



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	W & T Weinburg
Location:	31 Rutherford Road, Wakatipu Basin
Proposal:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for a subdivision consent to create two allotments, to establish a new residential building platform and amend the shape of an existing platform, and to breach the average lot area; and</p> <p>Application under Section 88 of the RMA for land use consent to enable future buildings within the residential building platform to encroach an internal boundary setback, and undertake earthworks to establish a vehicle access.</p>
Legal Description:	Lot 2 Deposited Plan 329700 held in Computer Freehold Register 121658
Zoning:	Rural Residential (North Lake Hayes)
Activity Status:	Discretionary
Notification Decision:	Publicly Notified
Decision Date	20 October 2015

SUMMARY OF DECISIONS

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

1. PROPOSAL AND SITE DESCRIPTION

Consent is sought for a subdivision to create two allotments, to establish a new residential building platform (**RBP**) and amend the shape of an existing platform, and to breach the average lot area. Land use consent is sought to enable future buildings within the RBP to encroach an internal boundary setback, and undertake earthworks to establish a vehicle access.

The applicant has provided a detailed description of the proposal, the site and locality in Section 1 - 2 of the report entitled "Assessment of Effects on the Environment – G and T Weinburg, Rural Residential Subdivision", dated February 2015, prepared by Nick Geddes of Clark Fortune McDonald & Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as *Appendix 2*). This description is adopted for the purpose of this report. A summary and clarification of the proposal is outlined below.

Subdivision:

The proposed subdivision is to create two allotments as per the lot sizes set out in Table 1 and the subdivision layout in Figure 1 below, and with an average allotment size of 4,229m².

- The internal boundary between the two allotments cuts through a portion of the platform approved under RM020609 hence a revised platform shape and size is sought on proposed Lot 1.
- A RBP shall be established on proposed Lot 2 with the proposed design and landscape controls set out on pages 4-5 of the Applicant's AEE.
- It is proposed to connect Lot 2 to Council's reticulated water and waste water services, while storm water is to be disposed of to land. Consent notices are proposed with respect to the future waste and storm water requirements, with an additional condition volunteered with respect to stormwater discharge needing to meet the Regional Policies for Water following informal comment from the Otago Regional Council (ORC).
- Access to proposed Lot 2 shall extend from the existing access to Lot 1, and a right-of-way created over Lot 1 in favour of Lot 2. Earthworks required to establish the access are discussed under 'Land Use' below. The access shall have a 3.5m width and a maximum 1:6 grade, sealed in compacted gravel.
- Landscaping of proposed Lot 1 and Lot 2 is proposed in accordance with the subdivision landscape plans by Clark Fortune McDonald and Associates entitled "*Landscape Plan: Lot 2 DP 329700 Rutherford Road 03_01 Rev. A*", and "*Landscape Plan: Lot 2 DP 329700 Rutherford Road 03_02 Rev. A*".

Allotment	Size (m ²)	Platform (m ²)	Contains
Lot 1	4,188	880	Existing dwelling
Lot 2	4,270	591	Bare lot

Table 1: Proposed allotment and platform configurations

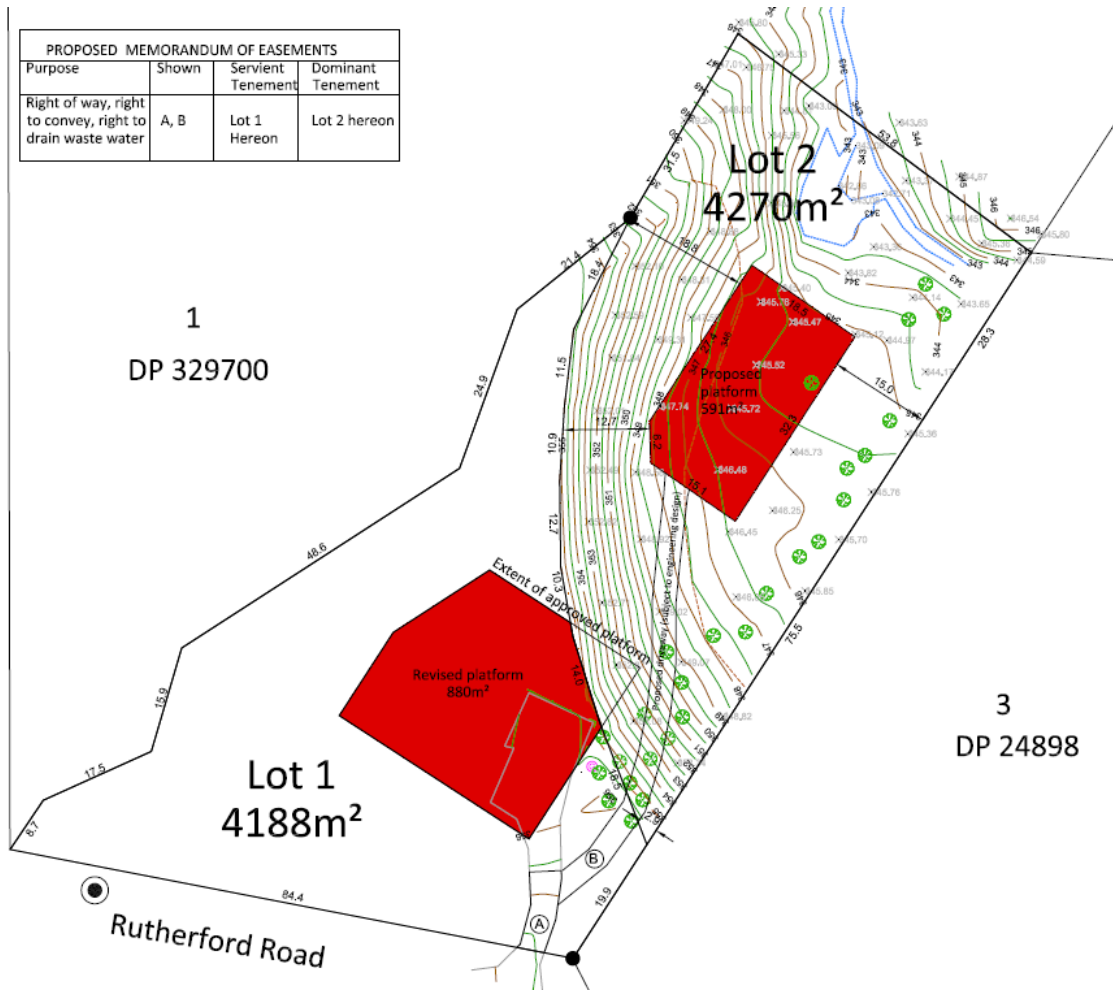


Figure 1: Proposed subdivision design

Land Use:

The resultant internal boundary between proposed Lot 1 and Lot 2 will result in both RBPs infringing the minimum 15m internal yard setback requirements.

- Lot 1: approximately all of the eastern half of the revised platform on proposed Lot 1 shall be located within the internal yard setback;
- Lot 2: approximately 29m² of the southwest portion of the proposed Lot 2 platform shall be located within the resultant internal yard setback, with a maximum infringement of 2.3m.

It is proposed to undertake earthworks to establish the access to proposed Lot 2 as per Table 2, and shall result in a 2m high wood retaining structure over the eastern portion of the access where it enters proposed Lot 2 from Lot 1.

	Volume	Area	Height / Depth
Cut	230m ³		1m
Fill	500m ³		2m
Total	730m ³	250m ²	

Table 2: Earthworks calculations

The application site is an 8,457m² irregular oblong shaped land parcel that is located north of Lake Hayes and accessed directly from Rutherford Road (Figure 2 and 3). The site contains an existing dwelling on the upper terrace along with mature landscaping. A full description of the site and surrounds is located in the Applicant's AEE and further supplemented by paragraphs 3-6 of the assessment by Council's consultant landscape architect Mr Richard Denney, contained in *Appendix 2* to the s42A report. The applicant's site description and Mr Denney's description are considered accurate and are adopted for the purpose of this report.



Figure 2: Application site location



Figure 3: Northeast view to the proposed Lot 2 platform from the upper terrace in the approximate location of the proposed access from Lot 1 into Lot 2.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 29 July 2015 and no submissions were received. The consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 8 October 2015.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6.0 of the s42A report outlines s104 of the Act in more detail. This report is contained in *Appendix 2*.

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 12 of the s42A report outlines Part 2 of the Act.

3.1 THE DISTRICT PLAN

The subject site is zoned Rural Residential - North Lake Hayes.

The relevant provisions of the Plan that require consideration can be found in Part 8 (Rural Residential) and Part 15 (Subdivision, Development and Financial Contributions).

Resource consent is required for the following reasons:

Subdivision:

- A **restricted discretionary** activity pursuant to rule 15.2.3.3i as the proposal breaches Site Standard 15.2.6.2iv which requires the total lots to be created by subdivision in the Rural Residential zone at the North end of Lake Hayes, including balance lots, to be not less than the zone average of 8,000m². It is proposed to create two lots with an average lot size of 4,229m². Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to rule 15.2.3.3iv for the proposed further subdivision of land that had previously been used to calculate the average allotment size under Rule 15.2.6.2iv. The application site was a resultant allotment of subdivision RM020609 which was a complying subdivision pursuant to the 8,000m² lot average Rule 15.2.6.2iv.

Land Use:

- A **restricted discretionary** activity pursuant to rule 8.2.2.3iv as the proposal breaches site standard 8.2.4.1ii in regard to the minimum 15m setback from internal boundaries in the Rural Residential zone at the north of Lake Hayes. It is proposed to establish a RBP on Lot 1 entirely within the 15m setback (up to the proposed boundary with Lot 2), and a platform on Lot 2 that is 2.3m (29m²) inside the 15m internal setback as outlined in section 1.0. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to rule 22.3.2.3a as the proposal breaches site standard 22.3.3i(a) in regard to the total volume of earthworks that exceeds 400m³ per site (within a 12 month period) as specified in Table 22.1. It is proposed to undertake a total earthwork volume of 730m³ (230m³ cut and 500m³ fill) within a 12 month period. Council's discretion is restricted to this matter.

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

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

3.3 SUMMARY

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

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 is the effect from allowing a subdivision that results in an average lot size of 8,000m², visibility of development, subdivision design, nature conservation and landscape values, access, earthworks, natural hazards and infrastructure.

The findings relating to these principal issues of contention are outlined in Section 9 of the attached s42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 9 of the s42A report prepared for Council and provide a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- It is considered that the adverse effects of the proposed building platform location, subdivision and associated earthworks and landscaping in the Rural Residential Zone (North Lake Hayes) will be minor; and
- Subject to appropriate mitigation of effects the proposal will have minor effects on the surrounding environment and persons.

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

As outlined in detail in Section 10 the s42A report, overall the proposed development is consistent with the relevant objectives and policies of the District Plan.

6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 12 of the s42A report.

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

Pursuant to sections 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1 (RM140391)* of this decision imposed pursuant to Section 108 and 220 of the RMA.

8. OTHER MATTERS

Administrative Matters

Local Government Act 2002: Development Contributions

Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

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

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 if all conditions have been met.

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.

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

If you have any enquiries please contact Alana Standish on phone (03) 450 0354 or email alana.standish@qldc.govt.nz.

Report prepared by

Decision made by



Alana Standish
PLANNER

Blair Devlin
MANAGER RESOURCE CONSENTING

APPENDIX 1 - Consent Conditions RM140391

APPENDIX 2 - Section 42A Report

APPENDIX 1

Consent Conditions

1. SUBDIVISION CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Lots 1 and 2 being a proposed subdivision of Lot 2 DP 329700' Drawing 04 dated 10.12.13;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Plan' Drawing No. E001 Sheet 001;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Longsection' Drawing No. E001 Sheet 002;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Cross Sections' Drawing No. E001 Sheet 003;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Proposed Earthworks Plan' Drawing No. E001 Sheet 004;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Typical Sections - Accessway' Drawing No. E001 Sheet 005;

stamped as approved on **15 October 2015**, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

Advice Note: The landscape plans entitled 'Landscape Plan Lot 2 DP329700 Rutherford Road' Rev. A Drawing 03_01 dated 11.03.15; and 'Landscape Plan Lot 2 DP329700 Rutherford Road' Rev. A Drawing 03_02 dated 11.03.15, have not been stamped approved as these require certification pursuant to Condition (17) below.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Engineering Conditions

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

Note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

4. The hours of operation for earthworks, shall be:

Monday to Saturday (inclusive): 8.00am to 6.00pm.
Sundays and Public Holidays: No Activity

In addition, no heavy vehicles shall enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site shall cease by 6.00pm.

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

5. Prior to any work commencing on the site, the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications,

calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:

- a) The provision of a water supply to Lot 2 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.
 - b) The provision of a foul sewer pump riser main connection from Lot 2 to Council's reticulated sewerage system in accordance with Council's standards and connection policy. The costs of the connections shall be borne by the consent holder.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

To be monitored throughout earthworks

7. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
8. No earthworks, temporary or permanent, are to breach the boundaries of the site.
9. Only clean fill material shall be deposited at the site. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid waste.

Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.

On completion of earthworks

10. On completion of the earthworks the consent holder shall submit the following information to the Principal Resource Management Engineer at Council for review and certification:
 - a) An engineer's PS4 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads; **OR**
 - b) The consent holder shall provide a copy of a Code of Compliance Certificate obtained under a Building Consent for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
11. A barrier shall be provided for vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area.

The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design; **OR**

These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Queenstown Lakes District Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from NZS 4404:2004 shall be provided following construction.

12. On completion of the earthworks, the consent holder shall complete the following:
 - a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

To be completed prior to Council approval of the Survey Plan

13. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - b) The consent holder shall submit a digital plan showing the location of the building platform required to be shown on the survey plan / Land Transfer Plan to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000).

To be completed prior to issue of the s224(c) certificate

14. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, and Wastewater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all works detailed in Conditions (5) and (10) – (12) above.
 - c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

Landscape Conditions

15. Excess fill from earthworks not used as part of access drive formation to be dispersed over the site shall be deposited to a depth no greater than 1 m and not within 10m of the waterway to maintain the character of the landform and avoid sediments entering the waterway.

16. Retaining wall structures alongside the access drive within Lot 2 shall be stained or painted a dark recessive colour in the tones of grey, brown or green with a light reflectivity value of 20% or less, or faced with schist stone.

