm track to provide access to the RBP and the installation of services. Given these works are not significant (the RBP is already level), Mr Hewland recommends appropriate conditions of consent to ensure that these works are undertaken in accordance with Council standards, which I accept.

Overall, adverse effects on the environment in terms of the proposed earthworks are considered to be acceptable.

#### **v. Cancellation of Consent Notice Instrument 876500**

As outlined by the applicant within the AEE, as part of underlying subdivision consent RM920092 granted on 22 April 1992, Consent Notice 876500 was registered on the title as required by conditions of consent, restricting any further dwelling from being erected on the balance farm land (as an accessory to the existing farming activity) for a period of five years from the date of issue of that consent. Once this five year time period had lapsed, these conditions could be reviewed to ascertain whether this restriction should continue.

In terms of the cancellation of Consent Notice 876500, as outlined in the assessment above, I consider the identification of a RBP and construction of a residential unit within is appropriate in this instance. The balance land around the RBP will continue to be farmed by the applicant and I am satisfied that the location of the RBP not be overly noticeable from outside the subject site.

Further, the design of a future residential unit to be located within the proposed RBP will be protected by a covenant instrument to be registered on the Record of Title for the subject site, ensuring that appropriate mitigation controls are implemented.

Given the above I am satisfied that the cancellation of the consent notice instrument from the Record of Title for the subject site is appropriate.

### **Overall Conclusion**

Relying on expert assessments provided as part of the application and with the imposition of additional mitigation measures in the form of conditions relating to retaining existing planting, restricting further development of the site, and amended design controls for the proposed residential unit located within the proposed platform, I consider that the proposal will not detract from the openness of the landscape or result in a level of domestication that will 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 a residential building platform within an ONF, this platform will be reasonably difficult to see being contained by existing vegetation and topography.

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

## **8.3 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES**

The relevant objectives and policies are contained within Part 4 (District Wide) and Part 5 (Rural General) of the Operative District Plan; and Chapter 3 – Strategic Direction, Chapter 6 – Landscapes and Rural Character, and Chapter 21 – Rural of the Proposed District Plan.

The applicant has provided an assessment of the relevant objectives and policies at Section 7 of the AEE. This assessment is comprehensive and considered accurate, and is adopted for the purposes of this report.

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

### *Otago Regional Policy Statement*

The applicant has provided an assessment of the proposal against both the Operative and Proposed Otago Regional Policy Statements. This assessment is accepted and adopted for the purposes of this report.

For completeness, I note that since the application was received by Council, the PRPS has become partially operative as of 14 January 2019 as a result of a number of appeals being resolved. In this regard, the applicant's assessment and the assessment of effects above are similarly relevant to an assessment against the objectives and policies within the Partially Operative RPS.

Overall, the proposal is consistent with the relevant objectives and policies within the Partially Operative Otago Regional Policy Statement.

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

### *Precedent*

The proposed development within the ONF (as shown on Planning Maps) has the potential to result in 'precedent effects'. 'Precedent effects' are essentially an argument that approving one application may influence the Council's decision making on future applications of a similar nature and hence, result in future adverse effects on the environment. It is noted however that there is only potential for precedent to occur where an element of a proposal is contrary to any objectives and policies of the relevant District Plan.

The District Plan directs that any successful application within an ONF to be exceptional in its characteristics. Having considered the merits of the proposed development and various documents supporting the application, I am of the opinion that this application is exceptional in its characteristics and the grant of consent would not constitute a precedent.

I form this view on the basis that the application site is unique in its location with existing vegetation and topography containing the proposed development. The construction of a building within the platform as proposed will not detract from the wider Slope Hill ONF and will be reasonably difficult to see from outside of the subject site. As such, I consider it unlikely that the grant of this consent would give rise to a precedent and is not contrary to the objectives and policies of the ODP or PDP.

## **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.*

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.*

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

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon*
- (i) *the effects of climate change*
- (j) *the benefits to be derived from the use and development of renewable energy*

The applicant has provided an assessment of the proposal against Part 2 matters at Section 8 of the AEE. This assessment is accepted and is adopted for the purposes of this report.

Overall, I consider the proposal promotes sustainable management of natural or physical resources.

## **11. RECOMMENDATION**

- Having considered the proposal, it is my opinion that the proposed development can be adequately contained within the site by topography and existing planting to avoid unacceptable landscape and visual effects, especially on the ONF of Slope Hill. 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 and promotes the purpose of Part 2 of the RMA.

- Overall, I conclude that land use consent and the cancellation of consent notice instrument 876500 can be granted.
- Recommended conditions are contained within Appendix 4 (Land Use) and Appendix 5 (Cancellation of Consent Notice Instrument) of this report.

Report prepared by

Reviewed by




Rebecca Holden

**SENIOR CONSULTANT PLANNER**

Alana Standish

**TEAM LEADER RESOURCE CONSENTS**

**Attachments:**

Appendix 1	Applicant's AEE
Appendix 2	Engineering Report (Mr Steve Hewland)
Appendix 3	Council's Landscape Assessment (Ms Renee Davies)
Appendix 4	Draft Land Use Conditions – Section 108 RMA
Appendix 5	Draft Conditions – Section 221 RMA

**Report Dated:** 25 October 2019

**APPENDIX 1 – APPLICANT’S AEE**



<b>Applicant:</b>	K & E Stalker
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to establish an 850m<sup>2</sup> residential building platform, construct a residential dwelling within the proposed building platform and construct a farm storage shed outside of the proposed building platform;</p> <p>Cancellation of Consent Notice 876500 to allow for the construction of a residential dwelling on site</p>
<b>Location:</b>	Lower Shotover Road, Wakatipu Basin
<b>Legal Description:</b>	Lot 6 Deposited Plan 463532 contained within Computer Freehold Register 613710
<b>Valuation:</b>	2907123500A
<b>Zoning:</b>	<p>Rural General (Operative District Plan)</p> <p>Rural (Proposed District Plan)</p> <p>Outstanding Natural Feature – Slope Hill</p>
<b>Site Area:</b>	78.7145 hectares
<b>Activity Status:</b>	Discretionary

### SUMMARY OF CONSENTS SOUGHT

1. Land Use Consent to establish a residential building platform, construct a residential dwelling within the platform and construct a farm storage shed outside of the platform.
2. Cancellation of Consent Notice 876500 to allow for the construction of a residential dwelling on site

## 1.0 SITE DESCRIPTION AND PROPOSAL

### 1.1 SITE DESCRIPTION

The subject site is legally described as Lot 6 Deposited Plan 463532 contained within Computer Freehold Register 613710, attached and marked **C**. The site is located at Lower Shotover Road, Queenstown and is located on the north-western side of Slope Hill.

The property is zoned Rural General (as depicted in Figure 2 below) under the Operative District Plan (ODP) and is located within a landscape which is classified as an ONF (Slope Hill). Under the Proposed District Plan (PDP) the site is zoned Rural and is located at the boundary between the ONF and the Rural Landscape

Classification (RLC). The property sits to the east of the Wakatipu Basin Rural Amenity Zone (as part of Stage 2 of the PDP) which runs to the immediate north-west of the proposed house and shed site.

A detailed description of the existing landscaping and topography of the site has been provided within the landscape assessment provided by Baxter Design Group (BDG) (attached and marked **E**), prepared by Ms Jade AuMorris. To avoid repetition, it is accepted that the description within that assessment is accurate and is therefore adopted for the purpose of this report.



Figure 1: Operative District Plan

Figure 2: Proposed District Plan  
(Stage 1)

Figure 3: Proposed District Plan  
(Stage 2)

While the proposed house/platform site is relatively flat, as identified by Ms AuMorris it is within a small plateau and is contained within a hummocky landform that rises to the south and east.

The proposed development site flattens out into a modified landform with an existing earth berm and mature hedge running along the edge of the hillslope to the west of the proposed buildings. The dwelling and shed will be located within existing vegetation. The driveway follows the alignment of an existing farm track that sidles around the side of Slope Hill from the north. The formation of the access drive will necessitate minimal disturbance.

The land currently is utilised as a lambing block, with extensive sheep grazing through-out the site. Access to the site is via an existing driveway off Lower Shotover Road which leads up the hill in an easterly direction.

## 1.2 SITE HISTORY

Consent Notice 876500 was imposed on the underlying title in 1992. That consent notice stated that within 5 years of the resource consent approval the consent notice could be reviewed pursuant to Section 128 of the Resource Management Act, and subsequently removed. Given that the consent notice has remained on the title it appears that the opportunity for its removal was not taken.

The site has been used for farming purposes for many years, and it is understood that the site on which the platform and shed are proposed has not been subject to any relevant resource consents. It is understood that the existing planting has been in place for many years, and was planted prior to 2002, this includes the macrocarpa hedge which is understood to be 20 years long. Some earthworks have been undertaken at the proposed site, but did not trigger resource consent.

### 1.3 THE PROPOSAL

Resource consent is sought to establish a residential building platform (RBP) on Lot 6 Deposited Plan 463532. A dwelling is proposed within the RBP, and a shed is proposed to the south which will not be located within the RBP. Consent is also sought to cancel consent notice 876500 which was imposed on the site in 1992 and has remained on the title.

As illustrated on the landscape plan (attached and marked **E**) the proposed RBP is located within an existing flat area that is contained by both topography and exotic vegetation. Because the site has been modified, the platform is relatively flat and minimal earthworks are necessary to create a flat building site. The RBP is 850m<sup>2</sup> in area and is a slightly irregular shape. A curtilage area extends to both the north and south of the platform, and is split into two zones with separate design controls. An existing mound located to the north will be retained, as will existing hedge planting to the west and south of the RBP. A cluster of western red cedar is proposed to the north and west of the RBP, with four Italian alder proposed on the western side of the driveway.

A shed is proposed that will be located to the south of the RBP, and will be contained within the curtilage, but outside of the RBP. The shed is 95m<sup>2</sup> with a maximum height of 4.2m above existing ground. It will be clad in coloursteel, in a colour to match the dwelling, refer shed plans, attached and marked **D**.

A dwelling will be located within the RBP, which will contain four bedrooms, three bathrooms, one kitchen and a double garage, refer house plans attached and marked **D**. As illustrated on the house plans, the dwelling will be clad in recessive colours, and will have a maximum height of 4.5m.

Annexure [E] lists a set of volunteered landscape and design controls for the proposed development. It is proposed that the controls will be registered on the Computer Freehold Register by way of a Land Covenant. They include controls on external cladding, height, landscape planting, fencing and external lighting and define what can occur within each of the curtilage areas.

A curtilage area is proposed around the immediate vicinity of the RBP to contain all domestic activities such as clothes lines, glass houses, swimming pools, tennis court etc. The curtilage area excludes areas of higher topography which may be visible from outside of the site. Controls are placed on both the RBP and on the curtilage, with restrictions that ensure that structures and activity within the curtilage area cannot be seen from outside the site.

#### *Landscaping*

The site is surrounded by existing mature landscaping which was established prior to 2002. The Landscape Report prepared by Baxter Design Group, attached and marked **E**, identifies that the existing landform and vegetation will be retained and will contain the dwelling and shed, mitigating potential visibility from outside the site. The design controls limit the planting within the curtilage area to ensure that landscaping integrates with the existing context and landscape patterns. Mitigation planting is limited to a small cluster of exotic trees to the north and west of the RBP.

### Infrastructure

Correspondence has been received from both Aurora and Chorus which confirm that adequate power and telecom supplies are available for a future dwelling. Confirmation letters are attached and marked **H and I**.

A site and soil assessment has been undertaken by SMS Monitoring Services which confirms that the site is suitable for on-site wastewater disposal. The report and proposed design are attached and marked **F**.

An existing water supply for both potable and fire fighting is available to the site. The water supply agreement is attached and marked **G**.

### Access

The existing driveway is accessed off Lower Shotover Road and provides access to four existing dwellings before turning to the south, and traversing across the site to the proposed development site. Therefore the first part of the access, from Lower Shotover Road to the (approximately) 430masl contour, does not require any upgrade as it is currently formed with compacted gravel. Where the formed driveway ends, and the access turns to the south, it follows the contour along an existing farm track. Because the access follows the line of the existing farm track there is little earthworks or modification required to change it into a residential access. Its upgrade to provide access to a residential standard will not increase significantly its visibility.

The existing access off Lower Shotover Road is illustrated on Figure 5 below:



Figure 5: existing driveway access off Lower Shotover Road (Source: Google maps 10.12.2018)

### Earthworks

Minimal earthworks will be required, given that the RBP is located within a flat area of land, and accessed via an existing farm track. It is expected that future earthworks will be required at the time a dwelling is

proposed, to install services, and to create a level building area. These will be minimal. Some modification will be needed to enable the farm track to be constructed to residential standards.

Any earthworks will be completed quickly and any exposed areas of soil will be re-seeded immediately upon completion to reduce any potential run-off, or potential visibility effects.

#### *Cancellation of Consent Notice 876500*

Consent notice 876500 was imposed on the underlying title in 1992 following the subdivision of land. It states that 5 years from that approval date that the consent notice can be reviewed, and removed. It appears that the condition was not removed from the title, and as the condition reads it was up to Council to initiate the condition being imposed on the title for a longer time. It appears that nothing was ever done about it, and the condition has just remained on the title. Due to the length of time this condition has been on, and the changing environment in which the site now sits, it is requested to be cancelled from the title as it is no longer valid.

## **2.0 ACTIVITY STATUS**

### **2.1 THE OPERATIVE DISTRICT PLAN**

The subject site is zoned Rural General and the proposed activity requires resource consent for the following reasons:

- A **discretionary** activity pursuant to Rule 5.3.3.3 (i) (a) and (b) for the identification of an RBP, and the construction of a building that is not authorised pursuant to Rule 5.3.3.2(i).

An RBP that is 850m<sup>2</sup> in size is proposed within the site, and a residential dwelling is proposed within the RBP.

- A **restricted discretionary** activity pursuant to Site Standard 5.3.5.1(xi). The proposed farm building is on a site less than 100ha in size, and is within an ONF.

Overall, pursuant to the ODP, the proposal is a **Discretionary** activity.

### **2.2 THE PROPOSED DISTRICT PLAN**

The Council notified the Proposed District Plan on 26th August 2015. Stage 1 as it relates to the Wakatipu Basin was subsequently placed on hold and Section 24 which is specific to the Wakatipu Basin was notified in August 2017. Section 24 does not apply to land within the ONF.

Submissions on both Sections 21 (Stage 1) and 24 (Stage 2) have been received and have been heard, and it is understood that decisions on submissions will be notified in January or February 2019. Therefore, at this point in time there are no rules within the PDP with immediate legal effect that apply to this proposal.

## 2.3 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- Application under Section 221 of the Resource Management Act 1991 (RMA) for land use consent to cancel condition (a) of a consent notice (876500).

As identified above, consent notice 876500 was imposed on the site in 1992 and has remained on the title. This application requests the deletion of the consent notice.

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

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

The subject site has been previously used for light animal grazing, and historically formed part of the wider Glenpanel farming unit. Any associated woolsheds, sheep yards/dips, silage/offal pits, and/or any chemical storage areas were previously contained within the yard area near to the existing homestead, and not within the vicinity of the subject site. The applicant owns the site now, and previously when it formed part of the wider farming property for over 20 years. At no time during those 20 years can the applicant recall any item or substance being located or used at the property which may result have resulted in contamination to the soil. Confirmation of the lands use has been provided by the land owner, Grant Stalker (attached and marked K).

Additionally, a review of both the QLDC and ORC files has been undertaken which showed no indication that the site has any record of the site being a HAIL site.

Therefore there is unlikely to be any risk to human health, and the site is not a HAIL site. The NES will not apply, and need not be considered any further.

## 3.0 SECTION 95A NOTIFICATION

It is requested that the application is set out in the Assessment of Effects below:

- The applicant does not request public notification of the application (s95A(2)(b)).
- There is no rule or national environmental standard which requires or precludes public notification of the application (s95A(2)(c)).

- There are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).
- The consent authority shall publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect follows.

## **4.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)**

### **4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)**

A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).

B: Trade competition and the effects of trade competition (s95D(d)).

### **4.2 PERMITTED BASELINE (s95D(b))**

Section 104(2) of the Resource Management Act 1991 (the "Act") states that the consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect. On the site, under the Operative District Plan, permitted activities include:

- Earthworks which do not breach site standard 22.3.3 (i) & (ii) & (iii) and comply with Chapter 22.3 *Earthworks Rules*;
- A fence less than 2 metres high anywhere within the site, including deer fencing, post and rail, post and wire.
- A structure associated with farming activities (as defined) anywhere within the site.
- Any structure erected closer than 10m of a road boundary, which is less than 5 meters in length, and less than 1m in height
- Tree planting (except for woodlots and forestry and where it falls within Rule 5.3.3.3(i)(a)(ii)).
- Horticultural and agricultural farming activities (if complying with those relevant site and zone standards).

Therefore in terms of this proposal, it is considered that the existing tree planting throughout the site and existing activity, including the modification of the platform site is a permitted activity.

## **4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

### **4.3.1 Landscape Values**

A landscape plan and assessment, prepared by Ms Jade Au Morris of Baxter Design Group is attached and marked **E**. The report provides a comprehensive assessment of landscape effects. This report is adopted for the purpose of this assessment.

As identified by Ms Au Morris the development site is located at the boundary between the Rural Landscape Classification and the Slope Hill ONF, as identified in the PDP. As discussed by Ms Au Morris, when assessing the site at a detailed level, and when considered in light of topography and landscape character at this fine grained level of assessment, the development site is more consistent with the landform and character to its north and west.

The upper slopes of Slope Hill rise above the development site and are distinct from the site and the adjacent landscape unit, being steeper, and more pastoral in character. The development site is nestled into both the existing topography and vegetation, and little mitigation planting is necessary to further mitigate any potential effects.

The Landscape Assessment concludes that the proposed building platform and the future dwelling and adjacent shed will be reasonably difficult to see from public places. The built form and associated curtilage and access will be absorbed into the surrounding landscape due to the existing topography and vegetation screening which surrounds the site. Subject to future design controls, mitigation planting and retention of existing vegetation and landform, Ms Au Morris confirms that the existing landscape character will not be compromised by the proposed development.

The proposal will not adversely affect the openness of the Slope Hill ONL. The development site does not exhibit an open character at present and is contained by existing vegetation and landform. The site is defined by natural elements and these will mitigate any adverse effects associated with the development.

The proposed development will be reasonably difficult to see and will not be visually prominent. The proposal is appropriately screened by existing topography and vegetation. A small amount of additional planting is proposed to further reduce potential visibility. The planting has been selected and located to complement the existing landscape patterns. Given that the proposed development is appropriately tucked into the landform, and will be reasonably difficult to see, it will not adversely affect the appreciation of landscape values of the wider landscape.

Proposed structures will not break the line and form of the landscape, and the proposed driveway will not affect the naturalness of the landscape. There are no new boundaries proposed.

The development site does not contain any significant nature conservation values.

The development site is located where it will blend in to the adjacent development to its north and west. Because it will be reasonably difficult to see and is located where the built form can be located without detracting from the landscape character of the wider environment, it will not result in adverse cumulative effects. The proposal will not lead to further degradation and will not introduce elements that are inconsistent with the natural character of the site and surrounding landscape.



The proposed development will not lead to further proposals that compromise landscape character. This is because the development is located within a small pocket of the landform within which it can be absorbed. It does not compromise the open, pastoral slopes of Slope Hill.

#### 4.3.2 *Traffic and Access*

The site is currently accessed via an existing driveway off Lower Shotover Road, which turns south and follows an existing farm track that contours around the slope to the development site.

The driveway provides access to two existing residential dwellings. The site has legal access, but currently utilises the existing driveway (so that there are not two driveways side by side being formed), and the proposal provides for only one dwelling within what is currently a vacant site. Given the nature and scale of the development, the access can accommodate the future traffic generated by the proposal.

The additional vehicle movements in association with the proposed RBP will add to the traffic volumes and vehicle movements along the driveway and Lower Shotover Road, however at a level which is considered to have minimal effects on the immediate, and wider environment. This is due to the additional residential movements being absorbed within the existing network.

Given the scale of the site, adequate onsite car parking will be provided at the time a dwelling is built. The part of the access that is currently a farm track will be upgraded as necessary to comply with Council standards for a single residential dwelling.

#### 4.3.3 *Water Supply (Potable & Fire Fighting)*

An existing water supply is available to the site and can provide sufficient water to the proposed dwelling. The water agreement to confirm this supply is attached and marked **G**. The proposed RBP will have sufficient water supply to accommodate a five bedroom dwelling. A condition of consent will be registered in a Land Covenant, requiring an appropriate connection and water quality testing at the time a dwelling is constructed.

Fire fighting supply will be provided for by installing a 25,000 litre tank within the curtilage area, between the shed and the RBP. It is expected that standard conditions requiring the appropriate fire fighting couplings will be included on a decision.

#### 4.3.4 *Wastewater Disposal*

SMS Monitoring Services have undertaken a site and soil assessment to determine the suitability of an on-site wastewater disposal system, attached and marked **F**. Following test pit holes, it has been confirmed that the site has the ability to be self-sufficient in wastewater disposal. A condition will be registered in a Land Covenant which will require a future dwelling in connected to the recommended system.

Therefore the information above confirms that the proposed RBP can be adequately serviced by wastewater without resulting in any adverse effects on the environment.

#### 4.3.5 Power and Telecommunications

Correspondence has been obtained from Aurora and Chorus confirming that the development site can be connected to both power and telecommunications services. The letters of confirmation are attached and marked H and I respectively.

#### 4.3.6 Earthworks

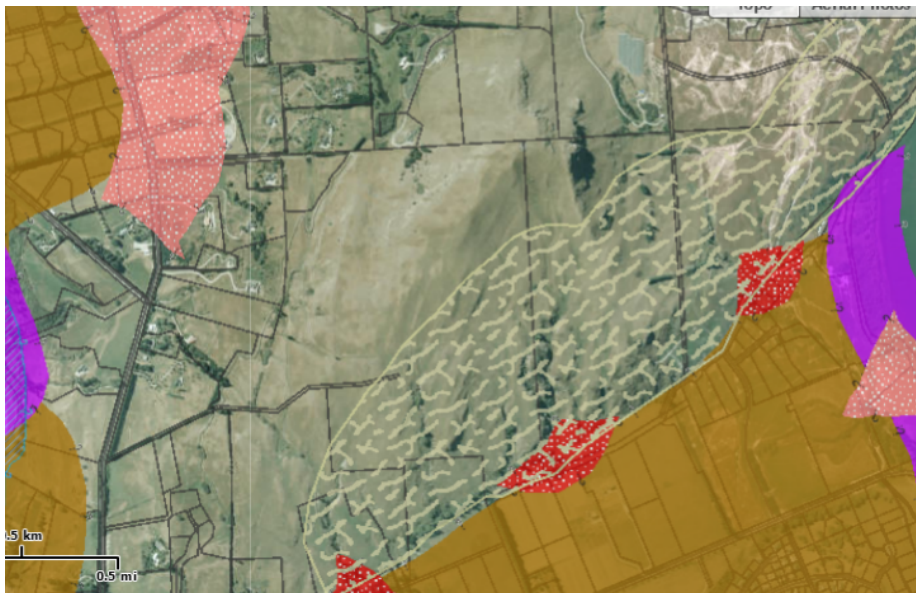
The proposal will utilise the existing driveway off Lower Shotover Road that will be extended across the existing farm track to the south. Because the driveway follows the existing farm track and contours around the slope, minimal earthworks will be required.

Additionally, earthworks will be required to install services and some site scraping may be necessary to create flat foundations for the dwelling and the shed. Because the site is relatively flat these earthworks will also be very small in scale.

Overall it is expected that the total area and volume of earthworks as part of this application will be well within the permitted amounts for the zone.

#### 4.3.7 Natural Hazards / Cultural sites

The subject site is not within any area identified by QLDC as being subject to natural hazards. This is illustrated by Figure 6 below, which is an extract from QLDC's GIS maps.



**Figure 6:** Natural hazards overlay. Source: QLDC GIS maps extracted 28 November 2018

There are no known cultural or archaeological sites which exist within the subject site.

#### 4.3.8 Cancellation of Condition a of Consent Notice 876500

Consent notice 876500 was imposed on the underlying title in 1992. It states that 5 years from that approval date that the consent notice can be reviewed, and removed.

The consent notice applies to the wider site, and was imposed many years ago, prior to the ODP (which was first notified in 1995), and the more recently notified PDP. The reasons for its inclusion on the title are not clear.

For these reasons, it is considered that the removal of the consent notice is appropriate and will not cause adverse effects on the environment. This application has been assessed against the provisions of the planning documents relevant at this time, and the assessment concludes that the development site is appropriate and can absorb the proposed development.

#### **4.5 SUMMARY: EFFECTS ON THE ENVIRONMENT (s95A(2))**

The land is within the Rural General Zone within the Slope Hill Outstanding Natural Feature. The subject site, while within the ONF, exhibits characteristics consistent with the land to the west and south, being a mix of rural and rural residential landscape with a pattern of shelterbelts and exotic tree planting. The site is contained by existing topography and vegetation.