To be completed prior to issue of the s224(c) certificate

17. A revised landscape plan shall be submitted to Subdivision Planner at Council for certification and approval. The plan shall be based on the plan submitted with the application and the approved landscape plan RM080894, and shall be amended to achieve the following:
- a) Include a 6m wide planted riparian strip either side of the stream bank within the property. Planting shall be of indigenous species to provide an approximate even distribution of grasses, shrubs and trees such as *Carex secta* (makura), *Chionochloa rubra* (red tussock), *Austroderia richardii* (toetoe), *O/eria lineata* (tree daisy), *Phormium tenax* (swamp flax), *Cordyline australis* (cabbage tree), *Leptospermum scoparium* (manuka), *Coprosma propinqua* (minimingi), *Plagianthus regius* (ribbonwood), *Hebe stricta* (koromiko), *Pittosporum tenuifolium* (kohuhu) and *Sophora microphylla* (small leaved kowhai). Planting shall be at a density to form a closed canopy within 5 years with grasses (excluding flax *P.tenax*) planted at a no greater than 1 m apart and trees and shrubs at no less than 2m apart. Planting shall be kept free of weeds and protective sleeves installed around plants to deter browsing by pest. Planting shall not include fertiliser pellets or similar so as to avoid nutrient runoff into the stream. Plants shall be no less than 30cm in height at time of planting.
 - b) To include a detailed plant schedule identifying botanical names, grades, quantity and spacings for planting. All existing trees to be retained are to be clearly identified and labelled by botanical name and noted as existing.
 - c) Include an additional six trees along the toe of the gully slope within Lot 2 to assist in breaking the line of the access drive and retaining wall as viewed from beyond the property.
 - d) Existing douglas fir and birch shall be noted on the plan as not protected by the landscape plan and can be removed at any stage as these are problematic species.
18. All planting as shown on the certified approved landscape plan(s) shall be implemented.

Ongoing Conditions/Consent Notices

19. *The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s221 of the RMA:*
- a) All future buildings on Lot 2 shall be contained within the Building Platform as shown as Area X as shown on Land Transfer Plan XXXXX.
 - b) The maximum height for any building on Lot 2 shall not exceed 5.5m above the original ground level.
 - c) The wall material of any building within the Lot 2 building platform shall be unpainted timber, stacked stone, Colorsteel or solid plaster. Colorsteel and plaster colours shall be visually recessive with a light reflectance value of less than 36%.
 - d) The roofing on any building within the Lot 2 building platform shall be of shingles, slate or Colorsteel. Colorsteel shall be of dark colours only with a light reflectance value of less than 36%.
 - e) At the time a dwelling is erected on Lot 2, 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 effluent pump system that is able to pump wastewater to Council's reticulated wastewater disposal system located in Rutherford Road. The proposed waste water pump

system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.

- f) All planting for Lot 2 as shown on the certified landscape plan RM140391 shall be maintained as per that plan. If any tree or plant shall die or become diseased it shall be replaced within 6 months. All riparian planting shall be managed as a closed canopy and if any gaps shall occur, replacement planting shall be as per the approved plan.
- g) The access drive to Lot 2 is to be a loose gravel of a local stone that is grey in colour such as schist and shall not be a white stone or similar that would highlight the drive.
- h) All planting on Lot 1 as shown on the certified landscape plan shall be maintained as per that plan. If any tree or plant shall die or become diseased it shall be replaced within 6 months.
- i) All external lighting on Lot 1 and Lot 2 is to be down lighting only and directed so as not to create light spill on neighbouring properties. There shall be no lighting alongside the access drive except within the building platform area.
- j) Any stormwater discharge must meet the Otago Regional Council Regional Policies for Water.

Advice Notes

1. The consent holder is advised that the retaining wall proposed along a portion of the driveway in this development exceeds 1.5m in height and is subject to additional surcharge loads, therefore this will require Building Consent, as the wall is not exempt under Schedule 1 of the Building Act 2004.
2. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

2. LAND USE CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Lots 1 and 2 being a proposed subdivision of Lot 2 DP 329700' Drawing 04 dated 10.12.13;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Plan' Drawing No. E001 Sheet 001;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Longsection' Drawing No. E001 Sheet 002;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Accessway Cross Sections' Drawing No. E001 Sheet 003;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Proposed Earthworks Plan' Drawing No. E001 Sheet 004;
 - 'Lots 1 and 2 being a subdivision of part Lot 2 DP 329700 Typical Sections - Accessway' Drawing No. E001 Sheet 005;

stamped as approved on **15 October 2015**, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

APPENDIX 2

S42a Council Planning Report

FILE REF: RM140391

TO Hearings Commissioner
FROM Alana Standish
SUBJECT Report on a publicly notified consent application.

SUMMARY

Applicant: W & T Weinburg
Location: 31 Rutherford Road, Wakatipu Basin
Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) for a subdivision consent to create two allotments, to establish a new residential building platform and amend the shape of an existing platform, and to breach the average lot area; and
Application under Section 88 of the RMA for land use consent to enable future buildings within the residential building platform to encroach an internal boundary setback, and undertake earthworks to establish a vehicle access.
Legal Description: Lot 2 Deposited Plan 329700 held in Computer Freehold Register 121658
Zoning: Rural Residential (North Lake Hayes)
Public Notification Date: 29 July 2015
Closing Date for Submissions: 26 August 2015
Submissions: None

RECOMMENDATION

(ii) 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 minor.
2. The proposal is consistent with the relevant objectives and policies of the District Plan.
3. The proposal does promote the overall purpose of the RMA.

1. INTRODUCTION

My name is Alana Standish. I am a resource consents planner with Queenstown Lakes District Council. I have been employed in this role since February 2013.

I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University. I am a Graduate 4 member of the New Zealand Planning Institute.

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

2. PROPOSAL AND SITE DESCRIPTION

Consent is sought for a subdivision to create two allotments, to establish a new residential building platform (**RBP**) and amend the shape of an existing platform, and to breach the average lot area. Land use consent is sought to enable future buildings within the RBP to encroach an internal boundary setback, and undertake earthworks to establish a vehicle access.

The applicant has provided a detailed description of the proposal, the site and locality in Section 1 - 2 of the report entitled "Assessment of Effects on the Environment – G and T Weinburg, Rural Residential Subdivision", dated February 2015, prepared by Nick Geddes of Clark Fortune McDonald & Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as *Appendix 1*). This description is adopted for the purpose of this report. A summary and clarification of the proposal is outlined below.

Subdivision:

The proposed subdivision is to create two allotments as per the lot sizes set out in Table 1 and the subdivision layout in Figure 1 below, and with an average allotment size of 4,229m².

- The internal boundary between the two allotments cuts through a portion of the platform approved under RM020609 hence a revised platform shape and size is sought on proposed Lot 1.
- A RBP shall be established on proposed Lot 2 with the proposed design and landscape controls set out on pages 4-5 of the Applicant's AEE.
- It is proposed to connect Lot 2 to Council's reticulated water and waste water services, while storm water is to be disposed of to land. Consent notices are proposed with respect to the future waste and storm water requirements, with an additional condition volunteered with respect to stormwater discharge needing to meet the Regional Policies for Water following informal comment from the Otago Regional Council (ORC).
- Access to proposed Lot 2 shall extend from the existing access to Lot 1, and a right-of-way created over Lot 1 in favour of Lot 2. Earthworks required to establish the access are discussed under 'Land Use' below. The access shall have a 3.5m width and a maximum 1:6 grade, sealed in compacted gravel.
- Landscaping of proposed Lot 1 and Lot 2 is proposed in accordance with the subdivision landscape plans by Clark Fortune McDonald and Associates entitled "*Landscape Plan: Lot 2 DP 329700 Rutherford Road 03_01 Rev. A*", and "*Landscape Plan: Lot 2 DP 329700 Rutherford Road 03_02 Rev. A*".

Allotment	Size (m ²)	Platform (m ²)	Contains
Lot 1	4,188	880	Existing dwelling
Lot 2	4,270	591	Bare lot

Table 1: Proposed allotment and platform configurations

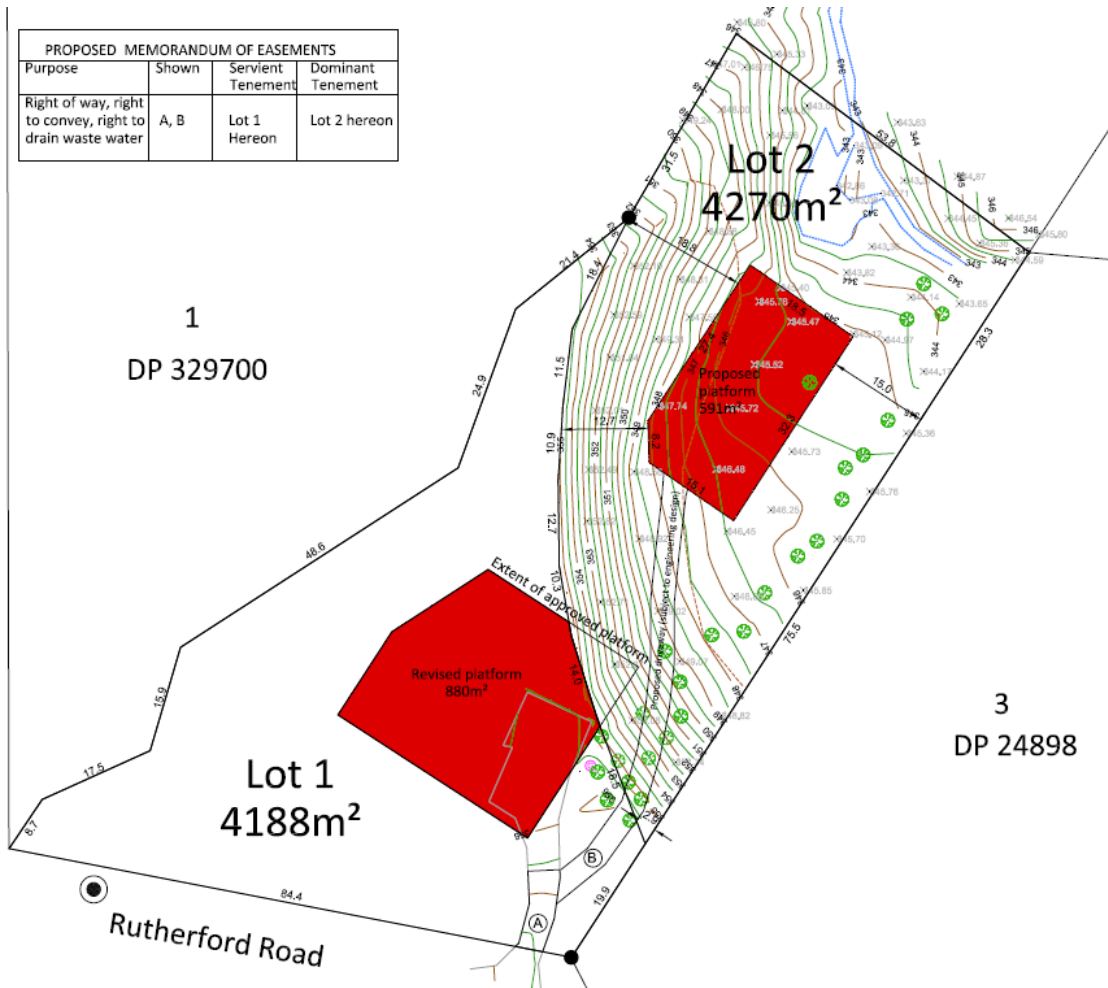


Figure 1: Proposed subdivision design

Land Use:

The resultant internal boundary between proposed Lot 1 and Lot 2 will result in both RBPs infringing the minimum 15m internal yard setback requirements.

- Lot 1: approximately all of the eastern half of the revised platform on proposed Lot 1 shall be located within the internal yard setback;
- Lot 2: approximately 29m² of the southwest portion of the proposed Lot 2 platform shall be located within the resultant internal yard setback, with a maximum infringement of 2.3m.

It is proposed to undertake earthworks to establish the access to proposed Lot 2 as per Table 2, and shall result in a 2m high wood retaining structure over the eastern portion of the access where it enters proposed Lot 2 from Lot 1.

	Volume	Area	Height / Depth
Cut	230m ³		1m
Fill	500m ³		2m
Total	730m ³	250m ²	

Table 2: Earthworks calculations

3. SITE & ENVIRONMENT

3.1 SITE AND LOCALITY DESCRIPTION

The application site is an 8,457m² irregular oblong shaped land parcel that is located north of Lake Hayes and accessed directly from Rutherford Road (Figure 2 and 3). The site contains an existing dwelling on the upper terrace along with mature landscaping. A full description of the site and surrounds is located in the Applicant's AEE and further supplemented by paragraphs 3-6 of the assessment by Council's consultant landscape architect Mr Richard Denney, contained in *Appendix 2*. The applicant's site description and Mr Denney's description are considered accurate and are adopted for the purpose of this report.




Figure 2: Application site location 



Figure 3: Northeast view to the proposed Lot 2 platform from the upper terrace in the approximate location of the proposed access from Lot 1 into Lot 2.

3.2 CONSENT HISTORY

Below follows a brief consenting history of the site.

Resource consent RM020609 (granted 4 September 2002) approved a four lot subdivision of which the application site is Lot 2. This subdivision was undertaken in accordance with the average lot size rule for the Rural Residential North - Lake Hayes zone. Therefore the application site has already been used to create a complying subdivision with an average lot size of 8,000m².

Resource consent RM080894 (granted 1 August 2008) approved the construction of the dwelling within an approved RBP and to breach earthworks site standards. The approval included conditions with respect to landscaping in accordance with condition 1 of that consent, and the inclusion of planting on the terrace.

4. SUBMISSIONS

4.1 SUBMISSIONS

No submissions were received in respect of the application

5. 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)
D F Heads (Occupier)	516 Speargrass Flat Road, Wakatipu Basin (Lot 1 DP 466800)
P & M Johnson	538 Speargrass Flat Road, Wakatipu Basin (Lot 1 & 2 DP 339283)
R & M Buckenham & Buckenham Family Trust (Owner)	39 Rutherford Road, Wakatipu Basin (Lot 3 DP 24898)

Table 3: Persons who have provided written affected persons approval



Figure 4: Application site in relation to those neighbours as described in Table 3 who have provided written affected persons approval.

6. PLANNING FRAMEWORK

6.1 THE DISTRICT PLAN

The subject site is zoned Rural Residential - North Lake Hayes.