The proposed development seeks to establish an RBP on the subject site, construct a dwelling within the proposed RBP and construct a farm building to the south of the dwelling. A curtilage area is proposed that wraps around the RBP and the farm building.

The existing mounding and vegetation will be retained, and the landscape plan proposes a small cluster of exotic trees, as well as four additional trees alongside the proposed driveway. The Landscape Assessment proposes a set of design and landscape controls and it is proposed that these are imposed by way of a land covenant on the title. The dwelling will be accessed via a driveway off Lower Shotover Road, which extends to the east, before turning south and following an existing farm track that contours around the slope. The dwelling will be serviced with onsite wastewater and water supply and will connect to reticulated power and telecommunications.

The assessment above demonstrates that the proposed development will have appropriate access to the building platform, and that it can be adequately serviced. Overall the existing landscape character will be maintained and the proposal will not adversely affect the landscape character of the Slope Hill ONF, or of the landscape character of the rural landscape to the north and east. The site, while located within the ONF, is consistent with the adjacent Rural Landscape to its north and east, which contains exotic vegetation and dwellings set within an established rural residential setting. Importantly, the Landscape Assessment concludes that the development will be reasonably difficult to see.

The proposed landscape mitigation measures, including defining a curtilage area, retaining existing vegetation and mounding, and specific design controls, will ensure that there will be no discernible adverse effects arising from the proposed development. Potential effects on the wider environment will be appropriately mitigated.

## 5.0 EFFECTS ON PERSONS

Section 95B(1) requires assessment as to whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if adverse effects of the activity on the person are minor or more than minor (but not less than minor).

The proposed development within the site will appear consistent with existing and expected rural landscape patterns, due to the proposed RBP and domesticating elements being confined to an area of the site that is contained by vegetation and topography.

A proposed curtilage area, design controls on future buildings within the RBP and existing planting will provide mitigation and cluster any domestic elements to the area immediately surrounding the RBP when viewed from outside the site. No new boundaries are proposed, and the RBP and farm building are set back from the property boundary.

Access to the proposed RBP will be via the existing driveway off Lower Shotover Road, and therefore there will be no additional domestic access elements when viewed from Lower Shotover Road.

The Landscape Report, prepared by Ms Au Morris of Baxter Design provides an assessment of the visibility of the proposed development from surrounding viewpoints. The dwelling and shed will be physically and visually separated from adjacent landowners.

Traffic movements on the driveway will increase slightly. The amount of traffic movements is consistent with the level of amenity expected in this area, and will not adversely affect other users of the driveway.

Written approval has been provided by the land owner, Grant Stalker. This is attached and marked J.

### 5.1 SUMMARY EFFECTS ON PERSONS (S95B(1))

Taking the above assessment into consideration, views into the site and of the proposed RBP will be limited given the existing vegetation, landform, and through the use of proposed design controls limiting the height, materials and colours of buildings within the RBP. As such, it is considered that adverse effects on people will be less than minor.

While the level of traffic movements on the driveway will increase beyond current levels, the proposal adds only one additional dwelling. Therefore, the traffic movements are consistent with the level of amenity anticipated and effects on the other users of the drive way will be less than minor.

## **6.0 OVERALL NOTIFICATION DETERMINATION**

In determining whether the application should be publicly notified, it must be established whether the activity will have or is likely to have adverse effects on the environment that are more than minor.

The proposed development can be adequately serviced in such a way that any potential effects will be less than minor. In terms of landscape effects, the Landscape Report confirms that the future built form (and curtilage) will be reasonably difficult to see. The above assessment has established that the built form can be absorbed within this location without adversely affecting the site, or the wider landscape. Importantly, the open rural character of Slope Hill will not be adversely affected.

The proposed buildings will be physically and visually separated from adjacent landowners and will not be highly visible from those properties. The increased traffic movements on the driveway will not adversely affect neighbouring properties.

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

The proposed development is a discretionary activity. The objectives and policies of the District Plan are relevant under Section 104(1)(b) of the Resource Management Act 1991.

The relevant objectives and policies are contained in Part 4 (District Wide) Part 5 (Rural Areas) of the Operative District Plan and Chapter 21 (Rural) of the Proposed District Plan. These are addressed as follows.

### **7.1 ASSESSMENT OF OPERATIVE DISTRICT PLAN – DISTRICT WIDE (PART 4) OBJECTIVES AND POLICIES**

#### ***4.2.5 – Broad District Wide 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.*

The proposed development ensures that potential adverse effects on landscape and amenity values are appropriately avoided, remedied or mitigated.

#### ***Policy 1 – Future Development***

*(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*

While the upper slopes of Slope Hill are considered to be vulnerable to degradation, given their open, pastoral character, the proposed development site is located where the built form and associated domestic activities can be absorbed without detracting from character and values of the wider landscape. When considering the landscape at a fine grained level the area within which the development is proposed is not

vulnerable to degradation; being a mix of rural and rural residential landscape with a pattern of shelterbelts and exotic tree planting.

*(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 proposed RBP location is within an area that has the potential to absorb change, and the built form can be accommodated within the site 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.*

The development will harmonise with the local topography, in terms of location, design and by utilising and enhancing existing ecological systems, topography and vegetation.

The proposal achieves and is consistent with Policy 4.2.5(1).

## **5. Outstanding Natural Features**

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

- (a) in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;*
- 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 in the context of the outstanding natural feature, that is, the building etc is reasonably difficult to see;*
    - (iv) The need to avoid further cumulative deterioration of the outstanding natural features;*
    - 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.*

The proposed development will not result in adverse effects that are more than minor on landscape values and natural character, or visual amenity values. The development, including buildings, structures, and associated access and curtilage will be reasonably difficult to see. The proposal will not lead to further degradation of the ONF and the naturalness, and amenity values of views from public places and public roads will be maintained. The importance of protecting the naturalness of the landscape has been recognised by this proposal.

The proposal achieves and is consistent with Policy 4.2.5(5).

### **Policy 6 - Urban Development**

*(b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.*

*(d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.*

Although the proposal seeks to establish residential activity within the site, the proposed development is contained by topography and existing vegetation and the rural character of the site and the wider environment will be retained. The proposal does not represent urban development or sprawl of development along roads. The scale of the site, and existing rural elements within the landscape will help to ensure that development will not adversely affect the visual amenity landscape to its north and west, or the ONF to the south and east.

The proposed development is physically separated from Lower Shotover Road. The proposed development will be reasonably difficult to see, and nor appear as a sprawl of development along the road. The proposal is for the establishment of one RBP within the subject site. This will not provide development to a level where it is characteristic of an urban development. The proposal achieves and is consistent with Policy 4.2.5(6).

### **Policy 8 – Avoiding Cumulative Degradation**

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

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

*(b) to encourage comprehensive and sympathetic development of rural areas.*

The subject site contains significant existing areas of vegetation and hedgerows that have existed on the site for a number of years, and the development site is contained by both this vegetation and by topography. The development will not result in the over domestication of the landscape; it will be reasonably difficult to see from outside the site and the character of the site and wider landscape will be retained. The density of development will not increase to a point where the benefits of planting and building are outweighed by effects on landscape values.

The proposal is sympathetic to the rural area, and utilises existing areas of landscaping to avoid adverse effects on the rural area. The proposal is therefore consistent with Policy 4.2.5(8).

### **Policy 9 – Structures**

*To preserve the visual coherence of:*

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

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

The proposed RBP location has been carefully selected in order to minimise the overall impact of future built form on the landscape. The potential effects of the proposal have been mitigated by the following components:

- Establishing an RBP with design and landscape controls that will ensure future buildings are in harmony with the line and form of the landscape;
- Restricting the overall height of future buildings to ensure that no building breaks any skyline, ridge or prominent slope or hillside;
- Requiring future buildings to comply with design controls to restrict the reflectivity of the external appearance of buildings to less than 20%, in order to complement the dominant colours of the landscape;
- The proposed RBP has been considered in the context of the surrounding landscape to ensure its placement is appropriate;
- Local and natural materials have been encouraged and as such form part of the volunteered design controls.

The proposal is therefore consistent with Policy 9.

Overall, the proposed development is consistent with the objective and policies outlined above.

## 7.2 ASSESSMENT OF OPERATIVE DISTRICT PLAN – RURAL AREAS (PART 5) OBJECTIVES AND POLICIES

### *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.*

The proposal includes measures to ensure that the character and landscape value of the area is protected and to avoid and mitigate adverse effects. The proposal locates built form where it can be absorbed without detracting from landscape and visual amenity values. The defined curtilage area ensures that the remainder of the site can continue being used for rural activities, such as animal grazing. Furthermore, volunteered specific design controls which will ensure appropriately recessive materials and colours are used. The proposal is therefore consistent with Objective 1.

### **Policies:**



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

The District Wide landscape objectives and policies have been addressed above, and the assessment concludes that the proposal achieves and is consistent with them for the reasons set out in the assessment under Part 4 objectives and policies, above. The proposal is consistent with the Policy 1.1.

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

The proposal will result in the introduction of one residential dwelling within the property and will therefore maintain a large portion of the site for rural activities. This will allow the farm manager to reside on site without the need to travel to and from the property each day during busy times of the farm, whilst also storing farm equipment at the site to avoid having to take it along the busy roading networks. The proposed activity will be consistent with the rural use of the property. The proposal is consistent with Policy 1.2.

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

The site is currently grazed, but does not have any farm machinery storage sheds, or a residential where the manager/owner can live on site. The proposal will allow for farming activities to be contained on the property without the need to transport equipment to and from the site. Therefore the land will not be compromised by the proposed development, and will not result in the loss of potentially productive rural land. The proposal is consistent with Policy 1.3.

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

The proposed development will not be based on the rural resource of the area, however the character of the rural area will not be adversely impacted, through the appropriate location of the development where it can be absorbed into the landscape, and the implementation of design controls on future buildings. The proposal is consistent with Policy 1.4.

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

The proposed development will provide for a future dwelling, and a farm building. The dwelling will not be for workers accommodation, but will provide accommodation for the landowner, and the shed will provide storage for equipment necessary for the maintenance of the wider landholding. The proposal is consistent with Policy 1.5.

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

The proposal avoids, remedies and mitigates any potential adverse effects on the landscape value. This matter has been addressed in detail under the Part 4 objectives and policies, above. The proposal is consistent with Policy 1.6.

***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.***

As demonstrated within the assessment above, the proposed residential development will be located within an area of the site with the ability to absorb change. The proposal is consistent with Policy 1.7.

***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 location of the proposed RBP has been positioned to ensure that future buildings within it will not break the skyline, ridge, hill or any prominent slope. The proposal is consistent with Policy 1.8.

Overall, the proposed development will be consistent with the objective and policies outlined above.

***Objective 3 - Rural Amenity***

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

The proposed development will not result in an adverse effect on rural amenity values. The proposal will not result in any significant visual changes from what currently exists. The proposal will not result in adverse effects from noise or traffic, and there is no impact on any person's privacy. The proposal is therefore consistent with Objective 3.

***Policies:***

***3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.***

It is accepted that permitted rural activities may occur and be noticeable on other surrounding properties. The proposed development has been located with this in mind. The proposal is consistent with Policy 3.1.

***3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.***

The proposed development will not compromise any existing farming activities on other properties or result in the loss of rural amenity values. The site will continue to be used for grazing, and the proposed building will allow the property owner to reside on the property. This will ensure that rural amenity values will be maintained. The proposal is consistent with Policy 3.2.

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

Any potential adverse effects have been recognised and measures adopted for avoiding, remedying or mitigating such effects. The proposal is consistent with Policy 3.3.

***3.4 To encourage intensive and factory farming away from Rural Residential, Rural Lifestyle, Urban, Residential, or Business Zones, in order to minimise the potential for conflict between these zones.***

The proposal does not involve intensive or factory farming therefore the above policy is not relevant.

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

The proposed development will not encroach into any of the internal boundary setbacks, to ensure that neighbouring properties are not adversely affected. The future buildings will be physically separated from neighbouring sites.

Overall, the proposed development will be consistent with the objective and policies outlined above.

## **7.2 ASSESSMENT OF PROPOSED DISTRICT PLAN – LANDSCAPE (PART 6) AND RURAL (PART 21- RURAL) OBJECTIVES AND POLICIES**

Because the site is located within the Slope Hill ONF, the objectives and policies of Section 24: Wakatipu Basin are not applicable. The following assesses the proposal against the relevant objectives and policies contained within Sections 3 (Strategic Direction), 6 (Landscape) and 21 (Rural) of Stage 1 of the PDP.

### **Section 3: Strategic Direction.**

#### **Objective**

**3.2.5 *The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)***

**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.***

The proposed development is located and designed to ensure that the natural character of the Slope Hill ONF will be protected from adverse effects that are more than minor.

**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. (relevant to S.O. 3.2.1.8, 3.2.5.1 and 3.2.5.2)***

The proposed development will not alter the character of the rural environment to the point where the area is no longer rural in character. This is achieved by careful location of the development site within a natural topography, surrounded by existing vegetation, and careful design that ensures that any built form will be reasonably difficult to see. The driveway accesses the site via an existing farm track that follows the natural contour of the site, and therefore the associated modification to the landform will be slight.

**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. (relevant to S.O.3.2.5.1)***

The development is located and designed in such a way that effects on the ONF will be no more than minor.

## Section 6: Landscapes

### Objective

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

**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). (3.2.5.1, 3.3.30)*

The development site is located at the boundary between the ONF and the RLC. The development is located and designed to ensure that any effects on the landscape quality, character and visual amenity values will be no more than minor.

**6.3.11** *Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32).*

The proposed landscaping is limited to a cluster of red cedar, and four alder located adjacent to the access drive. The proposed planting, and the planting to be retained, is consistent with the landscape and ecological values and the established character of the site and surrounding area.

### *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. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).*

This proposal is an exceptional case where the proposed development can be absorbed into the landscape without causing adverse effects. It is considered that in this location the ONF can absorb the proposed development, and the proposed buildings, curtilage area and associated access will be reasonably difficult to see from outside the site.

**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. (3.2.3.1, 3.2.5.1, 3.2.7.1, 3.3.16, 3.3.30, 3.3.33 - 35, Chapter 5).*

There are no cultural or historic elements associated with the site. Slope Hill is recognised as an important geological feature, and its importance has been recognised by ensuring that the development is appropriately located and designed so that those geological values are protected.

- 6.3.14** *Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30)*

The remainder of the site will be retained for farming purposes.

- 6.3.16** *Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20-21, 3.3.30)*

The proposal is tucked into a part of the site that does not exhibit an open character, and where the proposed development can be absorbed. Because of the development's location and design it will not adversely affect the upper slopes of the ONF, and the open character of Slope Hill will be maintained.

- 21.2.1 Objective** - *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*

- 21.2.1.1** *Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.*

The proposal does not impact on the ability to continue to farm the wider site, which is used for sheep grazing. The development will ensure that the owner can reside on the property and therefore be less inclined to have to travel on the local roading network.

- 21.2.1.2** *Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.*

The site is less than 100ha in size, but is part of the wider farming unit. The farm building is appropriately located such that effects on landscape values will be less than minor.

- 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.*

Both the proposed dwelling and farm building are set back from internal boundaries and road boundaries. Potential effects on landscape character, visual amenity, outlook from neighbours will be less than minor. The proposal will not adversely affect established and anticipated activities.

- 21.2.1.4** *Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.*

The proposal will not result in dust, visual and noise and odour effects.

- 21.2.1.5** *Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky*

The design controls include restrictions on lighting to ensure that any lights do not cause glare, and do not adversely affect views from roads, other properties, public places or views of the night sky.

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

*21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.*

The proposal will not adversely affect ecosystem services and nature conservation values or affect spiritual beliefs or cultural traditions.

*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.*

A firefighting supply will be provided at the site. While the building platform and associated dwelling are located within an area of existing vegetation, there are appropriate setbacks between the vegetation and future buildings.

*21.2.2 Objective - The life supporting capacity of soils is sustained.*

#### *Policies*

*21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner. 21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.*

*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 proposal will not reduce the productive capacity of the wider landholding and the life supporting capacity of soils will be sustained.

*21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.*

*21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:*

- a. encourage activities that use water efficiently, thereby conserving water quality and quantity;*
- b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.*

The proposal will connect to an existing water supply owned by the applicant. The proposal will not adversely affect life supporting capacity of water.

Overall, having assessed the application against the relevant objectives and policies of Sections 3, 6 and 21 of the PDP, the assessment above confirms that the proposal accords with and achieves them.

### 7.3 SUMMARY OF OBJECTIVES AND POLICIES DISTRICT PLAN

As outlined above, the proposed development is consistent with the relevant objectives and policies as outlined within Part 4 and Part 5 of the ODP and will be consistent with Parts 3, 6 and 21 of the PDP as notified.

### 7.4 REGIONAL POLICY STATEMENT

#### 7.4.1 Operative Regional Policy Statement

Section 104(1)(b)(v) also requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. As identified in the above analysis, the proposed activity is located within the ONF. With regard to Objective 5.4.1 the activity represents sustainable management of the land resource, and in regards to Objective 5.4.3 it is an appropriate use of the site. It does not restrict public access. It is consistent with the relevant objectives and policies of the ODP and the PDP.

Overall, the proposal is consistent with the relevant objectives and policies of the RPS.

#### 7.4.2 Proposed Regional Policy Statement

The Otago Regional Council notified its Proposed Regional Policy Statement ("PRPS") on 23 May 2015. Decisions were released on 1 October 2016. The Council received 26 notices of appeal and mediation on those appeals continues.

The assessment above addresses all of the relevant objectives and policies of both the ODP and the PDP. These reflect and are consistent with the policy framework of the RPS. Overall, the proposal is considered to be consistent with the relevant objectives and policies of the PRPS.

## 8.0 PART 2 OF THE RMA

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, sustainable management means 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 effects of activities on the environment.*

The proposal enables the wellbeing of the applicants by providing for on-site residential accommodation while appropriately addressing the matters in section 5(2)(a)-(c) of the Act. In particular, the application has

taken great care to avoid, remedy and mitigate any potential adverse effects of the proposal on the environment.

The proposal locates the RBP and shed within an ONF, therefore Section 6, Matters of National importance is relevant. Specifically, clause (b), which reads:

***(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:***

The RBP and shed have been carefully located and will be subject to design controls that will ensure that the development does not adversely affect the Slope Hill ONF. Any adverse effects on the environment can be successfully avoided, remedied and mitigated.

The proposal therefore achieves the purpose and principles of the Act.

## **9.0 SUMMARY**

It has been demonstrated in the assessment above that the proposed RBP and farm shed will be appropriate in terms of its location, that it can be adequately serviced and can provide an access which meets Council standards. Future design and landscape controls will ensure that the external appearance of future buildings will maintain the existing character and amenity of the rural area.

This assessment has addressed the actual and potential effects of the proposal. Having relied upon the landscape assessment prepared by Ms Au Morris of Baxter Design Group, it is concluded that the proposed development will be reasonably difficult to see, and that the landscape character of the site and surrounds will not be adversely affected. The development can be adequately serviced and access can be achieved via the existing farm track. Overall, it is concluded that the effects on the environment will be minor or less than minor.

The proposal has been assessed against the relevant Objectives and Policies of both the ODP and the PDP. It is concluded that the proposal is consistent with, and achieves those provisions that are of relevance. The proposal accords with the purpose of the Act.

AEE Prepared by:

Initial Draft	LM	August 2018
Draft	JC	November 2018
Final Review	LM	December 2018



**APPENDIX 2 – ENGINEERING REPORT (MR STEVE HEWLAND)**



## ENGINEERING REPORT

**TO:** Jake Neaves  
**FROM:** Steve Hewland  
**DATE:** 13/032019

APPLICATION DETAILS		
REFERENCE		<b>RM181925</b>
APPLICANT		Kristan and Emma Stalker
APPLICATION TYPE & DESCRIPTION		Establish an 850m <sup>2</sup> residential building platform, construct a residential dwelling within the proposed building platform and construct a farm storage shed outside of the proposed building platform.
ADDRESS		Lower Shotover Road, Wakatipu Basin
ZONING		Rural General
SITE AREA		78.7145ha
ACTIVITY STATUS		The proposed activity is classified as a Discretionary Activity
VALUATION NUMBER		2907123519
Application	Reference Documents	Documents submitted with the application
	Previous Relevant Consents	Nil
	Date of site visit	18/01/2019

### Location Diagram



Comments		
	Existing Use	Farmland
	Neighbours	Rural lifestyle blocks
	Topography/Aspect	The BP sits on a flat terrace on the slope of a moderately steep hill
	Water Bodies	Nil

ENGINEERING			COMMENTS	Condition
TRANSPORT	Access	Access	There is an existing vehicle crossing off Lower Shotover Road leading to a shared right of way that serves 6 properties including the subject site. This vehicle crossing is unsealed and meets with the sealed formation of Lower Shotover Road so I recommend that it is sealed to the boundary in accordance with Councils standards.	X
			There is an existing farm track from the property boundary with the right of way, roughly following the contour of the hill to the proposed building platform location. This farm track can be upgraded to Councils standards for residential access without any significant works and I recommend a related condition.	
			The proposed dwelling includes a large double garage that complies with the minimum dimensional standards and there is sufficient manoeuvring area available on the site.	

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	Description	Earthworks are not significant and are required to upgrade the farm track to an access and install services. The building platform is already level.	
		Recommendation on cut/batter slopes	I recommend condition that batter slopes are not formed greater than 1H:2V.	X
		Fill certification	The plans submitted with the application do not indicate that there will be any fill placed within the building footprint.	
		Engineers supervision	Not required.	
		Uncertified fill covenant	Not required.	
		Schedule 2a Certificate	The foundation design may need consideration of the relatively shallow water table, clay soils and proximity to the edge of the terrace. I recommend a Schedule 2A is provided to certify the building platform for residential development and identify any mitigation measures.	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
		Neighbours	I am satisfied that the earthworks are feasible and that 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	A condition is recommended requiring earth worked areas to be revegetated prior to occupation of the dwelling.	X

<b>SERVICES</b>	<b>Existing Services</b>		There are no reticulated Council services available to the site.	
	<b>Water</b>	<b>Potable</b>	Water for the proposed development is proposed to be sourced from an existing bore and water supply for the Glenpanel Water Scheme. A copy of the ORC consent for the bore (2003.355.V1) is included with the application, this confirms the bore has the rights to provide 2054 litres per day for 37 lots. A letter has been supplied from the Glenpanel Water Scheme confirming that this new demand can be supported. There is existing reticulation from the bore (near Ladies Mile) within an easement that passes close to the western extent of the proposed building platform. A conceptual reticulation concept of this supply is included in the application, I am satisfied that this water supply is feasible and recommend a related condition requiring it to be installed to the building platform.	<b>X</b>
		<b>Fire-fighting</b>	A static storage tank for firefighting is proposed, I am satisfied that this will be located in accordance with Councils standards and I recommend conditions accordingly.	<b>X</b>
	<b>Effluent Disposal</b>		An SMS report submitted with the application confirms feasibility of onsite wastewater disposal. It identifies Category 4 soils clay and a water table at 1.9m. I recommend a condition for installation prior to occupation and an enduring covenant, both requiring a secondary treatment system that takes into account the SMS report recommendations.	<b>X</b>
	<b>Stormwater</b>		There is no reticulated network so stormwater will need to be disposed of onsite.  Due to the category 4 soils (NZS1547:2012) and a shallow 1.9m water table a specific design will need to be undertaken. I recommend a consent notice is registered on the title advising of this.  I am satisfied that due to the topography there are no significant overland flows to manage. A typical cut-off drain will need to be included at the toe of the slope behind the dwelling which can be assessed under the building consent application.	<b>X</b>
	<b>Power &amp; Telecoms</b>		Letters have been provided by the network providers confirming capacity in the networks to service this building platform. I recommend a condition that these are extended underground.	<b>X</b>

<b>R A L</b>	<b>Hazards on or near the site</b>	The building platform is not noted as being subject to any natural hazards on Council's database.	
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<b>PROJECT INFORMATION</b>	<b>Developers Engineering Representative</b>	Not required.	
	<b>Traffic Management Plan</b>	Not required.	
	<b>Design Certificates</b>	Not required.	
	<b>Completion Certificates</b>	Not required.	
	<b>As built</b>	Required for the water supply.	<b>X</b>

TITLE	Covenants/consent notices	There are no relevant consent notices on the title.  New covenants are recommended for onsite stormwater, onsite waste disposal, firefighting, and to ensure the location of any future buildings are within the approved building platform.	X
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## **LAND USE CONDITIONS FOR EARTHWORKS AND DWELLING**

### **1.0 RECOMMENDED CONDITIONS**

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

#### ***General conditions***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being 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 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.
3. At least 7 days prior to commencing earthworks on the building platform, 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 shall supervise the earthworks and undertake inspection and assessment as necessary to provide a Schedule 2A certificate as required under Condition (4).

#### ***Prior to construction of the residential unit***

4. Prior to the construction of the residential unit on the building platform the consent holder shall provide to the Manager of Resource Management Engineering at Council a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.2 and demonstrates to Council that the building platform is suitable for building development. In the event that the conditions within the building platform is only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Manager of Resource Management Engineering at Council.