The relevant provisions of the Plan that require consideration can be found in Part 8 (Rural Residential) and Part 15 (Subdivision, Development and Financial Contributions).

Resource consent is required for the following reasons:

Subdivision:

- A **restricted discretionary** activity pursuant to rule 15.2.3.3i as the proposal breaches Site Standard 15.2.6.2iv which requires the total lots to be created by subdivision in the Rural Residential zone at the North end of Lake Hayes, including balance lots, to be not less than the zone average of 8,000m². It is proposed to create two lots with an average lot size of 4,229m². Council's discretion is restricted to this matter.
- A **discretionary** activity resource consent pursuant to rule 15.2.3.3iv for the proposed further subdivision of land that had previously been used to calculate the average allotment size under Rule 15.2.6.2iv. The application site was a resultant allotment of subdivision RM020609 which was a complying subdivision pursuant to the 8,000m² lot average Rule 15.2.6.2iv.

Land Use:

- A **restricted discretionary** activity pursuant to rule 8.2.2.3iv as the proposal breaches site standard 8.2.4.1ii in regard to the minimum 15m setback from internal boundaries in the Rural Residential zone at the north of Lake Hayes. It is proposed to establish a RBP on Lot 1 entirely within the 15m setback (up to the proposed boundary with Lot 2), and a platform on Lot 2 that is 2.3m (29m²) inside the 15m internal setback as outlined in section 1.0. Council's discretion is restricted to this matter.
- A **restricted discretionary** activity pursuant to rule 22.3.2.3a as the proposal breaches site standard 22.3.3i(a) in regard to the total volume of earthworks that exceeds 400m³ per site (within a 12 month period) as specified in Table 22.1. It is proposed to undertake a total earthwork volume of 730m³ (230m³ cut and 500m³ fill) within a 12 month period. Council's discretion is restricted to this matter.

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

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

6.3 SUMMARY

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

7. 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:

- Any actual and potential effects on the environment; and

- The Regional Policy Statement and Proposed Regional Policy Statement; and
- The QLDC District Plan and Proposed Plan.

Overall, the application is for a Discretionary Activity, as such the application must be considered under Section 104B which provides for the consent authority to grant or refuse consent, and in granting consent 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 12.0 of this report outlines Part 2 of the RMA in more detail.

8.0 INTERNAL REPORTS

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

8.1 LANDSCAPE ARCHITECT'S REPORT

The landscape assessment was prepared by Mr Richard Denney, Consultant Landscape Architect (*Appendix 2*) with respect to effects of the additional dwelling, subdivision design and lot sizes, and associated earthworks in terms of; rural character, nature conservation values associated with the stream, and domestication of the landscape. Mr Denney's key concerns are with respect to the stream and proposed landscape treatment.

8.2 ENGINEER'S REPORT

The engineering report was prepared by Mr Richard Powell, Council's Consultant Engineer (*Appendix 3*) with respect to access, earthworks, servicing, and natural hazards. Mr Powell has not raised any specific concerns with respect to these matters, and has commented that all works and connections proposed are feasible in conjunction with supporting consent conditions.

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

9.0 ASSESSMENT

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

- (i) Effects on the Environment guided by Assessment Criteria District Plan Provisions
- (ii) Objectives and Policies Assessment

9.1 EFFECTS ON THE ENVIRONMENT

9.1.1 The Permitted Baseline

Where applied, the permitted baseline test is a tool that provides for a comparison of effects of a proposed activity against those that could be undertaken as a permitted activity under the District Plan or a national environmental standard (provided it is not a fanciful use). Any activity that could occur on site pursuant to a valid resource consent is within the scope of a consented baseline, and forms part of the receiving environment.

Those activities that could occur as of right in the Rural Residential Zone (North Lake Hayes) are:

- Farming activities; and
- Earthworks up to a volume of 100m³ and over an area of 200m² per site within a 12 month period

All built form and subdivision activities, including the identification of any sized residential building platform require resource consent to establish lawfully in the Rural Residential Zone (North Lake Hayes). Therefore the District Plan does not provide a permitted activity status for these activities.

There is limited value in considering the permitted baseline for earthworks given the volumes proposed are significantly above that provided for by the plan and are intrinsically linked to the proposed platform and subdivision. It is not appropriate to apply the permitted baseline for a comparison of effects.

9.1.2 Existing Environment and Receiving Environment

The existing and receiving environment principally consists of the approved residential unit that is located on proposed Lot 1 in accordance with RM080894 a brief description of which is located in section 3.2 of this report, and is the result of a previous subdivision that utilised the lot average rule to create different sized allotments. Also of note, the application site is located within the western quadrant of the Rural Residential - North Lake Hayes subzone and is surrounded by lower density rural lots that are of varying sizes ranging from 1,530m² to approximately 4ha.

9.1.3 Actual and Potential Effects on the Environment

The District Plan includes a comprehensive range of assessment matters that set out both the process for and matters to be considered for development and activities in the Rural Residential Zone (North Lake Hayes). For the purpose of this assessment the proposal has been evaluated under the following District Plan assessment criteria:

Part 8 Rural Residential

- 8.3.2[i] *Nature Conservation Values*,
- 8.3.2[viii] *Setback from internal boundaries*,
- 8.3.2[xiv] *Earthworks*, and

Part 15 Subdivision, Development and Financial Contributions

- 15.2.3.6[b] *Subdivisions in the Rural Residential area north of Lake Hayes*,
- 15.2.6.4[i] *Lot Sizes and Dimensions*,
- 15.2.7.3 *Subdivision Design*,
- 15.2.11-15.2.13 and 15.2.15 *Infrastructure*,
- 15.2.8.3 *Property Access*,
- 15.2.18.2 *Easements*
- 15.2.10.4 *Natural and Other Hazards*,

The following assessment has been guided by the assessment matters where appropriate, however the key matters in contention relates to the resultant average lot size of the subdivision.

The proposal raises the following actual and potential effects on the environment:

- a. Effects of allowing a subdivision that results in an average lot size of 8,000m²
- b. Effects of Visibility of Development
- c. Effects of the Subdivision Design and Internal Setbacks
- d. Effects on Nature Conservation and Landscape Values

Also discussed are the:

- e. Access
- f. Earthworks and natural hazards; and
- g. Infrastructure

9.1.5 Effects of allowing a subdivision that results in an average lot size less than 8,000m²

Section 8.2 of the District Plan describes the character of the Rural Residential zone at the north of Lake Hayes as being “*characterised by a diversity of lot sizes, comprehensive amenity and riparian planting, and generous setbacks from roads and internal boundaries*”, and that in general terms, “[r]ural activities are not likely to remain a major use of land in the Rural Residential Zone or a necessary part of the rural residential environment”.

The proposed two lot subdivision will result in an average lot size of 4,229m², with each lot a minimum of 4,000m², and one residential unit per allotment once the subdivision is implemented. Therefore both lots meet the minimum 4,000m² lot size for subdivision in the zone, and the maximum of one residential unit per 4,000m². The subdivision will not meet the average 8,000m² lot size requirement.

The rural character of the area, as anticipated by the District Plan, consists of a residential density whereby on average there is one residential unit per 4,000m² for lots equal to or greater than 8,000m², and an average allotment size of 8,000m². Further, on sites such as the application site which were created by subdivision using the averaging rule any future subdivision, regardless of the size is a discretionary activity.

At present the district plan activity status that is given to the lot area required per residential unit, and the average lot size for each subdivision, confirms the greater weight should be given to the area per residential unit. Any resultant allotment or dwelling on a lot that is less than 4,000m² would trigger a non-complying activity, a more stringent activity status than what is currently applied for.

Given the somewhat unique circumstances of this application, including that the site is confined by topography and not readily visible from any public place, and that the average for the zone will not overall be breached, it is considered that adverse effects on this occasion will be acceptable.

9.2.3 Effects of Visibility of Development

Future development within the Lot 2 platform will be in a natural depression where no structure will break a skyline or other similar feature. The proposed design and landscape controls including a 5.5m height limit are intended to create a new built form that is low profile and in harmony with the rural landscape through the use of a restricted and recessive colour palate. Mr Denney recommended that these be amended to include a restrictive Light Reflectance Value (LRV) percentage, this recommendation is accepted. The applicant has sought a condition for cladding to be of 'first grade materials', a term which has not been fully defined in terms of the materials and colours sought. As such, it is considered that future compliance with this control cannot be determined or achieved. It is recommended that this control be removed from the applicable consent notice condition.

Whilst the additional platform (and future building within) is unlikely to affect vistas across the site, it will be visible to a number of adjacent sites. Mr Denney has identified neighbouring lots that would be affected with respect to views across the site, and that have not provided written approval; those being 522 Speargrass Flat Road and 546 Speargrass Flat Road (Figure 4). This is accepted. It is also considered that properties from further afield may also have views to the new platform including Lot 2 DP 333385, and Lot 1 and Lot 2 DP 459266 that are located in elevated positions across Speargrass Flat Road, although it is acknowledged that views from these three locations are likely to be restricted and intermittent.

Views from number 546 would likely be affected only to a small degree as the existing vegetation and development would obscure views to the platform location and any future build. Number 522, an adjoining neighbour elevated above the site to the north, has direct views to the south and across the area of the platform location. Mr Denney has commented that views to any future dwelling on Lot 2 from the north would be seen within the surrounding landscape context that is littered with residential dwellings and various allotment sizes, and that the proposed and recommended landscaping would soften the apparentness of built form.

Overall, and given the proposed mitigation, effects with respect to visibility of the development are acceptable.

9.1.6 Effects of the Subdivision Design and Internal Setbacks

The application site is generally north facing whilst proposed Lot 2 will be located at the toe of the east facing slope on the lower terrace. With respect to the Lot 2 RBP, Mr Denney considers the natural topography would restrict solar gain, particularly during the winter months and that the pines located on the opposing north eastern gully may also affect shading of this platform, however

neighbouring buildings would not affect solar gain on the application site (nor the reverse) due to the distance between developments.

Earthworks are proposed to establish a suitable vehicle access to Lot 2. These will involve bringing fill to the site to help build up the retained section of the access. No cut material will leave the site. The scale of work proposed is relatively small and Mr Powell has recommended a consent condition that only clean fill be brought to the site to avoid potential contamination. The earthworks for the access will be noticeable, however this would be from neighbouring sites and not readily apparent in the wider environment.

Overall the location of the Lot 2 platform will result in a reduced ability for solar gain however is proposed in a logical position given the sites topographical constraints, and given the relatively small amount of earthworks to be undertaken for the subdivision, the proposed design is considered appropriate.

The relevant assessment matters pertaining to internal boundary setbacks are located in section 8.3.2viii and relate to the necessity of the intrusion to enable efficient and practical use of the site, and access. The setback breach is in relation to the internal boundary between the two proposed allotments. A 30m separation is anticipated by the District Plan however in this instance a separation of approximately 10m applies. Whilst this means the two platforms are significantly closer than anticipated, the breaches are internal to the site, and the separation is further mitigated by the topography and intervening landscape planting which will soften and obscure the intervening view shafts thereby mitigating potential effects on amenity values.

Given the above assessments it is considered the proposed internal boundary breach of a future development on Lot 2 is suitable for this Rural Residential setting.

9.1.7 Effects on Nature Conservation and Landscape Values

The relevant assessment matters are located in section 15.2.3.6b(e) *life supporting capacity of soils, vegetation and water*, and section 8.3.2i *Nature Conservation Values* and relate to opportunities for the protection and enhancement of indigenous ecosystems, plants and animals, effects on water quality and fisheries at the north of Lake Hayes and opportunities to protect the quality of Mill Creek, wetland areas and Lake Hayes

Mr Denney has commented that the proposed riparian treatment does not provide the expected enhancement or protection of the stream bank area. Rural activities are unlikely to remain a major land use in this zone, the life supporting capacity of the stream is of ecological value and may be affected by increased domestication. The limited riparian planting means that run off into the stream will be unfiltered. This stream is a tributary of Mill Creek which feeds into Lake Hayes whereby effects from overland run off, waste and subsoil infiltration could be transferred downstream to this Outstanding Natural Feature.

While additional riparian planting can help to mitigate potential adverse effects from the increased domestication on the downstream Mill Creek and Lake Hayes, Mr Denney also notes there are some inconsistencies with the landscape plan approved for RM080894, and the landscape plan submitted with this application. To help strengthen the mitigation with respect to water bodies and to further integrate the proposed development and landscaping already approved on site, Mr Denney recommends the landscape plan be further amended and approved to align with that approved by RM080894. In addition it is required that a:

“well defined indigenous vegetated buffer is established alongside the stream (to exclude fertilisers with such planting) and maintained as part of the developments to reduce and control water runoff, absorb potential contaminants and nutrient loading from domestic activity and enhance the waterways natural life supporting qualities”

As previously discussed, there is the opportunity to protect the waterways by enhancing the riparian planting to reduce potential nutrient runoff that will enter Mill Creek and Lake Hayes. Specifically, Mr Denney recommends an amended landscape plan that provides:

*“a dense and comprehensive riparian planting to no less than 6m either side of the waterway to provide an effective buffer. Planting should be at density no less than 1m for indigenous grasses (excluding flax *P. tenax*), and 2m for shrubs and trees such as to form a closed canopy within 5 years of planting”.*

The applicant has advised they are willing to accept Mr Denny's recommendation to improve the riparian planting and to install this planting prior to titles being issued (email from N. Geddes dated 16.04.15). An amended landscape plan identifying the additional riparian planting has not been provided however a condition with suitable objectives is considered appropriate. Further, the applicant has acknowledged that any discharge to the stream must also comply with the Otago Regional Council policies for water and has volunteered an ongoing condition in this regard.

With respect to the landscape treatment, Mr Denney has commented that the proposed landscaping includes a variety of domestic and ornamental trees and shrubs, some of which are high allergen or invasive species that Council would not want to protect by landscape plan, and that these generally highlight the boundaries rather than the natural landform. However Mr Denney is satisfied with amendments to the landscape plan to include greater correlation with the approved landscape plan for RM080894, increased riparian planting and to remove references to invasive species, that the proposal will be reflective of eclectic domestic landscaping that would otherwise be expected in the area, thereby mitigating adverse effects on landscape and visual amenity values.

Overall and given the recommended additional riparian landscape controls, it is considered that adverse effects on the environment with respect to nature conservation values can be mitigated, and that landscape values will not be degraded. In this regard, adverse effects are acceptable. Positive effects will also arise from the additional planting

9.1.8 Access

The relevant assessment matters pertaining to access are located in section 15.2.8.3 and relate to access construction, safety and efficiency.