#### ***To be monitored throughout earthworks***

5. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).

6. 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.
7. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required for the vehicle crossing.

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

8. Prior to the occupation of the dwelling, the consent holder shall complete the following:
  - 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 existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - c) Any power supply or telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
  - d) The provision of an effluent disposal system in accordance with the SMS Monitoring Ltd report, dated 18 October 2018 submitted with the application. The on-site wastewater disposal and treatment system shall comply with AS/NZS 1547:2012 and shall provide sufficient treatment/renovation to effluent prior to discharge to land.
  - e) The provision of an stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site, as designed by a suitably qualified professional defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The stormwater system shall be subject to the review of Council prior to implementation.
  - f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
  - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - h) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. The water tank shall be located in the general position shown on the Baxter Design Plan submitted with the application. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.*

#### **Advice Note:**

1. The consent holder is advised that any retaining 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.

#### **BUILDING PLATFORM CONDITIONS**

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

##### **General conditions**

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being 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>

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

2. 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 **XXX** 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***

3. Prior to the building platform being registered on the Register of Title, the consent holder shall complete the following:
  - 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 consent holder shall provide 'as-built' plans and information required to detail the water supply 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 (including private laterals and toby positions).
  - c) 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.
  - d) The existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
  - f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

***Ongoing Conditions/Covenants***

4. 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 SMS Monitoring, dated 18 October 018. 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) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (4) of the RM181925 Land Use conditions 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).
  - d) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The proposed stormwater system shall be subject to the review of Council prior to implementation.
  - e) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting



reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in any new residential unit.


#### Advice Note:

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

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Prepared by:

Reviewed by:

A handwritten signature in dark ink, appearing to read 'Steve Hewland', with a large, stylized initial 'S'.

**Steve Hewland**  
**LAND DEVELOPMENT ENGINEER**

**Mike Wardill**  
**Team Leader - RMENGINEERING**

**APPENDIX 3 – COUNCIL’S LANDSCAPE ASSESSMENT (MS RENEE DAVIES)**

## MEMO

File Ref: RM181925– Lower Shotover Road

To: Jakob Neaves – Planner

From: Renée Davies – Principal Landscape Architect, 4Sight Consulting



Date: 27<sup>th</sup> March 2019

Subject: Landscape Assessment Review

## 1 INTRODUCTION

- 1.1 An application (RM181925) has been received for resource consent for a proposed residential building platform (RBP) on Lot 6 Deposited Plan 463532 with associated dwelling and a shed outside the RBP. The site is on the western slopes of the Slope Hill roche moutonnée and part of a large block of land 78.7145ha in size.
- 1.2 The site is situated within the Rural General Zone of the Operative District Plan (ODP) and is identified as being within the Outstanding Natural Feature (ONF) of Slope Hill moutonnée within dotted boundary on Map 2 of Appendix 8A. The site has been notified under Stage 2 of the Proposed District Plan as being within an ONF.
- 1.3 A landscape and visual assessment report (dated December 2018) has been undertaken for the proposed building platform by Baxter Design Landscape Architects (Baxter) alongside a number of volunteered building and landscape controls and it is this report that is being reviewed on behalf of Queenstown Lakes District Council (QLDC).
- 1.4 Design and Building controls proposed as part of the land use application are extensive and provided as a separate document dated December 2018. I will not repeat the list of design controls in this report but will reference that document as required within the report.
- 1.5 The application has provided a proposed landscape plan to mitigate visual effects of the future buildings and building platform.

## 2 ASSESSMENT REVIEW

### 2.1 Site visit and Site Photographs

- 2.1.1 A site visit was undertaken on Wednesday, 11th December 2018 by Renée Davies. All viewpoints identified in the Baxter Landscape reports were visited and photographs taken with GPS co-ordinates through ArcGIS as attached at **Appendix A**. Where appropriate photographs from viewpoints were also

taken with 50mm lens as comparison for those provided in the report and additional viewpoints identified and photographs included.

2.1.2 There were height poles in place that identified the proposed building platform.

2.1.3 This report provides a review of the Baxter Landscape and Visual Effects Assessments, dated December 2018. The review evaluates the adequacy of the submitted assessment and specifically addresses the following aspects:

- Whether the assessment methodology is appropriate and robust;
- Whether the analysis and classification of the landscape context of the site is robust and corresponds to the landscape attributes and values;
- Whether any key issues or considerations have been missed in the assessment;
- Whether the assessment has correctly interpreted the nature and magnitude of visual and landscape effects; and
- Whether the conclusions of the assessment are credible and justifiable.

## 2.2 Assessment methodology

2.2.1 The assessment methodology provided is adequate for the proposal, the identified process is clear and logical and responds to each of the relevant assessment criteria. There is no degree of effects scale used in the assessment, which makes assessment of the application more difficult.

2.2.2 This peer review uses an assessment of effects ranking to assist in determining the degree of effect for different aspects of the proposal and against assessment criteria – being the New Zealand Institute of Landscape Architects “Landscape Assessment and Sustainable Management” practice note. **Appendix B** provides the table of effects summary and associated explanations used for that effects ranking.

## 3 ANALYSIS AND CLASSIFICATION OF THE LANDSCAPE CONTEXT OF THE SITE

3.1 The Baxter report identifies the site as being within the Rural General Zone of the ODP and within an ONF. I agree with this assessment. The Baxter report highlights the close proximity of the application site to the boundary of the ONF and although the application is assessed against the ONF criteria it relies strongly on the current site being of a vegetative scale similar to the adjacent rural residential and rural zones as opposed to the ONF. The site is within the ONF of combined Lake Hayes and the roche moutonnée of Slope Hill.

3.2 The diagram below shows the application site in relation to both the ODP and PDP boundaries for the ONF. As shown the site sits at the very edge of the ODP dotted boundary of the ONF. It is noted that within the PDP the boundary of the ONF is proposed to be changed but even with this change the site would be identified as being within the ONF. As at the time of writing of this report, the Recommendations of the Hearings Panel for Stage 2 of the PDP had been agreed to be adopted by Council (the recommendations reports for Stage 2 of the PDP have legal effect on 21<sup>st</sup> March 2019) and is subject to a 30 working day appeal period. Any Appeals for this zoning will not be known until a later date. It is anticipated that the applicant will address the PDP zoning and any Appeals in more detail at the Hearing. So at the time of writing of this report, weight has been given to the ODP provisions. I note, for completeness, that the Hearings Panel for Stage 2 of the PDP did not recommend any changes to the Slope Hill ONF boundary as notified in the locality affecting this report.

3.3 Evidence presented by Ms Mellsop, as part of Stage 2 PDP process, recommended that the boundary in this location remain in place as stated in evidence 28<sup>th</sup> May 2018 *“Further north on the western side of Slope Hill I consider that the notified ONF boundary is appropriately located and provides a clear boundary between the more developed lower slopes and the more open and elevated upper slopes (refer Figure 4)”*. (figure 1 below).

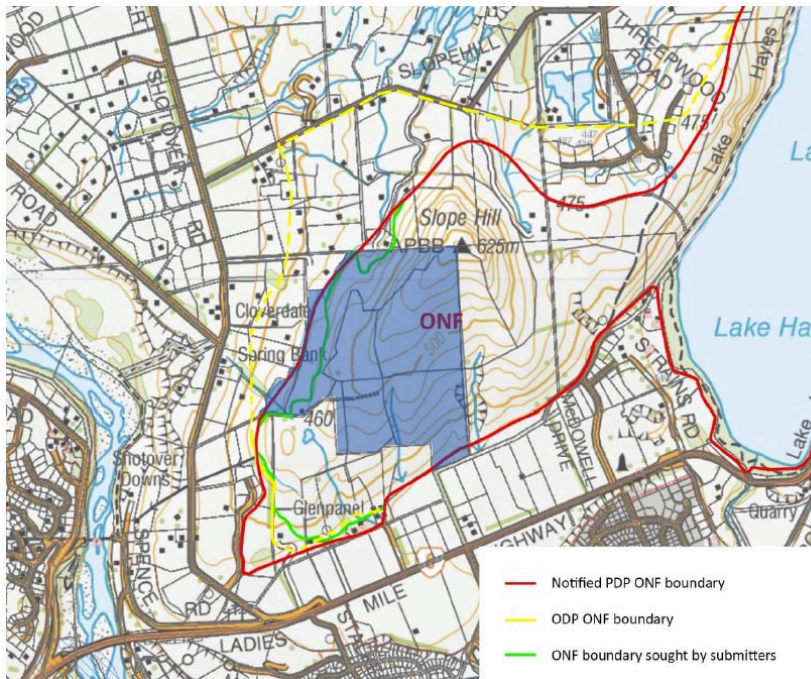


Figure 1 - Diagram taken from QLDC expert evidence of Helen Mellsop dated 28th May 2018 showing current ODP line, PDP line and proposed adjusted PDP line and addition of application site.

- 3.4 As the image below indicates the site covers a large area of the ONF and is located on the western edge of the ONF. In the evidence of Ms Mellsop the key characteristics of the ONF are described as:
- (a) *the *rôche moutonnée* glacial landform, with a smooth 'up-ice' slope to the south-west, and a steeper rough 'plucked' slope to the east adjacent to Lake Hayes;*
  - (b) *the openness and pastoral character of the landform that allow the underlying formative processes to be clearly legible;*
  - (c) *the relative lack of built form and landform modification; and*
  - (d) *the high level of visibility of the hill from within the Wakatipu Basin, particularly from SH6 west of the Shotover River (see Photograph 1 below), Ladies Mile, and the Lake Hayes area.*





Figure 2 - Aerial photograph showing indicative location of ONF boundary (PDP version – purple line) on site (blue shading) and proposed location of building platform (red dot)

- 3.5 The implication of the site being within the ONF means that a set of different Assessment Matters under Section 5.4.2.2 of the Rural Areas Rules apply to the site and are more stringent than the General Rural VAL assessment criteria.
- 3.6 The general description of the application site is consistent with what is present on site and the broader landscape context is described well. I consider, however, that the relationship between the proposed building platform and potential visual effects on the ONF from public viewpoints is not covered as thoroughly as it could be and as such the impact of the proposed development on the ONF from distant views is not given as much weight as is appropriate. Further details of this are covered in my assessment criteria analysis in Section 6.

## 4 IDENTIFIED ADDITIONAL ISSUES AND CONSIDERATIONS

- 4.1 The Baxter report has submitted a Landscape Plan for the site (Baxter drawing no 2819-SK05 dated 5<sup>th</sup> December 2018 and titled Concept Plan) that provides details of proposed mitigation planting within the site. The visual and landscape effects assessment relies on existing vegetation on site to provide context and screening for the proposed building platform and future built forms. Proposed mitigation planting is minimal and focuses on an area of planting to integrate and existing mound and to provide some screening of the entry driveway near the proposed building platform. The proposed planting plans are considered appropriate to

the site context and will link with the surrounding vegetation typology of nearby properties, while still retaining a degree of open rural pasture character.

- 4.2 Both the Baxter report and the Assessment of Environment Effects by LM Consulting Ltd (AEE) reference the existing planting on site as being planted prior to 2002. The AEE refers to an understanding that the existing macrocarpa hedge is understood to be 20 years old. The Baxter report identifies the existing willow on eastern side of the RBP, the existing vegetation south of the RBP and the existing hedge on western side of the RBP being established pre-2002.
- 4.3 The date at which this planting was undertaken is important as the landscape and visual effects report and degree of effect of the proposed development is completely reliant on this vegetation as a screening and mitigation element for the proposal. On my site visit I was not convinced of the age of the macrocarpa hedge and some of the other planting on site. It appears from my site observations that the the planted specimens have been placed in anticipation of the site being developed as a residential platform.
- 4.4 Review of historical aerial photographs was considered the most accurate way to determine the validity of the planting dates outlined in the application. A February 2001 aerial photograph was able to be sourced from Retrolens ([www.retrolens.nz](http://www.retrolens.nz)). As can be seen in that photograph below the existing poplars and willows were present on site along with an area of vegetation to the east of the proposed building platform. The macrocarpa hedge is not in place in that photograph, nor the planting to the south of the proposed building platform.
- 4.5 The next photograph able to be sourced has no exact date but is from Google Earth and dated 2004 where planting is visible but at a very early stage in growth, and then Otago orthography from LINZ dated between 2005 and 2012. As can be seen from this image below, during this time the macrocarpa hedge is established along with small scale planting in the south of the proposed building platform.





Figure 3 - Photographs showing historic aerial photographs from (top left) 2001 and (top right) 2004, (bottom left) 2005-2012 (no actual date within that span provided)

- 4.6 My interpretation of the aerial imagery indicates that the existing willow to the east has been in place for some time (along with poplars and vegetation to the west) but that the macrocarpa hedge and southern planting area was definitely established after 2001. The aerial photographs set out above, evidence that the macrocarpa hedge is definitely not 20 years old as indicated in the AEE and at its oldest was planted some time after February 2001 (making it 18 years at its oldest – and I believe it is likely to be younger than that).
- 4.7 As we don't have an aerial photograph from 2002 and the 2005-2012 photograph spans so many years it is difficult to pinpoint the exact time of planting. Given the scale of the planting (very small for the southern planting in particular) in the photographs from 2005-2012 version, I believe that the planting is more likely to have occurred after September 2002 however there is no definitive proof of this and as such I have assessed the application assuming this planting was in place by prior to 28<sup>th</sup> September 2002. This is fortunate for the application, as if the southern and macrocarpa hedge vegetation was discounted the visual effects and effects on the ONF would be significantly greater and be in **high**.
- 4.8 This highlights the difficulty in validating this particular assessment criteria.
- 4.9 I believe that the Baxter report has slightly under-estimated the degree of visibility of the site. I identified at least two additional viewpoints along the upper reaches of Dalefield Road to the site. These will be outlined in more detail in Section 5 below.
- 4.10 The Baxter report identifies the site as being at an elevation of 443masl and states that the two other dwellings located within the ONF are at a similar elevation to the proposed dwelling. I disagree with this statement and believe that it minimises the significance of the elevation of the proposed building platform on the ONF. My estimate is that the other two dwellings are located at elevations of approximately 434masl and 440 masl (height differences of between 8m and 3m in elevation). My view is that this degree of higher elevation within the ONF is significant and only mitigated by the existing planting and some mounding to the north that has previously occurred.
- 4.11 The Baxter report identifies a number of design controls proposed for the site. I agree with the different approaches for the two curtilage areas, however the current wording indicates restriction in Zone A based on whether items will be visible from outside of the site. This appears to be a very difficult design control to both assess and monitor as the assessment of visibility from outside the site is potentially quite broad. I don't believe that there should be any buildings permitted in the Zone A curtilage area and that the extent of the Zone A curtilage area should be reduced to be for components immediately adjacent to the house with the majority of components being located in the less visible Zone B curtilage area.
- 4.12 There is an additional design control that states that any sculptures or garden art shall be discrete and of an appropriate colour range and scale as described in the controls. It is unclear from this whether it is anticipated that sculptures or garden art may be located outside of the defined curtilage areas. The site is extremely sensitive to any form of built structure and there should be no provision for garden art or sculptures outside of approved curtilage areas unless approval is sought from Council. Recommended adjustments to the design controls are provided in relation to this.

## 5 INTERPRETATION OF VISUAL AND LANDSCAPE EFFECTS

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- 5.1 I do not agree with the Baxter report conclusion that the proposed development will have less than minor to no adverse visual effects on the quality and character of the ONF.
- 5.2 My assessment is that the degree of effect in relation to visibility is **low** due to the existing vegetative screening making the proposal reasonably difficult to see. However, the effects in terms of cumulative effect are

considered to be **moderate**. Of particular concern is the creep onto the higher levels of the ONF that this proposed development results in.

- 5.3 Further explanation for the above conclusions is provided in the assessment matters below.

## 6 ASSESSMENT MATTERS

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- 6.1 The following provides an outline of those aspects of the assessment matters relevant to this application and those areas where my opinion differs from or is in agreement with the Baxter report in consideration of assessment criteria from the ODP. Any additional comments and considerations are included under each assessment matter. It should be noted that my assessment is considered in the context of any mitigation planting being fully established. In considering this, it is recognised that there may be some increase in visual effect in the short term for some particular aspects of the proposed development.
- 6.2 Assessment matter: 5.4.2.2 1 (a) As detailed in Section 4 – the ability to consider the vegetation of macrocarpa hedge and southern specimen trees as screening for the proposal is borderline, but with no photographic evidence from 2002, the assumption will need to be made that the planting occurred between Feb 2001 and September 2002.
- 6.3 Assessment matter: 5.4.2.2(1) (a) Effects on natural and pastoral character (i) adjacent to ONF
- 6.3.1 I agree with the Baxter report.
- 6.4 Assessment matter: 5.4.2.2(1) (a i) Effects on natural and pastoral character
- 6.4.1 The proposed building platform is partially visible from the upper area Dalefield Road. The existing vegetation disconnects the site from the broader open pastoral landscape and slopes of Slope Hill but from a distance the subject land does sit within the visible lower area of Slope Hill and although is contextualised with vegetation is located distinctly above the existing developed and highly vegetated areas (essentially extending up onto the slopes and this is visible albeit from a distance). I believe there is a **low** effects as a result.
- 6.5 Assessment matter: 5.4.2.2(1) (a ii )
- 6.5.1 I agree that due to the contained effect of existing vegetation to the proposed building platform that the proposal will not adversely affect open space values and I consider this effect to be **very low**.
- 6.6 Assessment matter: 5.4.2.2(1) (a iii)
- 6.6.1 I agree with the Baxter assessment in relation to this. As outlined earlier in the report the planted vegetation is critical to the ability for this proposal to be integrated with reduced effects. The terrace location assists this also but the vegetation is the predominant natural element that achieves a **low** effect in this regard as there will still be a small component of the proposed dwelling visible behind the vegetation.
- 6.7 Assessment matter: 5.4.2.2(1) (b i) Visibility of the Development
- 6.7.1 I agree with the Baxter report that due to the distances, design controls and predominantly the existing vegetation that the proposal will be reasonably difficult to see. I do note, however, that the chosen photo viewpoints appear to be taken from locations where the degree of visibility is the least, whereas I identified similar viewpoints that show the site as more prominent within the landscape visual. There is no indication on the Baxter viewpoint photos as to the lens used. My impression is

that the photos were not taken with a 50mm lens and as such the visual effect of the site is reduced. I assess the overall visual effects as being **low** as I still consider that the built form is likely to be a minor component of change and not very discernable due to the distances and will therefore not have a marked effect on the quality of the views to the ONF.

6.8 Assessment matter: 5.4.2.2(1) (b ii)

6.8.1 I agree with the Baxter report and assess the effect to be low as the proposal will not be visually prominent due only to the existing vegetation screening the built form. The elevation of the proposed development means that it has the potential to be visually prominent if the vegetation were not in place. As such it is considered important for this application to ensure that existing vegetation is protected in perpetuity and I have included recommendations accordingly.

6.9 Assessment matter: 5.4.2.2(1) (b iii and iv)

6.9.1 The submitted landscape plans provide for limited planting which I support. I do not consider it appropriate to increase the density of vegetation within this part of Slope Hill beyond what is existing as it will have a cumulative effect in reducing the clarity of the Slope Hill topographical feature. I note however that planting is a permitted activity in the ONF. In this scenario the proposed location of planting is considered appropriate to the overall rural amenity however I would like to see specimen trees that have a lower stature than those indicated and that bring in some form of indigenous planting to enhance natural character values. It is considered that these would still integrate into the existing vegetative character of the site and surrounds.

6.10 Assessment matter: 5.4.2.2(1) (b v)

6.11 The proposed built form will have a small degree of visibility and as such I consider that it will have an effect on the landscape values of the wider landscape, however this will be to a small degree and considered to be a **low** level of effect.

6.12 Assessment matter: 5.4.2.2(1) (b vi)

6.12.1 I was not able to assess the proposal from any neighbouring properties and I note that the Baxter report does not provide any photographs from neighbouring properties. I agree with the Baxter description that the proposal is set into the hillside and as such will not be highly visible from surrounding residential properties. However, I do feel that it is likely that views from those properties up to Slope Hill may be affected in a small way due to the elevation at which the proposed building platform sits. I was able to gauge the degree of effect when looking up to the site from the proposed driveway that sits adjacent to and slightly higher than one of the adjacent properties as shown in the photograph below. To this end I believe that the visual effects will be **low**.





Figure 4 - Photograph from lower on site up to the proposed building platform. Neighbouring views will be from lower levels than this and blocked to a degree but still likely to see the top of the proposed dwelling.

6.13 Assessment matter: 5.4.2.2(c i, ii an iii) Visual coherence and integrity of the landscape

6.13.1 I agree with the Baxter report in relation to this assessment matter and assess the levels of effect as **very low**.

6.14 Assessment matter: (d i, ii and iii) Nature Conservation Values

6.14.1 I agree with the Baxter report in relation to these assessment matters and assess the level of effect as very low. I note that my recommendations are to introduce some indigenous vegetation as opposed to exotic only as part of the small component of mitigation planting, noting that this will be more appropriate in terms of any enhancement of natural character values.

6.15 Assessment matter (e ii) Cumulative effects of development on the landscape

6.15.1 The proposed subdivision site is located within an area that has seen a number of consented developments that have added built form within a rural landscape, however there have been few developments that have occurred within the ONF. The two existing residential dwellings are located at a lower elevation on Slope Hill than the proposed building platform. The surrounding rural landscape below the site has been able to absorb these changes due to the existing complex vegetative and topographical character of this part of the Slope Hill foothills. In this instance I believe that the addition of a domestic element within the ONF at this particular elevation (despite vegetative screening in relation to visibility amounts to a creep of domestic form into the ONF. The site and broader ONF is in my view definitely at a point where any further development would be distinctly over the threshold of over-domestication.

6.15.2 Existing development on the Slope Hill foothills has been significant and arguably the change in ONF boundary as proposed by the PDP has been undertaken in recognition of the fact that development on the foothills has compromised the values and qualities of the ONF. As such further creep into the ONF

– a gradual movement of development up the slopes is seen as undesirable and is exactly what is anticipated to be avoided in ONF's.

6.15.3 The positioning of the ONF line clearly indicates an intention that development will be avoided and as such the provision of any form of residential dwelling is considered to introduce an element that is inconsistent with the natural character of the ONF.

6.15.4 Given the above, my view is that this proposed development is at that threshold of the site and broader ONF's ability to absorb development, due predominantly to its elevation and it is only due to the vegetative screening that it can be absorbed into the landscape at all and thus avoid having a high. I assess the cumulative effects as being **moderate**.

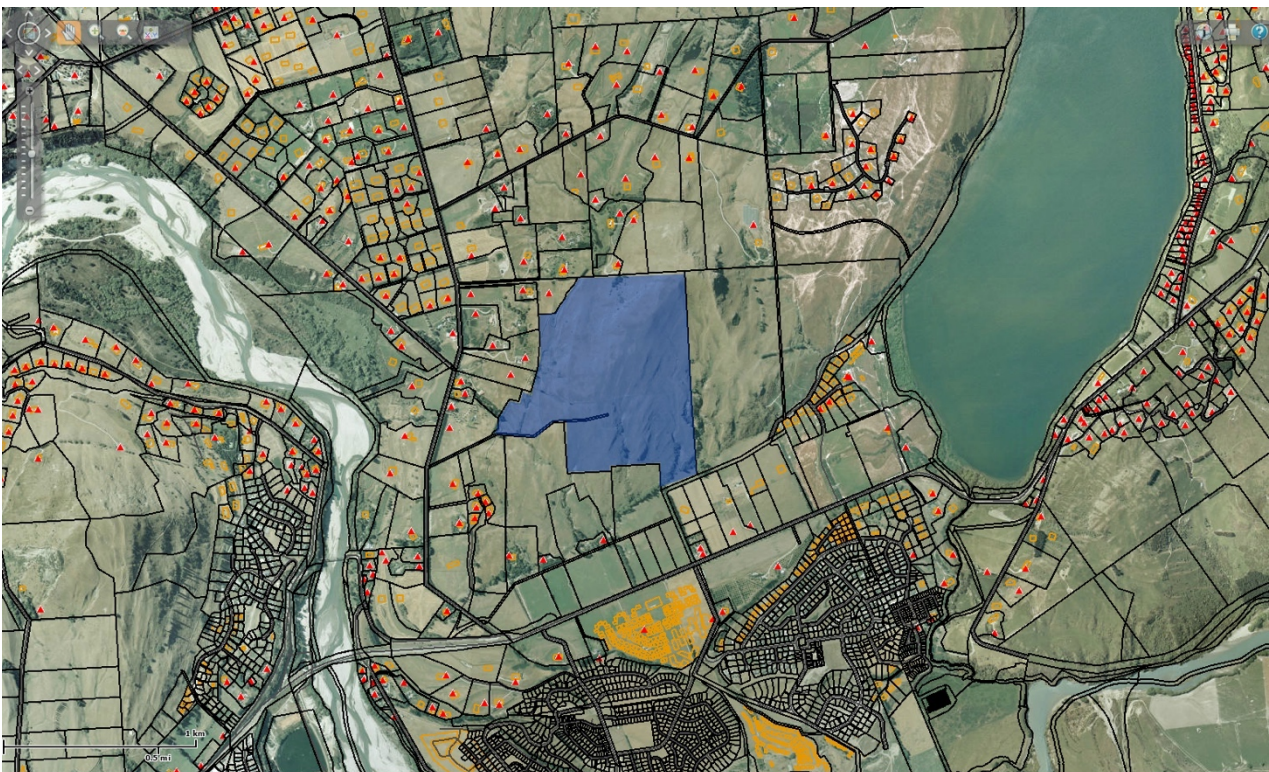


Figure 5 - Diagram from Council GIS showing consented building platforms (orange squares) with red triangles being rapid numbers and blue shaded area being the application site.