The proposed right of way will provide secure and legal access to proposed Lot 2 and a consent condition is recommended to ensure the easement is secured. The additional access and allotment will result in additional vehicle movements. However effects resulting from the additional movements will be largely limited to the applicant as the owner of proposed Lot 1 and the other interest in the right of way. The additional traffic generated from the fill being brought to site will result in temporary effects on the amenity of the surrounding environment and road network.

The existing vehicle crossing to Rutherford Road shall be maintained, and Mr Powell is satisfied this is suitable to cater for the additional movements.

As it leaves Lot 1, the proposed access will encounter a 2m drop to the east which could result in potential safety issues. To avoid this hazard risk, Mr Powell recommends the access be constructed to Council standards, and that a safety barrier also be installed. The recommendations are accepted.

Given the above assessment, Mr Powell's assessment, and recommended consent conditions, adverse effects on the environment with respect to access safety and traffic generation are considered to be acceptable.

9.1.8 Earthworks and Natural Hazards

Earthworks and Nuisance Effects

The relevant assessment matters pertaining to earthworks are located in section 8.3.2xiv and relate to environmental protection measures.

Mr Powell concluded that provided the recommended site management conditions are adhered to, it is unlikely the proposed earthworks will result in adverse effects on the environment or any neighbouring sites in terms of land instability, or altered drainage systems from installing the retaining

structure. Overall, the works are considered feasible and any associated effects including increased vehicle movements will be temporary.

Additional fill material that will be brought to the site and will result in temporary increased vehicle movements. No rock breaking or blasting is proposed, and Mr Powell is satisfied that mitigation measures can be appropriately installed and recommends consent conditions that this occurs, and that the works be undertaken in accordance with the brochure "*A Guide to Earthworks in the Queenstown Lakes District*". Given the rural residential location it is also prudent to add a further condition to restrict the hours of operation to usual day time hours.

Given the proposed site management techniques and recommended consent conditions, adverse effects on the environment with respect to earthworks can be mitigated and are considered to be acceptable.

Natural Hazards

The application site is located outside an area identified on the QLDC Hazards Register Maps as being of possibly moderate risk of liquefaction in a seismic event. A hazards report submitted with the application concluded there is no liquefaction potential onsite, and Mr Powell accepts this finding. As such it is considered unlikely the application will contribute to additional natural hazard risk.

A tributary of the Mill Stream traverses the northern boundary. There is no indication on Council's hazard maps that the area is subject to flood hazard, and such a hazard has not been raised in either the applicant's supporting documents, or Mr Powell's assessment. Therefore it is concluded the site is not subject to a specific flood hazard risk.

With respect to the proposed earthworks, Mr Powell is satisfied the batters resulting from the fill placement associated with the access construction will be self-supporting where placed at 2H:1V and will otherwise be supported and retained. As such, adverse effects with respect to land stability can be mitigated.

Overall, adverse effects on the environment with respect to natural hazards are considered to be suitably mitigated and acceptable.

9.1.9 Infrastructure

The proposed connections to Council's reticulated water (including for firefighting) and wastewater reticulation have been assessed by Mr Powell as suitable. Consent conditions are recommended to ensure an individual water connection is made to Council's potable water supply prior to titles being issued. An onsite pump will be required to be installed prior to any future construction on Lot 2 in order to connect to the Council wastewater system, and a consent notice is recommended in this regard.

With respect to the onsite storm water disposal, Mr Powell considers this an appropriate disposal method for Lot 2, and that the installation and design will be suitably assessed at the time of future construction on site.

The existing site is connected to power and telecommunication services, and the applicant has demonstrated that these services can be extended to proposed Lot 2. Consent conditions are recommended to ensure these services are provided to Lot 2 prior to the titles being issued.

Overall, it is considered the proposed subdivision can be suitably serviced by existing reticulation and consent conditions.

9.1.10 Cumulative Effects

The proposed subdivision will result in cumulative effects as the resultant lot sizes will create a more homogenous subdivision pattern rather than the "diversity of lot sizes" anticipated by the District Plan. The preceding section 95 assessment concluded the average lot size would result in adverse environmental effects that would be more than minor for this reason.

Presently the average lot size for the zone (excluding access ways) is 9,048m² and this will reduce to 8,944m² with the proposed subdivision. In this regard the subdivision will near the threshold at which all subdivisions in the area would no longer meet the average lot size. Given the average is intended to create a variety of lot sizes at the time of subdivision, the further subdivision of the application site does represent a cumulative effect of development, albeit at a small degree. Therefore it is considered that the proposal would result in cumulative effects of development but that these effects are acceptable.

9.2 CONCLUSION TO ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Having considered the proposal and the findings of the landscape and engineering assessments, the adverse effects of the proposed development as it relates to the Rural Residential Zone (North Lake Hayes) in terms of the visibility of the development, subdivision design, internal setbacks and nature conservation and landscape values are acceptable and can be appropriately mitigated.

Subject to management of effects via the proposed conditions, the proposed earthworks are feasible, and the site can be adequately accessed and serviced for residential use.

The proposed subdivision will result in cumulative effects as the resultant lot sizes will create a more homogenous subdivision pattern rather than the “diversity of lot sizes” anticipated by the District Plan. The proposed average lot size will result in adverse environmental effects but in this instance the effects are acceptable.

10.0 THE DISTRICT PLAN: ASSESSMENT AGAINST OBJECTIVES AND POLICIES

10.1 THE DISTRICT PLAN

The most relevant Objectives and Policies are attached as *Appendix 4* to this report

10.1.3 Part 8: Rural Living

The relevant objectives and policies in Part 8 seek to enable low density rural living while managing effects on rural amenity, and a distinct focus to manage effects on the life-supporting capacity of water in the Rural Residential Zone at the North of Lake Hayes.

The proposed subdivision is appropriately located within the Rural Residential Zone and provides for an additional rural living development, and the applicant has demonstrated the site can be adequately serviced. Design controls and landscaping seek to mitigate visual amenity effects, and effects from the setback encroachments are internalised. Further, no building within the proposed platform will be located on a skyline or ridge. The applicant has recognised the proposal could affect the life supporting capacity of water, has volunteered ongoing conditions with respect to Otago Regional Council stormwater discharge matters, and has accepted conditions to strengthen mitigation of the riparian area of the stream that is a tributary to Mill Creek and Lake Hayes.

Given the above, I consider the development does facilitate the establishment of low density rural living that it is contained, manages effects on visual amenity and water, and is therefore consistent with the relevant Part 8 objectives and policies.

10.1.3 Part 15: Subdivision, Development and Financial Contributions

These seek to ensure that subdivision is undertaken in such a way as to provide for the efficient use of land that does not compromise the rural and visual amenity landscape values, are adequately serviced whereby the subdivider meets the costs of development.

Throughout the assessment and supporting reports it has been demonstrated that the new allotment and building platform can be adequately serviced for the necessary infrastructure including appropriate vehicle access, and the applicant is advised a development contribution is required. The subdivision will maintain the typically low density rural living character anticipated by zone even while

the minimum average lot size is not maintained. No street lighting is proposed, and all stormwater disposal is internal to the site via pervious surfaces.

Given the above, I consider the proposal will be consistent with the relevant Part 15 objectives and policies.

10.1.4 Part 22: Earthworks

The relevant objective and policy seeks to ensure that effects of earthworks are mitigated, and to protect the nature and form of the existing landscape. It has been demonstrated that the earthworks are feasible, sympathetic to the natural landform, and that appropriate measures to mitigate effects can and will be put in place. Therefore I consider the proposed development is consistent relevant objectives and policies for earthworks.

10.2 PROPOSED DISTRICT PLAN

The Proposed District Plan (PDP) was notified on 26 August 2015. The most relevant Objectives and Policies are attached as *Appendix 4* to this report. The objectives and policies have weight immediately pursuant to section 86A of the RMA.

The PDP seeks to protect the landscape quality, character and values of the Rural Residential Zone while enabling rural living opportunities while ensuring natural hazards are appropriately considered and servicing does not exceed capacity.

The PDP recognises that subdivision can create quality environments including through infill, and seeks to ensure each subdivision is suitable for the intended zone, maintaining amenity for future residents and ensuring the subdivider meets all relevant costs and infrastructure requirements.

For reasons previously discussed, it is also determined that the proposed development is consistent with the objectives and policies of the Proposed District Plan, as they relate to infill development within the Rural Residential Zone.

10.3 WEIGHTING

The relevant objectives and policies in the operative District Plan and those in the PDP are closely aligned to each other, and seek to achieve the same outcomes. Therefore a weighting exercise is not necessary in this instance.

10.4 SUMMARY OF OBJECTIVES AND POLICIES

Overall the proposed development is aligned to the relevant objectives and policies of the District Plan with respect to the platform location and subdivision design, and the character of the Rural Residential Zone at the north of Lake Hayes.

11.0 OTHER MATTERS

11.1 Precedent Effects

Precedent effects are not considered to arise should the proposed development be granted consent.

While each application is assessed on its merits, precedent effects have the potential to arise from this application as it could be reasonably expect that any future application for a similar activity on other properties in the zone would be treated in the same way. The application is for a further subdivision of a site that has previously been subdivided using the Lot Average rule. The resultant lot will not meet the minimum lot average but does continue to meet the minimum lot size for each residential unit. In this instance the the proposed subdivision would not result in the average lot size for the zone as a whole being less than 8,000m² however it does near that limit meaning any future subdivision will likely go under this average.

The grant of a further development right on this site will lead to cumulative effects and could set a precedent for development within the zone. The site is somewhat unique in that the site is confined by topography and not readily visible from any public place. These factors help to mitigate effects, and as such I consider the grant of consent would not create a precedent effect. Therefore I believe there is scope to consider precedent effects with respect to this application and that the unique site circumstance mean a precedent for future subdivision is unlikely to be set.

11.2 Other Relevant Documents

The objectives and policies contained within the Otago Regional Policy Statement (RPS) are also relevant to the proposal. These are attached as *Appendix 5* to this report. As the District Plan must give effect to the RPS, it is considered that the assessment above is also relevant to assessing the proposal against the objectives and policies of the RPS. As such, the RPS raises the same matters as the objectives and policies contained within the District Plan with respect to maintaining and enhancing Otago's natural and physical resources, including special amenity landscapes.

With the proposed conditions, I consider the development will be consistent with the District Plan, and for the same reasons I consider the proposal is also consistent with the relevant objectives and policies of the Otago RPS.

The Proposed Regional Policy Statement for Otago has also been notified and the submissions have recently closed. The objectives and policies have some weight already. The proposal is not contrary to the Proposed Regional Policy Statement.

12.0 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 natural and physical resources. The proposed development will enable the applicant to provide for their social, economic and cultural wellbeing, and for their health own health and safety by creating an additional lot and platform for the future construction of the private residential dwelling. The proposal will not diminish the life-supporting capacity of air, water, soil and ecosystems, and will not result in adverse effects on the environment with appropriate consent conditions.

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

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

As outlined within the report, it is my opinion that the proposal does constitute an efficient use and development of natural and physical resources, it would maintain the amenity values of the receiving environment.

Overall, I consider the proposal does promote sustainable management and is aligned to Part 2 of the RMA.

13.0 RECOMMENDATION

- Having considered the proposal and relevant supplementary assessments, it is my opinion that the site can be serviced, and that adverse effects on the character of the North Lake Hayes Rural Residential area, nature conservation, landscape and amenity values can be appropriately mitigated. The proposal and recommended conditions will sufficiently protect or enhance landscape values with respect to Mill Creek to which the stream is a tributary. For these reasons, I consider the proposal is consistent with the relevant objectives and policies of the District Plan. For these same reasons, I consider the proposal does promote sustainable management and is not contrary to Part 2 of the RMA.

- Overall I consider the location of the platform is appropriate and that in accordance with section 104B that this application can be **GRANTED** subject to the conditions imposed pursuant to Section 108 and 220 of the RMA, as effects on the environment will be no more than minor.

Report prepared by

Reviewed by



Alana Standish
PLANNER

Blair Devlin
RESOURCE CONSENT MANAGER

Attachments:

Appendix 1	Applicant's AEE
Appendix 2	Landscape Report
Appendix 3	Engineering Report
Appendix 4	QLDC Objectives and Policies
Appendix 5	Relevant ORC Regional Policy Statement Objectives and Policies

Report Dated: 15 October 2015

Appendix 1 – Applicant’s AEE

ATTACHMENT [A]

Assessment of Effects on the Environment

**G AND T WEINBURG
*RURAL RESIDENTIAL SUBDIVISION***



February 2015

Prepared by: Nick Geddes

CLARK FORTUNE MCDONALD & ASSOCIATES
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS



This Assessment of Effects on the Environment (AEE) has been prepared for the subdivision of a site located at 31 Rutherford Road, which will create one additional certificate of title with a building platform, by G and T Weinburg. Consent is also sought for the breach of internal boundary setbacks. The AEE accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 and has been prepared in accordance with the Forth Schedule of the Resource Management Act 1991 in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

1.0 A DETAILED DESCRIPTION OF THE PROPOSAL

1.1 Description of the Site

The site is located at 31 Rutherford Road, approximately 275m east of the intersection with Slope Hill Road Road, as shown by the Site Location Plan included as Attachment [C] to the application.

The site is legally described as Lot 2 DP 329700, being 0.845 hectares in area and contained within Computer Freehold Register of Title 161629 and 161630. A copy of this title is contained within Attachment [B] to this application.

There are two private land covenants registered on this certificate of title. One relates to a planting covenant which restricts the height of planting within a covenant area defined on the adjoining lot. The second covenant states that only one residential unit can be contained within the platforms identified on the title plan. A copy of these covenants is contained within Attachment [B] to this application.

The site is split in two vertically with the presence of a large terrace riser. The upper portion of the site is the southern portion and contains a residential dwelling, of area approximately 234m². This house and attached garage is contained entirely within the approved platform. Consent for this house was issued on 4 August 2008 (RM080894).

The lower portion of the site slopes gently downwards to the stream at the northern end of the site. This stream is a tributary of Mill Stream. The entire site is landscaped extensively in a mixture of native and exotic species, including wetland planting around the stream. This planting includes a large amount along the eastern and southern boundaries of the site.

Access to the site is from an established crossing off Rutherford Road in the south. This access is approximately four metres wide and is constructed in gravel.