#### 6.16 Assessment matter: (F i, ii, iii and iv) Positive Effects

6.16.1 The Baxter report appropriately identifies that there are limited opportunities for positive effects in relation to natural character, however I believe that there are two areas of potential positive effect worth considering.

6.16.2 One as outlined already, which provides for the small amount of mitigation planting to be indigenous rather than exotic species.

6.16.3 The second opportunity relates to criteria iii that allows for protection of open space from further development. Given that the remainder of the site covers a significant portion of the ONF with the



remainder of the site being open and pastoral in character, I believe that some form of protection in perpetuity for the remainder of the ONF within the site could be considered.

#### 6.17 Proposed District Plan Assessment Criteria

6.17.1 I agree with the Baxter assessment against the PDP.

## 7 CONCLUSION

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- 7.1 An application has been received for resource consent for a proposed RBP on a site located on the western slopes of the Slope Hill roche moutonnée and within an ONF.
- 7.2 The provision of proposed building platform relies on existing vegetative screening to ensure the associated increase in built form within the landscape does not adversely effect the ONF of Slope Hill. Effects range from **very low** to **moderate** with the majority being at a **low** level. The cumulative effects of the proposal are considered to sit at a **moderate** level.
- 7.3 Other elements of the development proposal that assist in mitigating potential adverse landscape and visual effects are the recessive external colours of the proposed dwellings and the definition of a curtilage area to limit spread of domestic activities across the site and some limited mitigation planting.
- 7.4 In order to further limit potential adverse visual effects on the quality and character of the ONF I recommend that conditions be included to prevent any further built form on the site and amendments to the curtilage area design controls and mitigation planting species.

## 8 RECOMMENDATIONS

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- 8.1 Should consent being granted, I recommend the following:
  - 8.1.1 All areas of earthworks to be re-sown in grass within three months of completion of the earthworks and/or planted within the relevant areas as per the certified landscape plan.
  - 8.1.2 That the Landscape Plan submitted with the application shall be amended and submitted to Council for certification. The plan shall be amended to provide for small stature indigenous specimen trees in place of the proposed exotic specimens.
  - 8.1.3 That the existing specimen trees indicated on the submitted Landscape Plan (Baxter drawing no 2819-AK05 dated 5th December 2018 and titled Concept Plan) shall be retained on site and protected in

perpetuity. That if any require removal due to death or disease that a plan for appropriate replacement of similar species and eventual size be submitted to Council for approval.

8.1.4 Planting shown on the Baxter Landscape Plan shall be implemented in first available planting season following construction of the dwelling, and shall thereafter be maintained in accordance with the plan. Any plant that dies or becomes diseased shall be replaced in the next available planting season.

8.1.5 That Residential buildings shall be erected only in accordance with the proposed design controls in Baxter report dated December 2018 titled Design Controls and that these be included as conditions of consent with the exception of the following amendments:

- That the proposed curtilage area shall be adjusted to reduce the area of curtilage in Zone A to a maximum of 15m from the northern building platform boundary.
- That the proposed design controls be adjusted to reflect the above change in curtilage area. That the curtilage restriction for curtilage area zone a be placed on built structures (none shall be allowed). That there be no provision for garden art or sculpture beyond the adjusted curtilage areas.

8.1.6 Open Space Covenant.

That some form of protection in perpetuity to the open space land within the ONF on site be considered.



Renée Davies

Principal Landscape Architect

**4Sight Consulting Ltd**



## **Appendix A:**

### **Site Photos and Associated Notations**





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Scale 1:16,000 @ A3

**Appendix A – Viewpoint Location Map**  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP Location  
Revision: V1.0  
Drawn by: SH Checked by: RD



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Macrocarpa Hedge



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Photograph taken with 18-55mm lens camera on 02/03/2019  
Approx. optimum viewing distance at A3: 550mm  
Photo location: 44 58 24.93518540S 168 44 45.15819720E

**Appendix A – Viewpoint 1**  
View towards site from Domain Road  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP01  
Revision: V1.0  
Drawn by: SH Checked by: RD

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Photograph taken with iPad camera on 02/03/2019

Approx. optimum viewing distance at A3: 550mm

Photo location: 44 58 23.29684340S 168 44 42.61626960E

**Appendix A – Viewpoint 2**  
**View from corner of Little Road and Domain Roads**  
 RM181925 - Lower Shotover Road

Date: 22nd March 2019  
 Job No: AA4622  
 Dwg Ref: VP02  
 Revision: V1.0  
 Drawn by: SH Checked by: RD

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Height Pole

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Photograph taken with iPad camera on 02/03/2019

Approx. optimum viewing distance at A3: 550mm

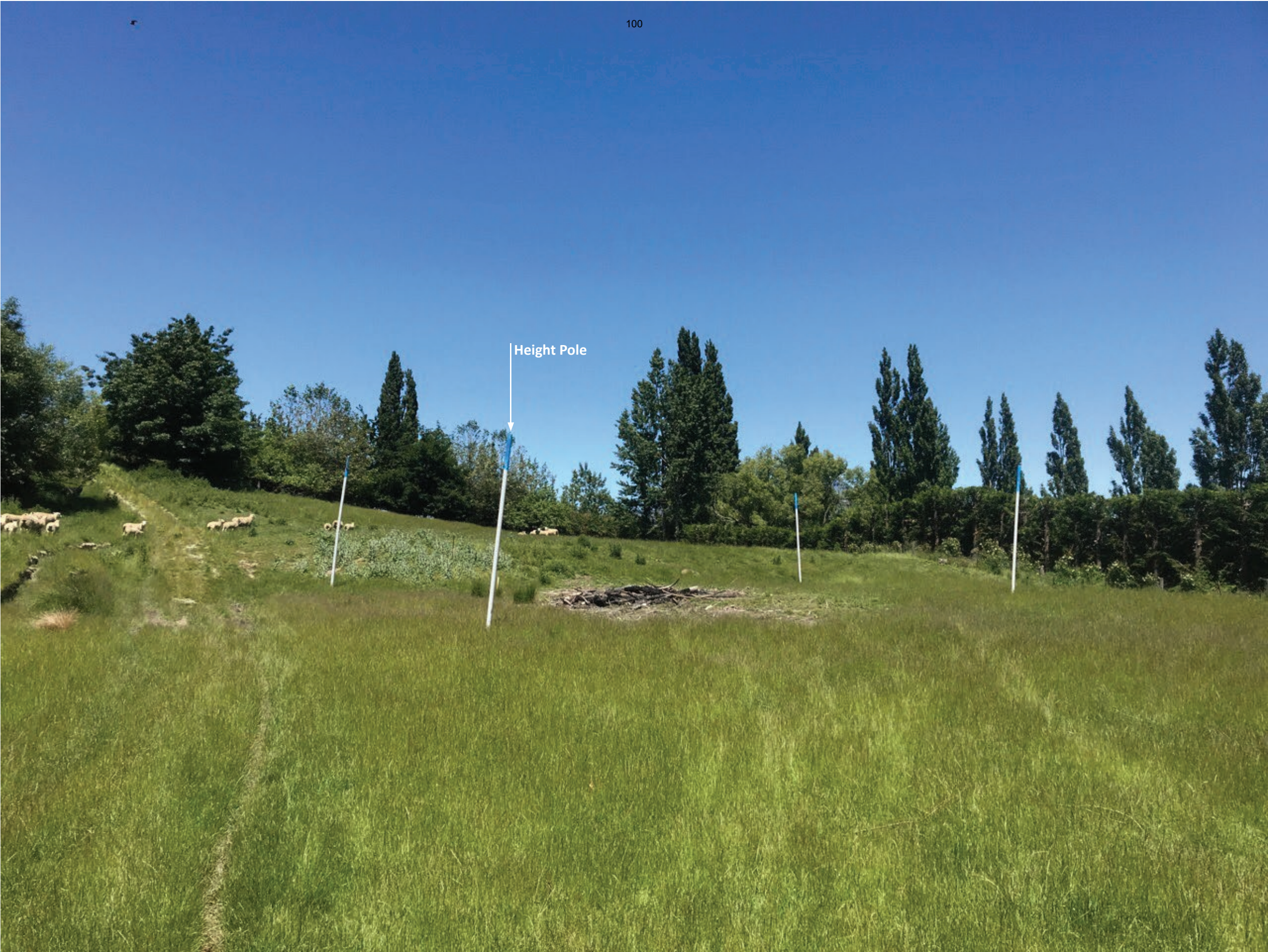
Photo location: 44 59 09.99695420S 168 46 27.46874640E

**Appendix A – Viewpoint 3**  
View towards build site from driveway  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP03  
Revision: V1.0  
Drawn by: SH Checked by: RD

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Photograph taken with iPad camera on 02/03/2019  
Approx. optimum viewing distance at A3: 550mm  
Photo location: 44 59 14.68129580S 168 46 24.24909000E

**Appendix A – Viewpoint 4**  
View of proposed build site with height poles  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP04  
Revision: V1.0  
Drawn by: SH Checked by: RD











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Photograph taken with iPad camera on 02/03/2019  
Approx. optimum viewing distance at A3: 550mm  
Photo location: 44 59 17.34875540S 168 46 24.39363000E

**Appendix A – Viewpoint 6**  
View from above proposed build site  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP06  
Revision: V1.0  
Drawn by: SH Checked by: RD







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Photograph taken with iPad camera on 02/03/2019  
Approx. optimum viewing distance at A3: 550mm  
Photo location: 44 59 14.50386620S 168 46 24.48475320E

**Appendix A – Viewpoint 7**  
View towards proposed site from below build site on  
property  
RM181925 - Lower Shotover Road

Date: 22nd March 2019  
Job No: AA4622  
Dwg Ref: VP07  
Revision: V1.0  
Drawn by: SH Checked by: RD









## **Appendix B:**

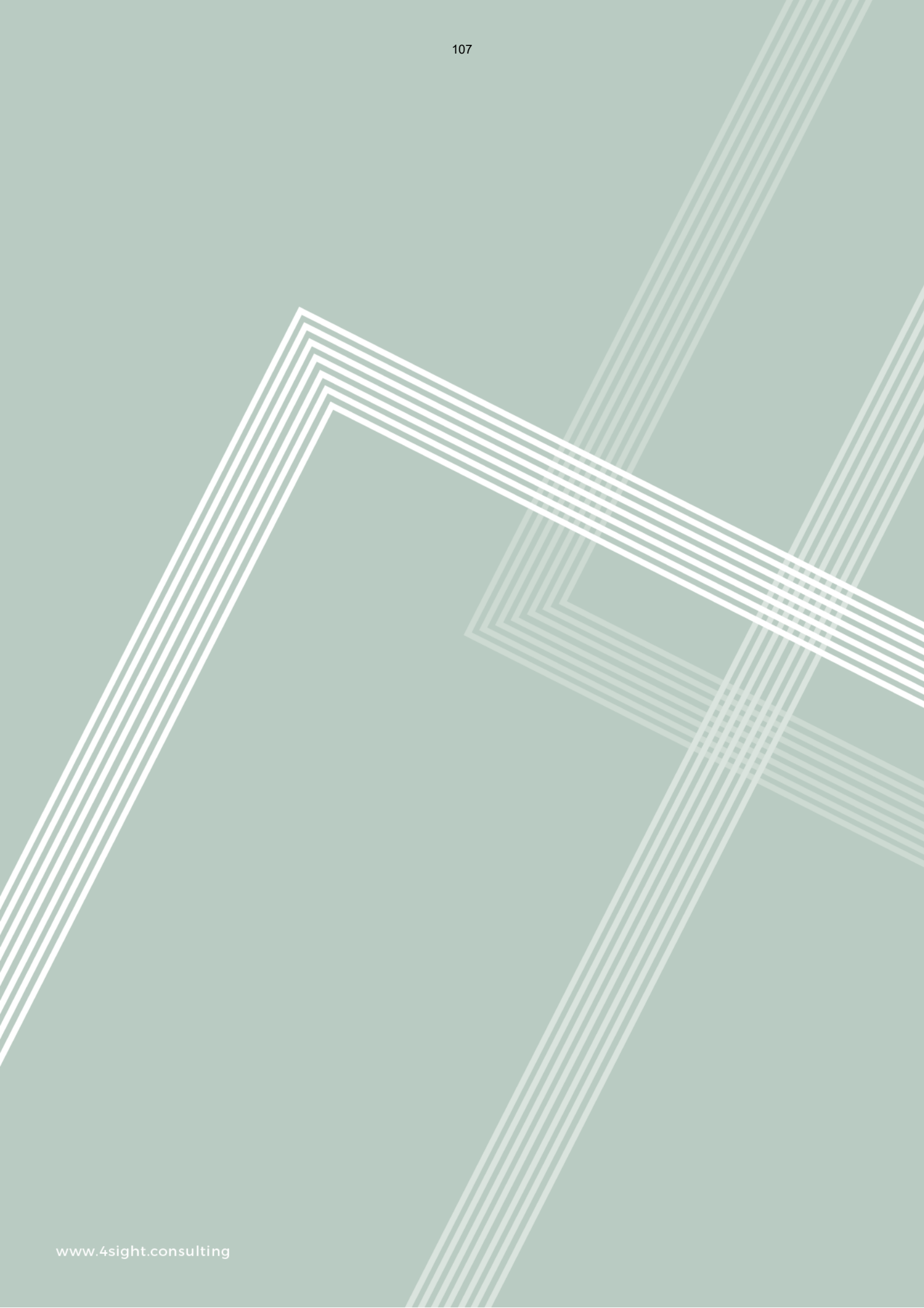
### **Effects Ranking and Ranking Table**

**Table: 7-Scale Effects Assessment Reference**

The Best Practise Guideline for Visual and Landscape Assessments from the New Zealand Institute of Landscape Architects (NZILA) indicate that a 7-scale effects ranking is usual for Visual and Landscape Assessments. The ranking table below and used in this Assessment report uses the 7-scale of effects outlined in the NZILA Best Practise Guide and then provides explanations for the rankings based on the review of a number of effects ranking tables with common and complementary explanations.

Report descriptor NZILA <sup>1</sup>	Dictionary Definition (Oxford English)	Landscape Effects Explanation
<b>Negligible</b>	So small or unimportant as to be not worth considering; insignificant.	The proposed development is barely discernible or there are no changes to the existing character, features or landscape quality.
<b>Very low</b>		The proposed development is barely discernible with little change to the existing character, features or landscape quality. The proposal constitutes only an insignificant component of, or change to the wider view. Awareness of the proposal would have a very limited effect on the overall quality of the scene.
<b>Low</b>	Below average in amount, extent, or intensity.  Lacking importance, prestige, or quality; inferior.	A slight loss to the existing character, features or landscape quality. The proposal constitutes only a minor component of or change to the wider view. Awareness of the proposal would not have a marked effect on the overall quality of the scene.
<b>Moderate</b>	Average in amount, intensity, or degree.	Partial change to the existing character or distinctive features of the landscape and a small reduction in the perceived amenity. The proposal may form a visible and recognisable change or new element within the overall scene which may be noticed by the viewer, but does not detract from the overall quality of the scene.
<b>High</b>	Extending above the normal level. Great in amount, value, size, or intensity.  Great in rank, status or importance.	Noticeable change to the existing character or distinctive features of the landscape or reduction in the perceived amenity or the addition of new but uncharacteristic features and elements. The proposal may form a visible and recognisable change or new element within the overall scene and may be readily noticed by the viewer and which detracts from the overall quality of the scene
<b>Very High</b>		Major change to the existing character, distinctive features or quality of the landscape or a significant reduction in the perceived amenity of the outlook. The proposal forms a significant and immediately apparent part of, or change to, the scene that affects and changes its overall character
<b>Extreme</b>	Extensive or important enough to merit attention.	Total loss of the existing character, distinctive features or quality of the landscape resulting in a complete change to the landscape or outlook. The proposal becomes the dominant feature of the scene to which other elements become subordinate and it significantly affects and changes its character

<sup>1</sup> NZILA Best Practice Note Landscape Assessment and Sustainable Management 10.1 and "Auckland Council - Information requirements for the assessment of landscape and visual effects", September 2017, [www.aucklanddesignmanual.co.nz/resources/tools#/resources/tools/landscapeandvisualeffectsassessment](http://www.aucklanddesignmanual.co.nz/resources/tools#/resources/tools/landscapeandvisualeffectsassessment)



## **APPENDIX 4 – DRAFT CONDITIONS**

### **LAND USE CONSENT**

#### **General Conditions**

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

Clark Fortune McDonald:

- 'Proposed Building Platform on Lot 6 DP 463532', Rev A dated 19.11.18

Baxter Design Group:

- 'Site Plan', referenced 2819-SK09, dated 15 November 2018
- 'Concept Plan', referenced 2819-SK05, dated 5 December 2018
- 'Site Mitigation Planting Plan', referenced 2819-SK12, dated 18 July 2019
- 'Levels Plan', referenced 2819-SK05, dated 5 December 2018

Sheppard and Rout Architects Limited:

*(Residential Unit):*

- 'Site Plan', Sheet A1.01 dated October 2018
- 'Floor Plan', Sheet A1.02 dated October 2018
- 'Elevations', Sheet A1.03 dated October 2018

*(Farm Shed):*

- Shed Floor Plan and Elevations

**stamped as approved on date XXXX**

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 Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*

<http://www.qldc.govt.nz>

5. The maximum building height of the residential unit approved by way of this resource consent shall be 4.5 metres above an RL of 443.50.
6. The maximum building height of the farm shed approved by way of this resource consent shall be 4m above an RL of 443.50.
7. The residential unit approved by way of this resource consent shall be restricted to the following external wall materials, finished in the natural range of browns, greens and greys with a LRV between 7-20%:
  - Natural timber left to weather in dark browns or greys;
  - Stained timber cladding;

- Steel tray;
  - Textured concrete with low reflectivity;
  - Locally sourced schist stone.
8. The exterior wall materials of the farm shed approved by way of this resource consent shall be restricted to following materials finished in the natural range of browns, greens and greys with a LRV of between 7-20%:
- Natural timber cladding, left to weather in dark browns or greys;
  - Stained timber cladding.
  - Corrugated iron.

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

9. Prior to any works on site, the consent holder shall submit a revised landscape plan to Council's Team Leader: Resource Consents for review and certification. The revised landscape plan shall be in general accordance with the landscape plan submitted with the RM181925 application entitled 'Concept Plan', prepared by Baxter Design, referenced 2819-SK05, dated 5 December 2018, but shall be amended to provide:
- a) The proposed curtilage area shall be adjusted to reduce the area of curtilage in Zone A to a maximum of 15m from the northern building platform boundary.
10. 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 'QLDC Guidelines for Environmental Management Plan –June 2019' 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.
11. At least 7 days prior to commencing earthworks on the building platform, 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 shall supervise the earthworks and undertake inspection and assessment as necessary to provide a Schedule 2A certificate as required under Condition (12).

***Prior to construction of the residential unit***

12. Prior to the construction of the residential unit on the building platform the consent holder shall provide to the Manager of Resource Management Engineering at Council a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.6.1 of QLDC's Land Development and Subdivision Code of Practice that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.2 and demonstrates to Council that the building platform is suitable for building development. In the event that the conditions within the building platform is only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Manager of Resource Management Engineering at Council.

***To be monitored throughout earthworks***

13. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).

14. 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.
15. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required for the vehicle crossing.

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

16. Prior to the occupation of the residential unit, the consent holder shall register the approved building platform.
17. All areas of earthworks shall be re-sown in grass within three months of completion of the earthworks and/or planted within the relevant areas as per the Landscape Plan approved by way of this resource consent.
18. Planting shown on the Landscape Plan approved by way of this resource consent shall be implemented in the first available planting season following construction of the residential unit, and shall thereafter be maintained in accordance with the plan. If any plant dies or becomes diseased, it shall be replaced in the next available planting season in accordance with the amended plan certified by Condition (9).
19. Prior to the occupation of the dwelling, the consent holder shall complete the following:
  - 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 existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - c) Any power supply or telecommunications connections to the dwelling shall be underground from existing reticulation and in accordance with any requirements and standards of the Network providers.
  - d) The provision of an effluent disposal system in accordance with the SMS Monitoring Ltd report, dated 18 October 2018 submitted with the application. The on-site wastewater disposal and treatment system shall comply with AS/NZS 1547:2012 and shall provide sufficient treatment/renovation to effluent prior to discharge to land.
  - e) The provision of an stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site, as designed by a suitably qualified professional defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The stormwater system shall be subject to the review of Council prior to implementation.
  - f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
  - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.



- h) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. The water tank shall be located in the general position shown on the Baxter Design Plan submitted with the application. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in the new residential unit.*

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

20. 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 prepared by Clark Fortune McDonald entitled '*Proposed Building Platform on Lot 6 DP 463532*', Rev A dated 19.11.18' and stamped as an approved plan under Condition (1) of this consent). The consent holder shall register this "Land Transfer Covenant Plan" on Register of Title Identifier 613710 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.
21. The consent holder shall provide the registered Land Transfer Covenant Plan to Council within 6 weeks of it being registered on the Record of Title.

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

22. Prior to the building platform being registered on the Register of Title, the consent holder shall complete the following:
  - 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 consent holder shall provide 'as-built' plans and information required to detail the water supply 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 (including private laterals and toby positions).
  - c) 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.
  - d) The existing vehicle crossing to the lot from Lower Shotover Road shall be upgraded to a sealed surface. Provision shall be made to continue any roadside drainage.
  - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the development.
  - f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

### ***Following completion of the residential unit***

23. No buildings, structures, fixed clothes lines, play equipment, sculptures or any items associated with domesticated landscaping, that will be visible from outside of the site are permitted in zone A of the curtilage area as amended by Condition (9).

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

24. 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 SMS Monitoring, dated 18 October 018. 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) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition (12) above 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).
- d) At the time a residential unit is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. This design shall take into account the high groundwater table and category 4 soil type (as prescribed by table M1 of NZS1547:2012). The proposed stormwater system shall be subject to the review of Council prior to implementation.
- e) Prior to the occupation of any residential unit on the lot, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each residential unit in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family 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.

Fire fighting 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 fire fighting 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 8km from the nearest FENZ Fire Station the response times of the New Zealand **Volunteer** Fire brigade in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in any new residential unit.

- f) All buildings within the building platform shall be restricted to the following design controls:
- i) A maximum site coverage of 50% of the building platform (425m<sup>2</sup>).
  - ii) A maximum building height of a 4.5 metres above an RL of 443.50.
  - iii) Exterior wall claddings shall be limited to the following:
    - Natural timber left to weather in dark browns or greys;
    - Stained timber cladding;
    - Steel tray;
    - Textured concrete with low reflectivity;
    - Locally sourced schist stone.
  - iv) Roof cladding shall be limited to the following:
    - Steel tray;
    - Stained timber rainscreen;
    - Corrugated iron.
  - v) All external walls, roofs, joinery, trims and attachments, gutters, spouting, downpipes, chimney, flues, satellite dishes and solar panels shall be coloured in the natural hues of green, brown or grey with a Light Reflectance Value (LRV) of between 7% and 20%.
  - vi) All roof forms shall be mono-pitched with flat roof connections. Any flat roofs shall be a maximum of 3m high, not exceeding 30% of the total floor area.
  - vii) All window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding
  - viii) Glazing on the north and west elevations of any building shall not exceed 60% of the wall area on each elevation. All glazing shall be non-reflective.
- g) The existing specimen trees indicated on the submitted Landscape Plan (*Baxter drawing no 2819- AK05 dated 5th December 2018 and titled Concept Plan*) shall be retained on site and protected in perpetuity. If any tree requires removal due to death or disease, a plan for appropriate replacement of similar species and eventual size shall be submitted to Council for approval and shall be replaced within the next planting season.
- h) No items associated with domesticated landscaping (such as clothes lines, play equipment etc), that will be visible from outside of the site shall be located within zone A of the curtilage area shown on the landscape plan approved by RM181925 (as amended by Condition 9 of RM181925).

**Advice Notes:**

- *The consent holder is advised that any retaining 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.*
- *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.*

**APPENDIX 5 – DRAFT CONSENT NOTICE CANCELLATION CONDITIONS**

1. Consent Notice Instrument 876500 is cancelled in its entirety.
2. At the time the land use consent authorised by RM181925 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.