1.2 Background

RM020609 was granted on 4 September 2002 and approved the subdivision of an underlying parcel into four lots, one of these lots being the subject site of this application.

RM080894 was granted on 4 August 2008 and approved the construction of the residential dwelling within the approved platform, the erection of a garden shed within the internal and road boundary setbacks and earthworks that exceeded the permitted maximum.

2.0 THE PROPOSAL

2.1 Subdivision

Consent is sought to subdivide lot 2 DP 329700 into two lots, creating one additional certificate of title. One allotment is to contain the existing dwelling, and the other allotment will be a bare land lot with a 524m² building platform identified within it. Lot 1 will be approximately 4173m² in area and Lot 2 will be approximately 4285m² in area. Both lots are irregular in shape.

The new boundary will follow the top of the existing bank which is a natural delineation of the site into two parcels.

The proposed new boundary between lots 1 and 2 will cut through a small portion of the existing platform that was approved under RM020609. As a result this platform will be cancelled and a new platform approved in predominantly the same location with the exception of the portion that is located within proposed lot 2. The extent of the new platform on lot 1 will be offset approximately 1.5 metres off the proposed boundary. The applicant is the owner of proposed lot 2.

The Zone is Rural Residential – North Lake Hayes where there is no requirement to identify a platform on these lots. However, a platform has been determined so to provide the adjoining neighbour and council with certainty as to where the future house will be located. A volunteered condition states that any future development will be contained entirely within the platforms identified on each lot. Noting that the platform on lot 1 is an amended version of what has previously existed on the site.

2.2 Access and Earthworks



The new allotment will share the vehicle crossing with the established house. The driveway will be shared for a length of approximately 10 metres before branching off in an easterly direction, prior to the parking area established for the dwelling.

The 3 metre wide driveway for the new platform will be formed as part of this application and will have one portion that is at a maximum grade of 1:6. The access will be formed in compacted gravel.

The existing access point off Rutherford Road will be sufficient to cater for the additional traffic movements generated by the additional allotment.

A new right of way easement will need to be created over the existing formation for the portion of the driveway that will be shared, for the benefit of Lot 2. This easement will be 6 metres in width.

Earthworks will be required to form this driveway down to the lower level of the site:

Topsoil stripping:	180m ³
Cut to fill:	50m ³
Borrow to fill:	270m ³

Topsoil will be redistributed on the site to form landscaping.

A assessment of local and regional authority records has been undertaken in terms of NES requirements. This assessment is contained in Attachment [G].

2.3 Design Controls for Lot 2

The applicant proposes to have a consent notice condition registered on the certificate of title for Lot 2 which specifies a range of building design and landscape controls as follows:

Building Design Controls

- No part of any future building shall have a roof level which exceeds 5.5 metres above current ground level.
- Cladding of the future dwelling within the building platforms shall be unpainted timber, stacked stone, Coloursteel or solid plaster. Coloursteel and plaster colours shall be visually recessive and of low reflectivity.
- Roofing of the future dwelling within the new building platforms shall be of shingles, slate or Coloursteel. Coloursteel shall be of dark, visually recessive colours only.



- Only first grade materials or recycled hardwoods are to be used on the exterior of the building.

Landscaping Controls

- Kerb and channel and road lighting is prohibited.
- All exterior lighting is to be downward facing.
- Any fences to be erected on the site shall be post and wire or rail.
- Any planting already undertaken on site is to be retained and maintained in perpetuity.

2.6 Services

2.6.1 Water Supply

It is proposed to connect Lot 2 to Council's water reticulation which runs along the southern boundary of proposed Lot 1, in the road reserve of Rutherford Road.

A new individual toby connection will need to be installed for Lot 2. It is proposed to install this within Rutherford Road, adjoining the existing vehicle crossing. Lot 1 and the existing house is already connected to Councils water supply.

2.6.2 Waste Water Disposal

It is proposed to connect Lot 2 to Councils waste water reticulation in Rutherford Road. In order to achieve this connection an on site pumping station for the future house will be required to pump the waste water up from the level of the proposed platform to Rutherford Road. The existing house on the site currently has a pump as well as it is slightly below the level of Rutherford Road.

The pumping main will be required to be installed as part of the construction process for the driveway, however the specific pump will need to be installed at the time a house is constructed so that it is specifically designed to meet the needs of the house that is to be built. A consent notice can be registered on the certificate of title for lot 2, highlighting to a future purchaser that such a pump will be required.

2.6.3 Stormwater Disposal



All stormwater will be disposed of on site, as is currently the case for the existing dwelling. A consent notice will need to be registered on the certificate of title for lot 2, which will highlight to future purchasers that provision will need to be made for disposal of all stormwater on site.

2.6.4 Utility Services

Confirmation from Delta and Telecom that facilities for the supply of power and telecommunications respectively, can be made available to service the new allotment, is contained within Attachments [E] to this application

Telecommunications and electricity reticulation is already established on site to Lot 1 and the existing house.

2.7 **Landscaping**

Immediate planting is intended along the eastern boundary of Lot 2 as part of this application to complement the existing trees which stand along this boundary. The timing before a dwelling can be constructed on this lot should be sufficient to ensure that this planting is effective at screening between the new lot and the existing house on lot 3 DP 24898.

The species of plants to be planted will include oaks, pin oaks, elms, pittosporums and some fruit trees. The intention of the landscaping is not to provide an impermeable screen into the site, rather something which views of future dwellings can be filtered through, as is more consistent with the surrounding structural landscaping on properties along Rutherford Road.

This planting will provide a basic level of mitigation for a future dwelling within proposed Lot 2. This mitigation can be further refined once a house design for this lot has been finalised and controlled activity consent approval is sought from Council.

3.0 **STATUTORY PROVISIONS**

3.1 **Queenstown Lakes District Council District Plan**

The site is located within the Rural Residential Zone of the Queenstown Lakes District Plan. As such, the proposed activity requires:

- A **restricted discretionary** activity consent as the proposal does not comply with Rule 15.2.6.2 as the average area of the two allotments is 4228.5m², which is less than the 8,000m² specified.



- A **restricted discretionary** activity consent as the proposal does not comply with Rule 8.2.4.1(ii)(a) as the proposed boundary locates the existing building on the site within the required setback of 15m.
- A **restricted discretionary** activity consent as the proposal does not comply with Rule 8.2.4.1(x)(1)(a) as the proposal involves 500m³ of earthworks which is in excess of 100M³ the specified maximum volume of earthworks.
- A **restricted discretionary** activity consent as the proposal does not comply with Rule 8.2.4.1(x)(1)(b) as the proposal involves 252m² of bare soil to be exposed which is in excess of the specified maximum of 200m².
- A **discretionary** activity consent as the proposal does not comply with Rule 15.2.3.3 as it includes subdivision within the Rural Residential Zone at the north of Lake Hayes.

Overall, the proposal is a **discretionary** activity.

4.0 WHERE IT IS LIKELY THAT AN ACTIVITY WILL RESULT IN ANY SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT, A DESCRIPTION OF ANY POSSIBLE ALTERNATIVE LOCATIONS OR METHODS FOR UNDERTAKING THE ACTIVITY:

The proposed development is not likely to result in any significant adverse effect on the environment. Alternative locations or methods for undertaking the activity have been considered and the methods for undertaking the development have been chosen to best fit existing constraints such as topography, established vegetation and the existing occupation.

5.0 AN ASSESSMENT OF THE ACTUAL OR POTENTIAL EFFECT ON THE ENVIRONMENT OF THE PROPOSED ACTIVITY:

5.1 Lot size and shape

The two lots, one additional certificate of title, to be created as part of this application are irregular in shape however are still sufficiently large enough to cope with a residential dwelling and associated outdoor living, as confirmed by the compliance with the minimum allotment size criteria for the Zone. Further, both lots can accommodate a 30 x 30 metre square, as required by Rule 15.2.6.2(ii).

The purpose of the Rural Residential Zone is to provide lots which are smaller than the typical rural property as very little or no farming activities are required to be accommodated in these areas, but a high level of rural amenity is to be provided for.



The minimum density required to be achieved in this Zone of one dwelling per 4,000m² is met by this proposal while the average lot area for the Zone (8,000m²) is not. However, the proposed residential density can be achieved under Rule 8.2.4.1(vi) of the Plan which permits one residential unit per 4000m². Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

There is a wide range in the sizes of allotments within the surrounding Rural Residential Zone, the smallest being 1,530m² and located north east of the subject site, adjoining Speargrass Flat Road. The largest allotment within this Zone is currently 4.05 hectares, however could be further subdivided in the future. The proposed lots to be created by this application would not appear out of character when compared with other surrounding sites within the Zone, especially when compared with the five other sites accessed off Rutherford Road, which all have areas of around 4,000m².

Both lots to be created are irregular in shape, however this is because the new boundary location has been chosen to fit with the top of the existing terrace. This is a logical location for a new boundary to be positioned as land below this terrace level would be of no use to the existing dwelling on the upper level. Conversely, any land located on the upper terrace, apart from the access, will not be of any use to a future dwelling located on the lower terrace level.

5.2 Visual Amenity

Lot 1 DP 466800

The neighbouring property to the north west Lot 1 DP 466800 has signed an affected party approval which is contained within Attachment [H].

Lot 2 DP 466800

The proposed platform is located on the lower portion of the site. This area is defined by the terrace which stands between the platform and the existing residence. A stream runs along the northern boundary of the site from this stream the topography rises in a northern direction some 27 metres vertically from the valley floor to the edge of the terrace. This slope (Lot 2 DP166800) is currently held in a large stand of Douglas Fir.

Some 273 metres to the north west of the proposed platform a residential dwelling stands on Lot 2 DP 466800. This dwelling has been oriented to the north and Speargrass Flat Road to



maximise solar gain and facilitate driveway access. It is noted that situated over the north western corner of proposed Lot 2 a number of Silver Birch trees stand on a prominent ridgeline between the proposed platform and the residence on Lot 2 DP466800.

Due to horizontal (273m) and vertical (11m) displacement between the proposed platform and the residence on Lot 2 DP 466800 the proposal will not compromise the level of privacy, outlook afforded from or result in any adverse effects of dominance or reduction in sunlight admission into Lot 2 DP 466800.

It is recognised that any future building on the proposed platform will be visible from Lot 2 DP 466800. However, the applicant seeks to impose design controls that will ensure materials and appearance of any future dwelling on the proposed lot will remain suitably recessive, complement the existing residence on the subject site and will not detract from the appearance of existing dwellings in the surrounding area.

In addition, the applicant proposes to reinforce the stand of Birch trees on proposed Lot 2 with additional planting. These trees will result in the effective screening of the proposed platform from the residence located on Lot 2 DP 466800. It is noted that these trees are to be the subject of a consent notice that will ensure they are retained and maintained in perpetuity.

Given the above, it is considered that any adverse effects upon the level of visual amenity currently afforded from the property Lot 2 DP 466800 will be de minimis.

Lot 3 DP 329700

To the north of the stand Douglas Fir a residential building has been constructed on Lot 3 DP 329700. Despite the stand of Douglas Fir this dwelling is setback 32 metres from the edge of the terrace to ensure that the proposed platform will not be visible.

Due to horizontal (110m) and vertical (10.5m) displacement between the proposed platform and the residence on Lot 3 DP 329700 the proposal will not compromise the level of privacy, outlook afforded from, or result in any adverse effects of dominance or reduction in sunlight admission into Lot 3 DP 329700.

Given the above, it is considered that any adverse effects upon the level of visual amenity currently afforded from the property Lot 3 DP 329700 will be de minimis.

Lot 3 DP24898



A number of existing trees stand along the eastern boundary shared with Lot 3 DP 24898. It is noted that the neighbouring property to the east has signed an affected party approval which is contained within Attachment [H].

Lot 1 DP 339283

The neighbouring property to the north east Lot 1 DP 339283 has signed an affected party approval which is contained within Attachment [H].

5.3 Access

Access to this site will be obtained from the established access point off Rutherford Road. This single access point will remain in its current location. A new easement is proposed to be created for a length of approximately 10 metres to enable the new lot to utilise the existing access way as the means of legal access.

The existing vehicle crossing provides sufficient sight distances in each direction to ensure vehicles associated with the new platform will not compromise the level of road safety currently afforded on the surrounding road network. However, there is existing vegetation on the road side boundary which may impact upon turning vehicles. It may be determined that a small amount of this vegetation should be removed and can be conditioned accordingly.

The vehicle crossing onto Rutherford Road complies with the standards contained in Diagram 2 of Appendix 7 of the Queenstown Lakes District Council District Plan. Rutherford Road is not sealed, therefore the crossing is not required to be sealed.

Access to the new platform on lot 2 will be formed to a width of at least 3 metres using compacted gravel. The proposed excavation will be wider to allow for batters and a shallow swale for disposal of stormwater off the accessway.

The maximum grade of this access will be 1:6, which is the maximum permitted in the District Plan. It is not possible to lessen the steepness of this batter as the existing topography of this area of the site is steep. Alternative locations for the access were considered however, the location chosen is the least steep over the length of the terrace face, therefore achieving compliance with the District Plan provisions.

There will be no changes to the current access arrangements for the existing dwelling.

All access arrangements are in full accordance with district plan provisions.



5.4 Earthworks

Earthworks necessary to construct access for proposed lot 2:

Topsoil stripping:	180m ³
Cut to fill:	50m ³
Borrow to fill:	270m ³

The earthworks proposed to be completed as part of this application are minor in nature and will not cause any adverse effect to the surrounding environment or neighbours. They are required to upgrade the vehicle crossing off Speargrass Flat Road and the driveway access and to install a new water connection for lot 3.

The earthworks proposed to be undertaken as part of this application are located some distance from the tributary of Mill Stream which is situated at the southern end of the site. Therefore there will not be any adverse effects on this water body from the deposit of sediment or increase in run off of stormwater as a result of the earthworks being undertaken in this application.

5.5 Water Supply

The new allotment to be created will obtain its water supply from Council reticulation located within Rutherford Road. Head works fees will be payable as a result. As this is a council supply and the density of development is anticipated by the District Plan, no adverse effects will result as it relates to water supply.

5.6 Sewage Disposal

The waste water disposal for the new lot will be via Council reticulation which is located within Rutherford Road. The existing house is already connected to this scheme. This connection includes a waste water pump to pump the waste back up to the level of the road and existing reticulation. This vertical distance is no more than approximately 1.5 metres.

A consent notice will need to be registered on the certificate of title for Lot 2, highlighting to future purchasers that a waste water pump station will be necessary. The rising main from the platform to the council reticulation will be installed as part of this application, therefore all future lot owners are responsible for is the suitably sized pump station.



A new service lateral will need to be extended from the reticulation in the driveway to the boundary of the site as part of this application.

5.7 Telecommunications

The existing dwelling on the site has a telecommunications connection and was installed as part of the underlying subdivision.

It is proposed to provide underground telephone reticulation to the proposed new building platform on Lot 2, by connecting to the existing reticulation that services the existing dwelling. Any necessary easements in gross to the service provider will be granted. Confirmation of the availability of telecommunications has been provided from Chorus in a letter contained in Attachment [E].

5.8 Electricity Supply

The existing dwelling on the site has an electricity connection while confirmation of the availability of electricity to proposed Lot 2 has been provided by Aurora in a letter contained in Attachment [E].

5.9 Building Platform

The location of the building platform on proposed lot 2 has been chosen to maximise the buildable area available for a future dwelling while taking into account existing constraints such as the terrace riser and the stream.

Depending on the future house design for the platform on lot 2 some earthworks may be necessary to excavate the south western corner of the platform. This excavation would be no more than 2 metres in depth. Any earthworks associated with the construction of a dwelling can be addressed within the future resource consent application.

The proposed boundary alignment results in the existing building structure on proposed Lot 1 in close proximity to this internal boundary. However, the proposed boundary has been located along the edge of an escarpment where Lot 1 remains elevated from a majority of Lot 2. The difference in elevation provides a topographical distinction between the two lots.

While the existing building on Lot 1 is located in close proximity to the proposed boundary the topographical distinction between the lots ensures that any adverse effects upon the future level of privacy, outlook, daylight admission or general amenity values afforded on Lot 2 will



be de minimis. Notwithstanding, the applicant owns both lots affected and affected party approval is deemed to have been given.

5.10 Volunteered Design Controls

The applicant has volunteered design controls that will ensure any future dwelling within Lot 2 will present an appropriately recessive colour scheme while the overall bulk of any future building will be proportionate to existing development on adjoining properties and in the surrounding area.

5.11 Natural Hazard

The area surrounding the site has an undefined geological hazard located to the immediate north of Lake Hayes. As such, a geological assessment into potential liquefaction has been undertaken by Royden Thomson, Geologist. Mr Thomson's report is contained in Attachment [F] which concludes there will be no liquefaction potential in relation to the proposed platform or the subject site.

6.0 WHERE THE ACTIVITY INCLUDES THE USE OF HAZARDOUS SUBSTANCES AND INSTALLATIONS, AN ASSESSMENT OF ANY RISKS TO THE ENVIRONMENT WHICH ARE LIKELY TO ARISE FROM SUCH USE:

Not applicable.

7.0 WHERE THE ACTIVITY INCLUDES THE DISCHARGE OF ANY CONTAMINANT...

Not applicable

8.0 A DESCRIPTION OF THE MITIGATION MEASURES (SAFEGUARDS AND CONTINGENCY PLANS WHERE RELEVANT) TO BE UNDERTAKEN TO HELP PREVENT OR REDUCE THE ACTUAL OR POTENTIAL EFFECT:

It is considered the conditions of consent would provide the principal mitigation measures if required.

9.0 AN IDENTIFICATION OF THOSE PERSONS INTERESTED IN OR AFFECTED BY THE PROPOSAL, THE CONSULTATION UNDERTAKEN, [IF ANY,] AND ANY RESPONSE TO THE VIEWS OF THOSE CONSULTED:



Affected party approvals have been obtained from:

- Lot 1 DP 339283
- Lot 3 DP 24898
- Lot 1 DP 466800

10.0 WHERE THE SCALE OR SIGNIFICANCE OF THE ACTIVITY'S EFFECT ARE SUCH THAT MONITORING IS REQUIRED, A DESCRIPTION OF HOW, ONCE THE PROPOSAL IS APPROVED, EFFECTS WILL BE MONITORED AND BY WHOM.

Monitoring will be required with respect to the volunteered conditions and mitigation measures discussed above.

AEE prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD AND ASSOCIATES.

26th February 2015

Appendix 2 - Landscape Report

LANDSCAPE REPORT**RM140391 W&T Weinburg**

TO: Alana Standish, Planner,
Queenstown Lakes District Council

FROM: Richard Denney, Landscape Architect,
Denney Landscape Architecture

DATE: April 15th 2015

INTRODUCTION

1. An application has been received by council to undertake a subdivision to create two allotments, to breach average lot area and internal boundary setbacks, and to undertake associated earthworks and landscaping at 31 Rutherford Road, Lake Hayes. The site is legally described as Lot 2 DP 329700 and is 8457m² in area. In terms of the Queenstown Lakes District Council - District Plan (the District Plan) the site is zoned Rural Residential. Following advice from council's planner I understand that the activity status of the application is discretionary.

PROPOSAL

2. A detailed description of the proposal is provided within the application, in summary it is proposed to:
 - Subdivide to create a proposed Lot 1 that would be 4188m² in area and Lot 2 4270m².
 - To modify the shape of an existing building platform within proposed Lot 1 to enable the new boundary between the two proposed Lots.
 - Identify a new building platform within Lot 1 with an area of 591m².
 - Form a new access drive to the proposed new building platform 3m in width with a compacted gravel surface and a maximum gradient of 1:6. 180m³ of topsoil to be stripped with 50m³ of cut and 270m³ of fill. It is proposed to distribute topsoil within the site for landscaping purposes. A 6m wide easement would be placed over the existing drive to enable access across Lot 2 to Lot 1.
 - Proposed landscaping would include a mix of oaks, elms, *pittosporums* and fruit trees to form a context for a future dwelling. Planting is not intended to provide filtering of views into the subject site.

SITE DESCRIPTION

3. The landscape is to the north of Lake Hayes and is part of a valley floor that drains into the head of the lake between the uplands between Malaghans and Spear Grass Flat Roads, and the eastern ridgeline of Slope Hill. The subject site is within a shallow gully system of a tributary stream to Mill Creek and originates in the Mooneys Swamp and Slope Hill north areas. The gully meanders and becomes incised into the surrounding land from where the stream passes under Slope Hill Road (north) through to the shallow northern end of Lake Hayes.
4. The subject site is split between gently undulating land on the upper part of the

property to the southwest and the gully face and gully floor to the northeast. An existing dwelling occupies the upper part of the site with establishing landscape planting and a hedge alongside the Rutherford Road boundary of the property. The gully face forms a sweeping arc that roughly runs north-south through the centre of the property. An informal boundary planting of deciduous trees occupies the eastern boundary on the lower flat. Three or four small willows are located near the margins of the small stream that passes through the upper northeast corner of the site. A small cluster of birch trees occupies the lower flat to the northeast of the site. The upper portion of the property is open towards the north with a northerly aspect with the southern portion of the site enclosed by the roadside hedge and landscape planting. The lower part of the property has a more easterly aspect down stream due to the natural topography largely screening views towards the west.

5. Surrounding vegetation is an eclectic mix of tree species including a small plantation of conifers on the opposing side of the gully to the north, conifers and willows down stream and random clustering of conifers on the surrounding higher parts of the landscape. In between the cluster of trees is open exotic grassland. Vegetation patterns within the landscape are random and without consistency of species or forms. Patterns are largely defined by smaller domesticated lots within the rural residential zone as compared to the surrounding more traditional open pastoral landscape. There is limited uniformity of vegetation pattern around the stream margins with scattered clustering of trees along its course.
6. A number of dwellings are dotted around the surrounding landscape between trees and open grassed areas. The most visible dwellings from the subject site are at 39 Rutherford Road, and the dwelling at 522 Speargrass Flat Road that is perched near the top of the opposing gully face with an overview of the subject site. There are also a few other dwellings dotted amongst existing trees that have filtered or distant views towards the site including at 538 and 546 Speargrass Flat Road. (Aerial image of site and surrounding properties within Appendix 1 to this report).



Photo 1. Proposed Lot 2 and building platform (poled) from top of gully face within the subject site (2 March 2015, wide angle lens, context photo only).

BACKGROUND

7. A detailed consent history is provided within the application. Of relevance to this assessment is the following.
8. Resource consent RM080894 granted consent to construct a dwelling and garage within the existing building platform. The approved landscape concept plan identifies a mix of exotic and indigenous trees along the eastern boundary and a partial riparian planting of mixed indigenous shrubs and small trees. Condition 4 requires the on-going maintenance of planting identified on the approved landscape plan.
9. A private covenant is registered to the property but is not relevant to this assessment. Easement 5897766.3 identifies the building platform and the requirement to build within the platform identified on the subdivision plan.
10. Affected party approval has been obtained for the Buckenham (39 Rutherford Road), Heads (516 Speargrass Flat Road), and Johnson (Lot 1 DP 339283 Speargrass Flat Road) properties. These properties are therefore not considered affected by the proposed development and no further comment is provided within this report in regards to these properties.

ASSESSMENT

11. The appropriate assessment matters are within the District Plan are within sections *8.3.2 Assessment Matters (Rural Living)*, and *15.2.3.6, 15.2.6.4, and 15.2.7.3. Assessment Matters for Resource Consents (Subdivision, Development & Financial Contributions)*.

Section 8.3.2 - Assessment Matters (Rural Living)

Nature conservation values

12. The subject site offers potential for the enhancement of indigenous ecosystems associated with the small stream within the site. This is discussed in more detail within the subdivision assessment matters below.

Controlled activity all buildings

13. The proposed building platform would not result in built form breaking the line and form of the landscape in regards to the skyline, ridges or prominent slopes.
14. Proposed landscaping includes a diverse range of trees and shrubs. Planting design is domestic and ornamental in nature with limited correlation to the natural landform. Trees are planted as an informal border planting alongside the eastern boundary and to some degree highlight the boundary rather than the characteristics of the natural landform. The proposed species include douglas fir, a highly invasive pest species which should not be protected via a landscape plan. Also present on site are clusters of birch, a high allergen tree that is not appropriate in higher density rural areas. The planting identified on the submitted plan is however consistent with the eclectic mix of tree planting within the surrounding area that is more domestic in character. I recommend that the reference to douglas fir and birch be amended to note that these species can be removed at any stage and do not require replacement.
15. Proposed earthworks would cut into the gully slope but, once areas of disturbed earth are re-grassed and trees planted within proposed Lot 2, the cut would be softened to a degree although a few additional trees along the slope would provide more extensive softening. I recommend that proposed retaining structures be painted or of stained timber of a dark recessive tone of grey, green or brown with a light reflectivity value of

20% or less, or faced with local stone. The access drive should be of dark colouring such as schist gravel so as to blend into the landscape.

Building coverage

16. The proposed platform would not border Mill Creek but one of its tributaries. This is discussed in detail below.

Setback from internal boundaries

17. The amended building platform within proposed Lot 1 would breach the internal boundary setback. This is anticipated by the applicant (the owner and occupier of the lot) and given the natural separation of some 10m vertically between the two building platforms I consider adverse effects would be minimal.

Earthworks

18. Proposed earthworks would form a gravel access drive to proposed Lot 2. The cutting into the gully slope would be up to 1m in height and fill depth up to 2m and retained on the upper section of the slope with a timber retaining wall around 2m in height. Proposed earth works would modify the natural slope but re-grassing and tree planting would soften this to a degree. The proposed retaining wall would introduce an additional structural element into the landscape and I recommend that it is painted or stained a dark colour so as to recede into the landscape and that additional planting immediately downslope from the wall is included on the landscape plan to visually soften the structure. I also recommend three or four additional trees to be planted along the toe of the slope face to break the line of the access drive and reduce the prominence of the modified landscape and visibility of vehicle movements. It is proposed to dispose of excess excavated material across the site although details are not provided within the application. I recommend excess material from earthworks be dispersed to a depth no greater than 1m and not within 10m of the waterway to avoid sediment entering the catchment. I recommend that lighting not be installed along the access drive that would highlight the modification of the slope and domestication of the landscape.

Section 15.2 - Subdivision, Development & Financial Contributions

15.2.3.6

19. The site does not contain identified areas of significant indigenous vegetation, heritage items or archaeological sites.
20. The rural character as anticipated by the zone as described within section 8.2 of the District plan is as “...characterised by a diversity of lot sizes, comprehensive amenity and riparian planting and generous setbacks from roads and internal boundaries”. The proposed platform would enable a dwelling and associated domestication of the landscape to occupy part of the gully floor adjacent to the stream. A higher density of built form and domestication is anticipated within the zone and I consider the proposed development would maintain the general rural character except in regards to riparian planting. I consider the proposed and existing treatment of the stream offer very limited recognition of the landscape values of the stream and should be enhanced as part of the proposal. I note the submitted landscape plan differs to the existing approved landscape plan RM080894 for the property and does not align to riparian planting offered in the approved plan. I recommend the submitted landscape plan is amended to identify enhancement of the waterway with indigenous riparian planting at a density to provide a dense coverage within at least 6m of the stream bank and provide some bulk in form in terms of trees to enhance the natural characteristics and values of the waterway. Planting should include species typical of riparian planting such as:
Carex secta (makura) *Chionochloa rubra* (red tussock)

<i>Austroderia richardii</i> (toetoe)	<i>Oleria lineata</i> (tree daisy)
<i>Phormium tenax</i> (swamp flax)	<i>Cordyline australis</i> (cabbage tree)
<i>Leptospermum scoparium</i> (manuka)	<i>Coprosma propinqua</i> (minimingi)
<i>Plagianthus regius</i> (ribbonwood)	<i>Hebe stricta</i> (koromiko)
<i>Pittosporum tenuifolium</i> (kohuhu)	<i>Sophora microphylla</i> (small leaved kowhai).

21. Given the relatively limited identified heritage values within the immediate area the proposed development is not likely to have affect on the existing situation.
22. The proposed development would increase the density of built form and domestication of the landscape that would have an affect on the current rural visual amenity. The proposed density of built form would however not exceed that anticipated by the zone as rule 8.2.4.1vi(b) of the District Plan that enables 1 building per 4000m² within a lot of 8000m² or greater in area. I consider the proposed density of development would maintain the visual amenity generally anticipated within the area subject to recommended landscaping amendments within this report.
23. The proximity of a future dwelling and associated domestication of the landscape to the stream I consider has potential to affect the life supporting capacity of the waterway. Increased runoff through increased built form, paved surfacing and general intensified domestic land use would increase the level of contaminants and nutrients entering the catchment with adverse downstream effects on Lake Hayes. I recommend as above a well defined indigenous vegetated buffer is established alongside the stream (to exclude fertilisers with such planting) and maintained as part of the development to reduce and control water runoff, absorb potential contaminants and nutrient loading from domestic activity and enhance the waterways natural life supporting qualities.
24. There is currently no public access alongside the waterway. The proposal does not offer public access and would therefore maintain the current situation in this regard.

15.2.6.4

25. The proposed lot sizes would be of sufficient area and dimensions to effectively fulfil the intended purpose of the zone as described within section 8.2 of the District Plan:

.... to provide for low density residential opportunities as an alternative to the suburban living areas of the District.

To be characterised by low density residential areas with ample open space, landscaping and with minimal adverse environmental effects experienced by residents. Rural activities are not likely to remain a major use of land in the Rural Residential Zone or a necessary part of the rural residential environment.

The Rural Residential zone at the north of Lake Hayes is anticipated to be characterised by a diversity of lot sizes, comprehensive amenity and riparian planting, and generous setbacks from roads and internal boundaries.

26. The pattern of surrounding lots is varied with larger lots such as the neighbouring Buckenham property at 2,609 hectares intermixed with smaller lots such as at 46 Rutherford Road at 4002m². Lot shapes are irregular although there is perhaps a loose correlation to the gully topography and the meandering line of the stream. Generally however there is very little in terms of defining patterns. I consider the proposed lots would introduce a denser grain of subdivision with two small lots (4173m² and 4285m²) adjacent to one another, but within the minimum size limits anticipated within the zone. The internal boundary between the lots would follow the natural line of the gully landform and I consider would support a pattern of subdivision that would be appropriate in this landscape context and compatible with the adjoining subdivision.
27. There is opportunity to enhance the waterway margins in order to assist reducing the volume of nutrients entering Mill Creek and Lake Hayes. As above I consider the

landscape plan should be amended to provide a dense and comprehensive riparian planting to no less than 6m either side of the waterway to provide an effective buffer. Planting should be at density no less than 1m for indigenous grasses (excluding flax *P. tenax*), and 2m for shrubs and trees such as to form a closed canopy within 5 years of planting. Planting should be implemented prior to issuing of title. Such planting should be protected as part of the subdivision and I recommend the riparian planting be maintained via a consent notice attached to the title of the proposed Lot 2 prior to issuing of title if consent was to be granted.

15.2.7.3

28. The proposed building platform within Lot 2 would be within the gully floor and on an east facing gully slope. The natural topography would limit solar advantage to a small degree during winter months with approximately 10m of variance between the upper terrace and gully floor. The small pine plantation on the opposing side of the gully would also likely have a shading effect given its elevated position to the north east of the property. Neighbouring lots and buildings would not affect solar gain of the proposed building platform.
29. The proposed lots would not border the zone boundary. The proposed new boundary between the lots would conform to the natural landform and I consider would assist in maintaining legibility of the natural landform.
30. Likely development within the proposed Lot 2 would not likely affect vistas across the landscape as it would sit within a natural low point in the landscape. Built form and associated domestic structures and activities would affect immediate views of the gully floor from existing surrounding dwellings. Those most affected would be at 546 Speargrass Flat Road downstream of the subject site and 522 Speargrass Flat Road that overlooks the subject site. The property downstream would be affected to only a very small degree however as existing vegetation and development would filter views towards the proposed platform. The dwelling at 522 Speargrass Flat Road is elevated above the site directly north of the site and some 100m from the proposed platform. The view of a future dwelling would be within a context of a surrounding landscape peppered with dwellings and with proposed and recommended planting views of built form would be softened. Proposed earthworks would create a distinct cutting down the gully face to the proposed building platform. The proposed access drive could be adequately softened by additional planting and recessive colouring of retaining structures. I consider the proposed development would not result in domination of buildings on the proposed lots as viewed from surrounding properties, as proposed and existing planting would soften such views. The gully face also provides a natural landform backdrop to the proposed building platform as viewed from the east and north that would maintain some openness to the landscape.

15.2.9.4

31. The small stream that passes through the subject property forms part of the Mill Stream catchment that flows into Lake Hayes. It does not meet the definition of a river in terms of esplanade reserve or strip requirements, as the streambed is less than 3m in width. Section 15.2.9.4 of the District Plan identifies the *Lake Hayes Management Strategy*¹ in regards to esplanade provision. Whilst as I understand it this can not be applied to the stream within the subject site the strategy does identify a number of issues in regarding to the catchment that flows into Lake Hayes that are applicable. Whilst an esplanade reserve cannot be required the mitigation of increased density of development and effects on the catchment can be addressed via the landscape plan. This has been identified on the approved landscape plan for the site RM080894 but not carried through to the proposed landscape plan. I consider the landscape plan needs to be amended to align to the intent of approved landscape plan, and enhanced to

¹ *Lake Hayes Management Strategy* Otago Regional Council/Queenstown Lakes District Council, September 1995.

accommodate the adverse effects on the waterway from proposed increased density of built form, domestication of the landscape and proximity of the building platform to the stream.

Consent Notices

32. There are no consent notice conditions of particular relevance to the proposed development in regards to landscape matters.

CONCLUSION

33. An application has been received by council to undertake a subdivision to create two allotments, to breach average lot area and internal boundary setbacks, and to undertake associated earthworks and landscaping at 31 Rutherford Road, Lake Hayes. In terms of the Queenstown Lakes District Council - District Plan (the District Plan) the site is zoned Rural Residential.
34. The subdivision would breach the average lot size requirement of 8000m², but in terms of potential development and physical changes in the landscape would meet the 1 building per 4000m² within a lot size of 8000m² or more as identified within the District Plan. Effectively the potential for built form and domestication of the landscape are anticipated by rule 8.2.4.1 vi (b) of the District Plan. The gully face between the building platforms would visually separate the proposed lots with a separating boundary following the natural form of the land. Existing and proposed planting would provide some filtering of views into the site although planting includes problem species such as birch and douglas fir. These species should not be protected by an approved landscape plan. A proposed access drive down the gully face would modify the natural slope and include retaining structures. Adverse effects from such earthworks can be adequately mitigated by a few additional trees and painted or staining of retaining walls so as to blend into the surrounding landscape.
35. The site includes a tributary to Mill Creek within very close proximity to the proposed building platform. The submitted landscape plan does not provide adequate riparian planting as a buffer to adjacent potential development. The landscape plan should be amended to increase riparian planting to maintain and enhance the natural qualities and values of the tributary and Lake Hayes as identified within councils *Lakes Hayes Management Strategy*.

RECOMMENDATIONS

If consent is to be granted I recommend the following conditions.

- i. Excess fill from earthworks not used as part of access drive formation to be dispersed over the site shall be deposited to a depth no greater than 1m and not within 10m of the waterway to maintain the character of the landform and avoid sediments entering the waterway.
- ii. Retaining wall structures alongside the access drive within Lot 2 shall be stained or painted a dark recessive colour in the tones of grey, brown or green with a light reflectivity value of 20% or less or faced with schist stone.

Prior to issuing of title.

- iii. A landscape plan is to be submitted to council for certification. The plan shall be based on the plan submitted with the application and the approved landscape plan RM080894 and shall be amended to achieve the following.

- Include a 6m wide planted riparian strip either side of the stream bank within the property. Planting shall be of indigenous species to provide an approximate even distribution of grasses, shrubs and trees such as *Carex secta* (makura), *Chionochloa rubra* (red tussock), *Austroderia richardii* (toetoe), *Oleria lineata* (tree daisy), *Phormium tenax* (swamp flax), *Cordyline australis* (cabbage tree), *Leptospermum scoparium* (manuka), *Coprosma propinqua* (minimingi), *Plagianthus regius* (ribbonwood), *Hebe stricta* (koromiko), *Pittosporum tenuifolium* (kohuhu) and *Sophora microphylla* (small leaved kowhai). Planting shall be at a density to form a closed canopy within 5 years with grasses (excluding flax *P.tenax*) planted at a no greater than 1m apart and trees and shrubs at no less than 2m apart. Planting shall be kept free of weeds and protective sleeves installed around plants to deter browsing by pest. Planting shall not include fertiliser pellets or similar so as to avoid nutrient runoff into the stream. Plants shall be no less than 30cm in height at time of planting.
 - To include a detailed plant schedule identifying botanical names, grades, quantity and spacings for planting. All existing trees to be retained are to be clearly identified and labelled by botanical name and noted as existing.
 - Include an additional six trees along the toe of the gully slope within Lot 2 to assist in breaking the line of the access drive and retaining wall as viewed from beyond the property.
 - Existing douglas fir and birch to be noted on the plan as not protected by the landscape plan and can be removed at any stage as these are problematic species.
- iv. All planting as shown on the certified landscape plan is to be implemented prior to 244c.

A consent notice condition to be attached to the title of Lot 2 as follows:

- v. All planting as shown on the certified landscape plan RM140391 shall be maintained as per the plan. If any tree or plant shall die or become diseased it shall be replaced within 6 months. All riparian planting shall be managed as a closed canopy and if any gaps shall occur replacement planting shall be as per the plan.
- vi. The access drive is to be a loose gravel of a local stone that is grey in colour such as schist and shall not be a white stone or similar that would highlight the drive.

A consent notice condition to be attached to the title of Lot 1 as follows:

- vii. All planting as shown on the certified landscape plan shall be maintained as per the plan. If any tree or plant shall die or become diseased it shall be replaced within 6 months.

A consent notice condition to be attached to the title of Lot 1 and Lot 2 as follows:

- viii. All external lighting is to be down lighting only and directed so as not to create light spill on neighbouring properties. There shall be no lighting alongside the access drive except within the building platform area.

report prepared by

Richard Denney

LANDSCAPE ARCHITECT

DENNEY LANDSCAPE ARCHITECTURE

Richard Denney (B.L.A hons, B.Sc).

Appendix 1 – Aerial image of subject site and surrounding properties (QLDC Viewer). Properties that have provided affected party approval are noted.



Appendix 3 - Engineering Report



ENGINEERING REPORT

TO: Nathan Keenan

FROM: Richard Powell

DATE: 3/07/2014

APPLICATION DETAILS	
REFERENCE	RM140391
APPLICANT	W & T WEINBURG
APPLICATION TYPE & DESCRIPTION	SUBDIVISION TO CREATE TWO ALLOTMENTS AND TO UNDERTAKE ASSOCIATED EARTHWORKS AND LANDSCAPING
ADDRESS	31 Rutherford Road, Lake Hayes
ZONING	Rural Residential
SITE AREA	0.8457 Ha
ACTIVITY STATUS	Discretionary

Application	<p>Previous Relevant Consents</p> <p>RM020609 was granted on 4 September 2002 and approved the subdivision of an underlying parcel into four lots, one of these lots being the subject site of this application.</p> <p>RM080894 was granted on 4 August 2008 and approved the construction of the residential dwelling within the approved platform, the erection of a garden shed within the internal and road boundary setbacks and earthworks that exceeded the permitted maximum.</p>
--------------------	---

Location Diagram



Comments	
Existing Use	The site currently contains a single dwelling.
Neighbours	The engineering aspects of this proposal are not expected to adversely affect neighbouring properties if the recommended site management conditions are adhered to.
Topography/Aspect	The upper portion of the site is to the south and contains a residential dwelling, the lower portion of the site slopes gently downwards to a stream at the northern end of the site.
Water Bodies	The stream is a tributary of Mill Stream and runs along the northern boundary.

ENGINEERING		COMMENTS	Condition
	Means of Access	<p>It is proposed that the new allotment will gain access from the existing vehicle crossing which it will share with the existing dwelling, the driveway will also be shared for the first 10 metres (approx.) until it branches off in an easterly direction to provide access to the new allotment.</p> <p>The proposed driveway is to have a width of 3.5 m with a maximum grade of 1:6 and formed with compacted gravel. A condition of consent is recommended to ensure the proposed driveway is constructed in accordance with Council's standards.</p> <p>To provide legal access an easement in favour of the new lot will need to be established over proposed Lot 1. A condition of consent is recommended to ensure all easements are granted or reserved.</p> <p>A portion of the proposed driveway is retained which gives a maximum drop off of 2.0 m, a condition of consent is recommended to ensure a safety barrier is installed in accordance with Council's amendments to NZS4404:2004 section 3.3.4. Assessment of the retaining wall itself is covered in the retaining section below.</p>	X
Access	Vehicle crossing	It is proposed that the existing vehicle crossing will be used to provide access to both lots, the existing vehicle crossing is formed in accordance with Council's standards and is sufficient to cater for the additional vehicle movements.	

EARTHWORKS		COMMENTS	Condition	
ENGINEERING	Extent	Description	Earthworks are required to form the access to the lower level of the site, lot 2. Top soil striped will be used for landscaping around the site.	
		Cut /Fill Volume (m³)	Cut Vol. = 230 m ³ , Fill Vol. = 500 m ³ .	
		Total Volume (m³)	730 m ³ .	
		Area Exposed (m²)	Approx. 250 m ² .	
		Max Height Cut/Fill (m)	Max Fill = 2.0 m, Max cut = 1.0 m.	
		Prox. to Boundary	The proposed earthworks comply with Council's distance from boundary rule. A condition of consent is recommended to ensure the earthworks do not breach the boundary of the site.	X

	Prox. to Water	The proposed earthworks are more than 20 m away from the stream that runs along the bottom of the site, recommended sedimentation management conditions should ensure this stream is not affected by the proposed works.	
Stability	Geotech assessment by Retaining	No assessment provided for the proposed earthworks. N/A	
	Recommendations on cut/batter slopes	Due to the relatively shallow excavations rock breaking is not expected to be required.	
	Fill certification/specific foundation design required	It is proposed that a portion of the driveway will be retained by a timber retaining wall. Due to the height of the retaining wall a building consent is required, I am satisfied that the design of the retaining wall will be assessed under the building consent process and an advice note is recommended. A further condition of consent is recommended to ensure either a PS4 or Code of Compliance is provided for the retaining wall at completion of the works.	X
	Engineers supervision	Batters resulting from the placement of fill for the access way, are proposed to be placed at a slope of 2H:1V where not permanently retained. This slope is considered to be self-supporting. Steeper slopes may require engineering supervision to meet the building consent requirement and to issue necessary certification.	
	Uncertified fill covenant	Not required	
	Schedule 2a Certificate	Not considered necessary.	
	Clean fill only	Not required.	
Site Management	Report reference	Not required.	
	Specific sedimentation management	Approx. 270 m ³ of fill is proposed to be imported to the site to create the access, a condition of consent is recommended to ensure that only clean fill is imported to the site.	X
	Specific stormwater management	A condition of consent is recommended to ensure the proposed earthworks are undertaken in accordance with A Guide to Earthworks in the Queenstown Lakes District brochure.	X
	Neighbours	A condition of consent is recommended to ensure sedimentation and dust is adequately managed within the site.	X
	Traffic management	The proposed earthworks are not expected to alter stormwater flows in a way that will adversely affect neighbouring properties.	
	Construction crossing	The recommended site management conditions should ensure neighbouring properties are not adversely affected by the proposed works.	
	Revegetation	Required	X

VI Existing Services	There are no existing services that are affected by the proposed works.	
-----------------------------	---	--

	Water	<p>It is proposed to provide Lot 2 with potable water from Council's reticulated water supply which runs within Rutherford Road at the southern end of the site.</p> <p>A condition of consent is recommended to ensure an individual connection to Council's water supply is provided to the boundary of Lot 2 prior to the title being issued.</p> <p>Lot 1 is to maintain its existing connection to Council's potable water supply.</p>	X
	Fire-fighting	Existing fire hydrants on Council's water main are located within a suitable distance from the proposed building platform on Lot 2.	
	Effluent Disposal	<p>The existing dwelling on proposed Lot 1 has an existing wastewater pump which connects to Council's reticulated wastewater disposal system, it is proposed that this connection and pump will continue to be used.</p> <p>Proposed Lot 2 will also require a wastewater pump to connect to Council's reticulated wastewater disposal system. It is proposed that the pumping main will be installed at the time of the driveway construction with a specific pump being installed at the time a future dwelling is constructed.</p> <p>I am satisfied that this is an appropriate way of providing wastewater disposal for Lot 2.</p> <p>A condition of consent is recommended to ensure a consent notice is registered on the certificate of title for Lot 2 to ensure any future purchaser is aware that a wastewater pump will be required.</p>	X
	Stormwater	<p>The existing dwelling within proposed Lot 1 disposes stormwater to ground it is proposed that this will continue.</p> <p>It is proposed that any future dwelling within Lot 2 will also dispose of stormwater to ground.</p> <p>I consider this to be an appropriate way to dispose of stormwater.</p> <p>I am satisfied that the size and type of the stormwater disposal system will be assessed at the time any future proposed dwelling goes through the building consent process.</p>	
	Power & Telecoms	<p>Confirmation that power and telecommunication services are able to be provided to Lot 2 have been included with the application. Existing connections to the dwelling on Lot 1 are to remain.</p> <p>A condition of consent is recommended to ensure connections to power and telecommunication services are provided to Lot 2 prior to titles being issued.</p>	X
Management Company	Not required.		
O&M Manuals	Not required.		

HAZARD	AL	Hazards on or near the site	The subject site is located just outside of an area that is defined as being LIC 2 or having a possibly moderate risk of liquefaction on QLDC Hazard Register Maps.	
		Hazard assessment by	Royden Thomson, Geologist.	

	Report reference	Weinberg Subdivision – 20 March 2014	
	Report on Hazards	The report into liquefaction risk at the subject site concludes that there is no liquefaction potential at the proposed Weinberg subdivision building platform. I accept the findings contained in this report and make no recommendation in this regard.	

TITLES	Consent Notices	None relevant to this engineering assessment.	
	Easements	A condition is recommended to ensure all necessary easements are granted or reserved.	X
	Road Names on title plan	None.	
	Building platforms	Digital location on survey plan is required. Condition recommended.	X
	Amalgamation Condition	None.	

RECOMMENDED CONDITIONS

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

General

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

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

2. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
 - a) The provision of a water supply to Lot 2 in terms of Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve. The costs of the connections shall be borne by the consent holder.
 - b) The provision of a foul sewer pump riser main connection from Lot 2 to Council's reticulated sewerage system in accordance with Council's standards and connection policy. The costs of the connections shall be borne by the consent holder.
3. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

To be monitored throughout earthworks

4. 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.
5. No earthworks, temporary or permanent, are to breach the boundaries of the site.

6. Only cleanfill material shall be deposited at the site. Cleanfill material is defined as material that when buried/placed will have no adverse effect on people or the environment, and includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
- combustible, putrescible, degradable or leachable components;
 - hazardous substances;
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances;
 - liquid waste.

Acceptable materials include bricks, pavers, masonry blocks, ceramics, un-reinforced concrete, reinforced concrete where any protruding steel is cut off at the concrete face, fibre cement building products, road sub-base, tiles and virgin soils (including rock, sand, gravel, clay) - provided they are uncontaminated. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.

On completion of earthworks

7. On completion of the earthworks the consent holder shall submit the following information to the Principal Resource Management Engineer at Council for review and certification:
- a) An engineer's PS4 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads; or
 - b) The consent holder shall provide a copy of a Code of Compliance Certificate obtained under a Building Consent for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
8. A barrier shall be provided for vehicular safety at locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design or These barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Principal Engineer at Queenstown Lakes District Council prior to installation. A PS4 producer statement or Schedule 1C Completion Certificate from NZS 4404:2004 shall be provided following construction.
9. On completion of the earthworks, the consent holder shall complete the following:
- a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

To be completed before Council approval of the Survey Plan

10. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
 - b) The consent holder shall submit a digital plan showing the location of the building platform required to be shown on the survey plan / Land Transfer Plan to the Principal Engineer at Queenstown Lakes District Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.

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

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

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, and Wastewater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (2) above.
- c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

Ongoing Conditions/Consent Notices

- 12. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
 - a) At the time a dwelling is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an effluent pump system that is able to pump wastewater to Council's reticulated wastewater disposal system located in Rutherford Road. The proposed waste water pump system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling.

Advice Note

- 1. The consent holder is advised that the retaining wall proposed along a portion of the driveway in this development exceeds 1.5m in height and is subject to additional surcharge loads, therefore this will require Building Consent, as the wall is not exempt under Schedule 1 of the Building Act 2004.
- 2. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

Prepared by:



Richard Powell
CONSULTANT ENGINEER

Reviewed by:



Michael Wardill
RESOURCE MANAGEMENT ENGINEER

Appendix 4 - QLDC Objectives and Policies

1. District Plan: Relevant Objectives and Policies

Part 8: Rural Living Areas

Objective 1 – Rural Living

Establishment of low density rural living managed and contained in both extent and location.

Policies:

- 1.1 *Identify areas for rural living activity having regard to the self-sufficiency of water and sewerage services.*
- 1.2 *Recognise and provide for rural living development.*

Objective 2 – Rural Amenity

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

Policies:

...

- 2.2 *Remedy or mitigate adverse effects of activities, buildings and structures on visual amenity.*
- 2.3 *Ensure residential dwellings are set back from property boundaries, so as to reduce adverse effects from activities on neighbouring properties.*
- 2.4 *Avoid the location of buildings and water tanks on skylines and ridges and in the Rural Residential zone at the north of Lake Hayes, on prominent slopes.*

Objective 3 – Life Supporting Capacity of Water

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

Policies:

- 3.1 In conjunction with Otago Regional Council:
 - encourage activities which use water efficiently, thereby conserving water quality and quantity.
 - discourage activities which adversely affect the life-supporting capacity of water and associated ecosystems.
- 3.2 In respect of the Rural Residential zone at the north of Lakes Hayes:
 - To minimise erosion of phosphorus-rich soil.
 - To require run-off from buildings, roads and other impervious surfaces to be buffered or treated before entering Mill Creek or Lake Hayes.
 - To protect and encourage the further creation of wetlands and ponds in the vicinity of Mill Creek as a means of removing nutrients prior to entering waterbodies.
 - To ensure that land use activities are considered in terms of effects on the quality of the receiving waters.
 - To require a land disturbance strategy to be provided where any earthworks are being undertaken in association with a land use activity or subdivision.
 - To require a landscaping plan to be provided with any land use consent application.

Part 15: Subdivision, Development and Financial Contributions

Objective 1 – Servicing

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

Policies:

...

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

...

- 1.4 To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.
 - 1.5 To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
 - 1.6 To ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with Council's Long Term Community Plan Development Contributions Policy.
 - 1.7 To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy.
- ...
- 1.9 To ensure, upon subdivision or development, that anticipated land uses are provided with means of treating and disposing of sewage in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.
 - 1.10 To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.
 - 1.11 To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.
 - 1.12 To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.

Objective 2 - Cost of Services to be Met by Subdividers

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

Policies:

- 2.1 To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:
 - roading and access;
 - water supply;
 - sewage collection, treatment and disposal;
 - stormwater collection, treatment and disposal;
 - trade waste disposal;
 - provision of energy;
 - provision of telecommunications.

Objective 5 - Amenity Protection

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

Policies:

- 5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.
 - 5.2 To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.
- ...

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

...

5.7 To minimise street lighting in the Rural Residential area at the north of Lake Hayes in order to retain the rural amenity values of the area.

5.8 To promote the use of stormwater management methods which involve the use of pervious surfaces such as open swales in the Rural Residential area at the north of Lake Hayes, in order to retain the rural amenity values of the area.

Part 22: Earthworks

Objective 1 – Earthworks and Environmental Effects

To enable earthworks that are a necessary part of subdivision, development, and access, provided that they are undertaken in a manner that avoids adverse effects on communities and the natural environment.

Policies:

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

Objective 2

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

Policies:

- 2.1 Avoid, where practicable, or remedy or mitigate adverse effects of earthworks on Outstanding Natural Features and Outstanding Natural Landscapes.
- 2.2 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.
- 2.3 Ensure cuts and batters are sympathetic to the line and form of the landscape.
- 2.4 Ensure remedial works and re-vegetation mitigation are effective, taking into account altitude and the alpine environment.

1. Proposed District Plan: Objectives and Policies

Part 2 Chapter 6: Landscapes

6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policies

- 6.3.1.4 That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.
- 6.3.1.5 Avoid urban subdivision and development in the Rural Zones.
- 6.3.1.8 Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.
- 6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

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

Policies

- 6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.
- 6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.
- 6.3.2.3 Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.
- 6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.
- 6.3.2.5 Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

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

Policies

- 6.3.5.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.
- 6.3.5.2 Avoid adverse effects from subdivision and development that are:
- Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and
 - Visible from public roads.
- 6.3.5.3 Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.
- 6.3.5.4 Encourage any landscaping to be sustainable and consistent with the established character of the area.
- 6.3.5.5 Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption to the landform and rural character.
- 6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

Part 4 Chapter 22: Rural Residential and Rural Lifestyle

22.2.1 Objective - Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.

Policies

22.2.1.1 Ensure the visual prominence of buildings is avoided, particularly development and associated earthworks on prominent slopes, ridges and skylines.

22.2.1.2 Set minimum density and building coverage standards so the open space, natural and rural qualities of the District's distinctive landscapes are not reduced.

...

22.2.1.5 Maintain and enhance landscape values by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.

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

22.2.1.7 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.

22.2.3 Objective - Manage new development and natural hazards

Policies:

22.2.3.1 Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.

22.2.4 Objective - Ensure new development does not exceed available capacities for servicing and infrastructure.

Policies:

22.2.4.1 Discourage new development that requires servicing and infrastructure at an adverse cost to the community.

22.2.4.2 Ensure traffic generated by new development does not compromise road safety or efficiency.

Part 5 Chapter 27: Subdivision and Development

27.2.1 Objective - Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.

Policies:

...

27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone.

...

27.2.1.5 The Council recognises that there is an expectation by future landowners that the effects and resources required of anticipated land uses will have been resolved through the subdivision approval process.

27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

Policies:

27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.

27.2.3 Objective - Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.

Policies:

27.2.3.1 Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established

buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.6 and 27.2.2.8.

27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision to:

- Ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
- Where possible, locate lots so that they over-look and front road and open spaces;
- Where possible, avoid the creation of multiple rear sites;

27.2.5 Objective - Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.

Appendix 5 - Relevant ORC Regional Policy Statement Objectives and Policies

1. Operative Regional Policy Statement: Relevant Objectives and Policies

The relevant objectives and policies of the operative Regional Policy Statement are contained within Part 5: Land and are as follows;

5.4 Objectives

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

5.5 Policies

5.5.5 To minimise the adverse effects of land use activities on the quality and quantity of Otago's water resource through promoting and encouraging the:

- (a) Creation, retention and where practicable enhancement of riparian margins; and
- (b) Maintaining and where practicable enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and
- (c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.

2. Proposed Regional Policy Statement: Relevant Objectives and Policies

The Regional Policy statement is currently under review and proposed changes were notified 23 May 2015 and submissions closed 24 July 2015. The relevant objectives and policies of the proposed Regional Policy Statement are contained within Part B Chapter 2: Otago has high quality natural resources and ecosystems, and are as follows;

Objective 2.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced.

Policy 2.1.1 *Managing for freshwater values.*

Recognise freshwater values, and manage freshwater, to:

- a) Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and
- ...
- f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and
- ...
- h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and
- ...
- l) Protect important recreation values; and
- m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and

Policy 2.1.2 *Managing for the values of beds of rivers and lakes, wetlands, and their margins*

Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:

- a) Protect or restore their natural functioning; and
- b) Protect outstanding water bodies and wetlands; and
- c) Maintain good water quality, or enhance it where it has been degraded; and
- d) Maintain ecosystem health and indigenous biodiversity; and
- e) Retain the range and extent of habitats supported; and
- f) Maintain or enhance natural character; and
- g) Protect Kāi Tahu values; and
- h) Provide for other cultural values; and

- i) Maintain their aesthetic and amenity values; and
- j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and
- k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and
- l) Maintain bank stability.

Policy 2.1.7 Recognising the values of natural features, landscapes, and seascapes

Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:

- a) Biophysical attributes, including:
 - ii. The presence of water;
- c) Associative attributes, including:
 - i. Whether the values are shared and recognised;

Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced

Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features

Policy 2.2.6 Managing special amenity landscapes and highly valued natural features

Protect or enhance the values of special amenity landscapes and highly valued natural features, by:

- a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and
- b) Avoiding, remedying or mitigating other adverse effects on other values; and
- c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and
- d) Recognising and providing for positive contributions of existing introduced species to those values; and
- e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and
- f) Encouraging enhancement of those values.